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	[none]	7.T.	DELETED
	[none]	7.U.	DELETED
	[none]	7.1	DELETED
	[none]	7.2	DELETED
	[none]	7.5.	DELETED
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	[none]	7.8.	DELETED

ZONING REGULATIONS

SECTION 1. GENERAL PROVISIONS

1.A. PURPOSE

The purpose of this Zoning Code is to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for *Light and Air*; to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on *Streets*; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; to promote health, safety and the general welfare; and to that end to designate, regulate and restrict the location and use of *Buildings*, *Structures* and land for agriculture, residence, commerce, trade, industry or other purposes; to regulate and limit the height, number of *Stories* and size of *Buildings* and other *Structures* hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population; and for said purposes to divide the city into zoning districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement, all in accordance with Chapter 29 of the 1947 Supplement to the General Statutes as amended and supplemented and other applicable Special Acts of the General Assembly. This code and these regulations are further authorized, promulgated and adopted under Special Act No. 312 of the General Assembly being the Stamford Charter consolidating the Town and City of Stamford, Connecticut, as amended by Special Act No. 440 adopted by the 1951 Session of the General Assembly, as further amended by Special Act 619 adopted by the 1953 Session of the General Assembly, and as further amended by Special Act No. 10 by the 1955 Special Session of the General Assembly.

1.B. ZONING DISTRICTS ESTABLISHED

The For the purposes of these Regulations, the territory of the City of Stamford is hereby divided into the following classes of districts Zoning Districts, more specifically defined in Section 4 and Appendices A and B of these Regulations:

ARD-D*	Architectural Review Design District
B-D*	Design Business District
C-B	Community Business District
CC	Center City District
C-D*	Design Commercial District
C-G	General Commercial District

C-I	Intermediate Commercial District
C-L	Limited Business District
C-N	Neighborhood Business District
CSC-D*	Design Community Shopping Center District
C-WD	Coastal Water Dependent District
DW-D*	Design Waterfront Development District
HCD-D*	Hospital Complex Design District
HT-D*	Design High-Technology District
IP-D*	Design Industrial Park District
M-D*	Design Industrial District
M-G	General Industrial District
M-L	Light Industrial District
MRD-D*	Design Mill River District
MX-D*	Mixed Use Development District
NX-D	Neighborhood Mixed-Use Design District
P	Park District
P-D*	Planned Development District
R-10	One-Family Residence District
R-20	One-Family Residence District
R-5*	Multiple Family, Medium Density Design District
R-6	One-Family, Two-Family Residence District
R-7 ^{1/2}	One-Family Residence District
RA-1	One-Family Residence District
RA-2	One-Family Residence District
RA-3	One-Family Residence District
R-D*	Design Residence District
RHD-D*	Multiple Family Design District, High Density
R-HD	Multiple-Family, High Density
RM-1*	Multiple Family, Low Density Design District
R-MF*	Multiple Family Residence Design District
SRD-N*	South End Redevelopment District, North
SRD-S*	South End Redevelopment District, South
TCD-D*	Design Transportation Center District
V-C	Village Commercial District

* Districts marked with "*" are Design Districts for which the additional requirements of Subsection 1.C. apply.

The boundaries of these Zoning Districts are hereby established as shown on a map entitled "Zoning District Map of the City of Stamford", dated November 30, 1951, as amended, which is hereby made part of these Regulations. ~~No *Building* on premises shall be erected, altered, moved or used for any other purpose than the use permitted in the zone in which such property is located~~

~~except in conformity with these Regulations. No dwelling or multifamily residence shall hereafter be erected or altered to accommodate or make provision for more families than the number indicated in the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS which is a part of these Regulations. The limitations imposed by this Section shall, however, not prohibit the erection of a one family house on any Plot containing on December 1, 1951, an area smaller than that required for such use in the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS under APPENDIX B, provided further the same does not conflict with Subsection A, under Section 2, of these Regulations.~~

1.B.2. Interpretation of Zoning District Boundary Lines¹ (222-01)

Where uncertainty exists as to any said boundaries as shown on the Zoning District Map, the following rules shall apply:

- a. Where such boundaries are indicated as approximately following the lines of *Streets*, railroads, or streams, the centerline of such features shall be considered the boundary line;
- b. ~~Where such boundaries are indicated as approximately following the property lines of parks or publicly owned land such lines shall be construed as the district boundary line. All of the various unzoned waters within and bordering upon the City, whether or not any wharf, dock, pier or other Structure shall be erected or located thereon, shall have the zone classification of the adjacent zoned land. In the event that any of said unzoned waters shall be filled in, then and in such event, said filled in land shall have the same zone classification of the adjacent zoned land.~~
- b. ~~In any district where the boundary line is shown parallel to the *Street Line*, such boundary line shall be construed as being one hundred feet (100') from the *Street Line* unless otherwise dimensioned. However, when such a boundary line is within twenty feet (20') of the *Lot* line existing on December 1, 1951, the *Lot* line shall be construed as the boundary line.~~
- c. All waters within or bordering the territorial limits of the City, and any improvements located or proposed to be located thereon, shall have the same Zoning District as the adjoining upland. Soil added to the adjoining upland through accretion or other means shall have the same Zoning District as the adjoining upland. For the purposes of these Regulations, improvements are defined as wharves, docks, piers, or other Structures, whether located on the water or attached to submerged or dry land.
- d. In cases of uncertainty of such boundary the Zoning Board shall determine the location of the boundary.

1.B.3. Compliance with District Regulations Required² (222-01)

No *Building* or *Structure* shall hereafter be erected, constructed, reconstructed, nor shall any existing *Building* be structurally altered, enlarged, rebuilt, moved, maintained or otherwise

¹ Formerly Section 4.C.1.

² Formerly Section 7.A.

modified nor shall any land contiguous to any *Building* be encroached upon or reduced in any manner except in conformity to the yard, *Lot Area*, *Building* location, percentage of *Lot Coverage*, and other space and area compliance with regulations established in the District Regulations specified in Sections 5 and designated in the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS under APPENDIX B on pages B-1 to B-2, and notes appended thereto for the district in which such *Building*, *Structure* or *land* is located. In case of a conflict between the District Regulations in Sections 4.B. and 9, and APPENDIX B, the regulations of Sections 5 shall govern.

1.B.4. Conformance with Use Regulations Required (222-01)

No *Building*, *Structure* or *land* shall be used in any manner except in conformance with the Use Regulations established in Sections 4, 5 and 9, and the LAND USE SCHEDULE under APPENDIX A. In case of a conflict between the Use Regulations in Sections 4, 5 or 9 and APPENDIX A, the regulations of Sections 4, 5 and 9, respectively, shall govern.

1.B.5. District Regulations and Private Land Use Covenants³

In their interpretation and application, the provisions of these regulations shall be held to be adopted for the purposes stated herein. It is not intended by these regulations to repeal; abrogate, annul or in any way to impair or interfere with any existing provisions of law or regulation, or covenants or with any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of *Buildings* or premises; provided, however, that where these regulations impose a greater restriction upon the use of *Buildings* or require larger yards, *Courts* or other open spaces than are imposed or required by such existing provisions of law or ordinance or covenants, or by such rules, regulations or permits, the provisions of these regulations shall control.

1.C. Additional Standards for Design Districts⁴ (222-01)

1.C.1. Procedures

~~The Zoning Board shall follow the same procedure in changing any property to a Designed District as that prescribed in changing to any other districts, as specified in Section 20.~~

- a. ~~In any Designed District, except in the IP-D Designed Industrial Park District, the design and location of all *Buildings* on the *Lot*, the height and bulk of *Buildings*, the provision for off-street parking and *Loading Spaces*, and the use of the property shall be submitted to and be~~

³ Formerly Section 2.B.

⁴ Formerly Section 9.T.

~~subject to the approval of the Zoning Board, who shall not approve same for a *Building* permit until after a public hearing. In the M-D Designed Industrial District, B-D Designed Business District and C-D Designed Commercial District the designation of property as a designed district shall not be approved until a general site development plan has been submitted to the Zoning Board and said Board finds, after a public hearing, that said plan meets the criteria and objectives contained in Subsection B of this Section 9. No *Building* permit shall be issued to erect or alter any *Building* or establish or change any use in a designed district until final site and architectural plans have been submitted to the Zoning Board and said Board finds, after a public hearing that said final plans are in accordance with the objectives and criteria of this Section 9 and where applicable, are in conformity with any general site development plan approved for designation of the property as a designed district. (90-022)~~

- ~~b. In the IP-D Designed Industrial Park District, the exterior architectural design and proposed use or uses of the initial *Building*, and the site plan, including screening from adjacent residential areas, shall be submitted to and be subject to the approval of the Zoning Board, who shall not approve same for a *Building* permit until after a public hearing. Exterior architectural design and proposed uses for additional *Buildings*, and modifications of site plan, and screening from adjoining residential areas, shall be submitted to and be subject to approval of the Zoning Board under the provisions of Section 9, Subsection C,9,(m) before a *Building* permit shall be issued.~~

All *Development* and *Redevelopment* in Design Districts (marked “*” on the List of Zoning Districts in Subsection 1.B.1.) shall be subject to Site and Architectural Plan Review pursuant to Section 2.C. of these Regulations.

1.D. ENFORCEMENT AND PENALTIES

1.D.1. Duties of the Zoning Enforcement Officer⁵

16.A. It shall be the duty of the *Zoning Enforcement Officer*, or their designee, as authorized by the City Charter to enforce the provision of these Regulations (including but not limited to permits, decisions and conditions of approval) and to make such orders and decisions as may be necessary to carry out the intent thereof. Said *Zoning Enforcement Officer*, or their designee, shall be empowered to: (a) cause any *Building*, *Structure*, place or premises to be inspected and examined in accordance with law and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these Regulations, or any permit or approval issued hereunder; and (b) enforce any permit, condition of any zoning approval and decision, issued in connection with these Regulations. (221-11)

⁵ Formerly Section 16.A.

1.D.2. Enforcement Authority⁶

The *Zoning Enforcement Officer*, or their designee, as authorized, may institute any appropriate action or proceedings: (a) to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any *Building* or *Structure*, or the unlawful use of land, (b) to restrain, correct or abate such violations, (c) to prevent the occupancy of said *Building*, *Structure*, or land, (d) to prevent any illegal act, conduct, business or use in or about the premises, or (e) to prevent or correct a violation of any permit, decision or condition of any zoning approval. Whenever such acts shall be in contradiction to the provisions of these Regulations (including but not limited to a condition of zoning approval or decision), penalties shall be as provided by General Statutes and City Charter section 248, as the case may be. (221-11)

1.E. ZONING BOARD OF APPEALS

1.E.1. Powers And Duties⁷

a. Establishment

The Zoning Board of Appeals shall operate under Chapter 56 of the Stamford Charter and any other applicable provision of such Charter or the General Statutes. It shall hear and decide all matters upon which it is required to pass by the specific terms of these regulations and all matters upon which it is directed to act under state statutes.

All powers and duties shall be exercised subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these regulations and in accordance with the public interest and the most appropriate *Development* of the neighborhood.

b. Review of Administrative Orders

Any person claiming to be aggrieved, or any officer, department, board or bureau of the municipality aggrieved by any order, requirement or decision made by the *Zoning Enforcement Officer* may appeal to the Zoning Board of Appeals as provided in Section 8-7 of the Connecticut General Statutes as amended. In order to be considered, such appeal shall be duly filed with the Zoning Board of Appeals within thirty (30) days of the effective date of the action of the *Zoning Enforcement Officer*. Said Board may reverse or affirm wholly or in part, or may modify any order, decision or requirement appealed from and shall make such order, requirement or decision, consistent with these Zoning Regulations, the Zoning Map, or other provisions of applicable law, as in its opinion should be made in the premises. In deciding on any such appeal the Zoning Board of Appeals shall notice and conduct a public hearing in the manner prescribed under Section 8-3c

⁶ Formerly Section 16.B.

⁷ Formerly Section 19.A.

of the General Statutes, as amended.

c. Certificate of Approval of Location

- (1) **Approval of Gasoline Station location.** The Board of Appeals shall hear and decide upon these matters in accordance with the provisions of these regulations and Secs. 14-321 and 322 of the General Statutes, as amended.
- (2) **Dealers' and Repairers' Licenses.** The Board of Appeals shall hear and decide upon these matters in accordance with the provisions of these regulations and Secs. 14-54 and 55 of the General Statutes, as amended.

d. Variances

The Board of Appeals shall have the power, after public noticed hearing, to determine and vary the application of these Regulations as provided under Section 8-7 of the General Statutes, as amended. Provided however:

- (1) Density requirements for multiple family uses as outlined in APPENDIX B, SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS, under "Square Feet Per Family", shall be unalterable by a variance except when the request for a variance is for one (1) additional Dwelling Unit.
- (2) No use shall be permitted by variance in a residential district which is not otherwise allowed in that district.

e. Special Permits

Where provided for in these regulations, the Zoning Board of Appeals may, in appropriate cases, after public notice and hearing, grant certain *Special Permits*. The consideration, granting and conditioning thereof shall be subject to all of the provisions enumerated in Section 2.B. pertaining to *Special Permits*.

1.E.2. VARIANCES⁸⁸

a. Statement of Purpose

Where there is unusual hardship in the way of carrying out the strict letter of these regulations solely with respect to a parcel of land where conditions especially affect such parcel but do not

⁸⁸ Formerly Section 19.B.

affect generally the district in which it is situated, the Board of Appeals shall have the power after public notice and hearing to determine and vary the application of these regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values.

b. Standards and Conditions

- (1) In considering a variance application, the Board shall state upon its record the specific written findings regarding all of the following conditions:
 - (a) That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or *Building* for which the variance is sought, which circumstances or conditions are peculiar to such land or *Building* and do not apply generally to land or *Buildings* in the district and have not resulted from any intentional act of the applicant in contravention of the *Zoning Regulations*.
 - (b) That for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or *Building* and the granting of the variance is necessary for the reasonable use of the land or *Building*.
 - (c) That taking into consideration the purpose and intent of the regulations, the variance, as granted by the Board is the minimum variance necessary to afford relief.
 - (d) That the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, impair the essential character of the area or otherwise be detrimental to the public welfare.
- (2) In granting any variance, the Board may attach such reasonable conditions and safeguards as are deemed necessary to protect the neighborhood, including, but not limited to the following:
 - (a) requirement of front, side or *Rear Yards* greater than the minimum required by these regulations;
 - (b) requirement of screening of *Parking Areas* or other parts of the premises from adjoining premises or from the *Street* by walls, *Fences*, planting or other devices, size, location and type to be specified by the Board;
 - (c) modification of the exterior features or appearance of any *Structure* where necessary to protect privacy and/or preserve property values;
 - (d) limitation of size, number of occupants, method or time of operation, or extent of facilities;
 - (e) regulation of the number, design and location of access drives or other traffic features.
- (3) Granting of a variance pursuant to the provisions hereof shall be deemed to authorize only the particular use, *Structure* or feature shown on the application therefore and proper modifications, if any, in the Board's decision. Any change in the approved plans or any subsequent change of any use, *Structure* or feature shown on the approved plans that materially affects an approved variance shall require the further approval of the Board. Conditions of

approval, when specifically imposed by the Board, shall be binding on the applicant, and failure to comply with any such conditions shall constitute a violation of these regulations.

c. Application Requirements and Procedure

- (1) Before deciding on any variance application, the Board shall notice and conduct a public hearing, in the manner prescribed under Section 8-3c of the General Statutes, as amended.
- (2) All applications for variances shall include, as a minimum, site plans showing property boundaries, the location and size of *Buildings*, traffic access and circulation drives, and the extent of proposed construction, reconstruction or alteration. The Board of Appeals may require that such plans also show, where applicable, yards, *Parking Areas*, all proposed activity, landscaping, utility vaults, location of all waterways, streams, wetlands and flood hazard areas, contours at intervals of not less than 5 feet and any other pertinent information that may be necessary to determine whether all requirements of these regulations are met. In addition the applicant shall submit a written statement briefly describing the nature, size and intensity of operation proposed for the site. Such site plans shall be drawn to a scale of not less than 1 inch equals 30 feet, unless otherwise authorized by staff based on parcel size or unique circumstances. Such site plans shall be prepared and certified by a professional architect, landscape architect, land surveyor or engineer licensed by the State of Connecticut, provided that all property boundary, *Lot Area*, and existing conditions information shall be certified by a Registered Land Surveyor and prepared in accordance with the standards of a Class A-2 survey as defined by the Connecticut Association of Land Surveyors.
- (3) The form of application, number of copies of plans to be submitted and the filing fee shall be established by the Zoning Board of Appeals.
- (4) Referral to Planning Board
 - (a) All applications for variances to authorize the operation of a use other than those specifically listed as "*Permitted Uses*" in the LAND USE SCHEDULE for the district in which the subject property is located, and all applications for variances from the SCHEDULE OF REQUIREMENTS FOR AREA HEIGHT AND BULK OF *BUILDINGS*, approval of which would (1) reduce the required minimum number of square feet of *Lot Area* per family, (2) reduce off-street parking and loading requirements, (3) increase maximum permitted *Building Heights* or bulk beyond permitted limits in the SCHEDULE, or (4) result in greater *Building* bulk in ratio to *Lot Area* than permitted in the Regulations, shall be referred to the Planning Board for an advisory report of its recommendations, which recommendations shall outline all factors considered, and which shall not be binding upon the Zoning Board of Appeals. Each such application shall be referred to the Planning Board at least thirty (30) days prior to the date assigned for a public hearing thereon. Failure of the Planning Board to report within 30 days shall be construed as no response. A statement of the vote of the Planning Board recommending approval or denial, or proposing

a modification of such application shall be publicly read at any public hearing thereon. The full report of the Planning Board regarding such application shall include the reasons for the Board's vote therein and shall be incorporated into the records of the public hearing held thereon by the Zoning Board of Appeals.

- (b) The Planning Board, in reviewing such matters, shall set forth its opinion as to whether or not the proposed use or feature is in reasonable harmony with the various elements and objectives of the *Master Plan* and the comprehensive zoning plan, and in case of a recommendation for approval, may suggest conditions deemed to be necessary in the granting of any such application.

(5) Referral to other Agencies

- (1) All applications for variances shall be referred to the Department of Traffic and Parking for an advisory report at least thirty (30) days prior to the date assigned for a public hearing thereon. Applications potentially affecting public utility systems or involving matters of a technical engineering nature may also be referred to the Bureau of Engineering in a like manner.
- (2) All applications for variances on a *Lot* not served by a public sewer shall be referred to the Health Director and Environmental Protection Board for an advisory report at least thirty (30) days prior to the date assigned for a public hearing thereon. Failure of a referral agency to report within 30 days shall be construed as no response.

d. Limitations

- (1) Any variance granted by the Board shall automatically expire if a full *Building* Permit for work on the *Structure* or feature for which the variance was granted is not issued within 12 months of the date of such approval. If no *Building* permit is required, any use for which a variance has been granted shall be established within 12 months of the date of approval thereof or such variance shall be void. The time that elapses during any litigation challenging a granted variances, until final judgement or settlement, shall not count toward the time limits set out in this Section. The Board of Appeals shall have the authority to grant no more than one 12 month extension of such time period.
- (2) Any variance which is granted by the Zoning Board of Appeals shall be placed by said Board upon the land records of the City by filing a record of the variance with the Town Clerk.

1.F. CERTIFICATE OF ZONING COMPLIANCE⁹

No Certificate of Occupancy shall be issued by the *Building* Official and no land shall be occupied

⁹ Formerly Section 18.

or used and no *Building* hereafter erected or altered shall be occupied or used in whole or in part for any purposes, until a certificate of zoning compliance shall have been issued by the *Zoning Enforcement Officer* stating that the premises or *Building* complies with all terms and conditions of the Zoning Permit and with all terms and conditions of any applicable approval issued by the Zoning Board, Zoning Board of Appeals or Planning Board, and all applicable provisions of these Regulations. Request for a certificate of zoning compliance shall be made at the same time or prior to a request for issuance of a Certificate of Occupancy, and shall be acted upon within thirty (30) days after notification from the permittee that the premises are ready for occupancy. (99-004)

1.G. AMENDMENTS TO THE ZONING MAP AND THE ZONING TEXT.¹⁰

1.G.1. Amendments to the Zoning Regulations

These Regulations may from time to time be amended, changed or repealed as provided in the Stamford Charter, as amended.

1.G.2. Additional Notice and Application Requirements for proposed Amendments to the Zoning Regulations

Supplementing the advance public notice procedure requirements in the Charter of the City of Stamford, no application to amend the Zoning Map, or for approval of design and/or uses in a Designed District, or for approval of a variance, or for approval of a *Special Permit*, or an appeal from a decision of the *Building Inspector*, shall be heard until the following shall be done: (71-018)

- a. When making application to the Board having jurisdiction, the applicant shall submit four (4) copies of a map showing and describing the area which is the subject of the application, which map shall become a part of the application. After making application and being given assignment for public hearing thereon, and prior to said hearing, the applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties one hundred feet (100') or less distant therefrom in the case of all Districts except RA-3, RA-2 and RA-1 One Family Residence Districts, all as verified from the most current Real Property Records on file in the Office of the Assessor of the City of Stamford (or the actual owners of record if otherwise known to the applicant). In the case of applications concerning property situated in the RA-3 and RA-2 One Family Residence Districts owners of property within five hundred feet (500') or less must be listed and when situated in the RA-1 One Family Residence District, owners of the property within three hundred feet (300') or less must be listed. The applicant shall mail notifications of said pending application to at least one (1) owner of each such property not more than twenty (20) days nor

¹⁰ Formerly Section 20.

less than seven (7) days before the date set for public hearing, by transmitting the text of the application, including scheduled date, time and place of public hearing. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificates of Mailing. (77-022; 78-021)

- b. Applications, property-owner lists and evidence of mailing of notifications shall be submitted on forms supplied or approved by the Zoning Board.

1.G.3. Sign Posting Requirement for Certain proposed Amendments to the Zoning Regulations

In addition, for applications filed after October 1, 2017, that will be subject of a public hearing by the Zoning Board, the applicant shall erect or cause to have erected a *Sign(s)* on the property affected by any application requiring a public hearing at least fourteen (14) days prior to the date of the public hearing on such application.

The purpose of the *Sign* is to provide an additional means of notification to the public regarding upcoming Zoning Board public hearings. This *Sign* shall not void or replace the legal posting requirements stated in Stamford Charter Section C6-40-11 or Certificates of Mailing to the neighbors required per the Zoning Regulations Section 1.G. However, no legal notice for said applications will be published until proof of posting of the necessary *Sign(s)* as described, has been submitted to the Zoning Board staff. The Zoning Board Staff may waive or reduce the *Sign* posting requirement based on the feasibility to post such *Signs*.

Required *Signs* shall be posted in unobstructed view on private property as close to the front property line as practical but not more than ten (10) feet from the front property line and in a manner in which they can be clearly read from the public right-of-way, visible to traffic moving in both directions. On *Corner Lots*, a *Sign* shall be erected facing each abutting *Street* or a single two-sided *Sign* shall be posted at the intersection of the two *Streets*. On tracts of land with frontage on a public right-of-way greater than 250 feet, additional *Signs* shall be posted so that each *Sign* is no greater than 250 feet apart.

Size: The following standards for the size of the *Sign* and lettering shall be applicable based on type of *Development*:

- a. One and two family residential *Developments*: The *Sign* shall be a minimum of two (2) feet in width and one and a half (1.5) feet in height, and shall be made of durable, weather resistant material, with a white background. The title “Notice of Zoning Board Application” shall be in black lettering no smaller than one (1) inch in height, and the remaining information shall be in black lettering no smaller than one half (0.5) inch in height.
- b. All other *Developments* (Multi-family residential, commercial, community facility, industrial or open space): The *Sign* shall be a minimum of four (4) feet in width and three (3) feet in height, and shall be made of durable, weather resistant material, with a white background. The title “Notice of Zoning Board Application” shall be in black lettering no smaller than three (3)

inches in height, and the remaining information shall be in black lettering no smaller than one and a half (1.5) inches in height.

Contents: Each *Sign* shall include a short description of the application. Said *Sign(s)* shall be securely fastened either on a post(s) that is (are) at least 4” x 4” in size, or on *Building* exterior or a *Fence* in such a way that the bottom of the *Sign* is elevated approximately four (4) feet above ground level. Each *Sign* shall contain the following minimum information:

NOTICE OF ZONING BOARD APPLICATION

A ZONING BOARD APPLICATION (insert application #s) REQUESTING (insert application types) HAS BEEN FILED FOR (insert address). A PUBLIC HEARING WILL BE HELD ON (insert date) LOCATION: GOV’T CENTER, 888 WASHINGTON BLVD.

**FOR INFORMATION OR TO APPLICATION
REVIEW PLANS CONTACT: DESCRIPTION: (Sample)**

**NAME OF CONTACT PERSON: ZONING MAP CHANGE
PHONE NUMBER: FROM R-MF TO MX-D
EMAIL ADDRESS DISTRICT AND
SPECIAL PERMIT**

**STAMFORD LAND USE BUREAU, per ZONING SEC. 7
(203-977-4711)**

Applicant shall provide a signed affidavit to the Zoning Board Staff at least fourteen (14) days prior to the date of the public hearing, certifying:

- a. The date the *Signs* was (were) posted on the property and identifying where the *Sign(s)* was (were) located.
- b. Attach a photo showing the *Sign* and what the *Sign(s)* stated.

Such *Signs* shall be maintained in legible condition until the day following the close of the public hearing. Such *Signs* shall be removed from the property within five (5) days following the close of the public hearing.

For zoning applications initiated by the Stamford Zoning Board, the Land Use Bureau Chief shall set a *Sign* posting schedule meeting the intent and purpose contained herein.

1.G.4. Withdrawal of proposed Amendments to the Zoning Regulations

If any applicant or applicants either withdraws or postpones an application or applications to the Zoning Board before the scheduled date of public hearing, said application or applications shall not be re-scheduled for public hearing within ninety (90) days following the public hearing date from which said application or applications were withdrawn or postponed.

1.H. VALIDITY¹¹

If any section, paragraph, subdivision, clause or provision of these Regulations is declared by any court of competent jurisdiction to be invalid, such adjudication shall not affect any other portion of these Regulations.

1.I. EFFECTIVE DATE¹²

The effective date of these Regulations shall be November 30, 1951.

¹¹ Formerly Section 21.

¹² Formerly Section 22.

SECTION 2. PERMITS AND ADMINISTRATION

2.A. ZONING PERMITS¹³

2.A.1. Zoning Permits Required

Except as otherwise provided in these Regulations or other applicable laws, no *Building* or *Structure* shall be constructed, reconstructed, erected, enlarged, extended or structurally altered, wholly or partly, and no use of land, *Buildings* or other *Structures*, or part thereof, shall be undertaken or changed, and no excavation for any *Building*, *Structure*, *Sign* or use shall be made, until a Zoning Permit has been issued by the *Zoning Enforcement Officer*. No Zoning Permit shall be issued for any *Building*, *Structure*, *Sign* or use that requires issuance of a *Special Permit*, approval of site and architectural plans and requested uses, or Coastal Site Plan Approval under these Regulations until such approvals have been issued and are legally in effect. A Zoning Permit shall be rendered null and void if any substantial changes or alterations are made to the *Plot* plan, *Building* plans and/or other supporting application documents after the issuance of the Zoning Permit.

2.A.2. Application Procedure

All applications for a Zoning Permit shall be on forms prescribed by the *Zoning Enforcement Officer* and shall contain all the information necessary to enable the Officer to ascertain whether the proposed *Building*, *Structure* or use complies with the provisions of these Regulations. Applications for a Zoning Permit for a *Sign* shall contain the information specified in Section 11.C of these Regulations. Applications for a Zoning Permit for all other purposes shall include a certified plot plan, drawn to scale, showing the actual shape and dimensions of the *Lot* to be built upon, the exact size and location on the *Lot* of all existing *Buildings*, *Structures* and *Accessory Buildings*, the lines within which the proposed *Building* or *Structure* shall be erected or altered, the existing and intended use of each *Building*, or part thereof, the number of families or housekeeping units that a *Building* shall be designed to accommodate, and such other information with regard to the *Lot* and neighboring *Lots* that may be necessary to determine and provide for the enforcement of these Regulations. All applications for a Zoning Permit shall be accompanied by a fee to cover the cost of processing the application, pursuant to the separately adopted Fee Schedule.

2.A.3. Review Procedure

Upon the receipt of a completed application for a Zoning Permit and payment of the applicable fee, the *Zoning Enforcement Officer* shall promptly conduct investigations of the application and

¹³ Formerly Section 17.

the premises as required. An application for a Zoning Permit shall be denied if the application does not comply with the requirements of these Regulations, if the application is incomplete, or if the application contains any false material statements or omissions. The *Zoning Enforcement Officer* shall grant or deny an application for a Zoning Permit within thirty (30) days from the date the completed application, with filing fee, was filed with the Zoning Office, unless an extension of time is authorized by the applicant. In the case of an application for a Zoning Permit for a *Sign*, the *Zoning Enforcement Officer* shall grant or deny such application within ten (10) business days from the date the completed application, with filing fee, was filed with the Zoning Office. In the case of applications for Zoning Permits for *Signs*, if the *Zoning Enforcement Officer* fails to act within such 10-day period, the *Sign* shall be deemed to not require a Zoning Permit, but must comply with all standards of this Section and all other provisions of these Regulations.

2.A.4. Approval Procedure

If, after review and investigation as required herein, the *Zoning Enforcement Officer* determines that the application meets the requirements contained within these Regulations and other applicable laws, the *Zoning Enforcement Officer* shall approve the application and issue the Zoning Permit. If, after review and investigation as required herein, the *Zoning Enforcement Officer* determines that the application does not comply with the requirements of these Regulations or other applicable laws, the application shall be denied and the *Zoning Enforcement Officer* shall notify the applicant of the reasons therefor. In the case of the denial of an application for a sign permit, a written report of the denial shall be sent by certified mail to the designated return address of the applicant on the application within ten (10) business days after filing of the completed application.

2.A.5. Validity

A Zoning Permit shall be valid for a period of one year only, unless the Zoning Board or Zoning Board of Appeals has approved a phasing plan with a longer time period. A Zoning Permit may be renewed for one additional year provided the renewal is obtained before the expiration of the initial permit and a substantial amount of work on the project has been performed. This subsection 2.A.5. shall not apply to Zoning Permits for *Signs*.

2.A.6. As-Built Surveys Required

Upon completion of the foundation of any *Building*, addition to a *Building*, or a *Structure* for which a Zoning Permit has been issued, and before proceeding any further with the construction of said *Building* or *Structure*, the holder of the Zoning Permit shall file with the *Zoning Enforcement Officer* a certified "as-built" survey prepared by a licensed engineer or land surveyor. Such survey shall show said foundation and indicate the distances therefrom to the front, rear and *Side Yard*

lines on the *Lot* on which the same is situated. This section 2.A.6. shall not apply to Zoning Permits for *Signs* without a concrete foundation.

2.A.7. Appeals Procedure

Any person denied a Zoning Permit or otherwise aggrieved by a decision of the *Zoning Enforcement Officer* may seek a variance from the Zoning Board of Appeals, and/or file a written appeal to the Zoning Board of Appeals within thirty (30) calendar days after rendition of the denial or decision. The procedures and standards for a variance and an appeal, including the time limits for decisions of the Zoning Board of Appeals, are contained in Section 19 of these Regulations and Conn. Gen. Stat. § 8.7. Any adverse ruling of the Zoning Board of Appeals may be appealed to the Superior Court of Connecticut under Conn. Gen. Stat. § 8-8, *et seq.*, and other applicable laws. (200-32)

2.B. SPECIAL PERMITS¹⁴

2.B.1. Statement of Purpose

The *Development* and execution of comprehensive zoning regulations is based upon the division of the City into districts, within which the use of land and *Structures* and the location of *Structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and *Structures* which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts without consideration, in each case, of the impact of such uses and *Structures* upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and *Structures* are therefore treated as *Special Permits*. Where provided for elsewhere by these regulations, the Zoning Board of Appeals or the Zoning Board may, in appropriate cases, after public notice and hearing, grant certain *Special Permits*. Where an existing use or *Structure* which is permitted only by *Special Permit* is proposed to be extended or altered in a manner which would in any way change the character or intensity of the use or feature, such proposed extension or alteration shall be treated as a *Special Permit* under this section.

2.B.2. Standards and Conditions

- a. *Special Permits* shall be granted by the reviewing board only upon a finding that the proposed use or *Structure* or the proposed extension or alteration of an existing use or *Structure* is in accord with the public convenience and welfare after taking into account, where appropriate:

¹⁴ Formerly Section 19.C.

- (1) the location and nature of the proposed site including its size and configuration, the proposed size, scale and arrangement of *Structures*, drives and *Parking Areas* and the proximity of existing dwellings and other *Structures*.
 - (2) the nature and intensity of the proposed use in relation to its site and the surrounding area. Operations in connection with *Special Permit* uses shall not be injurious to the neighborhood, shall be in harmony with the general purpose and intent of these Regulations, and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, artificial lighting or other potential disturbances to the health, safety or peaceful enjoyment of property than the public necessity demands.
 - (3) the resulting traffic patterns, the adequacy of existing *Streets* to accommodate the traffic associated with the proposed use, the adequacy of proposed off-street parking and loading, and the extent to which proposed driveways may cause a safety hazard, or traffic nuisance.
 - (4) the nature of the surrounding area and the extent to which the proposed use or feature might impair its present and future *Development*.
 - (5) the *Master Plan* of the City of Stamford and all statements of the purpose and intent of these regulations.
- b. In granting a *Special Permit* the reviewing board may attach reasonable conditions and safeguards as it deems necessary to protect the general health, safety, welfare and property values of the neighborhood. Failure to comply with any such conditions shall constitute a violation of these Regulations. At the discretion of the reviewing board, conditions may include but are not limited to those issues previously listed as well as the following:
- (1) Require shading of artificial light sources so that no direct rays fall on other than the subject property and to reduce glare from such sources.
 - (2) Require screening of *Structure* and/or *Parking Areas* of the premises or from *Streets* by walls, *Fences*, planting or other devices, size, type and location to be specified by the reviewing board.
 - (3) Limit hours of operation.
 - (4) Require rearrangement and re-design of *Buildings*, *Structures*, *Parking Areas* or driveways to minimize any adverse impact on the neighborhood.
 - (5) Require landscaping of such type, number and size as necessary for sedimentation and erosion control, screening or enhancement of the property.
 - (6) Provide that no Certificate of Occupancy shall be granted until certification is made to and approved by the reviewing board that the project has been completed and is in compliance with all conditions of approval.
- c. Granting of a *Special Permit* pursuant to the provisions hereof, shall be deemed to authorize

only the particular use, *Structure* or feature shown on the application therefore and proper modifications, if any, in the reviewing board's decision. Any change in the plans for, enlargement in the size of, or change in the location of any *Structure*, *Parking Area* or planned activity, or any enlargement in the size and intensity of the operation thereafter, shall require the further approval of the reviewing board.

d. Swim and/or Tennis Club Use (222-01)

The Zoning Board of Appeals may by *Special Permit* the establishment of a swim and/or tennis club use not operated for profit in accordance with APPENDIX A - LAND USE SCHEDULE, applicable standards for *Special Permits* provided for in these regulations, and the additional standards set forth below:

- (1) No parcel of land to be used for the above described purposes shall be less than five (5) acres in area.
- (2) Any *Building* whether principal or accessory and any lounging area or other area designed for active use shall be not less than one hundred feet (100') from the nearest property line of abutting residential property, and no part of any *Parking Area* shall be less than fifty feet (50') from any such property line.
- (3) The minimum *Front Yard* distance shall be governed by the Regulations applicable to the district or districts wherein such use is to be located.
- (4) There shall be at least one (1) off-street *Parking Space* for each employee and for every two (2) memberships.
- (5) There shall be no facilities for over-night accommodations except for employee's quarters.
- (6) There shall be no unshaded light sources, and lights shall be so located that their beams are not directed into residential areas or into the public highway, nor shall there be any flashing lights, loudspeakers or other noise-making devices except that a public address system may be permitted with speakers not nearer than three hundred feet (300') to any *Street* or property line, and the volume of sound shall be so regulated as to be inaudible beyond a point two hundred feet (200') away from the sound amplifying equipment.
- (7) The facilities shall not be rented to any outside organization or to any individual on a term basis or for a particular function.
- (8) Sale of Alcoholic Beverages on the premises shall be prohibited.
- (9) The Zoning Board may impose any other reasonable conditions with regard to the operation of a swim or tennis club including limitation on hours of operation and restriction of commercial facilities.
- (10) All records necessary to permit checking for compliance with these Regulations shall be made available to the *Zoning Enforcement Officer* at any reasonable hours.

e. Special Standards for Single Family Districts

Special Standards for Single Family Districts: In addition to the other standards and requirements of these Regulations, all applications for *Special Permit* uses within the RA-3, RA-2, RA-1, R-20, R-10 and R-7¹/₂ single family districts shall conform to the review standards of Section 2.C.3. Site Plan Review Standards for Review, and to the following additional special standards. The special standards of this section shall not however apply to Yacht Clubs, Group Day Care Home, Hospital Complex or Senior Housing & Nursing Home Facility Complex. Existing non-residential uses and non-residential *Structures*, established or erected prior to September 13, 1993 which do not conform to the standards of this Section 2.B.2.e, may be continued, rehabilitated, altered, extended, expanded or changed to a new *Special Permit* use provided that required approvals are obtained and provided that existing non-conformities with the standards of this Section shall not be increased and no new non-conformities shall be created. (94-012, 216-13)

- (1) *Minimum Lot Size*: the area of the *Lot* shall be not less than twice the minimum *Lot* size required for a single family dwelling.
- (2) *Floor Area Ratio*: the total *Gross Floor Area* of all uses contained within *Buildings*, including residential use and parking *Structures*, divided by the area of the *Lot* shall not exceed the following standards: RA-3 and RA-2 Districts 0.10; RA-1 and R-20 Districts 0.15; R-10 District 0.20; R-7¹/₂ District 0.25.
- (3) *Ground Coverage*: the total percentage of a *Lot* occupied by *Buildings*, *Parking Areas*, driveways, walkways, patios, terraces and other impervious surface areas shall not exceed the following standards: RA-3 and RA-2 Districts: 25%; RA-1 and R-20 Districts: 35%; R-10 District: 45%; R-7¹/₂ District: 60%.
- (4) *Building Setbacks*: All *Buildings* shall be setback from front and side property boundaries by an amount not less than the minimum setback specified in Appendix B plus six (6) inches for each foot of *Building* length in excess of forty (40) feet, such length measured parallel to the property boundary. *Building* setback from a side property line shall not be required to exceed forty (40) feet and setback from a front property line shall not be required to exceed twice the minimum front setback standard of Appendix B.
- (5) *Landscape Buffers*: Landscaped buffer areas shall be provided along the front property line with a width not less than 50% of the minimum front setback standard of Appendix B, and shall be provided along all side and rear property boundaries with a width of not less than ten (10) feet. Required buffer areas shall be maintained as unoccupied landscaped open space and shall not be used for parking, driveways, or *Accessory Structures*, other than required curb cuts necessary to access the site and pedestrian walkways and similar improvements as approved by the reviewing board. The perimeter of all *Buildings* shall be suitably landscaped with a planted area an average width of not less than ten (10) feet for not less than 75% of the *Building* perimeter, provided that up to

6 feet of this buffer width may consist of pedestrian walkways. Not less than 10% of the interior area of vehicle *Parking Areas* shall be devoted to landscaped islands and dividers which shall be planted with not less than one shade tree with a minimum caliper of 2.5 inches (dbh) for every ten *Parking Spaces* or fraction thereof.

- (6) Separation of Uses: In order to preserve the essential character of residential neighborhoods and avoid undue concentration of non-residential uses, no *Special Permit* application shall be approved authorizing a new nursing home (#69), church (#23), clinic (#23.1) or public charitable institution (#79) within 1000 feet of any other such uses. Existing uses authorized prior to the effective date of this regulation shall be exempt from this separation requirement and may be continued, altered, changed in use or expanded in conformance with applicable standards of these Regulations.
- (7) Staff Review: All applications for *Special Permit* within single family districts shall be referred to the Planning and Zoning Director for staff review of site and architectural plans at least thirty (30) days prior to the scheduling of a public hearing on such application. (93-013)

2.B.3. Application and Procedure

- a. Before deciding on any *Special Permit* the reviewing board shall hold a public hearing on each application. Notice of the time and place of such hearing shall be given in accord with the requirements of Section 8-3c of the General Statutes, as amended.
- b. All applications for *Special Permit* shall include as a minimum site plans prepared to the standards and specifications of Section 19.B.3.b. of these Regulations. The form of application, number of copies of plans to be submitted, and the filing fee shall be established by the reviewing board.
- c. All applications for *Special Permit* shall be referred to the Planning Board for an advisory report and acted on in the same manner as provided under Section 19.B.3.d. of these Regulations. If the Planning Board recommends denial of an application for *Special Permit*, such *Special Permit* shall not be granted except by the affirmative vote of four members of the Zoning Board; the Zoning Board of Appeals must follow Section 8-6, CGS and vote by four affirmative votes whether or not the Planning Board recommends approval or denial. (91-019)
- d. Referral to other Agencies
 - (1) All applications for *Special Permits* shall be referred to the Bureau of Engineering and Department of Traffic and Parking for an advisory report at least thirty (30) days prior to the date assigned for a public hearing thereon.
 - (2) All applications for *Special Permits* on a *Lot* not served by a public sewer shall be referred to the Health Director and Environmental Protection Board thirty (30) days prior to the date assigned for a public hearing thereon. Failure of a referral agency to report within

30 days shall be construed as no response.

2.B.4. Limitation

- a. Except as provided in Subsection 2.B.4.b of these Regulations, any *Special Permit* granted by a reviewing board shall automatically expire at the expiration of 12 months after the date of the approval. Notwithstanding the foregoing, the reviewing board upon timely application and good cause shown, may grant not more than three one-year extensions of the expiration date. (91-026; 94-026)
- b. Where the Zoning Board approves a *Special Permit* application for a *Development* to be constructed in more than one phase, it shall authorize the number of years from the date of approval, within which all phases of the *Development* shall be completed. (205-33)
- c. Any *Special Permit* granted by a Board shall be placed by said Board upon the land records of the City by filing a record of the *Special Permit* with the Town Clerk.

2.C. SITE PLAN REVIEW.¹⁵

2.C.1. Purpose

It is the purpose of this Section to establish uniform procedures and standards for the review of site and architectural plans required under Section 9 - Design Districts, *Special Permits* required under Section 2.D. “Large-Scale Development Review”, as well as other site plan reviews as stipulated elsewhere in these Regulations to assure that such plans meet the stated objectives and standards of these Regulations, conform to the stated objectives of other agencies, provide for the safety and convenience of the general public as well as those using the subject site, and preserve important site features, identified conservation values, and landscaping where desirable. The goal of such review is to achieve attractive, functional and efficient Development on the subject site while mitigating impacts to environmental and public infrastructure resources and protecting adjacent properties through appropriate design considerations and siting of Buildings, Structures, uses, access, parking, landscaping and other site Development features. (204-40)

2.C.2. Procedure

- a. In all cases where these Regulations require review under this Section, no Building permit shall be issued until after the required plans have been reviewed and approved by the Zoning Board and after a Zoning Permit has been issued by the Zoning Enforcement Officer. Building permits shall be issued only in conformity with such approved plans including any

¹⁵ Formerly Section 19.D.

modifications or conditions imposed by the Zoning Board. No certificate of occupancy shall be approved until after certification by the Zoning Enforcement Officer that the completed project substantially conforms to the approved plans.

- b. Pursuant to P.A. 87-533, site plan applications involving regulated inland wetlands or watercourses shall not receive final action by the Zoning Board until after a permit has been issued by the Stamford Environmental Protection Board. The Zoning Board, in its sole discretion, may refuse to accept for review any such application when a timely approval by the E.P.B. cannot be reasonably anticipated.
- c. The Board shall notify the Town Clerk of any adjoining municipality regarding any site plan proposal within five-hundred feet of the municipal boundary. Such notice shall be made by registered mail within seven days of the date of receipt of the application. Such notice shall also be provided for any site plan where a significant portion of the site generated traffic, sewer discharge or storm water discharge may impact an adjoining municipality, as more particularly defined by P.A. 87-307.
- d. Upon application and submission of a site plan, the Zoning Enforcement Officer, after consultation with the Director of Planning and Zoning, may issue a Zoning Permit for minor changes of use or alterations of site and architectural plans or permitted Signs, provided such modifications are in keeping with the Designed District approval issued by the Zoning Board.

2.C.3. Application Requirements

Unless otherwise authorized by the Zoning Board staff, eleven copies of all plans and documents, certified by an architect, landscape architect, engineer or surveyor, registered within the State of Connecticut, shall be submitted to the Zoning Board showing the following information:

- a. An existing conditions site survey, drawn to a scale preferably of not less than 1 inch = 30 feet but in no case less than 1 inch = 60 feet, showing dimensions and area of the site, Street and property lines, curbs, pavements, sidewalks, existing easements and rights-of-way, the location of existing Structures, walls, *Fences*, utility facilities, and trees of 8-inch caliper or more, and existing land contours at a maximum two-foot interval, said information to be certified by a Registered Land Surveyor and prepared in accordance with the standards of a Class A-2 survey as defined by the Connecticut Association of Land Surveyors.
- b. The location of abutting Streets, nearest cross Streets, driveways on adjacent Lots, and Structures on adjacent Lots within twenty feet of the property line.
- c. The location and dimensions of all proposed Buildings, Structures, facilities, walls, *Fences*, utility installations, site improvements, and finished land contours at maximum two-foot intervals.
- d. Location of all existing watercourses, inland and tidal wetlands, flood hazard and encroachment lines, principal wooded areas and rock formations, slopes greater than 25%, and other

- significant natural features.
- e. Zoning data including for all proposed Structures: height, number of Stories, yards, Floor Area Ratio, Building Coverage, number of Parking Spaces, number of Dwelling Units, total Building Area and proposed uses.
 - f. The title of the Development, date, revision dates, north arrow, scale, name and address of owner and name and address of applicant if different from owner.
 - g. Location, dimensions and surface treatment of existing and proposed off-street parking and Loading Spaces, traffic access, circulation drives and pedestrian walks.
 - h. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed, including any areas to be preserved as open space.
 - i. Location, type, design, shielding, power and hours of operation of all existing and proposed exterior and garage lighting.
 - j. Architectural elevations depicting the exterior designs and the color, materials and finishes of all proposed Structures.
 - k. Location, type, size, design, color and illumination of all Signs.
 - l. Plans for storm drainage, water supply, sewage disposal, and a Soil Erosion and Sediment Control Plan as defined within Section 9.B. of these regulations.
 - m. Properties located within regulated flood hazard areas shall submit preliminary architectural and engineering data demonstrating conformity with the standards of Section 9.B. of these Regulations.
 - n. Such other additional information as may be deemed reasonably necessary by the Zoning Board to properly evaluate the application.
 - o. A traffic impact and access study shall be submitted, prepared by a State of Connecticut Registered Professional Engineer qualified to prepare such studies, where required either by Section 12.A-9 of these Regulations or where considered necessary in the judgment of the City Traffic Engineer. At a minimum, the study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, distribution of such traffic to be generated, types of vehicles expected, existing and projected levels of service, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, sight line conditions, and recommended improvements needed to avoid undue congestion and provide for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, such study shall include the written findings and recommendations of the Connecticut Department of Transportation. (204-40)

- p. A drainage impact report shall be submitted, prepared by a State of Connecticut Registered Professional Engineer qualified to prepare such studies, in accordance with design criteria and methodologies as approved by the City Engineer. (204-40)

2.C.4. Standards for Review

In reviewing site plans the Zoning Board shall take into consideration the purposes of these Regulations, including the purposes of the applicable zoning district and the goals and policies of the Stamford Master Plan, the public health, safety and general welfare and convenience of the general public and the maintenance of property values. In its review the Board may modify a site plan or condition an approval to the extent necessary to conform the site plan to the following standards and objectives:

- a. Safe, adequate and convenient vehicular traffic circulation, operation, parking and loading, and pedestrian circulation, both within and without the site.
- (1) The number, locations and dimensions of all vehicular and pedestrian access drives and walkways, Parking Spaces, drop-off and loadings areas, and provisions for handicapped access shall conform to the standards of Section 12 of these Regulations, to the adopted design criteria and engineering practices of the Dept. of Traffic and Parking, and all other applicable standards. Such areas shall be constructed of suitable hard surface materials and maintained in good condition.
 - (2) The number of vehicle access drives shall be minimized and shall be located and designed to provide safe and convenient turning movements and safe sightline as determined in accordance with the Geometric Highway Design Standards of the Conn. Dept. of Transportation.
 - (3) Area Streets and traffic controls shall be determined to have adequate capacity to service the site without causing undue congestion or hazardous conditions.
- b. The protection of environmental quality, landscaping of open space and harmony with existing Development. The Board shall take into consideration the following features and standards:
- (1) The location, height, design and materials of walls, *Fences*, hedges and plantings shall be appropriate to the vicinity and shall suitably screen parking, loading, garbage collection facilities, outside storage areas, Accessway drives, utility installations and other such features; such landscaping shall be appropriate to the general character of the vicinity and consider the proximity and nature of abutting uses and the level of use of adjoining public Streets and walkways.
 - (2) All open space areas, exclusive of undisturbed natural areas, shall be suitably landscaped to the satisfaction of the Board. Site landscaping shall be performed at a minimum dollar value equivalent to one shade tree of 2.5 inch caliper for every two hundred (200) square feet of landscaped area. In multi-family Developments, open space shall be designed to

provide functional outdoor living and play areas meeting the needs of intended residents.

- (3) Soil erosion, sedimentation and the release of excessive dust shall be controlled through implementation of suitable short-and long term-controls in accordance with the standards and procedures of Section 9.B.
- (4) Site Development shall seek to preserve existing specimen trees, historic Structures and other significant natural features of the site. Accordingly, the premature demolition and site clearance of prospective development sites is specifically discouraged and may be taken into consideration in subsequent site plan reviews.
- (5) Artificial lighting, and site generated noise, odors, particles and other disturbances shall be controlled to avoid interference with the use and enjoyment of neighboring properties. The location, height, design and arrangement of outside lighting shall be consistent with safety such as to avoid glare on any other Lot and to avoid hazards to traffic on any Street.
- (6) Available public utilities shall be adequate in capacity to safely service the requirements of the site. Surface water drainage facilities shall be adequate to safely drain the site while minimizing the risk of downstream flooding and erosion. Where infrastructure capacity is judged not to be adequate the Board may accept a binding agreement to perform suitable improvements.
- (7) Adequate provision shall be made for emergency vehicle access, fire lanes, and safe fire flows, upon the recommendation of the Fire Marshall and the public water utility.
- (8) The arrangement, location, apparent bulk, architectural features, materials, texture and color of proposed Buildings and Structures shall establish an architectural character and overall site design compatible with the scale and general character of the vicinity.
- (9) Building setbacks and the configuration of open space shall be appropriate to existing Structures on adjoining properties and established patterns of use of side and Rear Yard areas, and to the existing physical conditions of the site.
- (10) No use shall be permitted that will cause or result in:
 - dissemination of dust, smoke, observable gas or fumes, odor, noise or vibration beyond the immediate site of the Building in which such use is conducted, or
 - unusual hazard of fire or explosion or other physical hazard to any adjacent Buildings, or
 - harmful discharge of liquid materials, or
 - unusual traffic hazard 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.
- (11) All Buildings and grounds and other Structures shall be maintained in good repair and in safe, clean and sanitary condition. All landscaping required pursuant to an approved site plan shall be installed to the satisfaction of the Director of Parks and Recreation and shall

thereafter be maintained in accordance with an agreement to be made part of the application of record, which agreement shall be enforced by the Zoning Enforcement Officer, upon advice of the Director. (88-025)

2.C.5 Additional Requirements for Historic Site and Architectural Plan Review

Developments that are subject to Historic Site and Architectural Plan Review pursuant to Section 8.B.1. shall submit the additional information required under Section 8.B.2. as part of the Site Plan Review required under Section 2.C. No fees in addition to those charged under Section 2.C shall be required for a Historic Site and Architectural Plan review application.

2.C.6. Validity (222-01)

~~Site Plan Approvals shall be valid for a period of three (3) years from the effective date of the approval. The Zoning Board, at its sole discretion, may administratively extend a Site Plan approval up to two (2) times for no more than two (2) years for each extension. Unless a valid Building Permit exists, when both extensions are exhausted, a new application shall be required pursuant to Subsection 19.D.2. for the period set forth in the Connecticut General Statutes Section 8-3(i) and (j).~~

~~All Site Plans shall comply with the Zoning Regulations in effect at the time of the Site Plan approval. When all extensions are exhausted a new application shall be required pursuant to this Section.~~

2.D. LARGE-SCALE DEVELOPMENT REVIEW¹⁶

2.D.1. Purpose

The purpose of this Section is to ensure that large scale development is reviewed in a coordinated manner to insure that such development is comprehensively reviewed for compliance with the objectives and standards of these Regulations, and to provide for the safety and convenience of the general public as well as those using the subject site, and to insure that adequate provision is made for vehicular and pedestrian circulation, parking, landscaping, buffers, signage, lighting, drainage, utilities and other needs produced by the proposed *Development*. It is also intended, through the procedures established under this Section, that development impacts will be evaluated by the Zoning Board in light of the City's need to protect its natural, social, and cultural environment in accordance with the *Master Plan*, and to insure that adverse short term and long term *Development* impacts will be mitigated, including impacts associated with storm drainage, sanitary sewerage, traffic, demolition, sidewalks, on-street parking, unique site conditions and/or environmental

¹⁶ Formerly Section 19.E.

resources, and environmental impacts to coastal resources and the ecosystems and habitats of Long Island Sound.

2.D.2. APPLICATION

The requirements of this section shall apply to all property within the C-N, C-B, C-L, C-I, C-G, CC, M-L and M-G zoning districts.

2.D.3.. SPECIAL PERMIT REQUIREMENT

Any new non-residential *Structure* having a *Gross Floor Area* of twenty thousand (20,000) square feet or more, or any new residential *Structure* containing ten (10) or more *Dwelling Units*, or any project developing or altering 40,000 square feet of *Lot Area* or creating one-hundred (100) or more new *Parking Spaces* shall be subject to the issuance of a *Special Permit* by the Zoning Board, in conformance with the application requirements and review standards of Section 19-3.2 and Section 2.C. of these Regulations and all other applicable zoning standards of these Regulations, provided that Section 7.K shall not apply when adjacent to property developed under Section 7.R of these Regulations. This requirement shall not apply to *Special Permit* uses subject to review and approval by the Zoning Board of Appeals, as defined in Appendix A of these Regulations. (204-40, 207-44)

2.E. PARKING MANAGEMENT PLANS¹⁷ (220-31)

2.E.1. Purpose

The purpose of a *Parking Management Plan (PMP)* is to assure that sufficient parking is provided while optimizing the use of land and structures dedicated to parking, with the goal of balancing the supply and demand of parking as closely as possible. In addition, *PMPs*, by themselves or in conjunction with *Transportation Demand Management Plans*, are intended to discourage use of single occupancy passenger vehicles.

2.E.2. Applicability

Parking Management Plans (PMPs) shall be required as follows:

- a. Applications pursuant to Subsection 12.D.1.c and 12.D.1.d – reduction of self-parking requirements;

¹⁷ Formerly Section 19.F.

- b. Applications pursuant to Section 12.I. – “Shared Parking”;
- c. All *Development* in the CC, TCD and R-HD districts generating a parking requirement of 50 spaces or more;
- d. All applications pursuant to Section 2.D. – “Large Scale Development Review”;
- e. All applications requiring a traffic study pursuant to Subsection 12.A.5; or
- f. All *Special Permit* applications pursuant to Section 2.B. unless waived by the Land Use Bureau Chief, or designee.

2.E.3. Standards

All *Parking Management Plans* shall, at a minimum, contain the following:

- a. A tabulation of *Parking Spaces* required by these Regulations and *Parking Spaces* provided by type of use and type of parking provided (e.g., vehicle parking, bicycle parking, parking for electric vehicles);
- b. Parking fees, if any, and if the parking is bundled or unbundled;
- c. Parking management techniques employed, including but not limited to self-parking, valet parking, stackers, car elevators, shared parking, etc., and, if different techniques are employed, the distribution of parking between these techniques;
- d. A scaled plan of the *Parking Facility*, prepared by a licensed surveyor or engineer, including, but not limited to:
 - (1) The size of *Parking Spaces*;
 - (2) The type of *Parking Spaces*, e.g., self-park, attended, handicapped, electric vehicle charging;
 - (3) The angle of *Parking Spaces*, if angled parking is provided;
 - (4) The width and direction of drive aisles and access ways;
 - (5) Curb cuts and access to public roads or other rights of way; and
 - (6) Landscaping requirements.
- e. Reporting requirements (frequency and information required);
- f. Contact information for the person(s) responsible for reporting usage; and
- g. Other pertinent information, as required by the Zoning Board, Land Use Bureau or the Transportation, Traffic and Parking Bureau.

2.E.4. Review Procedures

All *Parking Management Plans* shall be referred to the Transportation, Traffic and Parking Bureau (TTP) for review. Draft *PMPs* shall be reviewed in conjunction with Site and Architectural Plan, Large Scale Development Plan, or *Special Permit* approvals, as applicable, and referenced in the Certificate of Decision. In instances where a *PMP* is required for as-of-right developments without any other review actions by the Zoning Board, TTP and Zoning Board staff shall approve the *PMP* prior to issuance of a Building Permit. No final Certificate of Occupancy for an applicable *Development* under Subsection 2.E.2. shall be issued without a final *Parking Management Plan* approved by TTP, Land Use Bureau Staff and the Zoning Board. All final *PMPs* shall be recorded on the City of Stamford Land Records. Minor changes to final *PMPs* shall be approved administratively by Land Use Bureau staff after endorsement by TTP.

2.E.5. Reporting Requirements

The owner, tenant or property manager shall annually, not later than January 15, report on parking usage in writing and in a format prescribed by the Land Use and Transportation, Traffic and Parking Bureaus. Should the reports show an insufficient supply in parking, the owner, tenant or property manager shall submit strategies for increasing the parking supply to the Land Use and Transportation, Traffic and Parking Bureaus by no later than March 31st of such year for approval.

Non-compliance with the reporting requirements shall be deemed a Zoning Violation pursuant to Section 248 of the City of Stamford Code, and every day a report is submitted late shall be considered as separate violation pursuant to Subsection 248-2 of the City of Stamford Code.

2.F. TRANSPORTATION DEMAND MANAGEMENT PLANS (TDMPS)¹⁸ (220-31)

2.F.1. Purpose

The purpose of *Transportation Demand Management Plans (TDMPs)* is to effectively reduce the demand for *Parking Spaces* and promote alternative means of transportation including, but not limited to, biking, walking, mass transit, carpooling, etc.

2.F.2. Applicability

Transportation Demand Management Plans shall be required as follows:

- a. All new or re-development in the CC, TCD and R-HD districts on Zoning Lots with 20,000sf or more in area;
- b. All applications pursuant to Section 2.D. – “Large Scale Development Review”;

¹⁸ Formerly Section 19.G.

- c. All applications requiring a traffic study pursuant to Subsection 12.A.5; or
- d. All *Special Permit* applications pursuant to Section 2.B., unless waived by the Land Use Bureau Chief, or designee.

2.F.3. Standards

All *Transportation Demand Management Plans* shall, at a minimum, contain the following:

- a. A *Parking Management Plan* pursuant to Section 2.E. of these Regulations;
- b. A traffic study;
- c. Techniques to achieve at least twenty percent (20%) of employees or residents commuting to work by means other than a single occupied car, including, but not limited to, incentives for using mass transit, car pools, car share, telecommuting, bicycles or walking;
- d. For non-residential uses, techniques to reduce vehicular peak-hour traffic, including, but not limited to, staggered work hours or telecommuting;
- e. Review procedures to determine if expected reductions are achieved and procedures for adjusting *TDMPs* should the expected reductions not be achieved; and
- f. Other pertinent information, as required by the Zoning Board, Land Use Bureau or the Transportation, Traffic and Parking Bureau.

2.F.4. Review Procedures

All *Transportation Demand Management Plans* shall be referred to the Transportation, Traffic and Parking Bureau (TTP) for review. Draft *TDMPs* shall be subject to review and approval by the Zoning Board in conjunction with Site and Architectural Plan, Large Scale Development Plan, or *Special Permit* approvals, as applicable, and referenced in the Certificate of Decision. In instances where a *TDMP* is required for as-of-right developments without any other review actions by the Zoning Board, TTP and Zoning Board staff shall approve the *PMP* prior to issuance of a Building Permit. No final Certificate of Occupancy for an applicable development under Subsection 2.F.2. shall be issued without a final *Transportation Demand Management Plan* approved by TTP and Land Use Bureau Staff. All final *TDMPs* shall be recorded on the City of Stamford Land Records. Minor changes to *TDMPs* shall be approved administratively by Land Use Bureau staff after endorsement by TTP.

2.F.5. Reporting Requirements

Not later than January 15th of each year, the owner, tenant or property manager shall report in writing on the mode split of commuters in a format prescribed by the Land Use and Transportation,

Traffic and Parking Bureaus. Should fewer than 20% of the building occupants use means of transportation other than a single occupied car, the owner, tenant or property manager shall, by March 31st of such year, submit proposals for increasing that share to the Transportation, Traffic and Parking and Land Use Bureaus for comments and approval.

Non-compliance with the reporting requirement shall be deemed a Zoning Violation pursuant to Section 248 of the City of Stamford Code, and every day a report is submitted late shall be considered as separate violation pursuant to Subsection 248-2 of the Code.

2.G. GENERAL DEVELOPMENT PLANS (GDP) (222-01)

2.G.1. Purpose

The purpose of *General Development Plans (GDP)* is to outline the development of large, phased or multi-building projects in order to assess and, if necessary, mitigate anticipated development impacts and to assure that the individual components of the development will form a cohesive whole. The goal is to define the potential maximum of the anticipated *Development*, such as maximum *Building Height, Density, Coverage*, number of curb cuts or parking requirements.

2.G.2. Applicability

a. GDPs Required

General Development Plans shall be required as follows:

- (1) Where a Final Site and Architectural Plan is required, unless Final Site and Architectural Plan Approval is sought for the entirety of the *Development* or *Redevelopment*;
- (2) All applications requiring a traffic study pursuant to Subsection 12.A.5;
- (3) All *Development* or redevelopment involving or related to the following uses:
 - (a) Beach Club
 - (b) Corporate Retreat
 - (c) Country Clubs or Golf Clubs
 - (d) Hospital Complex
 - (e) Museum Complex
 - (f) Senior Housing and Nursing Home Facility Complex
 - (g) Clubs, Swim and/or Tennis
 - (h) Yacht Clubs
 - (1) Community Centers.

b. Exempt Activities.

The following activities shall be exempt from the *GDP* requirement:

- (1) Building renovations, interior or exterior, or upgrades that do not result in an increase in Building Coverage, Floor Area, Density or Building Height;
- (2) changes of parking and other hardscaped areas that do not result in an increase in Lot Coverage or change the way a site is accessed by vehicles from a public right of way;
- (3) multi-Building or phased Developments for which Final Site and Architectural Plan approval is sought for the entire Development or Redevelopment; or
- (4) minor modifications or changes as determined by the City of Stamford Land Use Bureau Chief, or designee.

2.G.3. Standards

All General Development Plans shall, at a minimum, contain the following:

- a. **Application fee**, as established by the applicable fee schedule.
- b. **Written Application.** Written application on a Land Use Bureau form with a project narrative. The narrative shall include a description of the intended manner of the site development, including the types of uses and the size, densities and coverages of the principal Structures and facilities to be established, an analysis of Zoning conformance and compliance, and a declaration of other agency permits required.
- c. **Existing Conditions Map.** A descriptive map showing the location, boundaries, dimensions and approximate acreage of the site, the approximate location and dimensions of existing Buildings and Structures, existing uses of Structures and land areas, existing site utilities and vehicle access, information describing land elevations, flood hazards, coastal and natural resource areas, and information regarding Structures, uses and street elevations within 500 feet of the site.
- d. **General Site Development Plan.** A site plan drawn at a scale of not less than one inch = 30 feet, showing the proposed location, dimensions, floor area and uses of Structures and the proposed location and area of principal land uses and facilities, existing and proposed land contours, the general location of landscaped areas, Parking Areas, vehicle access, public access amenities and easements. Information addressing the conformance and compliance with applicable Zoning District standards shall be shown in tabular form and any intended subdivisions of the site shall be indicated. The goal is to define the maximum extent of the proposed development and establish site specific development limitations.
- e. **General Architectural Plans.** Preliminary architectural drawings including massings, generalized floor plans and other descriptive information. The goal is to define the maximum extent of the proposed development and establish site specific development limitations.

- f. **Utilities Report.** Preliminary plans and written report prepared by a qualified professional engineer specifying the means by which sewage disposal, water supply, stormwater disposal, traffic and access requirements, and related infrastructure and services will be provided for the proposed Development. The level of information, data, and scope of analysis shall be sufficient to demonstrate compliance 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 and binding agreement shall be provided.
- g. **Schedule of Improvements.** A proposed timetable shall be provided indicating the completion of major site improvements, the establishment of uses, and the general sequence of construction.
- h. **Additional Information.** The Zoning Board or Land Use Bureau may request additional information deemed necessary for the comprehensive review of a *GDP*.

2.G.4. Review Procedures

- a. **Procedures.** All *General Development Plan* applications shall be reviewed pursuant to the Application and Procedures for Final Site and Architectural Plans as outlined in Section 2.C. of these Regulations.
- b. **Site and Architectural Plan Approvals Required.** All *Development or Redevelopment* proposed pursuant to a *GDP* shall require simultaneous or subsequent Site and Architectural Plan Review pursuant to Section 2.C. of these Regulations.
- c. **Modifications of Previously-Approved General Development Plans.** (i) No Zoning Board approval for a modification of a previously-approved *GDP* shall be required if the proposed change is within the limitations of such *GDP* (ii) If the proposed modifications are outside the limitations of the approved *GDP* but comply with the underlying Zoning Regulations and are *de minimis* (as determined by the Land Use Bureau Chief or designee) then such modifications are subject to administrative review and approval by the Zoning Board. Modifications to *GDPs* not meeting (i) or (ii) of this paragraph c shall require public hearing review and approval by the Zoning Board.
- d. The Zoning Board may, in its sole discretion, impose conditions or other requirements on its approval of a *GDP*.

2.G.5. Term of Approval and Applicability of Zoning Regulations

- a. **Term of Approval.** Unless specified differently in the Conditions of Approval for the *GDP*, *GDPs* shall be valid for a period of five (5) years from the effective date of the approval. The Zoning Board, at its sole discretion, may administratively extend a *GDP* up to two (2) times

for no more than five (5) years for each extension. When all extensions are exhausted a new application shall be required pursuant to this Section.

- b. **Applicability of Zoning Regulations.** The Zoning Regulations in effect on the effective date of the GDP approval shall apply if (i) Final Site and Architectural Plan approval for part or all of the *Development* covered by the *GDP* is granted and a Building Permit for such partial or complete *Development* is issued by the Building Department within the original approval period; or (ii) if the Zoning Board by *Special Permit* finds that:

(1) adhering to the new Regulations would be an undue hardship; and

(2) applying the old Zoning Regulations would not adversely impact the abutters.

In all other instances, where the Zoning Regulations have changed after the effective date of the GDP approval, and the original approval period has expired, the new Zoning Regulations shall apply.

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SECTION 3. DEFINITIONS AND STANDARDS

3.A. CONSTRUCTION OF LANGUAGE

For the purpose of these regulations certain words and terms used herein are defined as follows:

All words used in the present tense include the future tense; all words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "*Lot*" includes the word "*Plot*"; the word "*Building*" includes the word "*Structure*"; and the word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended, or arranged to be used". Unless otherwise specified, all distances shall be measured horizontally. The word "city" means the City of Stamford, State of Connecticut; the term "zoning board" means the Zoning Board of said City; the term "board of appeals" means the Board of Zoning Appeals of said City; the term "planning board" means the Planning Board of said City; and the term "*Building inspector*" means the *Building Inspector* and/or *Zoning Enforcement Officer* of said City.

3.B. DEFINED TERMS

All defined terms are marked with "Term" in these Regulations and defined as follows:

Accessory Building

Any *Building* located on the same *Lot* as a *Principal Building* and devoted or intended to be devoted to a use which is clearly incidental and customarily subordinate to the principal use. Any portion of a *Principal Building* devoted or intended to be devoted to an *Accessory Use* is not an *Accessory Building*. (219-26)

Any *Accessory Building* is attached to the *Principal Building*, except by a *Breezeway* and not more than five feet (5') in length shall comply in all respects with the requirements of these Regulations applicable to the *Principal Building*. (222-01)

Accessory Structure

Any *Structure* including an *Accessory Building*, whether decorative or functional, that is located on the same *Lot* as a principal use and which is clearly incidental and customarily subordinate to the principal use and that is not a *Permitted Obstruction* or a *Sign*. *Accessory Structures* include, but are not limited to *Structures* used to store goods and materials, including sheds and containers, solid waste and recycling containers, or antennae *Structures*. (222-01)

Provided however, such *Accessory Building* or *Accessory Structure* shall not be located in any *Front Yard*, nor exceed one (1) *Story* and or exceed 15' in height. No *Accessory Building* or *Structure* shall be within five (5') feet of any *Lot* line, except in cases in which the *Principal Building* is permitted to be closer. No *Accessory Building* or *Structure* shall be erected prior to the erection of the *Principal Building*. (91-002, 204-41, 219-26)

On *Corner Lots* in addition to the above requirements, no *Accessory Building* or *Structure* in a *Rear Yard* shall be nearer a street side *Lot* line than the least *Front Yard* setback of any required along such *Street*.

A *Building* attached to the *Principal Building* by a covered *Passageway* not over five feet (5') long, or by having a wall or part of a wall in common with it, shall be considered an integral part of the *Principal Building* and not an *Accessory Building*. In any Residential District, no detached *Accessory Building* shall be located nearer than 10' to any *Principal Building*.

A Detached *Accessory Building* or *Buildings* of not more than one (1) *Story* and not exceeding 15' in height may occupy part of a *Rear Yard* in accordance with the percentage specified in Table III APPENDIX B, SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF *BUILDINGS*; provided however, in the case of any *Lot* located in the RA-1, RA-2 or RA-3 District, by *Special Permit* issued by the Zoning Board of Appeals, such *Accessory Building* may exceed 15' in height but shall not exceed one (1) *Story* and shall not exceed 25' in height, (i) where the minimum setback of said *Building* from all side and *Rear Lot Lines*, as defined in this definition, is increased an additional one foot (1') for each one foot (1') of height over 15', and (ii) upon a finding by the Zoning Board of Appeals that the use, size, shape, location and design of said *Building* are appropriate in the context of both the *Lot* upon which it is located as well as adjoining *Lots*. Such *Special Permit* shall be exempt from the standards of Subsection 2.B.2.e. However, the total area of such *Accessory Building* plus the area of the *Principal Building* shall not exceed the maximum *Building Area* specified in Table III APPENDIX B, SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF *BUILDINGS*. (204-41)

When a detached accessory garage is provided in the *Rear Yard* of a *Lot* supporting only a one-family or a two-family use within the R-7^{1/2}, R-6, RM-1 or R-5 District and where no parking is located within the *Front Yard*, the maximum permitted *Building Area* may be increased by 300 square feet for a detached garage providing one required *Parking Space* and may be increased by 500 square feet for a detached garage providing two required *Parking Spaces*. (210-09)

Accessway

An *Accessway* is that portion of an *Accessway Lot* held in the same fee simple ownership as the *Accessway Lot*, beginning at the *Street Line* and ending at the point where the *Lot* boundary lines diverge from each other at an angle of not less than thirty (30) degrees, provided that the *Accessway* shall have a minimum width of twenty five feet (25') and, on any record map dated after August 1, 1959, a width not greater than forty-nine feet (49'). A physical or other obstruction to ingress

or egress over any area designated as an “*Accessway*” to satisfy the requirements of Section 7, Subsection O, shall not preclude the designation of such area as the necessary “*Accessway*”, provided there is some other suitable and legal access to the *Accessway Lot*. (210-43)

Accessway Lot

~~A *Lot* shown on an approved subdivision map that does not satisfy the *Lot Frontage* requirement at the *Street Line* and that is served by an *Accessway* and otherwise conforms to the standards of Section 7.0~~

SEE: *Lot, Accessway* (210-43, 222-01)

ADA

See: *Americans with Disabilities Act*

Adaptive Reuse

SEE: *Redevelopment*

Affordable Housing (220-13)

Affordable Housing is all housing, for which the sale price, the rent or the rent increase is restricted for at least 30 years, or, in the case of BMR Units, permanently deed restricted, beginning with the final Certificate of Occupancy, by deed restriction, covenant or other legal instrument, running with the land and senior to all financing instruments. Affordable means that the housing cost (either mortgage or rent payments, parking for one vehicle and applicable basic utilities (except telephone and cable), fees and taxes) of a household earning 80% or less of the *Area Median Income (AMI)*, adjusted by household size, does not exceed 30% of the gross income of said household. “Deeply Affordable Housing” is all housing affordable to households earning 30% or less of the *AMI*. SEE ALSO *Market Rate Housing* and *Market Rate Affordable Housing*.

Alley

A passage or way, not over twenty (20) feet in width, open to public travel which affords generally a secondary means of vehicular access to abutting *Lots* and is not intended for general traffic circulation. No vehicle entrance to any *Building* or improvement, which entrance opens into an *Alley*, shall be erected, constructed, or established nearer to the center of such *Alley* than a distance of fifteen feet (15'). (222-01)

Amenity Space, Indoor (222-01)

SEE: *Indoor Amenity Space*

Amenity Space, Outdoor (222-01)

SEE: *Open Space, Usable*

Americans with Disabilities Act – ADA (220-31)

The *Americans with Disabilities Act of 1990 (ADA)* (42 U.S.C. § 12101), as amended, is a federal law that prohibits discrimination based on disability, requires accommodations to employees with disabilities, and imposes accessibility requirements on public accommodations.

AMI (220-13)

SEE: *Area Median Income*

Area Median Income (AMI)

The *Area Median Income* is based on the most current statistics of median family income for the Stamford Standard Metropolitan Statistical Area (SMSA) as published and periodically revised by the U.S. Dept. of Housing and Urban Development.

Basement

A portion of a *Building* located partly below grade, that is not a crawl space, where the ceiling is less than five (5) feet above the level from which the height of the *Building* is measured. (203-38)

Base Floor Area

SEE: *Floor Area, Base*

Base Height

The *Base Height* of a *Building* is the maximum permitted height of the front wall of a *Building* before any required *Street Wall setback*. A *Building* is required to meet a minimum *Base Height* only when the total height of the *Building* will exceed the maximum permitted *Base Height*.

Below Market Rate Dwelling Unit (BMR, BMR Unit) (220-13)

A *Below Market Rate Dwelling Unit (BMR, BMR Unit)* is a Dwelling Units permanently deed restricted (with such restriction running with the land and senior to all financing instruments) as to sale or rent to households not earning more than 80% of the *Area Median Income*, based on the most current statistics of median family income for the Stamford Standard Metropolitan Statistical Area (SMSA) as published and periodically revised by the U.S. Dept. of Housing and Urban Development.

Bicycle (220-31)

A *Bicycle* is a human-powered vehicle propelled by pedals and steered with handlebars attached to the front wheel. *Bicycles* must be exclusively muscle-powered, or have an auxiliary electric motor not exceeding 540W in power and speeds of 20 mph. All vehicles which require a state issued license for operation or registration shall not be considered *Bicycles* for the purposes of these Regulations.

Bicycle Parking (220-31)

Bicycle Parking means all off-street storage space for all *Bicycles*, as further defined in Section 12.J. of these regulations. Class A *Bicycle Parking* is fully enclosed permanent storage space for *Bicycles* with controlled access primarily for building tenants, residents, employees and students, for storage usually exceeding two hours, as further described in Section 12.J.

Class B *Bicycle Parking* is generally unenclosed off-street storage specifically designed for *Bicycles* primarily used for short-term parking of two hours or less, typically to accommodate visitors, customers, messengers or other short-term and irregular users, as further described in Section 12.J.

Bonus Floor Area

SEE: *Floor Area, Bonus*

Breezeway (222-01)

A *Breezeway* is a roofed unenclosed *Passageway* connecting two or more *Buildings*.

Building

A *Structure* having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the *Building*, which is permanently affixed to

a *Lot* or *Lots* for the housing or enclosure of persons, animals or chattels, and shall include each of the independent units into which it is divided by party walls. The connection of two *Buildings* by means of an open porch, *Breezeway*, carport or other such open *Structure*, with or without a roof, shall not be deemed to make them one *Building*, except in the case of a (a) private garage so attached to a dwelling, or (b) covered *Passageway* not more than five feet (5') long. (See also *Accessory Building* and *Principal Building*) (219-26)

Building Area

Building Area is the aggregate of the maximum horizontal cross section area of all *Buildings* including *Accessory Buildings* on a *Lot*, excluding cornices, eaves, gutters or chimneys projecting not more than twenty four inches (24"), steps and one-*Story* open porches, covered front porches (see Section 7.C.3), and balconies and terraces. *Building Area* shall also exclude decks, terraces, patios, pools or similar *Structures* not more than eight inches (8") above adjacent grade, and exclude such *Structures* that exceed eight inches (8") above adjacent grade up to an amount equal to 200 square feet for each *Dwelling Unit* on the *Lot*. (210-40, 219-26)

Building Coverage

SEE: *Building Area*

***Building Height* (222-01)**

The vertical distance to the level of the highest point of the roof surface if the roof is flat or inclines not more than one inch (1") vertical in one-foot horizontal, or the mean level between the eaves and the highest points of the roof if the roof is of any other type, measured as follows:

- 1. Buildings 10 feet or less from a Street Line.** ~~If a the *Building* is located ten feet (10') or less from a *Street Line*, then adjoins the front property line or is not more than ten feet (10') distant therefrom, the *Building Height* shall be measured (a) at the center of the front wall of the *Building* from the established grade of the curb; or (b) if no grade has been officially established from the elevation of the existing curb; or if no grade has been officially established and no curb exists, from the average level of the adjoining *Street* or *right-of-way*, or (c) if no such *Street* or *right-of-way* exists, from the finished ground surface across the front of the *Building*.~~
- 2. Buildings more than 10 feet from a Street Line.** ~~If a the *Building* is more than ten feet (10') from the *Street Line* front property line, then the *Building Height* shall be measured from the average level of the finished ground surface at a point three feet (3') from the exterior walls of the *Building*. Where the finished ground surface is made by filling, the level of such finished ground surface for the purpose of this definition shall not be deemed to be more than three feet~~

(3') above the average level of the existing ground surface at a point three feet (3') from the exterior walls of the *Building*. When a *Building* is subject to Section 15.B Flood Prone Area Regulations, and such *Building* is located fully or partially within the Coastal Boundary as defined in, Section 7(T) Coastal Area Management Regulations, the *Building Height* may be measured from no more than three feet (3') above the Base Flood Elevation applicable to the *Building*, provided that the resulting height of the *Building* measured from average grade is not more than five feet (5') greater than the maximum *Building Height* permitted in the applicable Zoning District (203-38, 214-06)

3. **Height of Accessory Structures.** The Height of *Accessory Structures* shall be measured from the average level of the ground surface adjacent to the exterior walls of the *Accessory Structure Building* to the highest point of the roof. (91-002)
4. **Connected Buildings.** Where two (2) or more *Buildings* are connected by a hallway or enclosed *Passageway*, each *Building* shall be treated as a separate structure for the purposes of determining the average level of the ground surface and determining *Building Height*.
5. **Attached Buildings.** Attached *Buildings* separated by a firewall between *Buildings* shall be treated as separate structures for the purposes of determining the average level of the ground surface and measuring height.
6. **Exceptions.** The *Building Height* requirements of this definition shall not apply to the building features or *Structures* listed below if such feature or *Structure* (a) does not cover more than 25% of the Building Coverage, and (b) is unoccupied Floor Area, such as mechanical space, circulation areas or air space, and (c) does not exceed the maximum permitted *Building Height* by more than one (1) story or fifteen feet (15'), whichever is less.
 - architectural screenings of rooftop equipment
 - cupolas
 - cables
 - mechanical penthouses and mechanical appurtenances including, but not limited to HVAC systems
 - parapet walls
 - Personal Wireless Service Facilities, radio and television and other antennae
 - decorative towers or turrets
 - water tanks (76-012; 97-020; 210-21)
7. **Exemptions.** The following shall be exempt from the Building Height requirements:
 - chimneys
 - church spires or similar features on other Houses of Worship
 - flag poles
 - green roofs
 - greenhouses for food production

- monuments
- railings and other safety features required by the building code
- solar panels, both photovoltaic and thermal
- standpipes
- transmission towers and cables
- water towers

8. Modifications of Building Height Requirements. The Zoning Board may, by *Special Permit* approval and in its sole discretion, modify the height requirements of the underlying Zoning District for a *Building* feature or *Structure* if it finds that the *Building* feature or *Structure* exceeding such requirement:

- does not contain any *Floor Area*;
- complies with the *Light and Air* requirements of these Regulations;
- that the relief requested is limited to the minimum relief necessary; and
- that the relief requested is necessary for the intended function of such *Building* feature or *Structure*.

Building Line (220-31)

The *Building Line* is the linear extension of a *Building's* outside exterior wall into the *Yard* space of a *Lot*.

Commercial Street (222-01)

SEE: *Street, Commercial*

Contributing Structure or Site (220-38)

A *Structure*, site or object adding to the historic significance of a property based on historic associations, historic architectural qualities or archeological values, as defined by the National Park Service¹⁹. The *Structure*, site or object must be documented as a contributing resources on the National Register of Historic Places, a Local *Historic District* established pursuant to CGS Sec 7-147 or the City of Stamford *Cultural Resources Inventory*.

A *Non-Contributing Structure or Site* is a *Structure* or site located within a *Historic District* but lacks the features of a Contributing Structure or Site. A *Non-Contributing Structure or Site* may be developed, demolished, redeveloped, altered, expanded or otherwise modified pursuant to

¹⁹ National Park Service, National Register Bulletin – How to Complete the National Register Registration Form (NRB 15), Washington, D.C., 1997, p. 37.

regulations applicable in the underlying Zoning District as delineated on the City of Stamford Zoning Map.

Critical Reconstruction (220-38)

Critical Reconstruction projects are infill *Developments* in areas developed prior to the effective date of these Regulations (November 30, 1951). The goal of *Critical Reconstruction* is to maintain or restore the fabric of the neighborhood by permitting buildings and building typologies that have or may have been historically extant and are contextual in bulk and other characteristics with the neighborhood context.

Corner Lot (222-01)

SEE: *Lot, Corner*

Court

A *Court* is an unoccupied open space, other than a *Yard*, on the same *Lot* with a *Building*, which is bounded on two (2) or more sides by the walls of such *Building*. An *Outer Court* extends to a *Street Line* or opens upon a front, side or *Rear Yard*. An *Inner Court* is enclosed on all sides by the walls of a *Building* or by *Lot Lines* on which *Building* walls are permitted. The "least dimension" of a *Court* or *Yard* is the least of the horizontal dimensions of such a *Court* or *Yard*. The "length of an outer *Court*" is the horizontal distance between the end opening on a *Street* or a *Rear Yard* and the end opposite such *Street* or *Rear Yard*.

Cultural Resources Inventory ("Inventory") (220-38)

A list established and maintained by the City of Stamford Land Use Bureau, in consultation with *HPAC* that includes historically and architecturally significant districts, *Buildings*, *Structures*, artifacts, remains or other physical features affixed to the land within the City of Stamford that are at least 50 years old.

Curb Line (220-31)

The *Curb Line* is a physical separation and delineation between the vehicular driving and parking lanes and a sidewalk as reflected on engineering drawings. For unbuilt or projected *Streets*, the Curb Line may be defined in engineering drawings and other documents. In instances where the front setback or *Front Yard* is measured from the *Curb Line*, the following rules shall apply:

1. Where a curb exists, the front setback shall be measured from said curb unless the Engineering or Transportation, Traffic and Parking Bureaus have plans for a modification of the *Curb Line* in which case the setback shall be measured from the projected *Curb Line*.
2. If no curb or plans for a curb exist, the Director of Operations or designee, shall determine a line from which the front setback shall be measured.
3. For unbuilt or projected *Streets*, the *Curb Line*, as shown in the engineering drawings, shall apply.
4. Where the required front setback from the *Curb Line* is less than the distance between the *Curb Line* and the *Street Line*, then the front setback shall be at least the distance between the *Curb Line* and the *Street Line*.
5. Where there is a sidewalk requirement pursuant to Subsection 12.K, and the distance between the *Curb Line* and the *Street Line* is less than said sidewalk requirement, then the abutting property owner shall enter into a permanent easement agreement in favor of the City granting the City the balance of the required sidewalk width. The Engineering and TTP Bureaus may modify this requirement upon request.
6. If the *Curb Line* is changed by the City (e.g., for a street widening project) after the effective date of a Zoning Board approval (or after the issuance of a Building Permit for as-of-right *Developments*), which would render the *Development* non-compliant with the front setback and sidewalk requirements, then the *Development* shall be considered compliant with the front setback and sidewalk requirements for the life of the *Development* and no Variance shall be required.

Deeply Affordable Housing (220-13)

SEE: *Affordable Housing*

Development (219-26, 220-38)

A Development of a parcel or *Lot*, or a portion thereof, is the result of one of the following activities:

- the construction of a new *Building* or other *Structure*;
- the relocation of an existing *Building* or other *Structure* to another *Zoning Lot*;
- the establishment of a new use, other than an *Accessory Use*;
- any activity resulting in soil or site disturbance including but not limited to grading, paving and landscaping; or
- any *Redevelopment*.

Density (221-11)

Density is the amount of floor area for non-residential structures and uses or the number Dwelling Units for residential uses of any development on a given *Lot*. SEE also *Density, Residential*.

Density, Permitted (221-11)

For purposes of compliance with these Regulations, the *Permitted Density* for development on a *Lot* in any given Zoning District within the City of Stamford shall be determined as follows:

1. In Zoning Districts where the *Permitted Residential Density* is defined in “Square feet per Family” only, pursuant to Sections 4, 5, and 9, the *Permitted Residential Density* shall be determined by dividing the *Lot Area* (in square feet) by the “Square feet per Family” to determine the permitted number of Dwelling Units and, if applicable, the permitted number of “Families per Plot” pursuant to Appendix B, Table III. In such Districts, densities for permitted non-residential uses shall be determined by the *Floor Area Ratios* where specified for these non-residential uses. If no *FAR* for non-residential uses is provided, the maximum permitted non-residential *Density* (in square feet) shall be determined by multiplying the allowable Building Area (coverage in square feet) by 2.
2. In Zoning Districts where the *Permitted Density* is defined by *Floor Area Ratio* only, the permitted *Residential Density* shall be determined by multiplying the *Lot Area* (in square feet) by the *Floor Area Ratio* and dividing by the *Residential Density Divider (RDD)*. Where no *Residential Density Divider* is provided, a *RDD* of 1,500 shall be applied.
3. In mixed-use Zoning Districts where the *Permitted Density* is defined by *Floor Area Ratio* for non-residential uses and by square feet per Family for residential uses, the maximum aggregate number of Dwelling Units shall be calculated by adding (i) the *Residential Density* in number of Dwelling Units to (ii) the number of Dwelling Units resulting from conversion of non-residential *Density* to Dwelling Units. Conversion of non-residential *Density* into Dwelling Units, where permitted, is determined by dividing the *Floor Area* permitted for non-residential uses by 1,000 in the CC Center City District and 1,500 in all other applicable districts. applying the conversion factors as defined in the respective Zoning Districts or the bonus provisions in Section 7.S. of these Regulations, or (y) if no such conversion factors are provided, by dividing the non-residential floor area (in square feet) by 1,500. No conversions of *Residential Density* (222-01)

Example:

Lot Area: 20,000 sf

Residential Density: 400 sf per Family of Lot Area = 50 Dwelling Units (20,000 / 400 = 50)

Non-Residential Density: 2.5 FAR

Conversion Factor 1,000

Convert Non-Residential Density to Dwelling Units:

$20,000sf * 2.5 = 50,000$ divide by 1,000 = 50,000 sf / 1,000 = 50 Dwelling Units

Total Permitted Units = 50 units (Residential Density) + 50 units (Converted Commercial Floor Area) = 100 units total

Density, Residential (221-11)

Residential Density is the number of Dwelling Units, excluding accessory Dwelling Units, on any given Lot within the City of Stamford.

Electric Car or Vehicle (220-31)

For the purposes of these Regulations, an *Electric Vehicle* or *Electric Car* is a vehicle that uses one or more electric motors for propulsion and for which a driver's license is required. Plug-in Hybrid Electric Vehicles shall be considered *Electric Vehicles*.

Eligible Household (220-13)

A household whose gross household income does not exceed the amounts set forth in Section 7.

FAR

See: *Floor Area Ratio*

Fence (222-01)²⁰

A Fence is a physical barrier intended to prevent escape from or intrusion into an area or to mark a boundary. A Fence shall be considered a Permitted Obstruction pursuant to Section 3.B. of these Regulations. For the purposes of these Regulations, walls that are not Building or Retaining Walls and function as a barrier shall be considered Fences. Except as provided in the next paragraph, the yard requirements of these Regulations shall not be deemed to prohibit any otherwise lawful fence or wall. All Fences shall meet the following requirements:

- a. No Fence ~~or wall~~ shall exceed six feet (6') in height in any Front or Side Yard, measured from the finished grade adjacent to both sides of the Fence or wall, whichever is lower.
- b. No Fence shall exceed ~~not~~ eight feet (8') in height in any Rear Yard, measured from the finished grade adjacent to both sides of the fence or wall, whichever is lower.
- c. All Fences shall comply with the Corner Vision Obstructions regulations pursuant to City of Stamford Code Section 214-27.1.

²⁰ Formerly Section 7.G.

- d. The Zoning Board may, by *Special Permit*, authorize a *Fence* or wall of greater height within a *Front, Side or Rear Yard*, if it determines that the *Fence* or wall will not adversely impact any adjacent property or public *Street* (203-38)

This section shall not prohibit the erection of a protective fence over six feet (6') high around any public utility substation, transformer station, pumping station or reservoir.

Flag

A *Sign* made of fabric or other flexible material that is secured or mounted on one side only to allow movement caused by the atmosphere. (200-32)

Floor Area

The sum of the gross horizontal areas of the several floors of all Buildings on the *Lot* measured from the exterior faces of the exterior walls or from the centerline of the party walls. (219-26)

Floor Area, Base

The Floor Area of a Building without any Bonus or *Premium Floor Area*. (219-26)

Floor Area, Bonus (222-01)

Bonus Floor Area may be awarded to a *Development* if it incorporates certain desirable features, provides certain amenities or helps achieve policy and planning goals as laid out in the City’s *Master Plan* or other official policy documents. *Bonus Floor Area* may only be awarded by the Zoning Board, by *Special Permit*, as specified in these Regulations.

Under no circumstances shall the total of all applicable *Bonus* and *Premium Floor Areas* exceed 33% of the permitted *Base Floor Area*.

The Zoning Board may grant a *Special Permit*, to authorize *Bonus Floor Area* and approve amenities for the benefit of the public in the C-L, C-G, CC, R-HD and TCD Districts, in addition to any required amenities, subject to the following standards and limitations:

<u>Amenity</u>	<u>Bonus</u>	<u>Minimum Amenity Required to Qualify</u>		<u>Maximum Bonus Floor Area Obtainable</u>			
		<u>Lots less than 1 acre</u>	<u>Lots 1 acre and larger</u>	<u>Lots less than 1 acre</u>	<u>Lots 1 acre and larger</u>	<u>Lots less than 1 acre</u>	<u>Lots 1 acre and larger</u>

<u>Public Plazas pursuant to Sections 6.B. and 6.C.1.</u>	<u>1 sf additional Floor Area for each 1 sf of Amenity</u>	<u>500sf</u>	<u>2,500sf</u>	<u>1,000sf</u>	<u>5,000sf</u>
<u>Through-Block Connections pursuant to Sections 6.B. and 6.C.2.</u>	<u>1 sf additional Floor Area for each 1 sf of Amenity</u>	<u>500sf</u>	<u>2,500sf</u>	<u>1,000sf</u>	<u>5,000sf</u>
<u>Publicly Accessible Waterfront Areas pursuant to Sections 6.B. and 6.C.3.</u>	<u>4 sf additional Floor Area for each 1 sf of Amenity in excess of the required minimum amount.</u>	<u>Amenity Area of at least 15 feet in depth must be provided along the entire length of the waterfront on average. No bonus is given for the first 15 feet of Amenity Area depth along the entire length of the waterfront on average</u>		<u>5,000sf</u>	<u>10,000sf</u>
<u>Community Room, pursuant to Sections 6.B. and 6.C.5.</u>	<u>3 sf additional Floor Area for each sf of Community Room</u>	<u>400sf</u>	<u>1,250sf</u>	<u>500sf</u>	<u>2500sf</u>
<u>Commuter Facility Spaces pursuant to Sections 6.B. and 6.C.6.</u>	<u>4 sf additional Floor Area for each 1 sf of Commuter Facility Space</u>	<u>1,000sf</u>	<u>1,000sf</u>	<u>5,000sf</u>	<u>5,000sf</u>
<u>Child Day Care Center</u>	<u>2 sf additional Floor Area for each 1 sf of Child Day Care Center</u>	<u>500sf</u>	<u>1,000sf</u>	<u>1,000sf</u>	<u>2,500sf</u>
<u>Mill River Park, Public Access</u>	<u>1 sf of additional Floor Area for each 1 sf of public access or conservation easement provided within the designated Mill River Corridor</u>	<u>n/a</u>			
<u>Mill River Park, Land Conveyance</u>	<u>7 sf of additional Floor Area for each 1 sf of land conveyed in fee at no cost to the city or for each \$100* paid to Mill River Park within the designated Mill</u>	<u>n/a</u>			

	<u>River Corridor</u>	
<u>Mill River Park, additional Building Height</u>	<u>10 sf of Floor Area above a height of 350' for each \$100* paid to Mill River Park within the CC District up to a maximum Building Height of 400' (NO ADDITIONAL FLOOR AREA)</u>	<u>n/a</u>

* Amount shall be adjusted each year on January 1st based on the construction price index as published in the Engineering News Record (ENR) with January 1, 2020 as the base year.

Floor Area, Gross Non-Residential

All *Floor Area* used for non-residential uses and uses accessory to or supportive of such uses, including but not limited to *Hallways*, stairs, lobbies, amenity-, utility-, storage-, loading office and mechanical space but excluding *Parking Areas* and *Structures*.

Floor Area, Gross Residential

All *Floor Area* used for residential uses and uses accessory to or supportive of residential uses, including but not limited to *Hallways*, stairs, lobbies, amenity-, utility-, storage- and mechanical space, but excluding *Parking Areas* and *Structures*. (219-26)

Floor Area, Premium

Premium Floor Area are the development rights that can be used if all required Below Market Rate housing units are provided on site. The *Premium Floor Area* is calculated by utilizing the *Premium Floor Area Ratio*, where applicable.

Under no circumstances shall the total of all applicable Bonus and *Premium Floor Areas* exceed 33 percent of the permitted *Base Floor Area*. (219-26)

Floor Area Ratio (FAR)

The permitted *Floor Area Ratio* of all Buildings on any *Lot* is the total *Floor Area* of the Buildings on that *Lot*, divided by the area of such *Lot*. (78-002; 80-019)

The following shall not be included in the *FAR* calculations:

- Portions of floors housing mechanical or central heating/air conditioning equipment within the

- Building and mechanical penthouses not exceeding 10% of the total Building Floor Area;
- Parking *Structures* where the top of the parking deck does not exceed five feet (5') in height above the average finished grade;
 - Parking *Structures* no more than five (5) *Stories* or 60 feet high, whichever is less, if the roof of such *Structure* at least 90% covered by a Building, amenity space, or a Green Roof, and if the *Structure* is wrapped by active uses or suitably screened from views from the public right of way;
 - Floors that are 50 percent or more below the average finished grade; and
 - Free-standing garages for required parking, with no more than four (4) parking floors or 50 feet in height above the average grade, whichever is less, that are wrapped with other uses or suitably screened from views from the public right of way, if the roof of the parking *Structure* is totally landscaped and accessible as *Usable Open Space* to the occupants of the building for which the parking is required, or is a Green Roof. In the case of free-standing garages for required parking exceeding four (4) floors or 50 feet in height above the average grade, whichever is less, but otherwise meets all of the requirements of the preceding sentence, then the area of parking floors below the fifth floor or 50 feet above the average grade, whichever is less, may be excluded from the *FAR* calculation.

Fractional Numbers, Rounding of: (220-38)

Unless specified otherwise in these Regulations, the following rules shall apply to the rounding of numbers:

1. No more than two decimal places shall be considered.
2. Regardless of the decimal value, density calculations shall always be rounded down.

Example: Lot Area = 1.6 acres, permitted density = 1 unit per acre

1.6 / 1 = 1.6 units; permitted density: 1 unit.

3. Regardless of the decimal value, parking requirements shall always be rounded up.

Example: Parking requirement = 1.67 spaces per unit, 2 units provided

1.67x2 = 3.34 spaces; parking requirement: 4 spaces.

General Development Plan (GDP) (222-01)

A General Development Plan (GDP) is an approval granted by the Zoning Board pursuant to Section 2.G. of these Regulations that outlines the development of certain projects in order to assess and, if necessary, mitigate anticipated development impacts and to assure that the individual components of the development will form a cohesive whole.

Group Parking Facility (220-31)

A *Group Parking Facility* is a *Parking Structure, Building or Parking Lot* used for parking with a parking capacity in excess of three (3) vehicles where parking spaces are not assigned to individual vehicle owners or units.

Hallway (222-01)

A *Hallway* is an entrance-hall or a passage between rooms in a *Dwelling* or other *Building*.

Historic Building or Historic Structure (collectively “Historic Structure”) (220-38)

Historic Buildings or Structures are *Buildings or Structures*: (1) listed or under consideration for listing as individual units on the National Register of Historic Places (16 USC 470a, as amended), (2) which are contributing to a district listed or are under consideration for listing on said National Register, (3) are located within a *Local Historic District* established pursuant to CGS Section 7-147, or (4) are listed or under consideration for listing on the City of Stamford *Cultural Resources Inventory*.

Historic District (220-38)

A *Historic District* is a defined area which: (1) is listed or under consideration for listing on the National Register of Historic Places or (2) is a *Local Historic District*.

Historic District, Local (220-38)

A *Local Historic District* is a *Historic District* established pursuant to CGS Section 7-147.

Historic Preservation Advisory Commission (“HPAC”) (220-38)

Stamford’s *Historic Preservation Advisory Commission (HPAC)* is a Commission formed pursuant to Connecticut General Statutes Sections 7-147(a) through 7-147(y), and Sections C6-200-1 through C6-200-3 of the Charter of the City of Stamford to serve in an advisory role to officials, boards, commissions and departments of the City of Stamford regarding the protection of local cultural resources.

Historic Preservation Easement (220-38)

A *Historic Preservation Easement* is a legal agreement between the property owner and the City

of Stamford, approved by the City's Law Department and recorded on the Land Records of the City of Stamford, in which the property owner agrees to the maintenance, protection, rehabilitation and adaptive use of the historic features of building façade and property.

Historic Preservation White List ("White List") (220-38)

The *Historic Preservation White List* is a registry of properties to be established and maintained by the City of Stamford Land Use Bureau in consultation with HPAC containing Buildings at least 50 years of age and older that are not considered historically significant. *Historic Structures* or *Historic Sites* shall be ineligible for being added to the *White List*.

Historic Site or Property ("Historic Site") (220-38)

Historic Site or *Property* are those properties (1) on which a *Historic Structure* is located, (2) which are listed or under consideration for listing on the National Register of Historic Places, (3) which are a part of a *Historic District* listed or under consideration for listing on the National Register, (4) which are located within a *Local Historic District*, or (5) which are listed or under consideration for listing on the City of Stamford *Cultural Resources Inventory*.

Under Consideration for Listing

"Under Consideration for Listing" as a *Historic Structure* or a *Historic Site* shall mean:

1. With respect to listing on the National Register of Historic Places: an application has been filed for listing on the National Register of Historic Places;
2. With respect to listing on the *Cultural Resources Inventory*: an application has been filed with the City of Stamford Land Use Bureau for listing on the *Cultural Resources Inventory*;
3. With respect to a *Local Historic District*: where a Study Committee for the creation of a *Local Historic District* has been approved by the City of Stamford Board of Representatives (for such *Local Historic District*).

HPAC (220-38)

SEE *Historic Preservation Advisory Commission*

Indoor Amenity Space (222-01)

Indoor Amenity Space is the portion of a *Building* dedicated exclusively to recreational activities and relaxation of the *Building's* occupants. Circulation areas, lobbies, leasing offices, mechanical space or similar areas, and areas not open to all *Building* occupants, shall not be considered *Indoor*

Amenity Space.

SEE also: *Open Space, Usable.*

Interior Lot Line

SEE: *Lot Line, Interior*

Light and Air (219-26)

In the - R-6, R-5, V-C, NX-D, RM-1 and R-MF Zoning Districts, all rooms in residential units, except for kitchens and bathrooms ~~hallways and mezzanines~~, shall have at least one window measuring not less than 12 square feet which shall (a) front on a public right-of-way or (b) have at least 20 feet of exterior Unobstructed Space in front of it, measured perpendicularly from the building façade where such window is located.

In all other Zoning Districts allowing multifamily housing, all rooms in residential units, except for kitchens and bathrooms ~~hallways and mezzanines~~ shall have at least one window measuring not less than 12 square feet which shall (a) front on a public right-of-way, or (b) have at least 30 feet of exterior Unobstructed Space in front of it, measured perpendicularly from the building façade where such window is located.

Conversions of non-residential *Floor Area* into residential *Floor Area*, where existing conditions preclude the ability to meet the *Light and Air* requirements of this Definition, shall not be subject to the *Unobstructed Space* requirement.

Loading Space

An off-street space available for the loading or unloading of goods; not less than fifteen (15') feet wide, twenty-five feet (25') long, and fourteen feet (14') high, and having direct usable access to a *Street* or *Alley*, except that where one such *Loading Space* has been provided, any additional *Loading Space* lying alongside, contiguous to, and not separated from such first *Loading Space* need not be wider than twelve feet (12').

Local Historic District (220-38)

See: *Historic District, Local*

Lot

A parcel of land occupied or to be occupied by a *Building* or a group of *Buildings* and their *Accessory Uses*, or for storage space, including such open spaces as are required by these

regulations and such other open spaces as are arranged, designed and/or used in connection with such *Buildings*.

Where a *Lot* is formed from part of a *Lot* already occupied by a *Building*, such subdivision shall be affected in such manner so as not to render the existing *Lot* or *Building* non-conforming and not to increase any pre-existing nonconformity. No permit shall be issued for the erection of a new *Building* on the new *Lot* thus created unless it complies with all the provisions of these Regulations.

Any *Lot* not meeting the minimum lot size requirement for the Zoning District in which such *Lot* is situated, and which *Lot* was in existence at the time of the adoption of these Regulations, may be used as a *Lot* for any purpose permitted in the Zoning District, provided that all other regulations prescribed for the district by these Regulations shall be complied with. (84-035, 222-01)

Lot, Accessway (222-01)

A *Lot* shown on an approved subdivision map that does not satisfy the *Lot Frontage* requirement at the *Street Line* and that is served by an *Accessway*. ~~and otherwise conforms to the standards of Section 7.0 of these Regulations.~~ (210-43)

Accessway Lots, each limited to one (1) single-family residence whether now existing or hereafter created, shall be permitted only in the RA-3, RA-2, RA-1, and R-20 Districts. The division between the *Accessway* and the remainder of an *Accessway Lot* shall be shown on any record map dated after August 1, 1959 by a dotted or dashed line. The area of each *Accessway Lot*, exclusive of its *Accessway*, shall conform to the area regulations for the district in which it is located. Its area shall be designated on any record map dated after August 1, 1959 as "exclusive of *Accessway*". Not more than two (2) abutting *Accessways* shall be permitted. Every *Accessway Lot* shall be so designed that a circle of the following diameter can be drawn within the boundaries of the *Lot*:

- two hundred feet (200') in a RA-3 or RA-2 District;
- one hundred fifty feet (150') in an RA-1 District; and
- one hundred twenty feet (120') in a R-20 District.

The record map shall include arcs demonstration that such a circle can be included within the *Lot*. On any *Accessway Lot*, the main dwelling and any *Accessory Building* or *Buildings* shall be located at least: (a) the same distance from any two boundaries as is required of a main dwelling from the *Front* and *Rear Lot Lines* on an *Interior Lot* in the district, and (b) from each of the other boundaries thirty feet (30') in an RA-3 or RA-2 District, twenty-five feet (25') in an RA-1 District, and twenty feet (20') in a R-20 District. In no event shall any *Building* on an *Accessway Lot* be located nearer to any *Street* than the minimum front setback regulations for the district in which it is located. (89-003, 210-43)

The standards of this Definition shall not prohibit the use of any access to a rear *Lot* if such access was shown as the legal access on a map of record filed in the Town Clerk's Office prior to August 1, 1959. (210-43)

Lot Area

The total horizontal area included within the *Lot Lines*. One half ($1/2$) of any private right-of-way common to two (2) adjoining *Lots* may be included in the *Lot Area*, in the *Lot Frontage*, and in the *Side Yard* requirements.

Lot, Corner

A *Lot* situated at the intersection of two (2) or more *Streets* having an interior angle of intersection of not more than 135 degrees. A *Lot* abutting upon a curved *Street* shall be deemed a *Corner Lot* if the tangents to the curve at its points of beginning within the *Lot* or at the points of intersection of the side *Lot Lines* with the *Street Line* intersect at the interior angle of less than 135 degrees.

In all Districts, a *Building* erected on a *Corner Lot* shall be required to comply with the Front Yard setback standard on all *Streets* and all other *Yards* shall comply with the *Side Yard* setback standard. (91-025, 222-01)

Lot Coverage

Except as otherwise provided herein, *Lot Coverage* includes all Buildings, *Structures*, infrastructure and other man-made materials located on the *Lot*, whether such materials are impervious or not. *Lot Coverage* includes, but is not limited to, Buildings, roofs, and other *Structures*, roads, driveways, sidewalks and other areas covered by permeable pavers or other materials, and hardscaped areas and artificial soil coverings (e.g., Astroturf). (219-26)

Lot Depth

The mean distance from the *Street Line* of the *Lot* to its rear line measured in the average direction of the side lines of the *Lot*.

Lot Frontage

The distance between the side lines of a *Lot* measured along the *Street Line* of the *Lot*. Where at least fifty percent (50%) of the *Street Line* is along the circular terminus of a cul-de-sac, the distance may be measured at the required front *Street Line* setback distance along an arc concentric with the front *Lot* line. Any property not having legal access to a *Street* as defined below, but fronting thereon, shall be deemed to have *Lot Frontage* on such *Street* and shall be obligated to meet all set back requirements from such *Street*. (207-22, 210-43)

Lot, Front Yard

The lineal distance from the *Street Line* to the *Street Wall* or covered porch wall of the *Building*, whichever is nearer. It shall be measured at right angles to the *Street Line*.

Lot, Interior

A *Lot* other than a *Corner Lot*.

Lot Line (220-31)

The *Lot line* is any property line bounding a lot, including the *Street Line* and *Interior Lot* or *Property Lines*.

Lot Line, Interior (220-31)

The *Interior Lot* or *Property Lines* are all *Lot Lines* of a *Lot* except for the *Street Line(s)*.

Lot Line, Rear

The *Lot Line* which is generally opposite the front *Lot Line*; if the *Rear Lot Line* is less than ten feet (10') in length, or if the *Lot* comes to a point at the rear, the *Rear Lot Lines* shall be deemed to be a line parallel to the front line not less than ten feet (10') long, lying wholly within the *Lot* and farthest from the front *Lot line*.

Lot Street Line (220-31)

SEE *Street Line*.

Lot, Tax (221-06)

A *Tax Lot* is a tract of land identified as such on the City of Stamford Tax Assessor's Records.

Lot, Through

A *Lot* having both front and *Rear Yards* abutting on a *Street*. *Front Yard* requirements shall be maintained on both street frontages, when the minimum depth of the *Lot* is greater than one hundred and twenty feet (120'). When the minimum depth of the *Lot* is less than one hundred and twenty feet (120'), the total *Front Yard* requirements on both *Streets* shall equal that specified in the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF *BUILDINGS* for

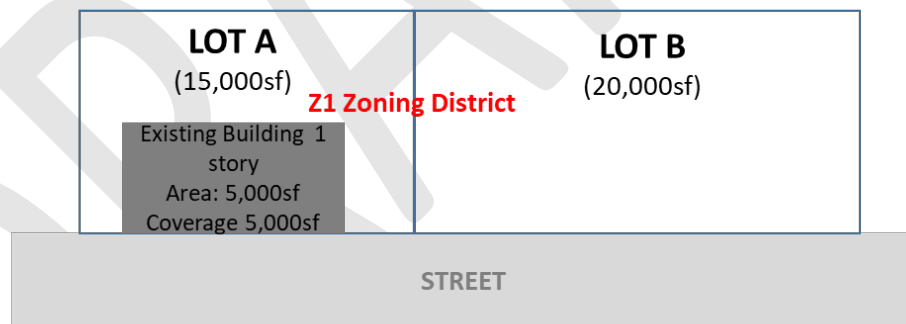
that of the more restricted district in which the property is located. A *Lot* with a *Rear Yard* abutting on an *Alley* or a private right-of-way is not considered a *Through Lot*.

Lot, Zoning (221-06)

1. A *Zoning Lot* is (a) a full *Tax Lot* or (b) a tract of land subject to a *Zoning Lot Development Agreement*, which consists of two or more full *Tax Lots* under common or separate ownership that, for zoning purposes only, is treated as one *Lot*. If a *Building* or *Structure* is located on more than one *Tax Lot* under common ownership, such tax lots shall be consolidated. A *Zoning Lot* must meet all of the following requirements:

- a. Each *Tax Lot* that is part of the *Zoning Lot* must be contiguous to and share a lot line at least twenty feet (20') in length with at least one other of such *Tax Lots* and must not be separated by any public street.
- b. All *Buildings* and *Structures* on a single *Zoning Lot* must conform and comply with the requirements of the zoning district in which they are located except as otherwise provided for in Subsection d. below.

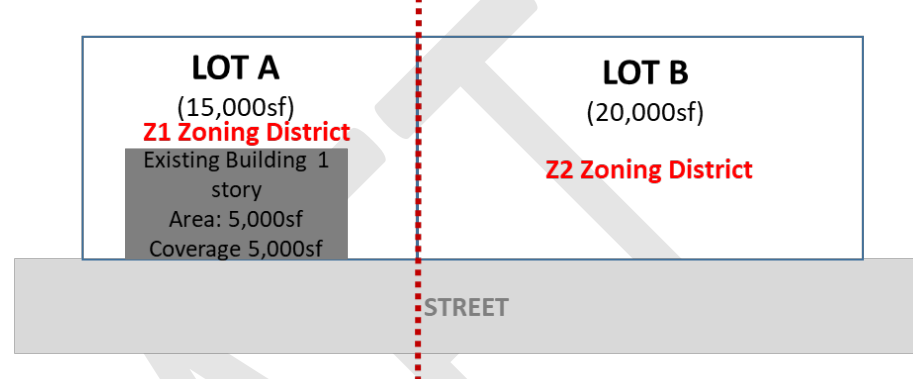
Example 1: Tax Lots A and B are in Zoning District Z1. What is the development potential for Lot B if both lots enter into a Zoning Lot Development Agreement?



	Z1 District	LOT A (w. existing Building)		Development Potential for LOT B <u>WITHOUT</u> Zoning Lot Agreement	LOT A+B Zoning Lot		Development Potential for LOT B <u>WITH</u> Zoning Lot Agreement
		Permitted	Actual		Permitted	Actual	
Floor Area	1.0 FAR	15,000 sf	5,000 sf	20,000 sf	35,000 sf	5,000 sf	30,000 sf
Lot Coverage	50%	7,500 sf	5,000 sf	10,000 sf	17,500 sf	5,000 sf	12,500 sf
Building Height	4 stories / 45'	4 stories / 45'	1 story / 15'	4 stories / 45'	4 stories / 45'	1 story / 15'	4 stories / 45'
Setbacks	0' (Front) 10' (Sides) 10' (Rear)	0' (Front) 10' (Sides) 10' (Rear)	0' (Front) 15' / 35' (Sides) 50' (Rear)	0' (Front) 10' (Sides) 10' (Rear)	0' (Front) 10' (Sides) 10' (Rear)		0' (Front) 10' (Sides) 10' (Rear)

- c. If a *Zoning Lot* is located in more than one Zoning District: (i) *Buildings and Structures* must meet all bulk requirements, except those set forth in Subsection d. below, including but not limited to *Height, Setback, Light and Air*, and use requirements of the respective Zoning District in which they are located, and (ii) *Floor Area and Density* calculations, and required off-street parking shall be based on the area of land in the respective Zoning District.

Example 2: Tax Lots A and B are in different Zoning Districts Z1 and Z2. What is the development potential for Lot B if both lots enter into a Zoning Lot Development Agreement?



	Z1 District	LOT A (w. existing Building)		Z2 District	Development Potential for LOT B WITHOUT Zoning Lot Agreement	LOT A+B Zoning Lot		Development Potential for LOT B WITH Zoning Lot Agreement
		Permitted	Actual			Permitted	Actual	
Floor Area	1.0 FAR	15,000 sf	5,000 sf	1.5 FAR	30,000 sf	45,000 sf	5,000 sf	40,000 sf
Lot Coverage	50%	7,500 sf	5,000 sf	75%	15,000 sf	22,500 sf	5,000 sf	17,500 sf
Building Height	4 stories / 45'	4 stories / 45'	1 story / 15'	5 stories / 55'	5 stories / 55'	4 stories / 45'	1 story / 15'	5 stories / 55'
Setbacks	0' (Front) 10' (Sides) 10' (Rear)	0' (Front) 10' (Sides) 10' (Rear)	0' (Front) 15' / 35' (Sides) 50' (Rear)	0' (Front) 0' (Sides) 10' (Rear)	0' (Front) 0' (Sides) 10' (Rear)	0' (Front) 10' (Sides) 10' (Rear)		0' (Front) 0' (Side) 10' (Rear)

- d. Unused *Floor Area, Density, Building and Lot Coverage*, and required off-street parking for all uses within the *Zoning Lot* (the “*Transferrable Rights*”) may be transferred, distributed or allocated throughout the *Tax Lots* comprising the *Zoning Lot* as agreed upon by all of the property owners; provided, however, that: (i) a proposed *Building or Structure* must meet all other ~~bulk~~ zoning requirements, including but not limited to *Height, Setback, Light and Air* and *use requirements* of the Zoning District in which it is located; and (ii) any *Development* remains compliant with Subsection b above. (222-01)
- e. In no event may a *Building or Structure*, including but not limited to *Accessory Structures* or facilities serving such *Building or Structure*, be located on two or more separately owned Tax

Lots in a *Zoning Lot* (i.e., a *Building* or *Structure* may not cross from one *Tax Lot* to another *Tax Lot* where such lots are under separate ownership.)

- f. The creation of a *Zoning Lot* shall be subject to administrative review and approval by the Zoning Board.
 - g. Unless a public hearing is required to be held, all *Development* on a *Zoning Lot* regardless of the size of the *Zoning Lot* or whether the *Zoning Lot* is located in more than one Zoning District, shall be subject to administrative Site and Architectural Plan review and approval by the Zoning Board, pursuant to Section 2.C. of these Regulations.
 - h. *Setbacks* along shared *Tax Lot* Lines interior to the *Zoning Lot* may be modified or waived as agreed upon by the property owners.
 - i. Shared driveways and other features to reduce curb cuts and impervious surface are strongly encouraged.
 - j. *Zoning Lots* shall only be permitted if:
 - (1) All individual *Tax Lots* are located in one or more of the following Zoning Districts: C-D, CC, C-G, DW-D, MX-D, R-HD, and V-C (outside of Glenbrook and Springdale); or
 - (2) At least one of the *Tax Lots* contains a property listed on the *Cultural Resources Inventory*.
2. A *Zoning Lot* is a discretionary approval by the Zoning Board subject to a *Zoning Lot Development Agreement*. The Zoning Board may deny *Zoning Lot* approval for any reason including but not limited to:
- (1) The *Zoning Lot* created would allow for development inconsistent with the *Master Plan*.
 - (2) *Development* on a *Zoning Lot* would create a significant adverse impact on neighboring properties or neighborhood character as compared to as-of-right development.
3. Where two or more *Tax Lots* are required to be consolidated (e.g., pursuant to a condition of approval by the Zoning Board), they are not eligible to be a *Zoning Lot*.

Market Rate Affordable Housing (220-13)

Market Rate Affordable Housing is housing for which the sales price, the rent or the rent increase is not regulated or limited by covenant, deed restriction or other legal instrument, or when such restriction is for less than 30 years, but which is, or was at some point during the last three years, affordable to households earning no more than 80% of the *AMI*.

Market Rate Housing (220-13)

Market Rate Housing is housing for which the sales price, the rent or the rent increase is not regulated or limited by covenant, deed restriction or other legal instrument, or when such restriction is for less than 30 years, regardless of the actual amount of the rent or sales price. SEE ALSO *Affordable Housing*.

Master Plan (219-26)

Master Plan refers to the City of Stamford *Master Plan*, pursuant to Section C-6-30-3 of the City of Stamford Charter.

Master Plan Category (219-26)

Master Plan Category refers to the Land Use Categories defined in Chapter 8.2 of the City of Stamford *Master Plan*.

Master Plan Category Boundary (219-26)

The *Master Plan Category Boundary* is the boundary line between two different *Master Plan Categories*, as depicted on the City of Stamford *Master Plan* map. Where a *Master Plan Category Boundary* is shown on a public or private *Street*, the street center line shall be considered the *Master Plan Category Boundary*.

Mixed-Use Building (222-01)

A *Mixed-Use Building* is a *Building* with residential and non-residential uses where at least half of the *Gross Floor Area*, excluding *Parking Areas*, is used for residential uses, including residential *Indoor Amenity Space*.

Mural (222-01)

A *Mural* is a work of art, image or photograph painted on, applied to, affixed on, or otherwise displayed on a *Building*, wall or other structure that is partially or fully visible from any public right of way or adjoining real property.

Standards

1. Murals shall be permitted as-of-right in all Zoning Districts provided that:
 - a. *Murals* advertising or promoting any business, product, living person or commercial service shall be subject to the *Sign Regulations* in Section 11 of these Regulations; and
 - b. no *Murals* are permitted in the RA-3, RA-2, RA-1, R-20, R-10, R-7¹/₂ and R-6 districts.
2. Where permitted-as-of right, *Murals* must meet the following requirements:
 - a. *Murals* shall not extend beyond the limits of the wall or *Structure* they are applied to or affixed or displayed on;

- b. Murals shall not block or interfere with any windows or doors or inhibit or prevent the use of emergency exits or other building or life safety features required by the building or other codes or regulations;
 - c. Murals shall meet the requirements of the City of Stamford Lighting Ordinance, Murals shall not depict lewd or obscene content;
 - d. Murals shall not depict content glorifying, trivializing; promoting or inciting violence or unlawful behavior; and
 - e. Murals shall at all times be maintained in good condition.
3. The owner or lessee of the property where the Mural is to be located must apply for and obtain a zoning permit prior to locating any Mural on the subject property. No permit shall be issued unless the Mural complies with the requirements of Sections 11.C and 11. D. of these Regulations.
 4. This Regulation shall not be construed in derogation of the right of free speech under federal, state or local law.

Non-Contributing Structure or Site (220-38)

SEE *Contributing Structure or Site*

Open Space, Usable (71-012, 99-004, 222-01)

That portion of a *Lot* used ~~devoted~~ exclusively for recreational and relaxation activities ~~such as clothes drying~~ which are customarily carried on outdoors by the owners or occupants of a property. *Usable Open Space* ~~, such required space~~ shall not be encroached upon by roadways open to vehicular traffic, public sidewalks, off-street *Parking Space* or *Loading berths*. *Usable Open Space* may include private balconies, patios or terraces (if the minimum dimension of each side of the balcony, patio or terrace is at least 54 inches and at least 75% of units have such balconies, patios or terraces), but not to exceed 5% of the *Usable Open Space*, or rooftop outdoor amenity space. ~~Required *Usable Open Space* shall be unobstructed between the grade level of such space and the to the sky, except that not more than twenty percent (20%) of the total *Usable Open Space* provided on any *Lot* may be permanently roofed, and in such case not more than fifty percent (50%) of the perimeter of such open space shall be enclosed, and shall be made structurally safe, adequately surfaced, and protected and suitably maintained by the owner or management.~~

The following minimum standards shall apply for *Usable Open Space*:

1. All *Usable Open Space* shall be unobstructed to the sky (except balconies or terraces) unless provided otherwise below. Tree canopy shall not be considered an obstruction;
2. No more than 20% of the area of the *Usable Open Space* shall be permanently roofed (except pergolas or other decorative features and retractable or movable covers);

3. No more than 50% of the perimeter of the Usable Open Space, in aggregate, shall be permanently enclosed above a height of six feet (6') (unless required by the Building Code) unless at least 50% of the Usable Open Space is unshaded for at least five (5) consecutive hours on December 21;
4. All Usable Open Space, except for qualifying balconies and terraces, shall have a minimum contiguous area of the lesser of 750sf or the required Usable Open Space, with a minimum dimension on each side of no less than 20 feet;
5. All Usable Open Space shall be structurally safe, adequately surfaced with high quality materials (asphalt shall not be permitted), protected and suitably maintained by the owner or management;
6. Chain link fencing shall be prohibited;
7. Usable Open Space shall be screened towards neighbors and designed to minimize noise and light impacts on both residents and neighbors;
8. At least 25% of the area of the Usable Open Space shall be landscaped with living plants or grass;
9. Usable Open Space shall be utilized for managing stormwater and the Best Management Practices outlined in the Stamford Stormwater Drainage Manual, as amended, shall be employed;
10. All Usable Open Space shall be ADA compliant and provide safe crossings of parking areas and driveways;
11. Except for housing restricted to certain adult populations (e.g., senior housing), the lesser of 1,000sf or 25% of the area of the Usable Open Space shall be provided indoors or outdoors as play area for children up to the age of 12;
12. Usable Open Space shall not be counted as or be substituted for required Publicly Accessible Amenity Space (PAAS);
13. Publicly Accessible Amenity Space (PAAS) shall not be counted as or be substituted for required Usable Open Space;
14. Within 500 feet of a publicly accessible park, up to 75% of Usable Open Space may be substituted with Indoor Amenity Space. In all other areas, up to 50% of Usable Open Space may be substituted with Indoor Amenity Space;
15. Sidewalks shall not be counted as Usable Open Space; and
16. For new Development and redevelopments Usable Open Space shall be required as follows:

<u>Zoning District</u>	<u>Required Usable Open Space per Dwelling Unit</u>
<u>RA-3, RA-2, RA-1, R-20, R-10, R-7 1/2</u>	<u>None required</u>
<u>All other Districts - for single- or two-family Dwellings</u>	<u>None required</u>
<u>RM-1, R-5, R-MF, R-H – for Buildings of</u>	<u>150sf</u>

<u>three (3) Dwelling Units or more</u>	
<u>All other Districts - for Buildings of three (3) Dwelling Units or more</u>	<u>75sf, but no less than a total of 500sf</u>

~~Except for uses restricted to the Elderly, not less than one-half (¹/₂) of required Usable Open Space shall be provided for play areas suitable for pre-school children in the R-5 Multiple Family Residence Districts, and not less than one-third (¹/₃) of required Usable Open Space shall be provided for play areas suitable for pre-school children in any R-MF Multiple Family Residence District, Commercial District or Industrial District wherein residential use is permitted, provided further that in the case of co-operative or condominium ownership, such play areas shall be held in corporate ownership by the individual owners of Lots, Buildings or dwelling units, and the developer shall include in the deeds to the separate owners of such Lots, Buildings or dwelling units the restrictions that no use or Structures shall be permitted on required play areas except those related to recreational use, nor shall such play areas be sold for any other use thereon. All required play areas shall be properly surfaced, planted and maintained by the owners or management corporation, whichever the case may be, and no use or Building shall be permitted on required play areas except those related to recreational use, nor shall required play areas be sold for any other use than for recreation. Said Usable Open Space shall be contained by fencing, adequate to prevent encroachment for the purpose of parking. Required Usable Open Space shall be accessible and available at least to all occupants of the dwelling units for whom such space is required and intended. (71-012, 99-004)~~

SEE also *Indoor Amenity Space*

Outdoor Amenity Space (222-01)

SEE: *Open Space, Usable*

PAAS (222-01)

SEE: *Publicly Accessible Amenity Space*

Parking Area (220-31)

A *Parking Area* is a space other than a street used and improved for the parking of not-for- vehicles consisting of one or more *Parking Spaces*, not including driveways or accessways or related *Accessory Structures*.

Parking Facility (220-31)

A *Parking Facility* is a *Building, Parking Structure, Parking Lot* or area developed or improved

for the parking of vehicles including *Group Parking Facility*, parking driveways, accessways and appurtenant *Accessory Structures*.

Parking Lot (220-31)

A *Parking Lot* is a surface *Parking Facility*.

Parking Management Plan

A *Parking Management Plan (PMP)* is a legally binding document prepared and submitted pursuant to Section 2.E. of these Regulations and which is recorded on the City of Stamford Land Records. The *PMP* outlines how the use of parking on a property, or, in case of shared parking, multiple properties, is managed and controlled. (211-36, 220-31)

Parking Space

An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet per vehicle, exclusive of *Passageways* and driveway appurtenant thereto and giving access thereto, and having direct access to a *Street* or *Alley*.

Parking Structure (220-31)

A *Parking Structure* is a *Parking Facility* other than a *Parking Lot*, including but not limited to parking garages (above or below ground) or parking decks.

Passageway (222-01)

A *Passageway* is a way that allows access between *Buildings* or different rooms within a *Building*. *Passageways* include *Hallways*, *Walkways* and *Breezeways*.

Permitted Density (221-11)

SEE: *Density, Permitted*

Permitted Obstructions (219-26, 222-01)

Permitted Obstructions on *Lots* are physical features permitted in required *Yards* and in *Unobstructed Space*. Any *Structures*, *Buildings*, *Accessory Buildings* and physical features not listed in this Definition as a *Permitted Obstruction* and which are not *Principal Buildings* shall be considered *Accessory Structures*. ~~Unless otherwise provided below~~ Under no circumstances shall

~~a~~-Permitted Obstructions shall not project beyond the Street or Property Line of the Lot, except for Awnings and Canopies as defined below.

The following shall be considered *Permitted Obstructions*:

- ~~*Accessory Structures (permitted in Side and Rear Yards only);*~~
- **Air conditioning condensation units** for single- or two-family *Buildings* only provided such units: (i) do not exceed four feet (4') in height from the average finished grade, (ii) do not extend more than four feet (4') from the Building wall, and (iii) are no closer than five feet (5') from any Property Line;
- **Arbors or trellises;**
- **Awnings above the first floor** and other sun control devices, provided that when located at a level higher than the first floor, excluding a basement, all such awnings and other sun control devices shall (i) be limited to a maximum projection from a *Building* wall of thirty inches (30"); and (ii) have solid surfaces that, in aggregate, cover no more than 30% of the area of the *Building* wall (as viewed in elevation) from which they project. Such awnings may extend over a sidewalk, alley or public right-of-way, provided they meet the conditions set forth for "Awnings on the first floor";
- **Awnings on the first floor**, whether fixed or retractable, may extend over a public sidewalk, *Alley* or right-of-way, provided that every such awning (i) shall at its lowest edge be at least seven feet (7') above the sidewalk grade and finished grade of adjacent yard, *Alley* or right-of-way, (ii) shall be set back a minimum of three feet (3') from the curb line, (iii) shall not extend above the sill of the windows of the second floor, (iv) shall not restrict or interfere with the free flow of pedestrian or vehicular traffic and (v) shall be removable to accommodate work within the public right-of-way (86-032, 207-61);
- **Balconies**, unenclosed, of a *Building* containing residences not extending more than four feet (4') into a required *Yard*; but no closer than five feet (5') from any *Interior Lot Line*;
- **Bicycle Parking Structure** (220-31);
- **Breezeways, Passageways;**
- **Canopies**, provided, however, that canopies whether fixed or retractable, may extend over a public sidewalk, *Alley* or right-of-way, provided that every such canopy: (i) shall at its lowest edge be at least seven feet (7') above the sidewalk grade and finished grade of adjacent yard, *Alley* or right-of-way, (ii) shall be set back a minimum of three feet (3') from the curb line, (iii) shall not extend above the sill of the windows of the second floor, (iv) shall not restrict or interfere with the free flow of pedestrian or vehicular traffic and (v) shall be removable to accommodate work within the public right-of-way (86-032, 207-61);
- **Chimneys**, projecting not more than twenty-four inches (24") from the *Building* wall;

- **Cornices** and similar architectural enhancements projecting not more than twenty-four inches (24”) from the *Building* wall;
- **Eaves**, gutters or downspouts projecting not more than twenty-four inches (24”) from the Building wall;
- **Driveways** pursuant to Section 12 of these Regulations;
- **Electric Vehicle charging facilities** where permitted pursuant to Section 12 of these Regulations not exceeding five feet (5’) in height and having a volume of less than 15 cubic feet;
- **Fences** meeting the definition of “*Fences*” in this Section 3.B; ~~pursuant to Section 7.G of these Regulations;~~
- **Fire escapes**, not extending more than six feet (6’) from the *Building*;
- **Flagpoles**;
- **Fountains**: ornamental fountains not exceeding: (i) six feet (6’) in height and diameter in RA-3, RA-2, RA-1, R-20, R-10, R-7¹/₂ and R-6 Districts, and on all lots supporting a one-, two-, three- or four-family *Dwelling* in all other Zoning Districts; and (ii) fifteen feet (15’) in height and diameter in all other Districts and on all lots that support more than four-family *Dwellings*. In no event shall a fountain be closer than five feet (5’) from any *Interior Lot Line*;
- **Light poles**, not exceeding eighteen inches (18”) in diameter;
- **Natural features**, comprised of area of land or water, or a combination thereof which contain or consist of outstanding remnants or natural elements of surviving undisturbed natural ecosystems such as individual species of plant life, nests or rookeries, geological formations, or objects of special scientific, educational, aesthetic, or recreational character.
- **Overhanging portions of *Buildings*** above the first floor which project not more than twenty four inches (24”) from the *Building* wall; provided that the lowest point of the projected portion shall be no less than seven feet (7’) about above the ground beneath the projection of the *Building*. Supports for the projected portion of any *Building* are *Permitted Obstructions*, provided that the total area occupied by such supports does not exceed 15% of the area underneath the projected portion. No support may extend beyond the projection;
- ***Parking Areas*** pursuant to and where permitted under Section 12 of these Regulations;
- **Porches**: One-*Story* permanently unenclosed porches, projecting no more than six feet (6’) from the *Building* wall into the required Yard;
- **Railings** required by the Building Code;
- **Ramps** and other physical features supporting access for persons with physical disabilities;
- **Recreational or play equipment**;

- **Steps**, provided that such steps access only the lowest *Story* of a Building;
- **Sculptures, Statuary and other freestanding artistic features**: not exceeding: (i) six feet (6') in height and diameter in RA-3, RA-2, RA-1, R-20, R-10, R-7¹/₂ and R-6 Districts, and on all lots supporting a one-, two-, three- or four-family *Dwelling* in all other Zoning Districts; and (ii) fifteen feet(15') in height and diameter in all other Zoning Districts and on lots that support more than four-family *Dwellings*. All sculpture, statuary and other freestanding artistic features shall be at least five feet (5') from any Interior Lot Line;
- **Swimming pools** and pool decks, provided that they are: (i) not more than eight inches (8") above adjacent grade and (ii) no closer than five feet (5') from any Interior Lot Line. Swimming Pools shall not be permitted in Front Yards. Swimming pools and pool decks not meeting these requirements shall be deemed Accessory Structures;
- **Terraces**, patios or decks, which are open, provided that they are: (i) not more than eight inches (8") above adjacent grade and (ii) not extending more than six feet (6') into the Yard space. All terraces, patios and decks shall be at least five feet (5') from any Property Line. Terraces, patios or decks not meeting these requirements shall be deemed Accessory Structures;
- **Trees, brushes and other vegetation;**
- **Utility poles**, not exceeding eighteen inches (18") in diameter, including wiring and appurtenances; and
- **Walkways**, sidewalks, bike paths.

Plot, Parcel

SEE: *Lot*. (200-32, 215-24)

PMP

SEE: *Parking Management Plan*

Premium Floor Area

SEE: *Floor Area, Premium*

Principal Building (219-26)

Principal Building means a Building in which is conducted the principal use of the *Lot* on which it is located. A *Principal Building* may have more than one principal use.

Property Line

SEE: *Lot Line*

Publicly Accessible Amenity Space (219-29)

Publicly Accessible Amenity Space (PAAS) are publicly accessible areas on private property that are owned and maintained by the property owner or tenant pursuant to Section 6 of these Regulations and approved by the Zoning Board through a Site and Architectural Plan application.

Qualified Historic Preservation Expert (220-38)

A *Qualified Historic Preservation Expert* for the purpose of Section 8 is a person who satisfies either of the following requirements to the satisfaction of the *Historic Preservation Advisory Commission* or the Zoning Board.

1. A graduate degree in Architectural History, or Art History and Historic Preservation which include course work in American Architectural History, or a closely related field of study plus a minimum of two (2) years of full-time professional experience applying the theories, methods, and practices of Architectural History that enables professional judgments to be made about the identification, evaluation, documentation, registration, or treatment of historic properties in the United States; and evidence that demonstrates the successful application of acquired proficiencies in the discipline to the practice of historic preservation.
2. An undergraduate degree in Architectural History, or Art History and Historic Preservation which include course work in American Architectural History, or a closely related field of study, plus a minimum of four (4) years of full-time professional experience applying the theories, methods, and practices of Architectural History that enables professional judgment to be made about the identification, evaluation, documentation, registration, or treatment of historic properties in the United States; and evidence that demonstrate the successful application of acquired proficiencies in the discipline to the practice of historic preservation.

A closely related field of study may include American Studies, American Civilization, Architecture, Landscape Architecture, Urban and Regional Planning, Urban Studies, American History, and Public History.

Redevelopment (219-26, 220-38)

Any construction activity (including, but not limited to, clearing and grubbing, grading, excavation, and dewatering) within existing drainage infrastructure or at an existing site to modify, expand, reduce, add or otherwise change existing *Buildings* or *Structures*, grounds, or

infrastructure.

Residential Density (221-11)

SEE: *Density, Residential*

Residential Density Divider (RDD) (219-26)

In Zoning Districts where residential density is controlled by *Floor Area Ratio*, the *Residential Density Divider (RDD)* is used for determining the maximum number of Dwelling Units allowed per parcel by dividing the maximum permitted *Gross Residential Floor Area* by said divider. All fractional results must be rounded down to the next whole number.

Maximum number of Dwelling Units per parcel = $\frac{\text{Gross Residential Floor Area}}{\text{RDD}}$

Retaining Wall (222-01)

A *Retaining Wall* is a *Structure* that holds back any material, such as earth, soil, or water, and prevents it from sliding, flowing or eroding. It is designed to resist the lateral pressure of the material that it is holding back.

Sign

Any device, *Structure*, writing, pictorial representation, emblem or any other figure of similar character used to announce, identify, advertise, or bring a subject to the attention of the public, and which is attached to the exterior of a *Building* or *Structure* or upon the ground, or permanently applied or attached to the interior surface of a window and intended to be viewed from the outside. (200-32)

Sign Area

The total square footage area of the continuous perimeter enclosing the limits of writing, representation, emblem or other display on a *Sign*, together with any material or color forming an integral part of the display or used to differentiate such *Sign* from the background against which it is placed, but not including any supporting framework, bracing or *Structures*, provided that there is no written advertising copy on such framework, bracing or *Structures*. When any *Ground Sign* permitted under this section has two (2) sign faces placed back to back against each other, or where the interior angle formed by two sign faces is sixty (60) degrees or less, and the sign faces are visible from opposite directions, the total surface area for such a *Sign* is the surface area of only the largest of the two (2) sign faces. When any *Sign* permitted under this section has more than

two (2) sign faces, regardless of orientation, the total surface area for such a *Sign* shall equal one-half the combined surface area of all sign faces. (200-32; 209-24)

Sign, Ground

A *Sign* supported by uprights or braces which is placed on, near or at ground level, or resting upon a foundation on the ground, and which is not attached to any *Building*. (200-32)

Sign Height

The vertical distance measured from the highest point of the *Sign* to the average finished ground surface beneath the *Sign*, or to the grade of the adjacent *Street* when the *Sign* is not more than ten (10) feet from the *Street Line*, whichever is less. (200-32)

Sign, Off-Site Advertising

A *Sign* identifying or directing attention to a commercial activity, product, service, business, establishment, commodity or entertainment that is conducted, sold, rented, offered, or provided elsewhere than upon the same zoning *Lot* and is not accessory to a use located on the zoning *Lot*. (200-32)

Sign, On-Site

A *Sign* (1) identifying or directing attention to an activity, product, service, business, commercial establishment, commodity or entertainment that is conducted, sold, rented, offered, or provided on the same zoning *Lot* and is accessory to a use located on the same zoning *Lot* where the *Sign* is located, or (2) displaying only noncommercial copy, or (3) any combination of the first two. (200-32)

Sign, Pole

A *Sign* supported by at least one (1) upright pole, pylon or post which is secured to the ground, where the bottom of the *Sign* is at least six (6) feet above grade.

Sign, Roof

A *Sign* painted, applied, installed or erected on or above a roof where it meets the front wall of a *Building*. (200-32)

Sign, Wall

A *Sign* fastened, placed or painted on a wall, cupola, or parapet of a *Building* or *Structure*, in such a manner that only one side of the *Sign* is visible. (200-32)

Special Permit (220-38)

A *Special Permit* is a discretionary approval by the City of Stamford Zoning Board or the Zoning Board of Appeals based on certain findings made by the approving Board, as outlined in Section 2.B. of these Regulations.

State Historic Preservation Office (220-38)

Connecticut's *State Historic Preservation Office (SHPO)*, established under the Department of Economic and Community Development, administers a range of federal and state programs that identify, register and protect the *Buildings*, sites, *Structures*, districts and objects that comprise Connecticut's cultural heritage.

Story

That portion of a *Building* between any floor and the ceiling or roof next above it, the ceiling of which is five feet (5') or more above the level from which the height of the *Building* is measured, shall constitute a full *Story*. A "half-*Story*" is any habitable space which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet above the floor is not more than one-third the area of the next floor below. (91-002; 203-38)

Street

A public or private right-of-way including, without limitation, any road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare identified on the City of Stamford Engineering Bureau's list of Stamford Roads. (210-43)

Street, Commercial

A *Commercial Street* is a *Street* in the V-C and R-HD districts where special use and bulk regulations apply, as defined in the respective District Regulations.

For the purposes of these Regulations, the following *Streets* shall be considered *Commercial Streets*:

- Atlantic Street
- Crescent Street

- Dock Street between Atlantic Street and Canal Street
- Glenbrook Road
- Hope Street
- John Street between Dock Street and Towne Street
- Pacific Street (from Dock Street to Ludlow Street) (221-06)
- Stillwater Avenue

“On a *Commercial Street*” or “along a *Commercial Street*” (or similar phrase) shall mean within ~~100~~ 125 feet of said *Street*, measured perpendicularly from the *Street Line* fronting on said *Commercial Streets*. (219-26, 222-01)

Street Line (219-26)

The *Street Line* is the property line facing on a public or private *Street* or right-of-way.

Street Wall (219-26)

The *Street Wall* is the wall of a Building facing on a public or private *Street* or right-of-way.

Street Wall Setback (219-26)

The *Street Wall Setback* is the horizontal distance from the *Street Wall* of a Building Base to the building parts above the *Base Height*, measured from the *Street Line*.

Structure (219-26)

Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground. Except as otherwise indicated, *Structure*, as used in these Regulations, shall be deemed to include (but not limited to) Buildings, swimming pools, open entries, *Signs*, and *Fences* or walls more than three (3) feet in height other than retaining walls. Infrastructures, mechanical devices and lighting fixtures, with or without a power source, and irrespective of their location on, or connection or attachment to a Building, *Structure* or land, shall not be considered *Structures*.

Structural Alteration

Any change in or addition to the structural or supporting members of a *Building* such as bearing walls, columns, beams or girders.

Tax Lot

SEE: *Lot, Tax*

TDMP

SEE: *Transportation Demand Management Plan*

Temporary Structure

A *Structure* which by the type and materials of its construction is erected for not more than one (1) year. Such *Structures* shall include tents, portable bandstands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other *Structures* of similar character.

Transportation Demand Management Plan (220-31)

A *Transportation Demand Management Plan (TDMP)* is a legally binding document established pursuant to Section 2.F. of these Regulations which is recorded on the City of Stamford Land Records outlining strategies and goals for reducing the use of single occupancy vehicles and vehicular traffic in particular during peak hours and encouraging the use of transit and alternate modes of transportation.

Usable Open Space (222-01)

SEE: *Open Space, Usable*

Use, Accessory (219-26)

A use of land, Building or *Structure* which is customarily clearly incidental and customarily subordinate to, in connection with, and located on the same *Lot* therewith with, the *Principal Building* or Use.

Use, Permitted (219-26)

A Use permitted in a zoning district without the need for Zoning Board review and approval, upon satisfaction of the standards and requirements of these Zoning Regulations.

Unobstructed Space (219-26)

All space without any physical obstructions, except *Permitted Obstructions*, open to the sky.

Walkway (222-01)

A *Walkway* is a passage or path for walking within or outside of a *Building*.

***Water-Dependent Use* (220-31)**

Water-Dependent Uses means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland and which are defined in CGS Sec. 22a-93(16).

***White List* (220-38)**

See: *Historic Preservation White List*

Yard (222-01)

A *Yard* is an open, unoccupied space extending between the property lines of a *Lot* and a *Building* situated on such *Lot*.

When a *Lot* adjoins a *Lot* in a more restrictive district, any adjoining *Side Yard* of such former *Lot* shall have minimum width equal to the required *Side Yard* in the more restrictive district, and any adjoining *Rear Yard* shall have a minimum depth equal to the required depth of the *Rear Yard* in the more restrictive district. (222-01)

Yard, Front

An open, unoccupied space extending across the full width of the *Lot* between the front wall of the *Principal Building* and the front *Lot* line.

Yard, Rear

An open, unoccupied space extending across the full width of the *Lot* between the most rear *Principal Building* and the *Rear Lot Line*. The depth of the required *Rear Yard* shall be measured horizontally from the nearest part of the *Rear Lot Line*.

Yard, Side

An open, unoccupied space between a *Principal Building* and the side *Lot* line extending from the *Front Yard* or front *Lot* line where no *Front Yard* is required, to the *Rear Yard*. The width of the required yard shall be measured horizontally from the nearest point of the side *Lot* line toward the

nearest part of the *Principal Building*.

Zoning Enforcement Officer

Zoning Enforcement Officer (ZEO) is defined as an official appointed by the Zoning Board who is charged with enforcing the zoning regulations of the City of Stamford per Sections C6-40-19 and C6-40-20 of the City Charter. The ZEO's duties include reviewing building construction and development plans to assure that there are no violations of prescribed conditions set by the Planning Board, Zoning Board and Zoning Board of Appeals prior to issuance of zoning/building permits and certificates of occupancy and issuing such zoning permits; initiating, responding to, and investigating alleged zoning violations and violations of decisions of the Planning Board, Zoning Board and Zoning Board of Appeals; and issuing cease and desist orders for any such violations.

Zoning Lot Development Agreement (221-06)

A *Zoning Lot Development Agreement* is a private, legally binding agreement between the owners of two or more adjoining individual *Tax Lots* under common or separate ownership that allow these *Tax Lots* to be considered as one *Zoning Lot* to permit the more rational development of said *Tax Lots*. *Tax Lots* which are required to be consolidated into a single *Tax Lot* (e.g., pursuant to a condition of approval by the Zoning Board) are not eligible for a *Zoning Lot Development Agreement*.

A *Zoning Lot Development Agreement* must meet all of the following requirements:

1. The property must meet the definition and requirements of a *Zoning Lot*.
2. The *Zoning Lot Development Agreement*: (a) is subject to administrative review and approval by the Zoning Board; (b) shall specify the total development rights of each *Tax Lot*, the amount of development rights currently being used on each *Tax Lot*, the remaining unused development rights on each *Tax Lot*, and which unused *Transferrable Rights* are transferred, distributed or allocated on each *Tax Lot*; and (c) must be recorded on the land records of all affected properties within 30 days of approval by the Zoning Board. The *Zoning Lot Development Agreement* shall be subject to all existing legal rights, obligations and limitations (e.g., easements).

A *Zoning Lot Development Agreement* shall not be terminated unless each of the individual *Tax Lots* comprising the *Zoning Lot* is in compliance and conformance with the regulations of the applicable Zoning District.

Zoning Lot (221-06)

See: *Lot, Zoning*

SECTION 4. USE REGULATION²¹

4.A. PERMITTED USES

Permitted uses in the various districts are indicated with an "X" in the LAND USE SCHEDULE under APPENDIX A. Where such use is marked with an "A", it is subject to *Special Permit* approval by the Zoning Board of Appeals. Where such use is marked with "B", it is subject to *Special Permit* approval by the Zoning Board. Where such use is marked with "XR" or "XM", it is subject to a size limitation specified in Appendix A. Where such use is marked "XB", it is subject to administrative approval by the Zoning Board. Such approval by the Zoning Board of Appeals or the Zoning Board shall be subject to appropriate conditions and safeguards as more particularly set forth in Section 2.B. under provisions relating to *Special Permits*.

4.B. NON-PERMITTED USES

A Non-Permitted Use is a use not specifically listed or classified in this table the Land Use Schedule under Appendix A. A Non-Permitted Use shall not be permitted in any district until the Zoning Board, after an application followed by a hearing, shall approve such use in such district.

4.C. DEFINED USES

Certain uses are defined in Section 4.E Use Regulations, below, and marked in these Regulations with spaced lettering.

4.D. PERMITTED USES IN PARKS AND OTHER RECREATIONAL AREAS

Nothing in these Regulations shall be deemed to prohibit customary recreational, refreshment, and service uses and Buildings in any public park, reservation, playground, or other recreational area, incidental to the recreational use of such area.

4.E. USE REGULATIONS

Accessory Use

SEE: *Use, Accessory*

Adult Establishment

A commercial establishment where a substantial portion of the premises includes an Adult

²¹ Formerly Section 5.

Bookstore, Adult Eating or Drinking Establishment, Adult Theater, Adult Commercial Establishment, or Adult Physical Culture Establishment or any combination thereof, as defined herein:

1. An **Adult Bookstore** is a bookstore that has as a substantial portion of its stock-in-trade any one or more of the following:
 - a. books, magazines, periodicals or other printed matter which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - b. photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
2. An **Adult Eating or Drinking Establishment** is a cafe, restaurant, cabaret, tavern, club or other similar establishment that regularly features any one or more of the following:
 - a. live performances which are characterized by an emphasis on specified anatomical areas or specified sexual activities; or
 - b. films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - c. employees who, as part of their employment, regularly expose to patrons specified anatomical areas;
and which is not customarily open to the general public during such features because it excludes minors by reason of age.
3. An **Adult Theater** is a theater that regularly features one or more of the following:
 - a. films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. live performances characterized by an emphasis on specified anatomical areas or specified sexual activities; and which is not customarily open to the general public during such features because it excludes minors by reason of age. An Adult Theater shall also include commercial establishments where such materials or performances are viewed from individual enclosures.
4. An **Adult Commercial Establishment** is a facility, other than an Adult Bookstore, Adult Eating or Drinking Establishment, Adult Theater, commercial studio, which features employees who as part of their employment, regularly expose to patrons specified anatomical areas and which is not customarily open to the general public during such features because it excludes minors by reason of age.

5. An **Adult Physical Culture Establishment** is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, oil rubs, alcohol rubs, baths or other similar treatment, except for activities which are excluded below:
- a. treatment by or under the direction of a licensed physician, a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed physical therapist, a licensed practical nurse or a registered professional nurse;
 - b. electrolysis treatment by a licensed operator of electrolysis equipment;
 - c. hospitals, nursing homes, medical clinics or medical offices;
 - d. barbershops or beauty parlors which offer massage to the scalp, the face, the neck, the shoulders, the feet or back only; and
 - e. athletic facilities of an educational institution or of a philanthropic or charitable institution.

Adult Physical Culture Establishments are not permitted in any District. (93-002; 202-02)

For the purpose of defining Adult Establishments “specified sexual activities” are:

- a. human genitals in a state of sexual stimulation or arousal;
- b. actual or simulated acts of human masturbation, sexual intercourse or sodomy; or
- c. fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.

For the purpose of defining Adult Establishments, “specified anatomical areas” are:

- a. less than completely and opaquely concealed: (i) human genitals, pubic region, (ii) human buttock, anus, or (iii) female breast below a point immediately above the top of the areola; or
- b. human male genitals in a discernibly turgid state, even if completely and opaquely concealed.

For the purpose of determining whether a “substantial portion” of an establishment includes an Adult Bookstore, Adult Eating or Drinking Establishment, Adult Theater, Adult Commercial Establishment, or Adult Physical Culture Establishment, or combination thereof, the following factors shall be considered:

- a. the amount of *Floor Area* accessible to customers and allocated to such uses; and
- b. the amount of *Floor Area* accessible to customers and allocated to such uses as compared to the total *Floor Area* accessible to customers in the establishment; and
- c. the gross receipts allocated to such uses as compared to the total gross receipts of the establishment.

For the purpose of determining whether a bookstore has a “substantial portion” of its stock in

materials defined in paragraphs 1.a or 1.b hereof, the following factors shall be considered:

- a. the amount of such stock accessible to customers as compared to the total stock accessible to customers in the establishment; and
- b. the amount of *Floor Area* accessible to customers containing such stock;
- c. the amount of *Floor Area* accessible to customers containing such stock as compared to the total *Floor Area* accessible to customers in the establishment; and
- d. the gross receipts allocated to such stock as compared to the total gross receipts of the establishment.

For the purpose of defining an Adult Establishment, the term "regularly features" means a consistent and substantial course of conduct, such that the sexually explicit films or semi-nude performances exhibited constitute an ongoing and intentional objective of the business and are promoted as such.

For purposes of determining whether a proposed commercial establishment is an Adult Establishment, the *Zoning Enforcement Officer* may review, inter alia, the layout, design, square footage, signage and window display area of the proposed use.

6. **Standards** (222-01). Adult Establishments shall conform to all of the following standards and provisions:

- a. An Adult Establishment shall be located a minimum of 1,000 feet from another Adult Establishment and a minimum of 500 feet from any religious institution, school, community center, public park, municipal boundary, property zoned for residential use or property zoned for mixed residential/ commercial use where not less than 50% of total Building Floor Area is committed to residential use. Such distances shall be determined as the nearest horizontal distance between any portion of any Lot or parcel of land supporting a proposed Adult Establishment and any portion of any residentially zoned property, mixed residential/commercial property, municipal boundary or property supporting any religious institution, school, community center, public park or another Adult Establishment.
- b. Signage shall be governed by the standards of the C-N Neighborhood Commercial District, provided that no display, device or Sign that depicts or describes specified sexual activities or specified anatomical areas shall be visible from any public way or surrounding property.
- c. Not more than one Adult Establishment permitted under this section shall be located on a zoning Lot.
- d. An Adult Establishment shall not exceed a total of 5,000 square feet of Gross Floor Area.
- e. An Adult Establishment shall be permitted by right within the M-L Light Industrial and M-G General Industrial districts, provided the Gross Floor Area of the adult establishment shall not exceed 2,000 square feet and the Adult Establishment shall be located not less than 1,500 feet from another Adult Establishment and satisfies all

other standards of these Regulations. An Adult Establishment exceeding a Gross Floor Area of 2,000 square feet or located less than 1,500 feet from another Adult Establishment may be located within the M-L and M-G Industrial Districts, subject to issuance of a Special Permit by the Zoning Board of Appeals pursuant to the criteria and standards of Section 2.B.2 and Section 2.C. of these Regulations. (93-002; 202-02)

Alcoholic Beverages (219-25)

Alcoholic Beverages include wine, beer and liquor as further defined here; “absolute alcohol” means dehydrated alcohol containing not less than ninety-nine percent by weight of ethyl alcohol; “beer” means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in drinking water and containing more than one-half of one per cent of absolute alcohol by volume; “wine” means any Alcoholic Beverage obtained by the fermentation of natural sugar contents of fruits or other agricultural products containing sugar; “still wine” means any wine that contains not more than three hundred ninety-two one-thousandths (0.392) of a gram of carbon dioxide per hundred milliliters of wine, and shall include any fortified wine, cider that is made from the alcoholic fermentation of the juice of apples, vermouth and any artificial or imitation wine or compound sold as “still wine” containing not less than three and two-tenths per cent of absolute alcohol by volume; “sparkling wine” means champagne and any other effervescent wine charged with more than three hundred ninety-two one thousandths (0.392) of a gram of carbon dioxide per hundred milliliters of wine, whether artificially or as a result of secondary fermentation of the wine within the container; “fortified wine” means any wine, the alcoholic contents of which have been increased, by whatever process, beyond that produced by natural fermentation; “liquor” means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution; “liquor cooler” means any liquid combined with liquor, as defined here, containing not more than seven per cent of alcohol by volume.

The sale of Alcoholic Beverages as defined in Subsection 4.E, Definitions of these Regulations, shall be permitted, subject to all required local and State permitting and licensing requirements, including, but not limited to CGS Chapter 545 and City of Stamford Code Chapter 72.

Ambulance Facility, Non-Profit (assisted by federal, state and/or municipal funding)

A *Building* or *Buildings* containing facilities necessary to the operation of public ambulance service which may contain but is not limited to CPR (cardiovascular, pulmonary, resuscitation) Room, garage space for ambulances or other rescue vehicles and associated offices and dormitory facilities. A for-profit ambulance service that is wholly owned by non-profit entities may occupy and operate from said facility as an *Accessory Use*. (80-041, 98-005)

Antique Center

Any *Building* with a minimum square footage of fifteen thousand square feet or part thereof with a minimum square footage of fifteen thousand square feet used for the sale of any old and authentic objects of personal property which were made, fabricated or manufactured generally fifty (50) or more years earlier and which have a unique appeal and enhanced value because of age, artistry, beauty, or period of origin. (207-29)

Apartment Building for the Elderly

A *Building* under single ownership specifically designed for occupancy by elderly persons or families provided:

1. The occupants of such *Building* shall be single persons or families who meet the criteria of elderly persons or families as set forth in Title 42, Section 1402 USCA or are under a disability as defined in Section 423, Title 42, USCA or are handicapped within the meaning of Section 1701 of Title 12, USCA, or such appropriate amendments thereto.
2. The *Structure* is constructed with the use of mortgage assistance or financing, insured, procured or guaranteed through local, state or federal housing assistance programs.
3. The *Structure* shall continue to be maintained and used for the purposes set forth in this definition and the owner thereof shall file with the Zoning Enforcement Office of the City of Stamford during the first month of each year an affidavit certifying the number of tenants by name, age and apartment number. (77-022).

Apartment Building for the Elderly - Municipally Owned

1. A *Building* owned by the City of Stamford and rehabilitated specifically for occupancy by elderly persons or families provided:
2. The *Building* shall have been owned by the City of Stamford for at least fifteen (15) years prior to the time of application for a *Special Permit*.
3. The occupants of such *Building* shall be single persons or families who meet the criteria of elderly persons or families as set forth in 42 USCA 1437a, or are under a disability as defined in 42 USCA 423, or are handicapped within the meaning of 12 USCA 1701 and any amendments thereto.
4. The municipally owned apartment *Building* for the elderly shall be located on a *Lot* containing not less than eight (8) acres.
5. The maximum number of Dwelling Units permitted in such apartment *Building* for the elderly shall not exceed the number obtained by dividing the gross acreage of the *Lot* by the

minimum *Lot* size permitted in the zone in which it is located.

6. New construction necessary in the rehabilitation of the *Building* is permitted but is limited to interior modifications and such exterior modifications as are necessary to meet safety and health codes and are in conformity with the architectural character of the original *Building*. (82-001)

Apartment Building for the Elderly – Nonprofit

A *Building* under single ownership specifically designed for exclusive occupancy by elderly persons or families or other persons described below, which *Building* may include central dining facilities, provided:

1. At least one of the occupants of the individual units within such *Building* shall have attained the age of at least 62 years, and
2. The *Structure* is constructed with the use of mortgage assistance or financing, insured, procured or guaranteed through local, state or federal housing assistance programs; or is owned by a nonprofit corporation which is exempt from taxation under Section 501(c)(3) of the U.S. Internal Revenue Code.
3. *Parking Space* for one (1) vehicle shall be required for each such units, provided such units do not contain more than 600 square feet, except that within the CC and C-I Districts such units shall be governed by the parking standard of Section 12.D.1(b). (211-18)
4. The *Building* shall continue to be maintained and used for the purposes set forth in this definition and the owner thereof shall file with the *Zoning Enforcement Officer* of the City of Stamford during the first month of each year an affidavit certifying the number of tenants by name, age and apartment number.
5. When authorized by *Special Permit* in the R-7^{1/2} district, in addition to satisfying the above standards, such use shall be limited to the conversion of all or part of existing church, school or nursing home facilities only, such facilities having been used in such manner for at least ten (10) years and currently authorized by a *Special Permit* from the Zoning Board of Appeals; residential *Density* shall be specifically determined and approved by the Zoning Board of Appeals based on the character of the surrounding area and in consideration of site-specific factors including the scale and intensity of remaining institutional uses, parking, available open space, and separation from adjacent properties; provided residential *Density* shall not exceed the "square feet per family" standard of Appendix B for the R-7^{1/2} district. (87-016)
6. When authorized by *Special Permit* in the R-10 district, in addition to satisfying standards b through d (but not a) above, such use shall be limited to a facility on the grounds of an existing church; the occupants of the individual units within such *Building* shall have attained the age of at least 62 years or be unable to engage in a significant activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or can be

expected to last for a continuous period of not less than 12 months which activity he has previously engaged with regularity; the occupants of the individual units within such *Building* must be members or retired members of the priesthood. Parking standards shall be specifically determined and approved by the Zoning Board of Appeals. (97-016)

7. *Usable Open Space* shall be provided on site, with the amount, design, location, and dimensions subject to determination by the Zoning Board. (211-18)

Apartment Building for Supportive Housing

A *Building* under single ownership specifically designed to provide affordable, independent residential accommodations for tenants of special needs, provided:

1. The *Structure* is constructed with the use of mortgage assistance or financing insured, procured or guaranteed through local, state or federal housing assistance programs; or is owned by a nonprofit corporation which is exempt from taxation under Section 501(c)(3) of the U.S. Internal Revenue Code; or includes a 501(c)(3) organization as the managing general partner of the *Building's* owner.
2. The *Building* shall provide appropriate supportive services for individuals with disabilities or individuals who otherwise are at risk of homelessness, as defined by the Connecticut Supportive Housing Demonstration Program guidelines, or other relevant state regulations.
3. The *Building* shall not consist of more than 50 supportive housing units. (204-36)
4. The *Building* shall not be located within a Special Flood Hazard Area unless dry access is provided;
5. Notwithstanding the present standards for residential *Development* in zoning districts approved for this use, the Zoning Board may, on sites of at least 15,000 square feet but less than one acre, approve a *Special Permit* for this use under the following standards:
 - a. The maximum permitted residential *Density* permitted shall not exceed eighty-three (83) Dwelling Units per acre, provided said units shall exclusively consist of studio and/or one bedroom units.
 - b. The maximum height for such *Buildings* shall not exceed 50 feet.
6. The Zoning Board shall not grant a *Special Permit* for sites exceeding two acres in area. *Special Permits* for this use may only be granted for sites which are completely within a one-half mile radius of the intersection of Atlantic and Broad Street, or, if said site is south of I-95, within 1,500 feet of the CBD boundary. (204-36)
7. The application and review standards of Section 2.C., Site Plan Review and Subsection 2.B.2. Standards and Conditions for *Special Permits*, shall apply. (95-014)
8. The Zoning Board has the discretion to allow a maximum *Building Coverage* of 37 percent,

for *Lots* of 15,000 square feet or more and *Buildings* not to exceed three *Stories*, for Apartment Buildings for Supportive Housing. (96-002)

Apartment Hotel

A *Building* or portion thereof designed for or containing both individual guest rooms or suites of rooms or Dwelling Units, and such business as may be incidental thereto for the sole convenience of the occupants.

Apartment Hotel for the Elderly

A *Building* or portion thereof designed for or containing at least 100 individual rooms or suites of rooms for congregate living for Elderly persons. For the purposes of these Regulations, five (5) such rooms or suites shall be considered as one Dwelling Unit. (71-012).

Apartment House or Dwelling

A *Building* with or without a common dining room used as living quarters by three (3) or more families, all units of which are retained under a single ownership.

Appliances, Electrical and Manual Household, (small), Repair and Service.

A facility used for the repair and servicing of small, portable electrical and manual household appliances, except that in the C-N Neighborhood Business District the employees in any one such operation shall be limited to a total of five (5). The word portable is hereby defined as pertaining to items that can be carried easily by only one person.

Assisted Living Facility

A managed residential community, licensed by the State of Connecticut pursuant to Sec. 19a-490 through Sec. 19a-503 of the Connecticut General Statutes, as may be amended from time to time, as an “assisted living services agency” providing support and care for seniors or disabled individuals with or without a memory care program, which may include food services, recreation services, personal care, and necessary assistance with the activities of daily living, and may serve as a transition between independent living and skilled nursing care. Individual assisted living quarters may include provisions for eating and cooking, such as a cook top, microwave, and refrigerator, but shall not include a range or oven. (215-37)

Automobile Court, Motel

A *Building* or a group of two (2) or more detached or semi-detached *Buildings*; (including immobile trailers) containing rooms or apartments with automobile parking or storage space serving such rooms or apartments provided directly or closely in connection therewith, which *Building* or group of *Buildings* is designed, intended, or used primarily for the providing of sleeping accommodations for automobile travelers; including groups designated as auto cabins, motels, motor lodges, and by similar designations.

Auto Rental Service Facility

Buildings and premises used to store, clean, refuel and perform incidental servicing to vehicles associated with an automobile rental facility. No servicing of vehicles shall be offered to the general public. (97-014)

Automotive Equipment and Service Stores

Buildings or premises used for the wholesale and retail sale and service of new automotive equipment, accessories, parts and supplies.

Bakeries, Retail

A *Building* used for the baking and/or direct sale on the premises to the consumer of baked food products.

Bakeries, Wholesale and Commercial

A *Building* used for the baking, wholesale storage and/or sale of baked food products to retail outlets or sale to consumer off the premises.

Beach Club

A shorefront voluntary or corporate association whose objectives, pursuits and purposes are social or recreational, maintained on land owned or leased by it for the following activities: shore swimming area. *Accessory Uses* permitted for all of above: Tennis courts, swimming pools and other recreational facilities usually afforded by any such club. *Buildings* and accessory accommodations necessary or desirable for the exercise of the club's objectives, pursuits and purposes may be maintained. Clubs shall operate without profit, or division of any revenues to its members, except as reasonable compensation for special services actually rendered; devoting all revenues received to supporting the purposes and objectives or to eleemosynary uses. Existing

Buildings and *Structures* within setbacks may remain or be modified provided that any such modification does not exacerbate or create a new nonconformity. No certificate of occupancy may be issued on any *Building* or *Structure* until the principal use is operational.

Boarding House

A *Building* with not more than three (3) guest rooms where lodging and meals are provided for compensation. See: *Rooming House*.

Boutique Fitness Studio

A gymnasium or other physical cultural establishment focusing on individual and/or group exercise, and occupying not more than 3,500 square feet in a *Building* or portion of a *Building*. (218-44)

Building Material, Sales and Storage

Buildings or premises used for the sales and/or storage of all types of *Building* materials including lumber, masons' supplies, road-*Building* materials (excluding asphalt or other similar materials) and open yard material storage.

Café

A suitable and permanent *Building*, kept, used, maintained, advertised and held out to the public to be a place where all alcoholic liquors and food are served for sale at retail for consumption on the premises but which does not necessarily serve hot meals. (86-011)

Camp, Summer Day

Any place, area, or tract of land used between July 1 and September 1 as a location of a *Day Camp* between 8:00 AM and 6:00 PM for children between the ages of four (4) to sixteen (16) inclusive.

Camp Grounds

Any place, area, or tract of land upon which there is placed, located or maintained any tent, camp car and/or trailer which is utilized, arranged, intended, designed, to be used or used for sleeping, living or resident quarters, by other than the owner of the property.

Cemetery

Any land used for interment of dead people, below ground.

Child Day Care Services

1. Child Day Care Center - a place licensed by the State which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week.
2. Group Day Care Home - a place licensed by the State which offers or provides a program of supplementary care to not less than seven nor more that twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week.
3. Family Day Care Home - a private family home licensed by the State caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted. (93-013)

Church

SEE: House of Worship

Clinic

A single legal entity formed for the diagnosis and treatment of out-patients in which at least two medical professionals, licensed by the State of Connecticut having related specialties, practice cooperatively. For the purpose of this Section, medical professionals shall only mean medical doctors, dentists, clinical psychologists, osteopaths, podiatrists, chiropractors or physiotherapists so licensed by the State of Connecticut. A clinic shall provide only out-patient services and shall not provide rental services. No dormitory facilities shall be permitted. Parking shall be off-street and screened from adjoining residential properties by suitable landscaping. (89-015)

Clinic, Community Health Center

A non-profit health care facility constructed and/or operated with federal or state assistance, staffed with medical professionals including but not limited to physicians, nurse practitioners, and patient care assistants providing out-patient pediatric and adult medical care. Community health services may also include social and substance abuse services and educational classes focusing on

childbirth, childcare and other health care subjects. No dormitory facilities shall be permitted. When located in the R-MF Multiple Family Residence Design District, notwithstanding standards contained elsewhere in these regulations, the following special standards shall apply: minimum *Lot Area* shall be 30,000 square feet; Building Height shall not exceed two (2) *Stories* or thirty-five (35) feet; Building Area shall not exceed twenty-five percent (25%); and the Zoning Board may waive the requirement for *Front Yard* setback from street center and may authorize a reduction in required *Side Yard* to not less than ten (10) feet. (201-20)

Clubs and Lodges

A voluntary or corporate association owning or occupying a room, rooms, or *Building* or land, whose objects, purposes and pursuits are social, fraternal, religious, political, educational, recreational, or charitable, operating without profit or division of any revenues to its members, except as reasonable compensation for special services actually rendered and devoting all revenues received to supporting its purposes and objectives or to eleemosynary uses. The designations shall not include the right to maintain bowling alleys. No club or lodge may be approved in a residential zone if *Alcoholic Beverages* are dispensed or consumed unless under a temporary permit. (85-052)

Colleges and Universities

Any *Building*, *Structure* and/ or land principally and regularly used by teachers and students for instructional and educational purposes, at the post- secondary level, which is not under the direct supervision and control of the Stamford Board of Education and which is licensed by the State of Connecticut, or which is administered by an accredited educational institution or a bona fide religious institution. "Colleges and Universities" shall include land used for recreational purposes as an adjunct to the principal instructional or educational use and any dormitories connected with such schools, but excluding fraternities and sororities and excluding vocational or secretarial schools.

Color Scanning

A photographic process whereby color transparencies are analyzed into primary color and black negatives, subject to the provision that a business or reception office is maintained in the front of the premises, and provided further that the processing phase of such use is partitioned or screened from public view when such use is in any Commercial District.

Congregate Living

Means use of community dining rooms and kitchens in lieu of housekeeping facilities. (71-012).

Contractor's Material Storage Yard (219-09)

A parcel of land, with or without *Structures*, a minimum of 4,000 square feet in size, used for the storage of equipment and materials used in the Construction, Landscaping, Landscape Nursery, Masonry or Arborist Trade; including, but not limited to, trucks, vans, excavators, backhoes and other similar equipment and/or stockpiles of construction or property improvement materials, such as soil, concrete, gravel, woodchips, logs, plant stock, masonry, plumbing or electrical supplies, and other similar materials. All such material and equipment shall be limited to a maximum height of twenty feet (20') and shall be effectively screened from view from adjacent properties or the public right of way with a six foot (6') tall opaque *Fence*. All such material and equipment shall be stored in an environmentally safe manner no closer than five feet (5') from any property line. Where a Contractor's Material Storage Yard abuts a residential district, no material or equipment shall be stored or parked closer to the abutting residential property lines than the greater of (a) fifteen feet (15'), or (b) the side or *Rear Yard* setback in the abutting residential district. All loading and unloading must occur on-site and no parking or storage of trucks or other heavy equipment shall be permitted on-street. The parking requirement shall be the same as for Wholesale House or Industrial Plants pursuant to Sec. 12.D.10 of these Regulations. For the purposes of this Definition the following definitions apply:

Arborist trade: Any work done for hire to improve the condition of fruit, shade or ornamental trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, or protecting trees from damage from insects or disease or curing these conditions by spraying or any other method. Arborist trade shall also include Landscaping as defined herein.

Construction: To build, form or devise by fitting parts or elements systematically.

Contractor: Any person regularly offering goods or services to the general public that are customarily or incidental to construction, landscaping, landscape nursery, masonry or arborist trade as defined herein.

Landscape nursery: An area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale and shall include garden centers.

Landscaping: Activities to improve the appearance of an area of land or a highway by planting trees, shrubs, grass, or other vegetation, or altering the contours of the ground, feeding or fertilizing, or by pruning, trimming, removing, bracing, or other methods of improving conditions of trees, shrubs, grass, or other vegetation, or protecting such plants from damage from insects or disease or curing these conditions by spraying or any other method.

Masonry: Anything constructed of materials customarily used by masons, including but not limited to stone or brick, to build by laying units of such materials.

Copy and Communication Center

An establishment used for making copies from an original document; binding of pages into book form; electronic mailing of documents; duplicating from an original document, enlarged or decreased, by printing without the setting of type; sale of stationary supplies, rubber stamps and computer services; microfilming of documents, and sale of small display *Signs* not made on the premises. (77-020, 95-024)

Corporate Retreat

A parcel of land containing a Building or Buildings of residential character, owned and operated by a corporation for the principal purpose of providing to its employees and/or guests, without remuneration, conferencing, training, recreational and lodging facilities, with or without meals. The following special standards shall apply:

1. Minimum Acreage: a minimum of thirty (30) contiguous acres in a single ownership at the time of the adoption of these regulations.
2. Existing *Structures*: Existing *Structures* that exceed the height or yard limitations may be retained and such existing *Structures* may be extended, expanded, or changed subject to approval of the Zoning Board.
3. *Density Standards*: Subsequent to the disposition of open space as outlined below, the number of lodged guests and live-in staff shall not exceed twice the number of acres of land associated with the use provided that the *Floor Area Ratio* shall not exceed 0.05.
4. Height: Primary and *Accessory Structures* shall be limited to three (3) *Stories* and thirty-five (35) feet except as noted in 2 above.
5. Yard Requirements: Except as noted in (b) above, the front, side, and *Rear Yard* setback requirements for primary and *Accessory Buildings* shall be consistent with the RA-2 standards, provided that the Zoning Board may impose greater setbacks, up to seventy (70) feet, where a determination is made that the appropriate relationship of yard requirements and separation of *Structures* on the site to each other and the bounding property lines after open space disposition warrants such additional setbacks. *Accessory Buildings* in a *Rear Yard* exceeding a height of one *Story* and fifteen feet shall conform to the yard requirements of a *Principal Building*.
6. Open Space: Not less than fifty percent (50%) of the site area shall be preserved as Open Space in perpetuity. Disposition of Open Space shall be via transfer of fee ownership to a local, state, and/or national public and/or non-profit organization with the requisite requirements for maintenance as open space subject to the approval of the Zoning Board and the Director of Legal Affairs.
7. Building Area: Two and one-half (2^{1/2}) percent of the total site area after open space disposition.

8. Expansions: Subsequent to the initial establishment as a Corporate Retreat and subject to the 0.05 FAR limitation, minor changes, new *Structures* and expansions of existing conforming *Structures*, not to exceed an additional 7,500 square feet of *Floor Area*, may be allowed, subject to review and approval of the Land Use Bureau Chief only after consultation with the Zoning Board. All other changes, additions and expansions shall be subject to review and approval of the Zoning Board.
9. Surrender: Surrender of this use shall require written notification to the *Zoning Enforcement Officer* with accompanying notice filed on the Stamford Land Records. In the event of surrender, unless otherwise authorized by the Zoning Board, premises shall only be used for uses allowed in the RA-2 single family district, and shall be eligible to register as a Family Estate without additional open space disposition.
10. Parking: *Parking Space* for one (1) vehicle shall be provided for each guest room designed for sleeping purposes. (201-18)

Country Clubs or Golf Clubs

Principal Use: Country Club or Golf Club, Professional size golf course of at least nine (9) holes.

Accessory Uses permitted: Tennis courts, swimming pools and other recreational facilities usually afforded by any such club, excluding bowling alleys. *Buildings* and accessory accommodations necessary or desirable for the exercise of the club's objectives, pursuits and purposes may be maintained. Clubs shall operate without profit, or division of any revenues to its members, except as reasonable compensation for special services actually rendered; devoting all revenues received to supporting the purposes and objectives or to eleemosynary uses. No certificate of occupancy may be issued on any building or *Structure* until the principal use is operational.

Such Clubs may be developed, expanded and/or redeveloped in phases, pursuant to a ~~public hearing and~~ *General Development Plan* approval. ~~by the Zoning Board, subject to the following standards:~~

1. ~~A General Development Plan (GDP) shall mean a conceptual plan and accompanying information depicting the approximate size and location of all existing and proposed *Structures* and site improvements, the construction of which may be implemented in phases over a period of up to ten (10) years from the date of approval, and up to two (2) extensions of up to three (3) years each, subject to the approval of the Zoning Board. Each specific element of a GDP shall be subject to final review and approval by the Land Use Bureau Chief, or designee, or the administrative review of the Zoning Board prior to the issuance of a Building Permit.~~
2. ~~Site and Architectural Plans: Minor changes and minor expansions of existing *Structures*, patios, *Parking Areas*, driveways and pathways, or similar approved uses, including new *Structures* or driveways, may be allowed, subject to review and approval of the Land Use~~

~~Bureau Chief or designee, or administrative review of the Zoning Board, provided that said improvements are within the approved GDP area and result in no substantial increased impact to parking or traffic demand or other public infrastructure.~~

3. ~~Such~~ Country Clubs or Golf Clubs shall comply with the standards of Section 19.C.2.e, except that:
 - a. Existing nonconforming buildings, *Structures*, parking, recreational amenities, and signage may remain or be modified provided that any such modification does not exacerbate a nonconformity or create a new nonconformity and is part of an approved *GDP*.
 - b. Proposed unlighted tennis courts shall be setback a minimum of ten (10) feet from all property lines.
 - c. The 75% building perimeter buffer requirement of 19.C.2.e(5) shall not apply to buildings located at least 100' from the nearest property line.

Where any proposed GDP activity requires approval from the Environmental Protection Board, Engineering Bureau and/or Health Department, said approvals shall be obtained prior to the start of site activity or the issuance of a building permit for said activities. (219-16)

Crematory, except in cemetery:

A facility for the disposal by incineration of the bodies of dead people, located on a *Plot* of land other than any land used for interment of dead people below ground. This use is subject to approval by the Zoning Board in accordance with Section 19-165 of the Connecticut General Statutes. (81-013)

Demolition Materials Recycling

The process of recycling and reclaiming demolition materials from construction sites, which is limited to the collecting, breaking up, compacting, crushing, sorting, screening, separating and consolidating of demolition materials into a reusable construction product for the use, sale, or transfer to construction sites. Demolition materials shall be limited to soil, silt, rocks four (4) inches or less in diameter, gravel, concrete, bricks, and bituminous concrete (asphalt) and shall exclude all other materials, including but not limited to the following: organic materials, wood, metal, plastics, tires, asphalt shingles, rags, glass, newspapers, paper and cardboard materials. No crushing of rock larger than four (4) inches in diameter shall be permitted and there shall be no reprocessing, conversion or change of form of demolition materials on the premises. (215-33)

Demolition Materials Recycling Facility

Eligible Property: An eligible site shall be within the M-G General Industrial District in the South

End neighborhood as delineated in Figure 16 of the 2014 *Master Plan*, and shall have been used as a “Contractor’s Material & Equipment Storage Yard & Building” at the time of the adoption of this regulation and for not less than five (5) years preceding the filing of an application for this use. The Zoning Board may allow adjacent vacant land to be included as part of the eligible site. The application shall require no displacement of residential use and no residential *Buildings* shall have been demolished on the property within the five (5) years preceding the filing of the application.

Special Standards: A Demolition Materials Recycling Facility shall be subject to the following special standards in addition to all other applicable standards of these Regulations:

1. Said use shall be approved by *Special Permit* of the Zoning Board only as an interim use, for an initial period not to exceed five (5) years, subject to extensions by the Zoning Board pursuant to a public hearing, each extension not to exceed three (3) years. During the authorized time period, and while the Demolition Materials Recycling Facility is in use, it shall be the exclusive use on the property except as noted in 7 below. In considering a request for time extension of this interim use, the Zoning Board shall consider:
 - a. Any violations of the special standards of this regulation and conditions of approval of the *Special Permit*;
 - b. Demonstration by the applicant that an extension is warranted;
 - c. Demonstration by the applicant that the use is truly interim, and how applicant plans to abandon the use upon expiration of extensions; and
 - d. Whether in the judgment of the Board continuation of the use would discourage or impair the orderly *Redevelopment* and improvement of surrounding residential and commercial properties.

Upon termination, expiration or abandonment of this *Special Permit* use, applicant shall cease crushing and thereafter the property may be used for all other uses allowed in the M-G District.

2. No garbage, putrescent, toxic, biomedical, hazardous or other waste, including demolition material that contains asbestos or other hazardous material, shall be allowed on the premises. No incineration, heating, washing or chemical treatment of demolition materials shall be permitted on the premises.
3. Any stockpiling or storage of any demolition materials or recycled materials shall be allowed on the premises only in a fully enclosed Building.
4. All equipment and machinery used in the recycling and reclamation of demolition materials, including any crushing and/or processing equipment and machinery, shall be located and operated only within a fully enclosed Building. Any new *Building* shall be constructed in a manner that enables it to be disassembled. Where the proposed *Building* is adjacent to residentially zoned property, there shall be no operable windows or doors facing such residentially zoned property, except as may be required for emergency fire egress of *Building*

occupants. Building plans shall be accompanied by an Operations Management Plan specifying, to the satisfaction of the Zoning Board, the method of noise, vibration and dust management, ventilation, vehicular circulation, truck idling, street cleaning, and any other matters requested by the Zoning Board. Any part of a machine used to crush or break up material shall be mounted on rubber tires or a vibration absorbing platform. The use of a jaw crushing machine, such as a Zenith, shall not be permitted on the premises.

5. The *Building* and equipment shall be designed and operated to comply with the City of Stamford Noise Control Ordinance, and any other federal, state and local requirements (including but not limited to those applicable for a commercial emitter and residential receptor (55 dBA), as may be amended from time to time. All vehicles and equipment with a backup warning device shall use an OSHA approved “white noise” device.
6. All equipment, machinery and vehicles used in connection with the unloading, loading, transport, reclamation or recycling of materials shall operate only between the hours of 8 a.m. and 5 p.m., Monday through Friday, excluding weekends and holidays. Said hours shall be posted at all vehicular entrances and exits with phone numbers for one onsite and one City of Stamford contact to call with questions or issues relating to noise, dust, vibration, hours of operation, or other conditions of approval.
7. Notwithstanding the above, in the case of State and/or municipal snow removal or infrastructure emergencies, vehicles may enter and exit the site outside of the time periods outlined in 6 above; however, no other activities shall take place on the site during these hours.
(215-33)

Dormitory

A *Dormitory* is a *Building* or portion thereof, arranged, intended, designed or converted to be used as a place of temporary residence for persons whose permanent residents is elsewhere, who occupy common sleeping rooms and share related facilities and are enrolled at a private or public accredited school, college, university, boarding school, theological school or comparable educational institution; provided that said dormitory is controlled or managed by said educational institution. A dormitory shall not include residences utilized by fraternities or sororities or clubs and lodges. *Dormitories* shall be located on the same Lot or within one half-mile of the campus of the institution it serves. *Dormitories* serving students of primary and secondary Institutions of Learning shall be permitted in all Zoning Districts where such institutions are permitted. *Dormitories* serving students of post-secondary Institutions of Learning, such as colleges and universities, shall only be permitted in the CC, C-D, C-G, MX-D, MR-D, NX-D, RHD-D, R-HD or R-MF districts. In Zoning Districts where densities are regulated by *Dwelling Units* per acre, four (4) *Dormitory* beds shall be considered one (1) *Dwelling Unit*. (216-04, 221-11)

Drive-through, Drive-Thru

A facility where retail and service transactions are conducted without the necessity of the customer or client leaving the vehicle. Drive-throughs shall not be permitted in the following Districts: RA-1, RA-2, RA-3, R-20, R-10, R-7¹/₂, R-6, R-5, RM-1, R-MF, RHD-D, R-D, C-D, CC, CSC-D, C-WD, B-D*, MX-D, MR-D, NX-D, SRD-S, SRD-N, HC-DD, P-D, IP-D, DW-D, TCD-D, ARD-D*, HTD-D, V-C and P. All drive-throughs shall be permitted by *Special Permit* in the M-G, M-L and M-D districts and shall be subject to review and approval by the Transportation, Traffic and Parking Bureau (TTPB) after consideration of traffic safety on site or on adjacent *Streets*, the potential to create or aggravate congestion on adjacent *Streets*, and such other factors, as determined by TTPB. Drive-through banks and pharmacies shall be permitted by *Special Permit* only in the C-N, C-B, C-I, C-L, C-G and NX-D only if approved by the TTPB and if they are integrated in a *Development* compatible with the general character of the neighborhood. This definition shall not be applicable to gas stations and car wash establishments.

All drive through facilities shall have a pedestrian entrance on a public *street*. *Buildings* shall be oriented along the public *Streets*. All parking, queuing and the drive through window shall be located behind the *Principal Building*, and suitably screened from the *Street* and neighbors by *Fences* and plantings. (218-58)

Dwelling

The terms "dwelling", "one-family dwelling", "two-family dwelling", "multiple dwelling" or "dwelling group" shall not be deemed to include automobile court, camp, Rooming House, tourist home, inns or hotels.

1. Dwelling, One-Family: A detached Building containing only one (1) Dwelling Unit.
2. Dwelling, Two-Family: A detached Building containing two (2) Dwelling Units.
3. Dwelling, Multiple: A Building or portion thereof containing three (3) or more Dwelling Units.
4. Dwellings: Group or Town House: A group of three (3) to not more than ten (10), attached or semi-detached one-family Dwelling Units, erected as a single Building, and each or all Buildings may be constructed on one (1) Lot in single ownership or each Dwelling Unit in each Building may be in separate ownership; each Dwelling Unit shall be separated from the adjoining Dwelling Unit or Dwelling Units by masonry party wall or walls in accordance with the Building Code of the City of Stamford and shall extend from the basement or cellar floor to the roof along the dividing Lot line, if there be such line, and such party walls shall project not less than six inches (6") above the roof of each dwelling; each Building shall be separated from any other Building by a dimension not less than twice the height of opposing Building walls, except as otherwise provided for under APPENDIX B, SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS; and each such

Dwelling Unit shall be no greater in depth than thirty-five feet (35') measured from the main front wall to the main rear wall of each Dwelling Unit. (99-004)

Dwelling Unit

A Building or portion thereof providing complete housekeeping facilities for one family.

Elderly

Means a person who is 62 years of age or older. (71-012)

Emergency Shelter

A public or non-profit facility providing temporary housing, and social, health and related services for families and/or individuals eighteen (18) years of age or older, who are without resources and access to shelter. The design, operation, arrangement, capacity and location of such facilities shall be approved on an individual basis. However, in no case shall permitted capacity exceed a maximum of one hundred (100) persons, exclusive of staff, and shall be operated and staffed in accordance with the administrative regulations of the Department of Human Resources of the State of Connecticut, Section 17-31v-1, 2 and 3 of the General Statutes, as may be amended. To encourage central location of such facilities, sites to be approved shall be located within the Central Business District or not more than 2,000 feet from the boundary of the CBD as shown on the *Master Plan*. (87-002)

Equipment Rental, General

A facility used for the sale, rental and/or storage of all types of residential necessities including camping supplies, sanders, scrapers, drills, tools, linens, chairs and other items normally associated with such installations and contractor-industrial equipment including air compressors, space heaters, pumps, compactors, scaffolding, moving equipment and hauling trailers, and all other items normally associated with such installations. Said facility shall be situated on a site not less than one-half acre (21,780 square feet); include a Building of not less than 4,000 square feet for office and indoor merchandise display; and all exterior storage area must be permanently paved and screened so as not to be visible from the street frontage. (76-004)

Equipment Rental Store, Residential

A facility used for the sale, rental and/or storage of all types of residential necessities, including camping supplies, sanders, scrapers, drills, tools, linens, chairs and other items normally associated with such installations, except that in the case of any such residential equipment rental store located

in a C-G General Commercial District or a C-I Intermediate Commercial District there shall be no outside display or storage of merchandise; and with the further exception that in the case of any such residential equipment rental store located in a C-N Neighborhood Business District there shall be no outside display or storage of merchandise and the *Gross Floor Area* of any Building devoted to such use in a C-N Neighborhood Business District shall not exceed eighteen hundred square feet (1800 sq. ft.), provided that articles for sale, rental and/or storage shall be similar in character to the customary inventory of merchandise carried by a hardware store, provided further that large equipment customarily referred to as contractor's equipment shall not be sold, rented or stored on or from the premises of any residential equipment rental store in the C-N Neighborhood Business District.

Family

One or more persons closely related by blood, marriage or adoption, occupying a Dwelling Unit and living together as a single housekeeping unit, or a maximum of four (4) unrelated individuals living together as a single housekeeping unit and sharing in the use of any conveniences available, provided further that within a single-family detached dwelling owned and occupied by a family closely related by blood, marriage or adoption this provision shall be construed so as not to prohibit the renting of rooms without housekeeping facilities for use by not more than two (2) unrelated persons. (99-028)

Family Estate

A contiguous tract of land, in single or multiple parcels, owned by one or more members of the same family related by blood, adoption, or marriage, and developed and managed for use as residences and permitted *Accessory Uses* by the estate owners, guests and employees in service to the estate. In order to encourage the preservation enhancement, or creation of Family Estates and permanent open space, the following standards shall apply and shall supersede standards contained elsewhere in these regulations that may be in conflict:

1. **Minimum Acreage:** A minimum of twenty-five (25) contiguous acres in the RA-3 and ten (10) contiguous acres in the RA-2 or RA-1 District shall be required and shall constitute one minimum zoning *Lot Area* for purposes of these regulations. The total size of any Family Estate is not limited and additional parcels smaller than the required minimum may be added to qualifying parcels. Existing Family Estates may be divided by an existing public road provided the total acreage of the more restrictive zone is met in total and at least 15 acres exist on either side. (220-41)
2. **Existing Structures:** Existing non-conforming *Buildings* and *Structures* shall be allowed to remain but may be extended, expanded or changed, subject to approval by the Zoning Board, by issuance of a *Special Permit* in accordance with the standards of Section 2.B.

3. *Density Standards*: Garages, barns, silos, cottages, guest houses, employee quarters, and residences for family members may be used as Permitted Use residences with Kitchen facilities provided there shall be one minimum zoning Lot Area unit, per section a. above, prior to open space disposition for each such residence and provided the Estate is registered with the Zoning Enforcement Officer per Section h. below. Residences in excess of this limitation shall be approved by the Zoning Board pursuant to a *Special Permit* in accordance with Section 2.B. Notwithstanding these limitations, all registered Family Estates shall be permitted up to 2.5 Permitted Use residences by right. Family Estates shall be allowed to continue to maintain the existing residential *Density* uses for the Estate prior to registration per Section h. below provided there shall be at least one unit of the minimum Lot size of the underlying zone for each such residence. Expanded Family Estates shall not exceed a *Density* of one half (50%) of the gross acreage prior to open space disposition divided by the minimum Lot size of the underlying zone. The maximum *Density* 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*. (220-41)

For purposes of the *Density* standard of these regulations, living quarters occupied by family members or employees of the Family Estate that are equipped with separate housekeeping facilities and less than one thousand square feet in Gross Residential Floor Area, may be considered equal to one fourth ($\frac{1}{4}$) of a *Dwelling Unit*, limited to not more than four such smaller units, unless approved by the Zoning Board.

4. *Height*: *Accessory Structures* shall be subject to the same *Building Height* and *Stories* limitations as principal residential *Structures*. Where setbacks from street frontage or adjacent property prior to open space disposition are in excess of five hundred (500') feet, estate residences shall not exceed forty-five (45') feet in height. (220-41)
5. *Yard Requirements*: Except as noted above, the front, side and *Rear Yard* setback requirements for primary and *Accessory Buildings* shall be a minimum of one hundred (100') feet prior to open space disposition. However, the Zoning Board may approve under special circumstances, on a site specific basis, the appropriate relationship of yard requirements and separation of *Structures* on the site to each other and the bounding property lines with the objective of assuring adequate screening, privacy, safety, architectural compatibility with existing Buildings and functional integration with the overall Estate.
6. *Open Space*: Upon registration of a *Family Estate* pursuant to Section 8. below not less than thirty (30%) percent of the site area shall be preserved as open space in perpetuity. The location of Open Space is subject to the review of the Director of the Land Use Bureau. Said open space may be: a Conservation Easement Area in a form approved by the Zoning Board filed on the Stamford Land Records; conveyed to the Stamford Land Conservation Trust or similar organization with the requisite requirements for maintenance as open space; or conveyed to the City of Stamford subject to acceptance by the City of such conveyance; or a combination of the above. Land appropriately donated or set aside as permanent open space

prior to registration as a Family Estate may be included in the overall land area calculation, provided said land was donated by the same registering family and does not exceed 15% of the total land area of the Estate. Where practicable, Open Space is to be contiguous and no area of Open Space shall be less than the minimum *Lot* size of the Zoning District. Subsequent to the open space disposition, residential *Density* and Building setbacks shall conform to the underlying zoning district requirements. Outdoor areas used for passive activities such as horse paddocks and pasture areas may be excluded from any limitations of recreational use of open space subject to determination by the Zoning Board that such use will not significantly alter the natural character of the open space area.

7. Building Area: Two and one-half percent (2½%) of the total site area prior to open space disposition.
8. Registration: In order to qualify as a Family Estate, the property owner shall register this designation by submitting a legally binding agreement subject to the review and approval of the City of Stamford Department of Legal Affairs and a plan conforming to Section 2.C.3 of these regulations. Such designation shall be approved by the *Zoning Enforcement Officer* or Zoning Board as required by these regulations. Said site plan shall be filed on the Stamford Land Records and shall note thereon that said property is a registered Family Estate. (97-015)

Farm Uses

The following Farm Uses may be conducted in any district, without the necessity of obtaining any *Special Permit* therefor, and subject to the following conditions:

1. The raising of field and garden crops, vineyard and orchard farming, the maintenance of nurseries and greenhouses, and the keeping of livestock that are incidental and auxiliary to any such use and necessary thereto.
2. The keeping of livestock incidental to the domestic establishment of a residential use of the parcel of land on which such livestock are kept.
3. Temporary stands, not exceeding 400 square feet in total area, for the sale of products produced on the premises, provided that space shall be provided on the premises for all parking of vehicles in connection with the use of such stand.
4. Keeping of homing pigeons as an *Accessory Use*. The foregoing permitted use shall not, however, be construed so as to permit the keeping of pigeons of any species other than homing pigeons.
5. On all parcels of 50 acres or more, used for residential purposes and where the remainder of the property is used exclusively as farm land, all *Buildings* used for farm purposes shall be considered *Principal Buildings* under these Regulations and therefore the standards for *Accessory Buildings or Structures* shall not apply, provided such farm Buildings are located a

minimum of one and one-half (1.5) times the minimum setback requirements of Appendix B for the Zoning District in which the property is located, and further provided when located within a *Front Yard* that they are located a minimum of 100 feet from all property lines and shall not exceed a height of two (2) stories and a height of thirty-five (35) feet measured to the peak of the roof, whichever is less. Total *Building Area* of all *Buildings* shall not exceed fifty percent (50%) of the Maximum *Building Area* requirements of Appendix B for the Zoning District in which the property is located. (214-40, 219-26)

6. In the RA-3, RA-2 and RA-1 districts, the keeping of horses as an *Accessory Use* shall be permitted, provided there shall be at least 30,000 sq. ft. of lot area for each horse aged six months or older. The storage of manure or soil fertilizer shall be located not less than 150 feet from any street or lot line and no animals shall be allowed to roam at large. The keeping of animals shall not include commercial kennels or veterinary hospitals or other facilities. (94-035, 219-26)

Fire Station – Volunteer

A Building, or Buildings, housing firefighting equipment, related facilities and emergency apparatus to serve the public. (84-019)

Floor Covering Shop, Retail

Storage and retail sale of carpeting, rugs, linoleum, vinyl and asphalt tile, and similar kinds of floor covering; floor waxes, floor cleaners; floor finishers and related products; but not including terrazzo, ceramic tile or other masonry products. Storage to be limited to the normal needs of the retail operation on the same premises.

Food Shops, Retail

A retail establishment engaged in the sale of food primarily for offsite consumption including, but not limited to, establishments commonly known as markets, supermarkets, delicatessens, grocers, etc., engaged primarily in the sale of groceries including perishable and non-perishable food items and food related items. In such stores, non-food items and services such as household, health and beauty goods and other miscellaneous wares and services may also be offered but the supply of such items and services must be clearly incidental and secondary to the primary purpose of the store which is the retail sale of groceries directly to the consumer for offsite consumption. Nothing in this definition is intended to include a restaurant of any variety as a principal use. (205-05)

Gardening Supplies, Retail (219-19)

A parcel of land not exceeding 10,000 square feet in size used for the sale of gardening plants,

tools and landscaping materials primarily for retail customers and open to the public for at least 30 hours per week during March 1 through November 30. There shall be no storage of loose or bulk materials such as top soil, fill, mulch, gravel, fertilizer and other landscaping or building material, and no hazardous material shall be stored on site. Plant material for sale shall not exceed eight feet (8') in height nor shall planting containers exceed five (5) gallons or larger.

There shall be no storage or parking of motorized excavating or other heavy equipment or trucks exceeding one ton rated capacity or having more than two axles. There shall be no landscaping equipment or tools for sale that are not hand-held. The parking requirement shall be the same as for Retail Stores pursuant to Subsection 12.D.14 of these regulations. For purposes of calculating parking requirements, open, unenclosed areas used for sale shall be counted as *Floor Area*. All loading and unloading shall occur on-site.

Sites exceeding 10,000 square feet in size shall be considered CONTRACTOR'S MATERIAL STORAGE YARD.

Garage – Community

A *Structure* or a series of *Structures* for the storage of automobiles of the residents, businesses, and patrons of the neighborhood and not used for the making of repairs or long term storage. (210-30)

Garage – Private

A detached *Accessory Building* or a portion of a *Principal Building* for the parking and storage only of automobiles belonging to the occupants of the premises. One commercial vehicle which does not exceed three-quarters ($\frac{3}{4}$) tons in capacity and is used solely by the occupants may be stored in a private garage.

Garage – Public

A *Building* or part thereof, other than a private garage, used for the storage, care, or repair of motor vehicles for remuneration, including any sale of motor vehicle accessories, or where any such vehicles are kept for hire.

Gasoline Station

Any area of land including *Structures* thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, and otherwise servicing motor vehicles, but not including the painting thereof.

Golf Course or Club

SEE: Country Club.

Home Center

A retail facility having in excess of 80,000 square feet and not more than 130,000 square feet of *Floor Area* which offers for sale a wide variety of products used in the construction, maintenance, repair, improvement, enjoyment or use of land, homes, offices and other types of real property and appurtenant facilities. The interior sales *Floor Area* of such facility shall be primarily utilized for the sale of Building materials and supplies, including, lumber, millwork, flooring, roofing, foundation, hardware, electrical, plumbing, heating and ventilation materials and supplies. Other merchandise offered for sale may include, but is not limited to, garden and landscape supplies and equipment, tools, floor and wall coverings, home fashion and decorating accessories, house wares and home furnishings, paint supplies, appliances, wild and domestic pet supplies, limited snack foods and beverages and work-related apparel and accessories. In addition to *Floor Area*, outdoor space, not to exceed 30,000 square feet, may be used as a garden center. Products and merchandise may also be displayed and sold from interior private sidewalks and in designated areas of the parking *Lot* provided these areas are clearly delineated on a site plan approved by the Zoning Board. A minimum *Lot* size of fifteen (15) acres shall be required for this Home Center use. (96-023, 215-29)

Home Furnishings, Retail

Stores engaged primarily in selling the following products and related services, including, but not limited to: draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, and interior decorating materials. (206-56)

Home Occupation

Any use customarily conducted for remuneration entirely within a dwelling and carried on solely by the inhabitants thereof, which use is clearly incidental and customarily subordinate to the principal use of the dwelling ~~for dwelling purposes and does not change the character thereof.~~ Activities requiring a State of Connecticut Cottage Food license pursuant to PA 18-141 shall be considered a Home Occupation. The conducting of a clinic, hospital, retail store or any similar use shall not be deemed to be a Home Occupation. (222-01)

Hospital Complex

The Principal Use shall be a hospital licensed by the State of Connecticut Department of Health, and having facilities and medical staff to provide diagnosis, care and treatment of a wide-range of acute conditions or chronic diseases, including injuries. *Accessory Uses* permitted within the hospital complex shall include, but not be limited to the following: Medical Professional Offices, Professional Pharmacy, Nursing Home, Convent and Dwellings for Health Complex Staff. A Hospital Complex Site shall contain a minimum area of eight (8) acres. Any parcel or parcels of land smaller than said minimum acreage, owned by a non-profit medical corporation, may be added to a Hospital Complex Site. Such parcels must directly abut such Hospital Complex Site and may not be separated by a city *Street*. A Hospital Complex may be subdivided into *Lots* of not less than one (1) acre in area, by issuance of a *Special Permit* to insure that all *Lots*, Buildings and improvements thereon comply with applicable standards of the Hospital Complex definition and any conditions of previous *Special Permits* in effect at the time of the subdivision. No Building within a Hospital Complex may exceed a height of fifty (50) feet above grade; provided, however, that any Building located more than one hundred (100) feet from the nearest boundary of the Hospital Complex Site may exceed a height of fifty (50) feet above grade by an amount equal to one (1) foot for each one (1) foot in excess of one hundred (100) feet said Building is removed from the nearest boundary of the subject Hospital Complex Site, to a maximum of ninety (90) feet above grade. Off-street parking shall be provided in accordance with Section 12 of these Regulations and shall be screened from adjoining properties by suitable landscaping. (84-012, 96-006; 206-32)

Hotel or Inn

A Building designed as the more or less temporary abiding place for more than twelve (12) persons or providing six (6) or more sleeping rooms in which lodging is provided for compensation with or without meals. The word "inn" shall be used as being synonymous with "hotel".

Hotel or Inn, Extended Stay

A Building designed as a hotel, generally intended to accommodate longer lengths of stay, where all guest rooms are fully furnished and have a full kitchen. (213-09)

House Trailer

Any portable or mobile vehicle used or designed to be used for living purposes and with its wheels, rollers, or skids in place.

House of Worship(221-11)

A House of Worship is a *Building* or *Development* owned or leased and used for by an entity

recognized as a church or religious institution under IRC Section 501(c)(3) for the worship of a god or gods or other deities. Accessory Uses may include assembly facilities, schools dedicated to the teachings of a religion and housing for priests, ministers or other spiritual leaders.

Ice Skating Studio, Private

A Building or portion of a Building used solely for the instruction of students; such ice skating studio shall be an indoor establishment with not more than forty-five hundred (4500) square feet of skating surface, operated privately to provide ice skating instructions for individual or groups of individuals not exceeding at any one time, one (1) for each twenty-five (25) square feet of skating area. (70-020)

Junk Yard

The use of: (a) more than two-hundred (200) square feet of the area of any *Lot* in an M-G District, or (b) more than fifty (50) square feet of any *Lot* in all other Zoning Districts, whether inside or outside of a *Building*, or (c) any portion of that half of any *Lot*, except in the M-G District, that adjoins the *Street*. For this definition, “Use” means the storage, keeping or abandonment of debris, junk, including scrap metals or other scrap material, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. No garbage, putrescent, toxic, biomedical, hazardous or other waste, including demolition material that contains asbestos or other hazardous material, shall be permitted in a *Junk Yard*. (221-11)

Laundry and Dry Cleaning Establishment, Retail

A neighborhood retail establishment engaged in laundry and dry cleaning operations, dealing directly with ultimate consumers at the same premises. (81-001)

Mausoleum

A Building for interment of the dead above ground.

Medical Marijuana Dispensary Facility

Medical Marijuana Dispensary Facility means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit to an applicant in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies. (214-02, 222-01)

Purpose

The Zoning Board acknowledges the enactment of Public Act #12-55 and adoption of regulations concerning the “Palliative Use of Marijuana”. This Public Act and the associated regulations establish the local regulatory framework for the palliative use of marijuana pursuant to Chapter 420f of the Connecticut General Statutes. It helps to guide the appropriate location and operation of Medical Marijuana Dispensaries (“Dispensaries”) in the City of Stamford. The purpose of this Section U is to minimize the impact of Dispensaries on neighbors, while at the same time recognizing the essential services these Dispensaries will provide to the citizens of Stamford.

Standards

Medical Marijuana Dispensaries are allowed by *Special Permit* approval of the Zoning Board only within certain commercial and manufacturing Zoning Districts of the City of Stamford, as shown in Appendix A, Table II of these Regulations. Such uses must comply with the requirements of the Zoning Regulations and meet the following additional standards:

- a. Medical Marijuana Dispensaries must possess a current license from the State of Connecticut Department of Consumer Protection and comply with the Regulations of the State of Connecticut Department of Consumer Protection Concerning the Palliative Use of Marijuana, per the Connecticut General Statutes, Section 21a-408-1 to 21a-408-70, inclusive, as may be amended from time to time. Failure to maintain proper licenses shall be deemed an immediate violation of the City of Stamford Zoning Regulations.
- b. No Medical Marijuana Dispensaries shall be located within a 3,000 feet radius of any other Dispensary;
- c. Signage for Dispensaries must comply with the following standards:
 - (1) Signage shall be limited to a single *Sign* no larger than sixteen inches in height by eighteen inches in width;
 - (2) There shall be no illumination of a *Sign* advertising a marijuana product at anytime;
 - (3) There shall be no signage that advertises marijuana brand names or utilizes graphics related to marijuana or paraphernalia on the exterior of the Dispensary or the *Building* in which the Dispensary is located;
 - (4) There shall be no display of marijuana or paraphernalia within the Dispensary which is clearly visible from the exterior of the Dispensary; and
 - (5) There shall be no signage which advertises the price of its marijuana.
- d. Parking shall be provided according to Section 12 of the Zoning Regulations, as follows: A Dispensary shall meet the parking standard for Retail Store.

Medical Marijuana Production Facility

Medical Marijuana Production Facility means a secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies. (214-02)

Museum

A non-profit institution, which is exempt under Section 501(c)(3) of the Internal Revenue Code, that is essentially educational in nature, devoted to the procurement, care, and display of objects of lasting interest, open to the public a minimum of three days a week year round. (82-018, 214-02, 215-31)

Museum Complex

A parcel of land not less than 50 acres, in single ownership at the time of adoption of these regulations, containing multiple existing museum Buildings, which may be expanded, developed and/or redeveloped in phases, pursuant to a public hearing and *General Development Plan* approval. by the Zoning Board, and which land is devoted to the following Permitted Uses: subject to the following standards. (215-31)

1. ~~For the purposes of this Definition, a General Development Plan (GDP) shall mean a conceptual plan and accompanying information depicting the approximate size and location of all existing and proposed Structures and site improvements, the construction of which may be implemented in phases over a period of up to twenty (20) years from the date of approval, and up to two (2) extensions of up to five (5) years each, subject to the approval of the Zoning Board. Each specific element of a GDP shall be subject to final review and approval by the Land Use Bureau Chief, or designee, or the administrative review of the Zoning Board, only after proposed improvements have received all necessary permits, approvals, and endorsements from other local, state, or federal agencies having regulatory jurisdiction over the proposed improvements. Plans and designs submitted as part of a GDP application and/or subsequent Building Permit review by the Land Use Bureau Chief, or designee, should adhere to the application requirements of Section 7.2.C and the standards and conditions of Sections 19.C.2.a through 19.C.2.e.~~

Permitted Uses: ~~Permitted Uses may include~~ are defined as educational programming related to matters of natural history, agriculture, animal husbandry, astronomical studies, marine biology, and art history; cafe; Day Care; summer day camp; Retail Food Shop; picnic pavilions; trails; nature center; gift shop; playground; temporary community retail booth (e.g. bake sales, farmers market, etc.); recreation area; camp grounds; parking of vehicles for educational and community programs; and onsite housing for museum staff. (215-31, 222-01)

1. Existing Non-Conforming *Structures*: Existing *Buildings* and *Structures* that do not conform to the yard requirements shall be allowed to remain and may be extended, expanded or changed, subject to approval of the Zoning Board provided that such changes do not result in any nonconforming setback being further reduced and are part of an approved General Development Plan.
2. Improvements: Minor changes and minor expansions of existing *Structures*, *Parking Areas*, paddocks, gardens, or similar approved uses, including new *Structures* or driveways, may be allowed, subject to review and approval of the Land Use Bureau Chief or designee, or administrative review of the Zoning Board, provided that said improvements are consistent with an approved General Development Plan or set back at least 100' from any *Street* or residential property, and result in no substantial increased impact to parking or traffic demand or other public infrastructure.
3. Accessory *Structures*: Accessory *Buildings* and *Structures* shall be subject to the same *Building Height*, *Story*, and setback limitations as principle *Structures*.
4. Notwithstanding special standards of this Definition 67.5 herein, any Museum Complex shall comply with the standards of Section 2.B.2.e, subsections (2) and (3) for *Floor Area Ratio* and ground coverage.
5. Signage: A Museum Complex shall be permitted to provide the following signage:
 - a. One (1) *Ground/Wall Sign* within the *Front Yard* setback at the primary entrance to the Museum Complex to ensure visibility from the *Street* not to exceed forty (40) square feet in area and one (1) secondary entrance *Sign* not to exceed twenty (20) square feet in area.
 - b. At the primary entrance to the complex up to seventy-two (72) square feet of temporary banners announcing specific seasonal or special activities open to the general public, not to exceed ten (10) feet in height or width, may be allowed onsite within the *Front Yard* setback, provided any such *Sign* location is consistent with an approved General Development Plan.
 - c. Way-finding, directional, educational, exhibit, temporary tent *Signs*, and/or individual *Building Signs*, provided said signage is suitably screened from exterior *Streets*, shall be approved by the Land Use Bureau Chief, or designee, or as part of an approved General Development Plan.
6. Where any proposed General Development Plan activity requires approval from the Environmental Protection Board, Engineering Bureau and/or Health Department, said approvals shall be obtained prior to the start of site activity or the issuance of a Building permit for said activities.

Non-Conforming Use

The use of a *Building* or of land that does not conform to the regulations as to use for the district in which it is situated.

Nursing Home

An establishment, licensed by the State of Connecticut pursuant to Sec. 19a-490 through Sec. 19a-503 of the Connecticut General Statutes, as amended, as a "home for the aged", "nursing home" or "rest home", which furnishes food, shelter, nursing care, simple non-surgical medical care and other personal services to two or more persons, unrelated to the proprietor, who are suffering from chronic or incurable illness, abnormal physical condition, developmental or physical disabilities, or the infirmities of old age, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured, nor institutions of a penal or correctional nature or for the care of insane or feebleminded patients or the care of drug or alcohol addiction. Nursing home shall also include a hospice facility as defined under Section 19a-122b, C G S , as amended. (93-013)

Office Supply Store, Retail

Stores engaged primarily in selling, renting or servicing materials used in offices and businesses. (206-56)

Offices - Housing Authorities

Offices used exclusively by a "Housing Authority" created and existing by the authority of Chapter 128 of the Connecticut General Statutes, and located within a residential *Structure* operated by said Authority, provided that such use shall not exceed 20% of the total *Floor Area* of the *Structure* and shall not extend outside the *Structure* other than for the parking of non-commercial vehicles. (86-026)

Official Emissions Inspection Station

An Official Emissions Inspection Station means a facility for the purpose of conducting exhaust emission inspections of motor vehicles pursuant to an agreement as authorized by Section 14-164b, et seq, of the Connecticut General Statutes, as said section may be amended from time to time. Servicing and repair of motor vehicles, sale of gasoline, petroleum and automobile products, and other types of inspections are expressly excluded. (82-007)

Package Liquor Store (219-25, 220-42, 221-11)

A Package Liquor Store is a retail store which holds a package store permit pursuant to CGS §. 30-20. In all Districts that are located in *Master Plan Categories* 9 (Urban Mixed Use), 11 (Downtown) and 16 (Transit-Oriented Development District) where a Package Liquor Store is permitted pursuant to these Regulations, the minimum distance between Package

Liquor Stores shall be 500 feet. In all Districts that are located outside of *Master Plan Categories* 9 (Urban Mixed Use) and 11 (Downtown) where a Package Liquor Store is permitted pursuant to these Regulations, the minimum distance between Package Liquor Stores shall be 750 feet. Separation distances shall be measured “as the crow flies” from the entrance of each establishment.

Restaurants or cafés serving liquor for consumption on premises shall not be subject to separation distance limitations.

Nothing in these Regulations shall affect the issuance of a temporary permit which shall not exceed forty-eight (48) hours.

Notwithstanding the above, any Package Liquor Store which was in existence prior to June 7, 1982 or which is being taken or threatened to be taken in the exercise of eminent domain, shall be allowed to move said Package Liquor Store to any location in the City of Stamford provided that the new location is not closer than 750 feet to an existing Package Liquor Store and is in a zone where such use is permitted under these Regulations.

Party Rental Store

A facility used for the sale, rental and/or storage of all types of party rental equipment, including silver service, hat and coat racks, glassware, tables, chairs, linens and other items normally associated with food service equipment.

Passenger Way Stations, Right-of-Way

This shall include passenger or waiting stations for railroads, buses or other forms of transportation, including accessory service therein and right-of-way, but not including switching, storage, freight yards or industrial sidings, provided that bus passenger shelters or waiting areas as herein defined including related seating equipment, signage, display holders and illumination shall be a *Permitted Use* at rail stations. Bus shelters shall be permitted by-right within the public right-of-way when conforming to the Guidelines of the Stamford Transit District, in commercial, industrial and multi-family residential zones. Bus shelters shall be permitted by a Zoning Board *Special Permit* in all other zoning districts. (85-045)

Personal Wireless Services (PWS)

The provision of personal wireless services as that term is defined by Section 332 (c)(7) of the communications Act of 1934, U.S.C. section 151-613, as may be amended, which services are regulated by the Federal Communications Commission ("FCC") and include commercial mobile services, unlicensed wireless services, common carrier wireless exchange access services, cellular

services, personal communications services (PCS), Specialized Mobile Radio Services (SMR), paging services, and other similar communications services.

Personal Wireless Service Facility

All equipment, *Structures* and mountings used for the provision of Personal Wireless Service including transmitters, repeaters, antennas, antenna support *Structures* and associated communications equipment, but specifically excluding new towers or monopoles whether attached to an existing Building or *Structure* or freestanding on the ground.

1. Application for approval of a PWS facility attached, supported by, or mounted on an existing tower shall be subject to the issuance of a *Special Permit* by the Zoning Board in conformance with the requirements and standards of this section and Section 2.B. Application for approval of a PWS facility attached, supported by, or mounted on an existing Building and/or *Structure*, excluding a tower, shall be subject to initial review and determination by the Land Use Bureau Chief or designee, who shall within 60 days of receipt of a complete application and supporting information, authorize the *Zoning Enforcement Officer* to issue a Zoning Permit for a proposed Personal Wireless Service Facility, upon a finding that all of the following requirements and standards have been fully satisfied:
 - a. No PWS facility shall be attached to any Building designed for occupancy by four families or less nor to any *Accessory Building* located on a *Lot* containing such a residential Building.
 - b. The PWS antennas shall be sited to minimize visibility from surrounding public *Streets* and adjacent properties, and shall be designed, finished and mounted with materials, colors, dimensions and techniques to blend into the architecture of the existing *Structure* to the maximum extent practical, in a manner which aesthetically minimizes visual impact.
 - c. Antennas mounted on the façade of a Building shall match the color of the Building and shall project not more than two (2) feet horizontally from the wall or façade of the Building and project not more than five (5) feet vertically above the cornice line of the Building or wall to which attached; antennas mounted on the roof of a Building or attached to other existing *Structures* shall extend not more than 5 feet above the highest point of the existing Building or *Structure*.
 - d. Any roof mounted equipment associated with the PWS Facility shall be enclosed to blend with existing roof-mounted mechanical equipment and combined in a common enclosure with other PWS equipment whenever feasible. Any PWS Facility equipment located at ground level shall not exceed a height of fifteen (15) feet and shall be surrounded by adequate screening from adjacent properties and public rights-of-way with appropriate fencing and/or landscape screening of sufficient height, depth and proximity to provide a

year round visual barrier. Signage shall also be provided to provide notice of necessary safety precautions.

- e. As evidence of compliance with the radio frequency emission standards adopted by the FCC, a proposed PWS Facility shall have received the approval of the Stamford Director of Health under Chapter 160 of the Code of the City of Stamford. A copy of the full record of the proceedings of the Director of Health in approving the PWS facility shall be provided.
- f. More than one PWS Facility may co-locate on the same *Structure*, Building or existing tower, based on a finding that multiple installations will not alter the character of the *Structure* or Building and will not intensify any adverse visual impact on surrounding properties, provided further that all existing PWS facilities shall be operating in full compliance with a permit issued by the Director of Health and pursuant to the requirements of this section. The existence of any legally non-conforming PWS facilities shall serve to preclude the approval of any additional PWS facilities pursuant to this section.
- g. Application for approval under this section shall be submitted jointly by the PWS provider and the property owner, and shall include an analysis of the providers existing antenna locations, coverage and capacity calculations, and a justification of need for the proposed new facility.
- h. Removal Requirement: Any PWS facility which ceases to operate for a period of one year shall be removed, and at the time of removal the site shall be fully remediated. The PWS provider and property owner shall be separately responsible for compliance with this requirement. (97-020)

Pet Stores

Including Food & Accessories: means a retail business where domestic pets, pet supplies and pet accessories are sold to the public. (217-50)

Pet Daycare

A facility that regularly provides daily care for dogs, cats or other household domestic animals, along with retail sale of pet products and food, grooming, boarding, and training. The facility shall be soundproofed and equipped with odor control devices to prevent animal noises and odors to reach adjoining properties. Overnight boarding area shall not exceed 25% of the *Gross Floor Area* of the pet day care facility. Pet daycare facilities shall have a separate entrance, when co-located with other uses. Outdoor dog runs accessory to such facility shall only be permitted in the M-G and M-L districts and shall not be located adjacent to residential uses or residential zoning districts. Such outdoor facilities shall be fenced and shall be required to install storm-water treatment system. Pet daycare shall be completely indoors in all other districts. (219-18)

Personal Wireless Communication – Retail

A retail Establishment not exceeding 4,000 square feet of retail floor space, whose primary purpose is the sale, rental and service of personal and corporate communication services and products including, but not limited to, cell phones, tablets and other voice, data, imaging, internet, and information devices and related accessories that are capable of being used on any wireless communication network and the lawful activities ancillary thereto. There shall be no tower or transition facilities on the premises. (215-24)

Prenatal Care Residence

A dwelling licensed by the State wherein not more than ten pregnant women reside which is supervised and operated by a non-profit organization and is located on land adjacent to land on which a convalescent or nursing home is located; and a minimum of 3 *Parking Spaces* are provided. (88-027)

Professional Office - Medical: Offices of licensed physicians or licensed dentists, which do not have any hospital facilities.

Professional Office - Principal Use

An office of recognized professions such as doctors, dentists, lawyers, architects, engineers, real estate brokers, artists, musicians, designers, teachers, tutors and others, who through teaching are qualified to perform services of a professional nature and whose principal use is predominantly that of the profession in which such individual is engaged. (220-48)

Professional Office - Accessory Use

The office or studio of a resident professional person previously defined, in which not more than two (2) persons not resident of the premises are employed, provided that in the case of physician, surgeon or dentist there are no hospital facilities in connection therewith.

Professional Pharmacy

An establishment located in a medical/dental professional Building, having as its primary function the dispensing of drugs and medication, and whose stock in trade does not include merchandise other than pharmaceuticals, orthopedic appliances, sick room needs, and medications for internal and external use dispensed by prescription or otherwise. Such pharmacy may be conducted only

as part of a professional Building containing no less than five (5) offices occupied by medical doctors and used for no use other than a professional Building; provided that there be no direct outside public access to such pharmacy, and provided further that there be no identifying *Signs* or advertising directed toward the outside of said Building.

Public Charitable Institutions

Non-profit philanthropic or charitable institutions providing out-patient counseling, consulting, advisory services or related social services to the public, but not including hospitals, medical clinics, nursing homes, or residential dormitories, and not including institutions of a penal or correctional nature or for the care of insane or feeble-minded patients or the care of drug or alcohol addiction. (93-013)

Public Utility Buildings (No Service Yard)

Public Utility Buildings or uses may be permitted in Residential Zones, provided they do not include incidental service and storage yards.

Public Utilities

Electric Generating Plant: Any equipment used for the making or generation of electric power for sale.

Public Youth Services Agency

An organization with a minimum of ten (10) years of established collaboration with the Stamford Board of Education and/or Stamford Parks and Recreation Commission serving preschool to high school students by providing facilities and programming for extra-curricular education, recreation, and skill-Building activities. The following Special Standards may be allowed by *Special Permit* of the Zoning Board:

1. Parking requirements shall be determined by the Zoning Board based upon operational need and may be satisfied by offsite lease on land owned by the City of Stamford, provided said lease is for not less than 25 years;
2. *Building* setbacks shall be not less than 10' to any residence zone or street frontage;
3. Building Coverage shall not exceed 50% of the site, inclusive of any area leased from the City of Stamford. (213-25)

Racquetball Facility

An indoor facility used primarily for racquetball, squash racquets and/or handball, including other health facilities collateral thereto and such other facilities incidental thereto, including a pro shop and health/snack bar. Said facility to require four (4) *Parking Spaces* for each court. (78-016)

Radio-Controlled Miniature Car Facility

An indoor facility used primarily for the racing of radio-controlled miniature cars and such other activities incidental thereto, including but not limited to the sale of miniature cars and parts, the repair of miniature cars, instructions in use and a snack bar. (88-033)

Radio & Television Broadcasting Station

Any radio or television broadcasting station, including masts, operated as a public service, including studios and an auditorium which shall not have a seating capacity in excess of fifty (50) persons.

Recycling Preparation Operation

1. An operation of a recycling/transfer facility solely for the collection, compacting, crushing, shredding, baling, pulverizing, separation, sorting and consolidation of solid waste materials, including newspapers, paper and cardboard materials, construction materials, demolition materials, wood products, plastics, tires, rags and similar materials for reclamation and volume reduction purposes and for transfer to other sites for final reprocessing, reclamation, conversion or change of form.
2. No garbage, putrescent, toxic, biomedical or hazardous waste shall be allowed on the premises. No incineration shall be permitted on the premises and no stockpiling or storage of any materials shall be allowed outside of the enclosed *Building*. There shall be no reprocessing, conversion or change of form of such materials on the premises and all separated and sorted materials shall be transferred to other sites for final reprocessing, reclamation, conversion, incineration or other disposition.
3. All activities shall be conducted within an enclosed *Building* for which the plan, size design and method of operation have been approved under a permit issued by the Commissioner of Environmental Protection of Connecticut in accordance with the provisions of Section 22a-208a of the Connecticut General Statutes.
4. Within the M-G General Industrial District the site shall be not less than one and one-half acres if used for multiple purposes and not less than three fourths of an acre if used for a single use, shall have access and entry from two or more *Streets* not more than 1 mile from an entrance to the Connecticut Turnpike.

5. Within the M-L Light Industrial District the site shall be not less than two and one half acres; adjacent to railroad property; not less than one hundred feet (100') from a residence district; and not more than one (1) mile from an entrance to the Connecticut Turnpike. (90-012; 96-020)

Religious Institutions

SEE: House of Worship (221-11)

Research Laboratories

Research Laboratories shall be a *Building* or *Buildings* designed, intended or used for scientific, literary, antiquarian, commercial or medical research or experiments, provided, the use thereof is not noxious, offensive or detrimental to the neighborhood by reason of odors, fumes, dust, smoke, vibration, noise or other objectionable characteristics.

Residential Recreational Area

A *Lot* or tract of land located within a single-family residential zone and utilized for recreational activities for the benefit of persons dwelling in single-family dwellings located in a single-family residential zone; provided that the land to be designated as Residential Recreational Area is owned in common by the owners of the single-family dwellings legally entitled to use such Residential Recreational Area or by an association of such owners; and provided, further, that in the case of any area designated Residential Recreational Area necessary covenants and agreements shall be submitted to and reviewed by the City's Corporation Counsel to ensure proper maintenance of said area and to insure that the interests of the City and of neighboring property owners will be protected. The use of such facilities shall be restricted to those persons living in the contiguous residential area or in an approved subdivision in which such Residential Recreational Area is located. No use or *Structures* shall be permitted in a Residential Recreational Area except those related to recreational use and any such area shall be properly surfaced, planted and maintained by the owner. All facilities, lighting, drives and *Parking Areas* shall be located, set back and landscaped so as not to disturb adjacent residential properties. Conditions regarding hours of use, increased yards and additional landscaping shall be imposed when necessary to achieve this objective. (84-048)

Residential Rehabilitation Center, Non-Profit (federal, state or municipal assisted programs)

A *Building* owned or operated for non-profit purposes which contains rooms for a maximum of fifty (50) patients, and has a common dining facility, common bathroom facilities, common

recreational facilities, and common therapeutic facilities in which persons who have a medically recognized addiction to drugs or alcohol shall receive care and attention to eliminate said addiction through the use of psychiatric counseling, work therapy, vocational rehabilitation and other similar means, provided that no facility may be located within a one and one-half mile (1^{1/2}) radius of a like facility, and any new C-G zones that do not now exist would have to be covered by approval of the Zoning Board of Appeals for a *Special Permit*. (73-002)

Restaurant, Standard

An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state served by a restaurant employee at the same table or counter at which said items are consumed, and subject to the restriction that not more than forty-five percent (45%) of the *Gross Floor Area* may be devoted to food preparation related activities and other space not accessible to the public. (77-018)

Restaurant, Carry-Out

An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state either in edible containers or in paper, plastic or other disposable containers for consumption off the premises. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises or at other facilities on the *premises* outside the restaurant building is expressly prohibited, and the premises shall be properly posted with *Signs* stating that such consumption is unlawful. Such *Signs* shall be posted both inside the *Building* near the checkout counter and outside the *Building* in the *Parking Area*. (77-018)

Restaurant, Fast-Food

An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in edible containers or in paper, plastic or other disposable containers in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, including cafeteria-type operations where food, frozen desserts or beverages are consumed within the restaurant building. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is expressly prohibited, and the premises shall be properly posted with *Signs* stating that such consumption is unlawful. Such *Signs* shall be posted inside the *Building* near the check-out counter and outside the *Building* in the *Parking Area*. (77-018)

For the purpose of regulating these activities, definitions Restaurant, Standard, Restaurant, Carry Out and Restaurant, Fast-Food shall be mutually exclusive. (77-018)

Restaurant, Carry-Out; Restaurant, Drive-In; and Restaurant, Fast-Food outside the Downtown Boundary, as delineated in the *Master Plan*, shall be subject to the further restrictions that such *Permitted Uses* shall not be situated on any *Plot* having a frontage on a highway of less than one hundred feet (100'). *Structures* or *Buildings* thereon shall not be less than fifty feet (50') from a *Street* or highway line, nor less than forty feet (40') from a property line nor less than seventy-five feet (75') from the boundary line of a Residence District. The aforementioned restrictions shall not apply to these uses when such use is located in the M-L, M-G, or M-D districts so long as said property on which the use is located is surrounded on all sides by property also located in the M-L, M-G, or M-D districts. (77-018, 90-002, 220-04)

Retail Store, Discount

A facility of more than seven thousand five hundred (7,500) square feet of *Floor Area* which advertises by newspaper or radio, posts *Signs* or banners visible to the general public, or in any similar manner informs the general public that it sells goods generally and regularly at prices below a regular or list price charged in other retail establishments for comparable merchandise. (79-021)

Riding Academy

Any establishment where horses are kept for riding, driving or stabling for compensation.

Roller Skating Rink

A Building or portion of a Building used solely for roller skating; incidental uses shall be limited to skate shop and snack bar and no *Alcoholic Beverages* shall be permitted on the premises. Such roller skating rink shall be an indoor facility having not less than twelve thousand (12,000) square feet of *Gross Floor Area*. (80-004)

Rooming House

Any Building or portion thereof containing more than four (4) and less than ten (10) rooms that are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by more than four (4) and less than ten (10) guests, other than members of the family of the proprietor for compensation, whether the compensation be paid directly or indirectly. The term "Rooming House" shall be deemed to include lodging house and boarding school house, but not tourist home or tourist court.

Safe Deposit Facility

A Building or premises used for the renting of safe deposit boxes, vaults or other receptacles for storage of personal property. (82-014)

School, Non-Public

Any *Building, Structure* and/or land principally and regularly used by teachers and students for instructional and educational purposes, at the nursery, primary and secondary levels only, which is not under the direct supervision and control of the Stamford Board of Education and which is licensed by the State of Connecticut, or which is administered by an accredited educational institution or a bona fide religious institution. “School, Non-Public” shall include land used for recreational purposes as an adjunct to the principal instructional or educational use and any dormitories connected with such schools, but excluding fraternities and sororities. “School, Non-Public” shall not include vocational or secretarial schools. (214-09)

School, Public

Any Building, *Structure* and/or land principally and regularly used by teachers and students for instructional or educational purposes, which is under the direct supervision and control of the Stamford Board of Education.

Self-Storage Facility

A self-service, controlled-access facility occupying a Building or portion of a Building or consisting of a group of Buildings in a controlled-access compound, providing individual, compartmentalized stalls or lockers for the dead storage of customers business, personal and/or household goods. When approved by *Special Permit* in accordance with Appendix A, Table II, use 164.1, such facility shall be an *Adaptive Reuse* of existing *Floor Area* within an existing office Building, and shall be subject to the following standards: (214-10)

1. *Floor Area* shall not exceed a 0.5 *Floor Area Ratio*;
2. Said use shall be fully enclosed within the basement of the Building; and
3. Signage shall be subject to Zoning Board approval; and
4. Other than approved signage, there shall be no external evidence of the use.

Senior Housing and Nursing Home Facility Complex

An integrated Elderly housing facility, designed and managed in common, which may include a nursing home, rest home, assisted living residence, Elderly housing facilities, progressive

levels of support services, nursing care, related medical and/or ancillary support services in such proportions deemed appropriate by the Zoning Board. Not less than 90% of the units within the premises shall be occupied by at least one *Elderly* resident as defined in Section 3.A, paragraph 4.3 (b) of these Regulations. Within multi-family districts area, height and bulk of Buildings shall be in accordance with the standards of Appendix B. Within single family districts served by public sewers and public water, minimum size of *Plot* shall be eight (8.0) acres, *Principal Buildings* shall not exceed a height of three *Stories* with a maximum height determined by the Zoning Board, all Buildings shall be setback from property lines a distance not less than seventy (70) feet from all residentially used property and all *Street Lines*, and at the discretion of the Zoning Board thirty-five (35) feet from all other property lines, Building Coverage shall be in accordance with Appendix B, and *Floor Area Ratio* (including housing) shall not exceed 0.4 in the R-10 Zone and 0.25 in the R-20 or RA-1 Zone. Where redeveloping existing non-residential *Special Permit* uses, the minimum site area shall be three (3) acres, provided that for any site less than 8 acres in area the maximum Building Height shall not exceed 2.5 *Stories*. Where a property is currently not connected to public sewers, the applicant shall provide evidence of the ability to connect to the public sewer at the time of *Special Permit* application and the Zoning Board may require contribution in kind/cash or bond to ensure appropriate public sewer connection and appropriate operation of the sewer system as a result of such connection. Parking requirements shall be determined based on the mixed use, operational characteristics and potential shared use of parking of said project. Said complex may at the discretion of the Zoning Board also include such other uses allowed by right or by *Special Permit* within the underlying zoning district. When located within the RHD-D District, said complex may at the discretion of the Zoning Board be combined with other uses allowed by right or *Special Permit*, may be situated on contiguous parcels of land, any may be approved within existing Buildings that are nonconforming with respect to Appendix B. The application and review standards of Section 2.C. Site Plan Review and Section 2.B.2 Standards and Conditions for *Special Permit* shall apply. (90-031; 95-029; 213-13, 217-17)

Shooting Range Facility

Shooting Range Facility means an indoor facility used primarily for the safe and supervised practice and use of firearms, by both civilians and law enforcement, which may include but not be limited to such ancillary uses incident thereto, e.g. classroom and educational instruction, manufacturing, retail sale, and a snack bar. Such a facility shall: (a) possess and maintain required Federal Firearms and State Commercial Firearms licenses; (b) comply with the Stamford Noise Ordinance found at Chapter 164 of the Stamford Code of Ordinances; (c) incorporate air quality mitigation mechanisms as approved by the Health Department; and (d) have received a favorable recommendation from the Director of Public Safety and the Chief Law Enforcement Officer prior to the approval of a *Special Permit* by the Zoning Board. (220-32)

Shopping Center

A group of not less than fifteen (15) contiguous retail stores, originally planned and developed as a single unit, having a total ground floor Building Area of not less than sixty thousand (60,000) square feet, with immediate adjoining off-street parking facilities for not less than two hundred and fifty (250) automobiles. (78-005)

Short-Term Rental

A Short-Term Rental shall mean the offering for lease or sublease of, or otherwise providing, one or more rooms on a Short-Term Rental Property by a Short-Term Rental Operator pursuant to a Short-Term Rental Transaction.

Short-Term Rentals shall be permitted in all Zoning Districts where residential uses are permitted; provided, however, that no Short-Term Rentals shall be permitted in the RA-3, RA-2, RA-1, R-20, R-10, R-7½ or R-6 Zoning Districts, unless the Short-Term Rental Operator resides in such Short-Term Rental Property at all times when guests occupy such property.

Short-Term Rental Operator shall mean the owner, lessee, sublessee or other provider of a Short-Term Rental Property who resides at the property as their primary residence and offers the Short-Term Rental Property for occupancy pursuant to a Short-Term Rental Transaction. (222-01)

Short-Term Rental Property means a Dwelling Unit, or any portion thereof, that is (1) a property designed for residential use (commercial and industrial spaces are not eligible), (2) the subject of a Short-Term Rental Transaction, and (3) not a hotel, lodging house, bed and breakfast establishment, any other commercial residential establishment, below market rate unit, a public housing unit or a homeless shelter.

Short-Term Rental Transaction shall mean a Short-Term Rental for a period of one (1) to 27 consecutive days but for no more than 90 days per calendar year in total.

Smoke Shop, Tobacco Store

A retail establishment where 50% or more of the retail area is dedicated to the sale of tobacco and products containing tobacco or nicotine (including “e-cigarettes”) and paraphernalia, and areas for the consumption of such and other smoke-able products.

Social Hall

A multifunctional Building used for at least three of the following uses: business, educational, social activities and programming including but not limited to food and beverage service (including alcohol), collaborative workspace, research and development and incubator /maker space. Parking shall be determined in accordance with Section 12 based upon the mixture of uses

within the operation and subject to confirmation by the reviewing authority or a designee. Where permitted in the R-MF District, the following restrictions shall apply:

1. The serving/sale of Alcoholic Beverages shall only be permitted when part of, or accessory to, an operation under any Manufacturer Permit as described in Section 30-16 of the Connecticut General Statutes;
2. Said use shall be limited to the *Adaptive Reuse* of nonconforming commercial and/or industrial Buildings within *Master Plan Categories* 9 (Urban Mixed-Use) and 11 (Downtown); and
3. Said use shall be limited to 10,000 sf or less. (219-04)

Sunglass Store

Stores engaged primarily in selling sunglasses and eyeglasses. (206-56)

Surgery Center/Out Patient

A licensed outpatient surgical facility which provides ambulatory surgical care in addition to the provision of medical care for diagnosis and treatment of persons with acute or chronic conditions or to the provision of surgical care to well persons. Such facility requires a medical environment exceeding that normally found in a physician's office, but no surgical procedure that is performed can require an overnight stay. Facilities shall conform with the standards established by the State of Connecticut Public Health Code, Sec. 19-13-D56. Facilities exceeding 15,000 square feet of *Gross Floor Area* shall be approved only pursuant to a *Special Permit* issued by the Zoning Board of Appeals. (88-034)

Swim or Tennis Club

A voluntary or corporate association owned solely by its members, the objectives, pursuits and purposes of which are social or recreational, operating or formed for the purposes of operating a club on a membership basis and not operated for profit, the principal facilities of which shall be a swimming pool or pools and/or tennis court or courts owned by it and maintained on land owned or leased by it, and which may maintain and operate on the same premises such accessory facilities owned by it as are usually provided by a Swim or Tennis Club. Accessory facilities shall not include Bowling Alleys.

Tavern

A place where beer is sold under a tavern permit.

Theater, Non-Profit: A company organized for non-profit purposes which is an exempt organization under Section 501(c)(3) of the Internal Revenue Code, and which carries on a program of performing arts for the general public at a theater located on premises owned or leased by said company (84-005)

Theater

A Building where the primary use is for movies and/or performing arts for the general public. Notwithstanding standards provided elsewhere in these regulations, when located in the Historic Conservation Area of the Downtown, as indicated on the *Master Plan*, within a Building used as a theatre at the time of the initial enactment of these Regulations, the following special standards shall apply: Incidental and ancillary uses including café, restaurant, entertainment, and liquors are permitted by right on the ground floor, and other uses allowed by right or *Special Permit* shall be allowed on other floors provided there are a minimum of 200 theater seats with a minimum of 150 fixed seats on the ground floor and theatre related uses constitute at least fifty percent (50%) of the Building *Floor Area*; Building Coverage may be 90% with no yard setbacks, provided expansions of existing Building Coverage is allowed only for theatre purposes; the *Floor Area Ratio* in the C-L district shall not exceed 1.5; all such uses shall be considered “Retail” for purposes of Section 12.D.9.a and no parking shall be required; Building façade, marquee, canopy, access and egress, and signage designs shall be generally consistent with the standards set forth in the first sentence of Section 8.D.4, subject to review and approval by the Land Use Bureau Chief. Night Club/Dance Hall uses shall not be allowed in the C-L district. (201-01)

Tobacco Store

SEE: Smoke Shop, Tobacco Store

Tourist Court

A Building or group of Buildings containing one (1) or more guest rooms having separate outside entrances for each such room or suite of rooms and for each of which rooms or suites of rooms automobile *Parking Space* is provided on the premises.

Tourist Home

A Building of residential character offering lodging with or without meals to transients for compensation, and not to accommodate more than five (5) guests.

Trailers

A vehicle on wheels designed to be towed or propelled on highways by another vehicle which is self-propelled and may or may not be equipped to afford sleeping and cooking accommodations or for the transportation of goods, wares, or merchandise.

Trailer Camp

A parcel of land on which there is located or intended one or more trailer homes occupied for living purposes.

Trailer Homes

A vehicle without motive power designed to be drawn by a motor vehicle and to be used for human habitation or for the carrying of persons.

Upholsterer

Repairing and reconditioning of furniture but excluding manufacturing or sale thereof and further providing that the number of persons working in any one location shall not exceed five (5).

Use

The specified purpose for which land or a Building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "*Permitted Use*" or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory

A use which is customarily incidental and subordinate to the principal use of a *Lot* or a Building and located on the same *Lot* therewith.

Used Car Lot

Any place outside a Building where two (2) or more motor vehicles in operating condition are offered for sale or are displayed.

Veterinary Office or Clinic (221-11)

Veterinary Offices or Clinics are establishments for the care and treatment of animals,

under the supervision of one or more professionals licensed pursuant to CGS Section 20-197. Such facilities shall be completely enclosed and roofed and effectively soundproofed to meet at all times the requirements of the City of Stamford Noise Ordinance.

A *Veterinary Office* shall not exceed 5,000 sf in *Gross Floor Area*, typically for the treatment of domestic cats, dogs and other small animals. *Accessory Uses* may include pet grooming and the sale of pet supplies including food and medicine. Overnight boarding of animals shall be limited to no more than 25% of the *Gross Floor Area* of such facility.

A *Veterinary Clinic* may exceed 5,000 sf in *Gross Floor Area*, for the treatment of pets and larger animals. *Accessory Uses* may include pet and animal grooming and the sale of supplies including food and medicine. Overnight boarding of animals shall be limited to no more than 25% of the *Gross Floor Area* of such facility.

Warehouse

Structures used solely for the reception, interior storage and bulk distribution of goods and merchandise; any accessory office area shall not be greater than 500 square feet. (87-040)

Warehouse Store

A retail facility having in excess of 80,000 square feet and not more than 130,000 square feet of *Floor Area* which offers for sale a wide variety but limited selection of consumer products; including but not limited to office supplies and equipment, consumer appliances, electronic equipment, furniture, house wares and home furnishings, tools, hardware, recreational and leisure products, automotive equipment and supplies, food and apparel. Distinguishing features of such a facility are that food, beverages, health and beauty products and other products are primarily sold in bulk quantities larger than normally offered by conventional retailers and a restricted selection of other goods and products are offered. The sale of soft goods shall be limited to 20% of the *Floor Area* of the store, of which not more than 50% of said soft goods area shall offer apparel for sale. Not less than 25% of the *Floor Area* of such facility shall be utilized for the sale of food and beverages. (96-023)

Wholesale Storage Buildings and Warehouses

Buildings or premises used for the sale and storage of materials including Building materials, but excluding mason materials and supplies, lumber, open yard material storage and other uses specifically classified elsewhere in the LAND USE SCHEDULE in APPENDIX A.

Yacht Club

A waterfront voluntary or corporate association whose objectives, pursuits and purposes are social or recreational, for the following activities: docks, anchorage and mooring spaces, shore and/or pool swimming, tennis courts, and other recreational facilities usually afforded by any such club. Buildings and accessory accommodations necessary or desirable for the exercise of the club's objectives, pursuits and purposes may be maintained. Single family dwellings, staff living quarters and overnight guest accommodations are permitted. Clubs shall operate without profit, or division of any revenues to its members, except as reasonable compensation for special services actually rendered; devoting all revenues received to supporting the purposes and objectives or to eleemosynary uses. (216-13)

Where a *Y a c h t C l u b* is permitted in a Single Family zone, the following standards apply:

1. Minimum *Lot Acreage*: required shall be not less than five (5) acres inclusive of parcels adjacent to and/or directly across a public right-of-way.
2. Open Space: Minimum of twenty-five percent (25%) shall be beach, lawn, piers, or other landscaped area.
3. Maximum *Floor Area Ratio*: 0.25
4. Building Height: The allowable height shall be measured from the Base Flood Elevation.
5. Setbacks:
 - a. All *Structures* greater than one (1) *Story* or one thousand (1000) square feet in *Floor Area* shall conform to the required setbacks of Appendix B for principal *Structures*.
 - b. All uncovered recreational amenities (i.e. pool, tennis, platform tennis, etc.) and, *Accessory Structures* less than one thousand (1000) square feet in *Floor Area* shall be setback a minimum of ten (10) feet from all property lines.
 - c. Existing nonconforming *Buildings* and *Structures* may remain or be modified provided that any such modification does not exacerbate a nonconformity or create a new nonconformity.
6. Parking:
 - a. There shall be at least one (1) off-street *Parking Space* for each employee and for every four (4) memberships.
 - b. Where the existing design, size and location of *Parking Spaces* and access thereto is nonconforming, the Zoning Board may allow such nonconformities to remain, or approve an alternate design that does not exacerbate a nonconformity or create a new nonconformity.
 - c. Seasonal boat storage of vessels may be permitted and may occupy up to ten percent (10%) of required *Parking Spaces*, provided there is no boat trailer or boat storage within any public right-of-way.

7. Screening: Zoning Board may require reasonable screening to be maintained where a determination is made that such screening is warranted to buffer proposed uses.

DRAFT

SECTION 5. DISTRICT REGULATIONS²²

5.A. ARD-D - ARCHITECTURAL REVIEW DESIGN DISTRICT*²³

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 *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 5.A.5. 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.

²² Formerly Sections 4.B and 9. "*" next to a district name indicates a Design District to which the requirements of Section 1.C. apply.

²³ Formerly Section 7.6.

- b. 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.
- c. *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.
- d. 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.
- e. 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 11 of these Regulations, the following additional standards, restrictions and permitted signage shall apply within the ARD District:

- a. For property within the CC, 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 11, 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 CC district that are approved subject to the provisions of Section 2.D. and 11.H.1 of these Regulations. (218-49)

- a. 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.
- b. 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.
- c. Wall mounted *Signs* mounted in the area of pedestrian circulation may not project more than 3 inches into the circulation zone.
- d. 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.
- e. The use of awnings and canopies is encouraged provided the signage placed on them complies with the *Wall Sign* requirements of these regulations.
- f. *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)
- g. 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.4.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*²⁴

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.

²⁴ Formerly Section 9.E.

- 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-7¹/₂ 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 (³/₄) acres. (80-023)

5.B.2. Permitted Uses

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

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 ($2\frac{1}{2}$) *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.C.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.C. 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 ($\frac{1}{2}$) 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. 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 DISTRICT²⁵

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.

²⁵ Formerly Section 4.B.5.

5.C.2. Permitted Uses

- a. In any C-B district a *Building* or other *Structure* may be erected, altered, arranged, designed or used, and a *Lot* or *Structure* may be used for the same purposes and in the same manner, as uses are permitted in the C-N district. Ground floor uses shall be limited to retail or service operations dealing directly with the general public.
- b. In addition to the above, the following uses are permitted as-of-right:
 - c. Community Center
 - d. Electrical Appliance Stores, Retail
 - e. Food Catering
 - f. Interior Decorating Shop
 - g. **Dwelling Units:** Residential use in the C-B district shall conform to the same square foot per family standard as the R-MF district on equivalent sized *Lots*, or limited to the underlying *Master Plan Density*, whichever is more restrictive. (209-030)

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)

5.D. CC – CENTER CITY DISTRICT (222-01)

See regulations in Appendices A and B and Bonus Provisions in Section 3.B., Defined Terms, Definition *Floor Area*, *Bonus*.

5.E. C-D DESIGNED COMMERCIAL DISTRICT*²⁶ (221-20)**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)

²⁶ Formerly Section 9.G.

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.

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; 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. *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)

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:

	Non-Residential Uses and Mixed Uses (Non-Residential and Residential)	Residential Uses
a. Building Coverage	12% three story Development 10% four story Development	25%

b. Lot Coverage¹⁾	40% three-story development 35% four-story development	40%
c. Density	0.40 FAR	12 units / 14 units per acre if all required BMR units are provided on-site
d. Building Height	Lesser of 4 <i>Stories</i> or 60 feet	Lesser of 3 <i>Stories</i> or 35 feet
e. Setback from Street Line	50 feet	50 feet
f. Setback from property lines, except Street Line	100 feet if adjacent to single and two-family districts ²⁾ , 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-7^{1/2}, R-6.

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. 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)

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

j. **Public Amenity Requirement.** For all *Development* or *Redevelopment* projects filed after December 1, 2021 at least five percent (5%) of the lot area shall be provided as a *Publicly Accessible Amenity Space* pursuant to Section 6 of these Regulations. Trails on Applicant's property shall count towards this requirement.

Public Access to the waterfront, meeting or exceeding the standards of Section 6, where required by the Master Plan, shall be provided and counted toward this requirement.

5.E.5. Procedure

All *Development* and *Redevelopment* within the C-D District, shall be subject to a *General Development Plan*, pursuant to Section 2.G., and to the Site Plan Review requirements pursuant to Section 2.C., 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.

5.F. C-G – GENERAL COMMERCIAL DISTRICT (222-01)

See regulations in Appendices A and B and Bonus Provisions in Section 3.B., Defined Terms, Definition *Floor Area*, *Bonus*.

5.G. C-I – INTERMEDIATE COMMERCIAL DISTRICT (222-01)

See regulations in Appendices A and B.

5.H. C-L – LIMITED BUSINESS DISTRICT (222-01)

See regulations in Appendices A. and B and Bonus Provisions in Section 3.B., Defined Terms, Definition *Floor Area, Bonus.*

5.I. C-N – Neighborhood Business District (222-01)

See regulations in Appendices A and B.

5.J. CSC-D COMMUNITY SHOPPING CENTER DISTRICT, DESIGN*²⁷**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

²⁷ Formerly Section 7.O.

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 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; 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; Garages - Community; Garages - Private; Nursing Home; Public Utility Service Yards; Public Utility *Buildings*; Restaurant - Drive-in; Sand and Gravel Bank; Tennis Courts, Indoor; Tourist Home. 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.C. 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 1000 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 DISTRICT²⁸

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.

²⁸ Formerly Section 4.B.6.

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 4.B.6.d. and 4.B.6.f. 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.9.. 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
- 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 5.K.1. 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 5.K.9. 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 5.K.9. 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.K.

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.K. 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 5.K.9. shall apply to *Redevelopment* under this Section 5.K.; provided however, that in the event of a conflict between a standard elsewhere in Section 5.K. and a standard in this Subsection 5.K.9., the standard in this Subsection 5.K.9. 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*²⁹

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

²⁹ Formerly Section 9.D.

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.
- 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):
 - Agencies – Real Estate, Insurance, Employment
 - Amusements – Outdoor Temporary, Circus, Fairs, etc.
 - Amusements – Outdoor, Theater, Pool, Arena
 - Apartment – Garden Type
 - Apartment Hotel
 - 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
 - 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
- Garages, Community
- Garages, Private
- Garages, Public
- Glass Fabricators and Installation
- Golf Course, Miniature or Simulated
- Hardware Store
- *Historic Site*
- Home Occupation
- Houses of Worship
- Ice Dispensing Service, Retail
- Ice Manufacturing and Storage
- 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
- 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
- Ship and Boat Building
- Shoe Repair Store
- Sign Painting
- Social Hall
- Stone and Monument Works, Manufacturing, Display and Sale
- Surgery Center/Out Patient
- Tavern
- Taxidermist
- Tourist Home
- 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
 - Y a c h t C l u b
- 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.C. 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.L.7. Review Procedures

All applications for designation and *Development* of property within the Design Waterfront Development (DW-D) District shall be accompanied by and subject to the approval of a GDP and Final Site and Architectural Plan pursuant to Sections 19.D. and 19.H. of these Regulations.

- a. ~~**Pre-Application.** No application for designation of a DW-D District shall be made to the Board and no such application shall be accepted as complete by the Board until a pre-application has been filed and reviewed as set forth below:~~
 - (1) ~~A pre-application submission, as defined in Subsection 9.D.8.a. shall be filed with the Planning and Zoning Director who shall be responsible for coordinating the technical review, and shall cause a legal notice to be published noticing receipt of the pre-application and shall make a copy of the pre-application materials available for public inspection and shall maintain a record of all written comments received.~~

- ~~(2) Within five (5) days of receipt, the Director shall refer the submission to the Stamford Planning Dept., the Connecticut Coastal Area Management Office, the Environmental Protection Dept., the Dept. of Traffic and Parking, and any other City, State, or Federal unit of government with information necessary to support a complete review of the pre-application.~~
- ~~(3) The Agencies' referral responses must be received within thirty five (35) days after referral. Failure to respond shall be taken as no objection.~~
- ~~(4) Within twenty (20) days of the close of the referral period, the Director shall prepare and issue to the applicant and to the Board a written review report setting forth findings regarding the following:~~
- ~~(a) Consistency with the purposes and standards of the DW-D District.~~
 - ~~(b) Information required to assess the viability of any existing water dependent use, or the ability of the site to support another such use.~~
 - ~~(c) Information required to justify any proposed modification, reduction or elimination of any water dependent use.~~
 - ~~(d) Impact evaluation studies required to evaluate the compatibility of the project with adjacent neighborhoods or the adequacy of public facilities.~~
 - ~~(e) The adequacy of measures proposed to mitigate adverse impacts to coastal resources.~~
 - ~~(f) Recommendations for resolution of any specific deficiencies or conflicts identified in the project.~~
 - ~~(g) The level of information required by other agencies regarding their issuance of permits.~~
- ~~(5) At any time prior to the issuance of findings, the applicant shall be entitled upon written request to grant extensions of any time periods or to withdraw the pre-application without prejudice. In response to issues raised during the course of the review, the applicant shall also be entitled to modify the pre-application and to submit additional information. However, substantial modifications or additional information which, in the opinion of the Director changes the essential character of the application shall be deemed a new pre-application for the purposes of the time limits set out above. Where the *Development* of such additional information depends upon the services of a professional consultant, the Director shall retain the authority to select the consultant who shall receive direction from and report to the Director.~~
- ~~b. **Application for DW-D Designation and Approval of General Development Plans.** Upon completion of pre-application review procedures, application may be made to establish a DW-D District and to apply for the issuance of a special permit and approval of general development plans, and to apply for coastal site plan review, all such applications to be submitted and acted on in common by the Zoning Board.~~

- ~~(1) An application for DW-D designation and approval of general development plans shall be submitted to the Board which shall review the submission for completeness, as defined in Subsection 9.D.8.b., including any information deficiencies cited in the pre-application findings. Any incomplete application may be rejected by the Board as ineligible for consideration.~~
- ~~(2) Upon a finding that the application is complete, the Board shall so notify the applicant in writing, and shall proceed to review the application and conduct a public hearing, in the manner prescribed under Section 8-3, Section 8-3C, and Section 22a-105 of the Conn. General Statutes.~~
- ~~(3) The Board shall promptly refer the complete application to the Conn. Coastal Area Management Office pursuant to Section 22a-103 CGS, and shall also refer the application to the Stamford Planning Board pursuant to Section 8-3a CGS. The Planning and Zoning Director shall be authorized to refer the application to any other unit of City, state, or federal government, and to convene technical staff meetings and to confer with the applicant as necessary to develop information to support a complete review of the application at a public hearing.~~
- ~~(4) Following a public hearing, the Board shall by separate resolutions act to approve or disapprove the petition for establishment of the DW-D District, and to approve, approve with modifications, or disapprove the application for special permit and the application for general development plans and the application for coastal site plan review. No DW-D District shall be approved or shall become effective unless the Board shall also approve a special permit and general development plans for the subject property.~~
- ~~(5) Upon approval of a special permit and general development plans, the Chairman of the Zoning Board shall endorse the certificate of approval for special permit and record the certificate in the land records of the City of Stamford. A record copy of the general development plans, modified as directed by the Board, shall be endorsed by the Chairman and recorded in the land records of the City of Stamford. Upon recording of the approved general development plans, the DW-D District shall be considered to be established and the Zoning Map shall be amended to show the boundaries of the DW-D area along with a reference to the location in the land records containing the special permit and general development plans authorizing the *Development*.~~
- ~~(6) Adoption of a DW-D District shall authorize the submission of final plans for approval to the Zoning Board, consistent with the approved uses, *Buildings, Structures* and site development standards and design criteria shown and described on the recorded general development plans and special permit. Unless otherwise specified, final plans shall be submitted for approval within one (1) year from the date of approval of the DW-D District, subject to extensions by the Board, each one not to exceed one year. Failure to submit acceptable final plans shall be sufficient grounds for the Board to revoke the special permit and to restore the original zoning district designation for the subject~~

property.

~~c. **Final Plans.** Final site plan development plans shall be submitted for approval to the Zoning Board in conformance with the approved general development plans and special permit, and shall be acted on as required by law.~~

~~(1) An application for approval of final plans and a supplemental application for coastal site plan review where required, shall be submitted to the Zoning Board which shall review the submission for completeness, as defined in Subsection 9.D.8.c. The Board may request additional information necessary to clarify or complete the application or may reject any incomplete application as ineligible for consideration. In acting to approve the application, the Board may direct the applicant to modify the plans and may establish reasonable conditions to insure that site improvements are provided in a timely manner to conform to the purpose and intent of the DW-D District. Reasonable conditions may include the filing of a performance guarantee acceptable to corporation counsel, and establishment of a timetable and construction phasing plan. When warranted, the Board may elect to hold a public hearing on any application for final plan approval. No *Building* permit shall be issued for the proposed *Development* or any part thereof until the Board has approved final plans and has confirmed in writing that implementation of conditions of approval has been assured.~~

~~(2) A DW-D project shall be completed within two (2) years from the date of approval of final plans, subject to extensions by the Board, each one not to exceed one year.~~

~~d. **Modification of Plans.** The Board may, at its sole discretion, authorize a request to modify the approved general development plan or special permit where the requested modifications are minor or are necessitated by circumstances beyond the control of the applicant. The Board shall receive and act on any such requested modification in the same manner as a new application for designation of a DW-D District. A requested modification of the terms, conditions and specifications of final plans shall be reviewed administratively by the Board, provided however that the Board may elect to hold a public hearing when warranted.~~

~~9.D.8. Application Contents~~

~~a. **Pre-Application Submission.** A request for pre-application review shall include, as a minimum, twelve (12) copies of the following information:~~

~~(1) **Written Statement.** A 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 DW-D District, and a declaration of other agency permits required.~~

- ~~(2) **Existing Conditions Map.**— A descriptive map showing the location, boundaries, dimensions and approximate acreage of the site, the approximate location and dimensions of *Buildings* and *Structures*, existing uses of *Structures* and land areas, existing site utilities and vehicle access, information describing land elevations, flood hazards, and coastal natural resource areas, and information regarding *Structures*, uses and *Street* elevations within 200 feet of the site.~~
- ~~(3) **Preliminary Development Plans.**— A preliminary site plan at a scale of 30 feet to 1 inch and preliminary architectural plans showing the intended demolition, rehabilitation or new construction of *Buildings* and *Structures*, including approximate dimensions, floor areas and intended uses, the general design of waterfront development and public access amenities, the extent of any dredging, excavation or filling, and areas devoted to landscaping, pedestrian access and parking.~~
- ~~(4) **Impact Statement.**— A description of how the project will affect any existing water-dependent uses or the suitability of the site to support another such use in the future; a description of the project's impact to coastal resources and the measures proposed to mitigate adverse impacts; a description of the project's impact on adjacent land uses and the capacity of the public *Streets*, utilities and services; an analysis of the visual impact of the project demonstrating compliance with subsection 9.D.5.e.~~
- ~~b. **Application For DW-D Designation and Approval of General Development Plans.**— A petition for DW-D designation and application for special permit, approval of general development plans and coastal site plan review shall include, as a minimum, twelve (12) copies of the following information:~~
- ~~(1) **Written Application.**— Written application on forms as prescribed by the Board including a project narrative as defined under Subsection 9.D.8.a(1).~~
- ~~(2) **Existing Conditions Survey.**— An accurate survey of the site including the information required under subsection 9.D.8.a(2) including land contours at a maximum of two foot intervals, critical spot elevations, flood elevation data, the location of utilities and any easements of record, and the location of coastal resource areas based on accepted field mapping methods, with a mapping accuracy meeting or exceeding the standards for a Class A-2 survey as defined by the Connecticut Technical Council, Inc.~~
- ~~(3) **General Development Plan.**— A site plan drawn at a scale of not less than one inch = 30 feet, showing the proposed location, dimensions, floor area and uses of *Structures* and the proposed location and area of principal land uses and facilities, existing and proposed land contours, the general location of landscaped areas, *Parking Areas*, vehicle access and public access amenities. Information addressing the DW-D *Building* standards shall be shown in tabular form and any intended subdivisions of the site shall be indicated.~~
- ~~(4) **General Architectural Plans.**— Preliminary architectural drawings including generalized floor plans, exterior elevations, perspective drawing(s) and descriptive information on~~

types of *Building* materials and exterior finishes.

- ~~(5) **Utilities Report.** Preliminary plans and written report prepared by a qualified professional engineer specifying the means by which sewage disposal, water supply, stormwater 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 and binding agreement shall be provided.~~
- ~~(6) **Schedule of Improvements.** A proposed timetable shall be provided indicating the completion of major site improvements, the establishment of uses, and the general sequence of construction.~~
- ~~e. **Final Plan Submission.** An application for final plan approval shall be submitted in conformance with and including all of the information required by the approved General Development Plan. Twelve (12) copies of all final plan material shall be submitted and shall include at least the following:~~

 - ~~(1) **Final Site Plan.** Plans, design details, and specifications satisfying the standards of Section 19.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 stormwater 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 DW-D District and the approved general development plan, including any provisions for public access and the protection of water dependent uses. (222-01)~~

5.M. HCD-D - HOSPITAL COMPLEX DESIGN* (210-27)³⁰

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-7¹/₂, R-MF, RHD-D, 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).

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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 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

Application for Approval of Designation as HCD-D and General Development Plan Approval. 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 19.H. of these Regulations. ~~An application for approval of designation as HCD-D and General Development Plan approval shall include, as a minimum, twelve (12) copies of the following information: (222-01)~~

- ~~(1) **Written Application.** Written application on forms prescribed by the Board including a list of property owners located within the proposed HCD-D, 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 HCD-D, and a declaration of other permits required.~~
- ~~(2) **Property Location Map.** A map depicting the location of the property to be included in the HCD-D designation.~~
- ~~(3) **Existing Condition Survey.** A Property and Topographic Survey of the site including the boundaries, dimensions and area; the location and dimension of *Buildings* and *Structures*; existing uses of *Structures* and land areas; existing site utilities and vehicle access; property ownership; land contours at a maximum of two-foot intervals and critical spot elevations; flood elevation data; and the location of any coastal resource areas based on accepted field mapping methods.~~

- ~~(4) **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;~~
 - ~~(f) vehicle access and transportation systems;~~
 - ~~(g) public access amenities, facilities and services;~~
 - ~~(h) the boundaries of any *Street*, open spaces, public access areas or other easements or land rights to be conveyed to the City;~~
 - ~~(i) tabulation of all applicable standards of Section 9.S.5 above.~~
- ~~(6) **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*.~~
- ~~(7) **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.~~
- ~~(8) **Schedule of Improvements.** A proposed Phasing Plan and timetable shall be provided indicating the anticipated completion of major site improvements, the establishment of uses, and the general sequence of construction.~~
- ~~(9) **Subdivision(s).** Any intended subdivision of the HCD-D tract into separate parcels for ownership or financing purposes shall identify the intended ownership, purpose, and relationship to the HCD-D District as a whole.~~
- ~~b. **Application for Special Permit Approval for Requested Uses.** An application for approval of a *Special Permit* for requested uses shall include, as a minimum, twelve (12) copies of the written application on forms as prescribed by the Board including a statement describing the specific request.~~

- e. ~~**Final Plan Submission.** An application for approval of Final Site and Architectural Plans & Requested Uses shall include at a minimum the following:~~
- ~~(1) **Final Site Plan.** Plans, design details, and specifications satisfying the standards of Section 19.D.3. of these Regulations.~~
 - ~~(2) **Architectural Plans.** Full floor plans depicting uses and final exterior architectural designs, elevations, perspective renderings, and the materials, finishes and colors of the proposed Structures.~~
 - ~~(3) **Utility Plans.** Engineering design plans and specification 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) **Landscape, Grading, Sedimentation 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 required to implement the intent and purpose of the HCD-D and the approved General Development Plan.~~

5.N. HT-D HIGH TECHNOLOGY DISTRICT*³¹

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.

³¹ Formerly Section 9.J.

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 redesignation;
- 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:

- 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)

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.C. 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.C.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.C. 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.C.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.C. 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*³²

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;

³² Formerly Section 9.I.

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; Playground for Child Day Care Center. (94-024; 95-021)
- 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 5.O.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 IP-D 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

Within any IP-D 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.C.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 IP-D District, the procedures and review standards of Section 2.C. Site Plan Review, the general purposes and other applicable standards of these Regulations, and the following additional standards:

- a. Required *Front Yards* of *Building* sites shall be maintained in grass except for walks, drives, planting, flagpoles, and other landscaping or ornamentation. Suitable landscaping or planting shall be provided and maintained in front of the *Building*, or incorporated in the architecture of the *Structure*. No driveway parallel to the *Street* shall be permitted in the required minimum *Front Yard*.
- b. 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 the height of the *Building*. In the event the IP-D DESIGNED INDUSTRIAL PARK DISTRICT is contiguous to more than one district, the yard requirements of the more restrictive district shall apply. Enclosed or covered pedestrian walkways shall be exempt from these requirements to the extent that they may be permitted a zero *Lot* line setback at the sole discretion of the Zoning Board. (94-024, 216-20)
- c. Any construction on said site shall be done so as to utilize the respective sites in a manner which results in the least defacement of natural organic features, e.g., trees.
- d. 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 19.H. of these Regulations. . A site plan showing the road layout for the entire property, and a plan for the exterior architectural design for the initial Building, and a description of the use

~~or uses proposed for same, shall be submitted to and be subject to the approval of the Zoning Board, who shall not approve same until after a public hearing. Exterior designs of subsequent Buildings, and uses therein, must be in harmony with the initial Building and the site plan, and shall be subject to approval of the Zoning Board, with the exception that offices as a principal use shall not be subject to approval of the Zoning Board. After receipt of subsequent applications for approval of architectural design of and proposed uses for additional Buildings, and/or for approval of plans for screening from adjoining residential areas, and/or for modification of the approved site plan, and/or for approval of modification of existing or approved Buildings and/or uses, each such application shall be subject to approval of the Zoning Board, who shall not approve same for a Building permit until after a public hearing. (78-022, 222-01)~~

5.P. M-D DESIGNED INDUSTRIAL DISTRICT*³³

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-7¹/₂ 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

³³ Formerly Section 9.H.

- (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 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 ($3/4$) 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; Child Day Care Center; and Playground for Child Day Care Center. (205-06)
- d. Public School. (205-06)

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 through e herein, and no *Building* shall exceed three and one-half (3^{1/2}) *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.C. Site Plan Review and Section 2.B. 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.C.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.C. 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.³⁴ (217-12)

5.Q.1. Purpose

³⁴ Formerly Section 4.B.8.

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 1, and Table II.

5.Q.3. Permitted Uses, Special Permit

The following uses shall be permitted by *Special Permit* pursuant to Appendix A, Tables I and II; 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; Demolition Materials Recycling Facility; Emergency Shelter; Family Day Care Home; Fire Station Volunteer; Group Day Care Home; *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*.

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*
- 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. 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 DISTRICT³⁵ (217-12)**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, Tables I and II.

5.R.3. Permitted Uses, Special Permit

The following uses shall be permitted by *Special Permit* pursuant to Appendix A, Tables I and II; Adult Establishment; Auto Service Station; Automatic Car Wash Establishments Bowling Alleys; Beach Club; Camp, Trailer; Trailer Sales; Child Day Care Center; Dwelling, Multiple; Emergency Shelter; Equipment Rental; Family Day Care Home; Fire Station Volunteer; Home Center; Group Day Care Home; *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;

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

³⁵ Formerly Section 4.B.9

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*³⁶

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

³⁶ Formerly Section 9.P.

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, RHD-D, 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 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 elderly 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 Units). (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. **Usable Open Space.** DELETED (214-27, 222-01)
- 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 elderly, 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.C. 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 11.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 Application Review Procedures

All applications for MRD District designation shall be accompanied by and subject to the approval of a General Development Plan (GDP) pursuant to Section 19.H. of these Regulations. (00-010, 214-27, 216-24, 222-01)

~~considered simultaneously and in common with an application for General Development Plans, and subsequent or simultaneous approval of Final Site Plans, in conformance with the review and application procedures of Section 9.D.7. and 9.D.8., except that references to DW-D shall be construed as references to MRD. When a project consists of a single phase and General Development Plan approval and Final Site Plan approval are considered simultaneously, separate General Architectural Plans as described in Section 9.D.8b.(4) are not required. Where a Mill River Corridor Project Plan has been adopted, an application for MRD District designation and approval of General Development Plans shall be referred to the reviewing authority for consistency with the adopted Mill River Corridor Project Plan in the same manner and procedure as a referral to the Stamford Planning Board. A MRD designation proposal disapproved by the reviewing~~

~~authority may be approved by the Zoning Board only by an affirmative vote of not less than four (4) members. Significant modifications of an approved MRD General Development 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 MRD and approve the amended General Development Plan. Failure of an applicant to submit Final Plans within one year from the approval of a General Development Plan, or expiration of Final Plan approval shall be cause for the Zoning Board to rezone the property to the zoning classification that existed immediately prior to MRD designation. Provided; however, when an obligation for required public access to the waterfront is satisfied within two (2) years of General Development Approval, an approved General Development Plan shall remain in effect for five (5) years with the opportunity for up to a five (5) year extensions each not more than one year, upon timely application and good cause shown. (00-010, 214-27, 216-24)~~

5.T. MX-D MIXED-USE DEVELOPMENT DISTRICT*³⁷ (213-06)

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

³⁷ Formerly Section 9.C.

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, 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; Laundry; Multiple Dwellings; News stand, Variety; Offices, Business and Professional; Package Store; Photo Studio; Restaurant, Standard; Safe Deposit Facility; 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 ($2/3$) 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, 222-01)
- 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 CC District for front, side, and *Rear Yards* and residential *Structures* shall be governed by the requirements of the RHD-D 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 CC 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, 222-01)
- (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 5.T.4.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, upon issuance of a *Special Permit* from the Zoning Board, blade type *Signs* up to 30 square feet mounted perpendicular to the *Building* façade are permitted, notwithstanding the standards of Section 11, and may extend over a public sidewalk provided they extend not more than thirty (30) inches from the *Building*, 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)

5.T.6. MX-D Mixed-Use Development District Procedure

The procedure to be followed in connection with applications for designation of MX-D MIXED USE DEVELOPMENT DISTRICT shall be as follows (213-06):

- a. ~~Application and General Plans.~~ Each All applications for designation as MX-D shall be accompanied by and subject to approval of a General Development Plan pursuant to Section 19.H. of these Regulations. ~~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 site; shall include a staging plan for the Development indicating projected dates of construction and occupancy for all proposed Structures; and shall include a request for authorization of specific uses intended for the Development in accordance with Subsection 9.C.3.a of this section. The application and general plans shall be sufficient in scope and character to determine that the objectives of the MX-D MIXED USE DEVELOPMENT DISTRICT will be met, and shall provide that those portions of the site that will be scheduled for later phases of construction be landscaped and maintained as Usable Open Space in the interim for the benefit of site tenants and the general public. Any proposed division of this site into separately owned and operated units shall be indicated. Subdivision approval shall not act to void the minimum area provision for the site. (213-06)~~
- b. ~~The Zoning Board shall render a decision within sixty (60) days after public hearing 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 MX-D MIXED USE DEVELOPMENT DISTRICT. (213-06).~~
- c. ~~After or in conjunction with the approval of the MX-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 19.D.3. 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 19.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. (213-06)~~

5.T.7. Performance

Notwithstanding the existence of or subsequent subdivision of parcels or Lots within the site redesignated a MX-D MIXED USE DEVELOPMENT DISTRICT to segregate component

Structures or uses for financing, construction or operating purposes, it shall be the purpose of the redesignation to a MX-D MIXED USE DEVELOPMENT DISTRICT that all components be constructed in a timely fashion. Accordingly, to the extent possible, all component *Structures* of the approved final site plan should be constructed simultaneously. However, no *Building* permit for non-residential components shall be issued unless accompanied by a comparable *Building* permit for not less than one-third ($\frac{1}{3}$) of the total number of residential Dwelling Units shown in the approved final site plans. (84-006, 213-06)

5.U. NX-D NEIGHBORHOOD MIXED USE DESIGN DISTRICT³⁸ (218-11)

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***
1.1*	Apartment Building for the Elderly **	R

³⁸ Formerly Section 4.B.10.

1.4	Apartment Building for Supportive Housing	R
2	Apartment – Garden Type	R
3.1	Apartment Hotel for the Elderly	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
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
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	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; Wall Paper	I
153	Printing; Job Shop, Publisher	I
157	Rag, Bag & Carpet Cleaning	I
158	Restaurant, includes Entertainment & Liquors	C
159.1	Restaurant, Carry-Out	C
164.1	Self-Storage Facility	I†
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
	Veterinary, Domestic Cats only <u>Veterinary Office (222-01)</u>	C
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 5.U, 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.B. of these Regulations:

NX-D – Permitted Uses by Special Permit		Use Category***
3	Apartment Hotel	C
5	Boarding House, Rooming House	R
23	Garages, Community	C
24	Garages, Private	C
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
43	Tourist Home, Court	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 Station) (See Section 13)	I
57	Auto Truck Storage Area	I
59	Automatic Car Wash Establishments Subject to Section 13	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 13)(subject to the standards of Sect. 13.C.2 and 13.C.3;	C

110	Garages, Bus & Taxi Service (See Section 13)	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; Paper Products; Perfumes; Playground Equipment; <i>Signs</i> ; Staging; Stationery; Store & Office Equipment; Synthetic & Plastics Products; Textiles; Toilet Preparations; Toys	I
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
150	Plating, Lacquering & Finishing of Metals	I
155	Public Utility Service Yards	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 5.U, and for purposes of applying the development standards in Subsections 5.U.3. and 5.U.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.

5.U.3. Development Standards

Standard	Residential Uses		Commercial Uses	Industrial Uses	Mixed Uses [†]
	<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**	10,000 square feet
<i>Minimum Frontage</i>	50 feet	50 feet	40 feet	40 feet	40 feet
<i>Maximum Building Coverage</i>	30%	40%	50%	80% for <i>Interior Lots</i> ; 90% for <i>Corner Lots</i>	50%
<i>Residential Density</i>	Maximum of 2 families per <i>Plot</i>	Determined by the maximum <i>Floor Area</i> permitted, provided the average <i>Gross Floor Area</i> of	N/A	N/A	N/A

		Dwelling Units shall not be less than 1,500 square feet.			
<i>Maximum Building Height</i>	35 feet or 3 <i>Stories</i> , whichever is less	45 feet or 4 <i>Stories</i> , whichever is less	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 10 feet	60 feet or 4 <i>Stories</i> , whichever is less	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 10 feet
<i>Maximum Floor Area Ratio*</i>	0.75	1.5	1.5	1.0	For mixed use <i>Buildings</i> with only commercial and residential uses, 1.5 total, with no more than 1.0 for commercial uses. For mixed use <i>Buildings</i> with industrial and commercial or residential uses, 1.5 total, with no more than 0.5 for industrial uses.
<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 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 shall 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 shall include a 5-foot planted buffer.
<i>Side Yard Setback From curb line</i>	No less than 8 feet on one side and 12 feet on both sides	No less than 8 feet on one side and 18 feet on both sides	No <i>Side Yard</i> setback is required, but if provided shall be no less than 8 feet.	No <i>Side Yard</i> setback is required, but if provided shall be no less than 8 feet	No <i>Side Yard</i> setback is required, but if provided shall be no less than 8 feet.
<i>Rear Yard Setback</i>	A minimum of 30 feet	A minimum of 30 feet	A minimum of 20 feet	A minimum of 15 feet	A minimum of 20 feet
<i>Pervious Ground Cover Lot Coverage</i>	A minimum of 15% of total <i>Lot Area</i> <u>85% maximum</u>	A minimum of 15% of total <i>Lot Area</i> <u>85% maximum</u>	A minimum of 5% of total <i>Lot Area</i> <u>95% maximum</u>	A minimum of 5% of total <i>Lot Area</i> <u>95% maximum</u>	A minimum of 5% of total <i>Lot Area</i> <u>95% maximum</u>
<i>Usable Open Space</i>	Pursuant to Section 3.B. <u>Definition Open Space, Usable</u>				

<i>Usable Open Space</i>	A minimum of 200 square feet per dwelling unit	A minimum of 75 square feet per dwelling unit	N/A	N/A	A minimum of 75 square feet per dwelling unit
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† As used in this Section 5.U, mixed use standards shall apply to any *Development* that utilizes two (2) or more categories of uses (residential, commercial, industrial), in which the additional use or uses constitutes at least 25% of the total *Development*.

* *Floor Area Ratio*, as used herein is defined as the total *Gross Floor Area* of all uses including *Dwelling Unit* area contained within *Buildings*, divided by the area of the *Lot*, but excluding from such calculation (1) portions of a *Building* housing mechanical equipment, (2) bicycle parking areas, (3) the *Gross Floor Area* of parking *Structures* below-grade or parking *Structures* above-grade that are incorporated within the *Building* and suitably screened, 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 Zoning Board or Land Use Bureau Staff, as applicable, (4) Basement levels that are more than 50% below grade.

** For purposes of determining compliance with the development standards herein for Industrial Uses, any parcel of land smaller than said minimum *Lot* size may be added to an existing adjacent parcel used for industrial purposes, if such parcels are commonly owned, and once developed, maintained in common ownership. Thus, for purposes of determining compliance with the development standards herein, the parcels shall be treated as a single *Lot* notwithstanding that it may be in fact composed of two or more different *Lots*.

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 5.U.2. above shall be located exclusively indoors, except for the following:
 - Automatic Car Wash Establishments Subject to Section 13
 - 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. ~~Street Edge, Sidewalks and Street Trees, and Landscaping.~~ Sidewalks and Street trees shall be provided pursuant to Section 12.K. Any new *Development* shall include a 10' wide (or greater) sidewalk along its street frontage(s) measured from the curb, to consist of a minimum of six (6) feet of sidewalk and a four (4) foot wide (or greater) planting strip adjacent to the sidewalk. Such sidewalks shall be designed to enhance pedestrian safety and provide an attractive and convenient streetscape. One street tree (with a minimum size of 2½" caliper) shall be planted within the planting strip for every twenty five (25) feet (or part thereof) of sidewalk length along the property frontage.

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.

g. **Landscaping and Buffers**

- (1) A landscaped buffer at least 5 feet wide shall be maintained between properties with commercial or industrial improvements, and properties with residential improvements.
- (2) 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.

h. **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.

- i. **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.
- j. **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*.
- k. **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.
- l. **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*.

- m. **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.
- n. **Noise.** The proposed use must be shown to be in compliance with Stamford Code of Ordinances Chapter 164 - City of Stamford Noise Control Ordinance.
- o. **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.
- p. **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.
- q. **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 11.D of these regulations). (221-18)
 - (1) In the case of Industrial uses on properties adjacent to an Interstate highway roadway system, 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 that 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* shall not increase the aggregate signage rights allowed in the NX-D set forth in Section 5.A.4.a. of these Regulations. (221-18)
- r. **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.
- s. **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.C. and, for applications requiring *Special Permit* approval, Section 2.B. 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 4.B.10.e(5)(a) and 4.B.10.e(5)(b) of this subsection (5) 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 DISTRICT³⁹**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.

5.W. P-D PLANNED DEVELOPMENT DISTRICT*⁴⁰**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

³⁹ Formerly Section 4.B.4.

⁴⁰ Formerly Section 9.B.

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. Apartment Hotel; Apartment Hotel for the Elderly; Apartment House or Dwelling;
- b. Neighborhood Commercial and/or professional office uses, provided that such uses shall be 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; 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; Shoe Store; Shoe Repair; Sporting Goods, Retail; Textile, Retail; and Variety Store. (203-03)

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 CC Center City District shall apply in areas redesignated from the CC 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 (222-01).
- 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 Apartment 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:
- (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.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.C. 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 DENSITY⁴¹

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, as-of-right

In any RA-3, RA-2 or RA-1 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 one per *Lot*.
- b. Public parks and playgrounds, except in the RA-3 district.
- c. Public Schools.
- d. Family day care homes.
- e. Family Estates

5.X.3. Permitted Uses, Special Permit

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

- a. Ambulance facility, non-profit, RA-1 district only.
- b. 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 reviewing board shall take into account the size of the parcel involved, the number of

⁴¹ Formerly Section 4.B.1.

campers and the proximity of the camp to existing dwellings. The reviewing board shall condition this use on adequate screening and placement of facilities so they do not interfere with the quiet use and enjoyment of surrounding properties.

- c. Camp ground; provided that no tract of land of less than 20 acres shall be approved for such use.
- d. Cemeteries and Mausoleums.
- e. Child day care centers, Group day care homes.
- f. Christmas trees, wreaths and similar decorations, 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 such merchandise so that the premises will be left in reasonably clean condition after the last mentioned date of sale.
- g. Churches and other places of worship including an accessory parish house.
- h. Clubs - Country or Golf, Swim, Tennis, Yacht or Beach, not open to the general public.
- i. Community Center.
- j. *Historic Site*.
- k. Museum, non-profit, except in R-7¹/₂ district.
- l. Nursing Home.
- m. Public library or branch thereof.
- n. Public utility transformer or pump station.
- o. Radio and Television Masts.
- p. School, Non-Public. (214-09)
- q. Corporate Retreat, RA-2 District Only.

5.X.4. 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%
- (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'

5.Y. R-20, R-10, R-7 1/2 SINGLE FAMILY DISTRICTS, LOW DENSITY⁴²**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, as-of-right

In any R-20, R-10 or R-7¹/₂ district a *Building* or other *Structures* 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 dwelling, one per *Lot*.
- b. Public parks, and playgrounds.
- c. Public schools.
- d. Family day care homes.

5.Y.3. Permitted Uses, Special Permit

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

- a. The same uses in the same manner as are permitted in the RA-2 and RA-1 zones except as otherwise noted.
- b. Hospital Complex in R-7¹/₂ only.
- c. Senior Housing and Nursing Home Facilities Complex in the R-10, and the

⁴² Formerly Section 4.B.2.

R-20 Zones pursuant to Section 5.BB. (95-029)

- d. Apartment Building for the Elderly – Non-profit in R-10 and R-7¹/₂ only.
- e. Dormitory for elementary school through high school aged students and incidental uses, in R-10 and authorized pursuant to Section 10.G. only. (214-36)

5.Y.4. 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*: 2¹/₂ *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*: 2¹/₂ *Stories*, not to exceed 30'
- (5) Minimum *Yards*: Front - 40 ft., Rear - 30 ft., Side: at least 10 ft. each side

c. R-7¹/₂ 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

5.Z. R-6 ONE- AND TWO-FAMILY DISTRICT⁴³**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.

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, Group day care homes.
- d. 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*

⁴³ Formerly Section 4.B.3.

for this use shall include a condition requiring disposal of all debris left over from the sale of such merchandise so that the premises will be left in reasonably clean condition after the last mentioned date of sale.

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

5.Z.4. Building Regulations

- | | | |
|------------------------------|------------------------|--------------|
| a. Minimum <i>Lot Area</i> : | 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*: 2¹/₂ *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*⁴⁴

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

⁴⁴ Formerly Section 5.M.

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.

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*.
- 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: 5,000 sq. ft.

Two Family Dwelling: 6,000 sq. ft.

Multi-family Dwelling: 9,000 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: 2¹/₂ *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*⁴⁵

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.

⁴⁵ Formerly Section 9.A.

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^{1/2} One Family Residence District 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 (7¹/₂%) 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.C.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.C. 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. RHD-D MULTIPLE FAMILY DESIGN DISTRICT, HIGH DENSITY*⁴⁶

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 regulation 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

⁴⁶ Formerly Section 9.K.

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 RHD-D *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.C. of these Regulations. All other RHD-D applications shall be subject to review and approval by the *Zoning Enforcement Officer*.

5.CC.3. Authorized Uses

In any RHD-D 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 RHD-D Design District and these Regulations, and with the standards of Section 2.B.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 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 11.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.
- 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 the elderly 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 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^{1/2}) residential *Stories*, where granted by *Special Permit* by the Zoning Board, the following modifications of RHD-D 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 RHD-D 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*. (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 RHD-D 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.

5.DD. R-HD RESIDENTIAL DISTRICT, HIGH DENSITY⁴⁷

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 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 it is abutting an already existing R-HD Zoning District. (222-01)

~~Within the Special Transit District Area (STDA), as defined herein, special building regulations as outlined in Subsections 4.B.11.d(5) and 4.B.11.e. shall apply. The STDA is the area bounded by the West Branch of the Stamford Harbor, the Mill River, North Street, Prospect Street, Grove Street, East Main Street, Clarks Hill Avenue, the Metro North New Haven Line, Canal Street, Jefferson Street, and the East Branch of the Stamford Harbor.~~

⁴⁷ Formerly Section 4.B.11.

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 Building for Supportive Housing
- Apartment Building for the Elderly (Private, Municipally owned, or Non-Profit)
- Apartment Hotel for the Elderly
- 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
- Dwelling-Group or Town Houses
- *Historic Site*
- 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 (ii) 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)

5.DD.4. Building Regulations

	Lots less than one acre	Lots one acre or more
a. Minimum Lot Size	5,000 sf	43,560 sf
b. Minimum Street Frontage	50 feet	150 feet
c. Density - Floor Area Ratio	2.5 (Premium FAR 0.25) ⁶⁾	3.75 (Premium FAR 0.75) ⁶⁾
<i>Residential Density Divider (RDD) / market rate</i>	1,000 sf	1,000 sf
RDD / affordable housing, housing for the elderly	800 sf	800 sf
d. Building Coverage	60% (80% <i>Corner Lots</i>)	80% (90% <i>Corner Lots</i>) 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
e. Max. Building Height^{3), 4)} (222-01)	The lesser of 7 stories or 80 feet	The lesser of 12 stories or 135 feet (when located in <i>Master Plan</i> Category 5, and when located outside the <u>STDA-Parking Category 1</u> in <i>Master Plan</i> Category 9) The lesser of 25 stories or 275 feet (when located within the <u>STDA-Parking Category 1</u> in <i>Master Plan</i> Categories 9, 11 and 16) ⁴⁾
f. Base Height³⁾	Minimum: The greater of 3 stories or 35 feet Maximum: The lesser of 5	Minimum: The greater of 4 stories or 45 feet Maximum: The lesser of 7 stories

	stories or 55 feet	or 80 feet
g. Street Wall Setback (measured from Street Line^{3) 4)} above Base Height	Minimum: 10 feet	Minimum: 15 feet
h. Front Setback³⁾ from Curb Line	Minimum: 10 feet (15 feet on Commercial Streets) Additional 5' planted buffer required when ground floor is used residentially ⁵⁾ Maximum: 20 feet (25 feet on commercial streets)	Minimum 10 feet (15 feet on Commercial Streets) Additional 5' planted buffer required when ground floor is used residentially ⁵⁾ Maximum: 25 feet (30 feet on Commercial Streets)
i. Side and rear Setback³⁾ (222-01)	None required within 70 feet of Street Line; if provided at least 15 feet Minimum 15 feet beyond 70 feet of the Street Line	None required within 70 feet of Street Line; if provided at least 15 feet Minimum: 15 feet beyond 70 feet of the Street Line (30 feet beyond 70 feet of the Street Line above a height of the lesser of 5 stories or 60 feet)
j. Lot Coverage (222-01)	Maximum 85% ¹⁾	Maximum: 85% ¹⁾
Rear Setback³⁾	Minimum: 30 feet	Minimum: 15 feet (30 feet above a height of the lesser of 5 stories or 60 feet)
Pervious Surface Lot Coverage	Minimum: 15% ¹⁾ Maximum: 85% ¹⁾	Minimum: 10% ¹⁾ Maximum 90% ¹⁾

- 1) ~~Pervious pavers and other storm water management techniques, as determined by the City's Environmental Protection Board staff and Engineering Bureau, may qualify as suitable alternatives when proposed in conjunction with planted areas. 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. (222-01)~~
- 2) DELETED (222-01)
- 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 the ~~STDA 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 the ~~STDA Parking Category 1~~. (221-11, 222-01)
- 4) Within the ~~STDA Parking Category 1~~ 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 Property 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. (222-01)
- 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) ~~Must not exceed the densities stipulated in the Master Plan for respective categories. When located in Master Plan~~

Category 5, must not exceed the density stipulated in the Master Plan. (222-01)

- 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)

5.DD.5. Parking

The standards of Section 12 shall apply; provided, however, that within Parking Category 1 ~~the STDA~~ for any non-residential use permitted in Subsection 4.B.11.c above or approved by the Zoning Board in accordance with Subsection 4.B.11.m.(4)(c)i below, the parking requirement is 2.0 spaces per 1,000 sf of *Gross Floor Area*. The first 2,500 sf of each establishment shall be excluded from this requirement. ~~The Standards of Section 12.D.1.e shall also be applicable in the R-HD zoning district subject to Special Permit granted by the Zoning Board.~~ (222-01)

5.DD.6. Below Market Rate Requirement

Below Market Rate Housing: *Below Market Rate* housing shall be provided pursuant to Section 7 of these Regulations.

5.DD.7. 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.

5.DD.8. Public Amenity Requirement

On Zoning Lots one acre or larger, at least five percent (5%) of the lot area shall be provided as a *Publicly Accessible Amenity Space*. Portions of public sidewalks within the front setback pursuant to Section 4.B.11.d (8) on Applicant's property shall count towards this requirement.

Public Access to the waterfront, meeting or exceeding the standards of Section 6, where required by the Master Plan, shall be provided and counted toward this requirement. (221-03)

5.DD.9. Public Amenity Bonus

If more *Publicly Accessible Amenity Space* is provided than the minimum required pursuant to Subsection h. above, *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".

~~(1) **Publicly Accessible Amenity Space** (except as set forth in Subsections 4.B.12i(2) and i(3) below) at ground level, pursuant to the standards of Section 6:~~

~~(a) Two (2) sf *Bonus Floor Area* for every one (1) sf of Publicly Accessible Amenity Space, up to 1,000sf of such Amenity Space, on lots less than one (1) acre in area. The *Publicly Accessible Amenity Space* provided shall not be less than 500 sf.~~

~~(b) Two (2) sf *Bonus Floor Area* for every 1 sf of Publicly Accessible Amenity Space, up to 5,000sf of such amenity space on lots one (1) acre or larger. The minimum *Publicly Accessible Amenity Space* provided shall not be less than 2,500sf.~~

~~(2) **Community Space**, pursuant to the standards of Section 6:~~

~~(a) Three (3) sf *Bonus Floor Area* for every one (1) sf of Community Space, up to 500 sf of Community Space on lots less than one acre in area. The area of the Community Space shall not be less than 400sf.~~

~~(b) Three (3) sf *Bonus Floor Area* for every one (1) sf of Community Space, up to 2,500sf of Community Space on lots one acre or larger. The area of the Community Space shall not be less than 1,250sf.~~

~~(3) **Commuter Facility Space**, in the Special Transit Center District only on lots one acre and larger: four (4) sf *Bonus Floor Area* for every one (1) square foot of Commuter Facility Space, up to 5,000 sf of Commuter Facility Space. Qualifying Commuter facilities shall include direct pedestrian connections to train platforms or the Transportation Center, parking areas and areas for bus and shuttle operations, retail space, lobby and circulation space.~~

~~(4) **Publicly Accessible Waterfront Area**, four (4) sf of Bonus Floor Area for every one (1) sf of waterfront public access space, up to 10,000sf of Bonus Floor Area on lots designated as part of the Proposed Greenway in the 2015-2025 Master Plan (Figure 18: Future Connectivity Map) where Public Access Easements are established consistent with the Mill River Project Plan and recorded on the Stamford Land Records. (221-03, 222-01)~~

5.DD.10. Site Design

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 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.

- 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.** 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.
- d. **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.

5.DD.11. Architectural Design

- a. **Contextuality.** The architectural design of new *Buildings* or substantial reconstruction 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*.
- b. **Building Elements.** *Buildings* shall be designed to have a clear base, middle and top.
- c. **Building Height.** Coordination of the height of new *Buildings* or substantial reconstruction 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*.
- d. **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.

- e. **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.”
- f. **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.
- g. **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.
- h. **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.
- i. **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.
- j. **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.

- k. **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.

5.DD.12. 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.13. 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.C. 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 5.DD.13.d. 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.C. 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 5.DD.3 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*,
- (3) 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.B. of these Regulations and the following additional findings:

- (a) 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.

- (b) 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.

- (c) 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.

- (d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) Subsection 5.DD.5. (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.

e. 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*⁴⁸

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*.

⁴⁸ Formerly Section 9.L.

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.

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.B.:

- a. the same uses authorized by *Special Permit* in the R-6 District.
- 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:** 2¹/₂ *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.EE. R-MF MULTI-FAMILY RESIDENCE DESIGN DISTRICT*⁴⁹

5.EE.1. Purpose

The purpose of this district is to set aside and protect areas which have been or may be developed

⁴⁹ Formerly Section 9.N.

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.EE.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.EE.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 provided increase over as-of-right density does not exceed fifty percent (50%)
- b. Apartment - Garden Type
- c. Apartment House
- d. Dwelling - Single Family, Two-Family, Multiple
- e. Garages, Private
- f. Home Occupation
- g. Professional Offices, Accessory Use
- h. School, Public

5.EE.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. Child Day Care Center

- e. Christmas Trees, etc., Temporary Sale
- f. Churches & Religious Institutions
- g. Clubs and Lodges, Non-Profit
- h. Colleges and Dormitories
- i. Community Center
- j. *Historic Site*
- k. Hospital Complex
- l. Nursing Home
- m. Public and Charitable Agencies
- n. Public Library or Branch thereof
- o. Public Utility Transformer and Pump Stations
- p. Radio and Television Broadcasting Stations and Masts
- q. School, Non-Public
- r. 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)
- s. Apartment Building for Supportive Housing. (95-014)
- t. Auto Rental Service Facility. (See Section 7.N) (97-014)
- u. Clinic, Community Health Center (201-20)

5.EE.5. A. Permitted Uses, Administrative Zoning Board Review.

- a. Social Hall

5.EE.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 5,000 square feet but less than 6,000 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:** 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 1,000 feet of *Lot Area* per Dwelling Unit.

The provisions of this paragraph 5.EE.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.EE.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)

5.EE.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.EE.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 ($\frac{3}{4}$) 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*⁵⁰

5.GG.1. Purpose

⁵⁰ Formerly Section 9.R.

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 12 of the 2002 *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.

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 feet (155') 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.C.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*⁵¹**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

⁵¹ Formerly Section 9.Q.

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 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); Apartment Building for the Elderly (Private, Municipally owned, or Non-Profit); Apartment Building for Supportive Housing; Apartment - Garden Type; Apartment Hotel; Apartment Hotel for the Elderly; 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; Garages, Community; Garages, Private; Garages, Public Garages, Bus & Taxi Service; Gardening Supplies, Retail; Golf Course, Miniature or Simulated; Group Day Care Home Occupation; Gymnasium or Physical Culture Establishment; Hotel, Inn (excluding a convention center/banquet facility as an Accessory Use); Ice Skating Rink – Indoor; 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 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 Housing and Nursing Home Facility Complex; Ship & Boat Building; Shoe Repair Shop; Sign Painting; Surgery Center/Out Patient; Tavern; Tennis Court, Indoor; Water-dependent uses, as defined in CGS Section 22a-93(16).

- 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 13* 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 13*. *Building* floors between one hundred and twenty-five (125) feet and one hundred and fifty-five feet (155') 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 13 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 #12*. 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.C.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. South End Redevelopment District. South, SRD-S Review Procedures

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

- a. **Application for SRD-S Designation and Approval of General Development Plan.** All applications to amend the Zoning Map to SRD-S and application for approval of General Development Plan and Coastal Site Plan Review shall be submitted simultaneously and acted on in common by the Zoning Board. shall be accompanied by and subject to approval of a General Development Plan (GDP) application pursuant to Section 19.H.

- (1) ~~An application for SRD-S designation and approval of General Development Plan shall be submitted to the Zoning Board which shall review the submission for completeness, as defined in subsection 8.a, below. Any incomplete applications may be rejected by the Board as ineligible for consideration. The Board shall refer the complete application to the Conn. Office of Long Island Sound Programs, Conn. D.E.P. pursuant to Section 22a-103 CGS, and shall also refer the application to the Stamford Planning Board. The Land Use Bureau Chief shall be authorized to refer the application to any other unit of City, state, or federal government, and to convene technical staff meetings and to confer with the applicant as necessary to develop information to support a complete review of the application at a public hearing. Following a public hearing, the Board shall by separate resolutions act to approve or disapprove the petition for establishment of the SRD-S Zoning~~

~~Tract, and to approve, approve with modifications, or disapprove the application for General Development Plan and the application for Coastal Site Plan Review. No SRD-S Zoning District shall be approved or shall become effective unless the Board shall also approve General Development Plan for the subject property, and record the Certificate of Approval and a copy of the General Development Plan in the land records of the City of Stamford. Upon recording of the approved General Development Plan, the SRD-S District shall be considered to be established and the Zoning Map shall be amended to show the boundaries of the SRD-S Zoning Tract area along with a reference to the location in the land records containing the General Development Plan authorizing the *Development*.~~

- ~~(1) Adoption of a SRD-S District shall authorize the submission of an application for Final Site and Architectural Plans and Requested Uses, pursuant to Section 19.D. of these Regulations to the Zoning Board, consistent with the approved uses, *Buildings, Structures* and site development standards, design criteria, phasing schedule and timetable shown and described on the recorded *General Development Plan*.~~

~~**Final Plans.** Application for final Site and Architectural Plans & Requested Uses shall be submitted for approval to the Zoning Board in conformance with the approved General Development Plan. An application for approval of final Site and Architectural Plans & Requested Uses and Coastal Site Plan Review shall be submitted to the Zoning Board which shall review the submission for completeness, as defined in subsection 8.b, below. The Board may request additional information necessary to clarify or complete the application or may reject any incomplete application as ineligible for consideration. In acting to approve the application, the Board may direct the applicant to modify the plans and may establish reasonable conditions to insure that site improvements are provided in a timely manner to conform to the purpose and intent of the SRD-S District. Reasonable conditions may include the filing of a performance guarantee acceptable to the Office of Legal Affairs, and establishment of a timetable and construction phasing plan. The Zoning Board shall hold a public hearing on any application for final plan approval. No *Building* permit shall be issued for the proposed *Development* or any part thereof until the Board has approved final plans and has confirmed in writing that implementation of conditions of approval has been assured.~~

~~**Modification of the General Development Plan.** Subsequent to the approval and recording of the General Development Plan, a request to modify the approved General Development Plan shall be reviewed and acted upon by the Zoning Board following the procedures specified in subsection 7-a(1) above, provided that the Board, in its sole discretion, may waive the public hearing and notice requirement for minor modifications.~~

- 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 Section 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.C.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*⁵²

5.II.1. Purpose

The Transportation Center Design (TCD) District is intended to encourage mixed use *Development* in the vicinity of the Stamford Transportation Center (STC). Application of the TCD District will be considered where a proposal meets all of the objectives and criteria set forth below, and where the excellence of the proposed uses, architectural design, public amenities, and pedestrian oriented spaces are in the opinion of the Zoning Board clearly superior to a project conforming to the standards of the underlying zoning.

5.II.2. Objectives

The Zoning Board may designate a site as a TCD District provided that the proposed site and urban design plans for the *Development* fully achieve all of the following objectives:

- a. Except as provided in Subsection 5.II.5.a below, an integrated mixed-use *Development* containing three or more principal uses, one of which must be housing and one of which must be retail (including but not limited to service-oriented or transportation-related businesses), which serves the District and the surrounding neighborhood.
- b. Consistency with the Stamford *Master Plan* ensuring a compatible and functional relationship to the Downtown, the Stamford Transportation Center and adjacent residential neighborhoods.

⁵² Formerly Section 9.F.

- c. Site features, uses, public amenities and aesthetic characteristics that encourage public pedestrian activity, vitality, convenience and safety in and around the STC.
- d. A coherent plan that provides both a physical and functional integration of the site components to each other, to the STC and the balance of the Downtown, and urban design features that will assure an appropriate transition of uses, *Building Heights*, architectural massing and spatial relationships respecting adjacent neighborhoods.
- e. The TCD 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 an agreement has been accepted by the Zoning Board.

5.II.3. Minimum Area

To be eligible for designation as a TCD District, a site shall contain a minimum of one and one-half acres (65,340 square feet) of property and shall be located within the area bounded as follows: Commencing at the Mill River and proceeding easterly along Pulaski Street to Washington Boulevard, northerly to Henry Street, easterly to Atlantic Street, northerly to a point 500 feet north of the intersection of Henry Street and Atlantic Street, easterly to Pacific Street, northerly to the center of Jefferson Street (aka Stamford Urban Transitway), westerly to Atlantic Street, northerly to Federal Street, westerly to Guernsey Street, northerly to the end of Guernsey Street, thence westerly in a line parallel with Tresser Boulevard to Washington Boulevard, southerly to Richmond Hill, westerly to the Mill River, southerly to the point of beginning. Notwithstanding the above, a TCD District Site may be separated by a *Street*, so long as the *Street* right-of-way width does not exceed fifty (50) feet, not less than 43,560 square feet (1 acre) of land exists on one side of such *Street*, not less than 25,000 square feet of land exists on the opposite side of such *Street*, and a portion of the frontage of each parcel is directly opposite from that of the other parcel. (210-14, 215-40)

5.II.4. Permitted Uses

All uses permitted in the C-G District, all restaurant uses, all amusement, entertainment and cultural uses, and colleges and dormitory uses shall be eligible for approval within the TCD District. With respect to the sale of Alcoholic Beverages at an establishment satisfying the definition of “Restaurant, Standard”, a TCD District shall be governed by the same standards as a site within *Master Plan Category 10* or *Category 11*.

5.II.5. Standards

The standards for the TCD District shall be as provided in Subsections a. through k. below:

- a. **Floor Area Ratio (FAR).** The combined *Floor Areas* of all *Structures* within a TCD *Development* divided by the area of the *Lot* shall not exceed a ratio of three (3.0). Residential floor area shall comprise not less than forty percent (40%) of the combined floor area within a TCD District *Development*. In no instance shall residential density exceed the density permitted in the underlying *Master Plan Category*. Notwithstanding the foregoing, projects with a direct pedestrian connection to the STC platform may be permitted without a residential component, subject to approval by the Zoning Board. The computation of allowable maximum *FAR* and minimum residential *FAR* may further exempt the following floor areas, as determined by the Zoning Board: (210-14, 215-40, 219-01)
- (1) *Hallways*, lobbies and similar common floor areas serving residential *Structures*, not to exceed 0.1 *FAR*;
 - (2) Parking floors for the *Development* below average grade or integrated within the TCD *Development* so as to be appropriately screened from sensitive views from any public *Street*, residential property or public pedestrian way, such parking floors to be (a) enclosed beneath active uses of *Buildings* or the site with no more than 40% of the parking garage roof dedicated to parking and vehicular circulation; (b) covered with a roof that is fully landscaped and improved and accessible as *Usable Open Space* to the extent feasible and desirable; or (c) covered by a garage deck that achieves a minimum solar reflective index (SRI) of 29 and is served by a rainwater harvesting system that, for the median annual rainfall, achieves a 25% greater reduction in stormwater runoff volume than a typical 5” depth green roof would be able to achieve; (211-31, 219-01)
 - (3) Portions of *Buildings* used solely for mechanical, heating, ventilating or air conditioning purposes;
 - (4) The floor areas of existing, legally non-conforming improvements, including *Buildings*, landscaping, parking and other uses, incorporated into the TCD District *Development* where permitted by the Zoning Board to facilitate the fullest attainment of the objectives of the TCD District, provided that the area of the original *Lot* that supported such non-conforming uses shall not be included in any calculations of permitted or required *FAR* within the TCD District; and
 - (5) Floors for the parking or loading of motor vehicles provided shall be beneath landscaped areas or roofs or below active uses of *Buildings*, and all walls of any parking floors facing any public *Street*, pedestrian way or sensitive residential view shall, to the satisfaction of the Zoning Board, be treated with landscaping or architectural features.
 - (6) Areas principally intended to serve Stamford Transportation Center commuters, including publicly accessible lobbies, food and convenience services, ticket counters, and covered bicycle storage, provided said amenities do not exceed 0.1 *FAR*. (210-14)

- (7) Floor Area, not exceeding 1.0 FAR, devoted to on-site permanently deed-restricted, affordable *Below Market Rate* housing units affordable to families earning not more than 80% of the *Area Median Income*. (219-01)
- b. **Height.** Building height shall not exceed two hundred and twenty-five feet (225') measured from the lowest pedestrian entrance at grade. Subject to the award of bonus height in accordance with subsection 6.b below, building height may be increased to a maximum of two hundred and seventy-five feet (275'). Parapet walls, rooftop penthouses and other architectural features may extend above the maximum building height provided they contribute to the overall architectural character of the building and shall contain only mechanical or other apparatus necessary for the operation of the building. (210-14, 219-01)
- c. **Setbacks.** Setbacks from *Streets* shall be ten feet (10') except that the Zoning Board may approve a lesser amount to accommodate lobbies or vestibules adjacent to or across from the Transportation Center or where land is deeded to the City for road widening purposes. There shall be no *Side Yards* or *Rear Yards* required and there shall be no setbacks for *Buildings* from *Lot Lines* within the TCD District. The provisions set forth in Section 7.K shall not apply to the TCD District.
- d. **Open Space.** Open space area shall be not less than five percent (5%) of the total project floor area as calculated for FAR purposes (see Subsection 5.a above), with not less than twenty-five percent (25%) of the minimum requirement to be at the ground level. Open space shall be provided in such character, location and amount as determined by the Zoning Board to meet the needs of project residents, tenants and visitors and to support the public pedestrian objectives of the TCD District. Enclosed plazas, atriums and other significant pedestrian spaces open to the public with a minimum of twenty foot (20') high ceilings may qualify for consideration. Vehicular circulation and *Parking Areas* shall not qualify. When a lot is adjacent to the Mill River, there shall be a contiguous corridor of public open space along the entire river frontage. This public open space shall be not less than fifty-feet (50') wide, in the form of dedication of land or a public access easement recorded on the land records, improved for passive or active recreational uses including, but not limited to, planting, landscaping, walkways and sitting areas, and shall be maintained by the owner. Open space within the Lot Area is not required to be redesignated TCD District but shall be included in the calculation of Lot Area for purposes of satisfying building and site design requirements.
- e. **Coverage.** The Building Coverage of all buildings shall not exceed 90% on *Corner Lots* or 80% on exterior lots.
- f. **Parking.** There shall be a minimum residential off-street parking requirement of 1.25 spaces for each residential unit with two bedrooms or more and 1 space for each residential unit with one bedroom or less. Parking for office use shall not be more than 2.5 spaces per one thousand (1,000) gross square feet, but may not be less than 2.0 spaces per one thousand (1,000) gross square feet. Parking for retail use shall not be required, except that the standards of Section

12.D shall apply to retail floor area exceeding five percent (5%) of total project floor area. Parking standards for all other uses will be determined by the Zoning Board, using the standards of Section 12.D as a guide. The potential for shared use of parking on-site shall constitute an additional standard for further reduction of required parking, subject to demonstration that there will be adequate parking available for all uses and Zoning Board approval. (210-01, 212-25)

- g. **Transportation Demand Management Plan.** An effective Transportation Demand Management Plan (TDMP) is required to effectively reduce the demand for *Parking Spaces* and promote alternative means of transportation including, but not limited to, biking, walking, mass transit, carpooling, etc. By the time of submission of a Site and Architectural Plan application and subject to review and approval by the Transportation, Traffic and Parking Bureau and the Zoning Board, Applicants shall submit details of the techniques to be used which are designed to achieve at least twenty percent (20%) of employees or residents commuting to work by means other than a single occupied car. The building manager or tenant shall report annually by January 15 in writing to the Zoning Board on parking usage and mode split of commuters. Should fewer than 20% of the building occupants use means of transportation other than a single occupied car, the building manager or tenant shall by March 31st of such year submit proposals for increasing that share to the Transportation, Traffic and Parking Bureau and Land Use Bureau for comments. The Transportation, Traffic and Parking Bureau Chief, or a designee, will advise the Zoning Board on the adequacy of the techniques proposed to reduce parking demand and shall suggest additional methods to be employed.
- h. **Stamford Transportation Center and Other Non-Occupant Parking.** In addition to the requirements of subsection 5.f. above and unless otherwise satisfied by issuance of a *Special Permit* under this subsection pursuant to the standards and calculations as contained in Section 12.K.4 of these Regulations, “non-occupant parking” shall be provided on-site in an amount not less than ten percent (10%) of the minimum number of spaces required for the proposed office use and not more than forty percent (40%) of the maximum number allowed for the proposed office use. The number of “non-occupant parking” spaces to be provided shall be determined by the Zoning Board and shall be for the use of the Stamford Transportation Center, Mill River Park visitors and area residents and businesses, all of which shall be included in a *Parking Management Plan* which is subject to approval by the Zoning Board prior to the issuance of a Building Permit.
- i. **Signage.** Signage shall be governed by the standards of the C-G District except that the total area of signage allowed may be reallocated to any wall of the *Building* or *Buildings*, as approved by the Zoning Board at the time of designation as a TCD-D, or administratively by the Zoning Board thereafter. 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. 210-14, 217-48)
- j. **Below Market Rate Housing Requirement.** *Below Market Rate* Requirement. *Below Market Rate* Housing shall be provided pursuant to Section 7 of these Regulations. Where residential

development is proposed in phases, the Zoning Board may require all *BMR Units* be provided in the first phase of development, not to exceed 25% of the total number of units proposed in said phase. For proposed developments without residential Floor Area in the TCD District, applicant shall meet their BMR requirement through alternate means of compliance pursuant to Subsection 7.D and in accordance with the standards, definitions and procedures contained within Section 7, pursuant to the following formula for the number of alternative BMR units to be provided*:

$$\frac{(\text{Gross SF of all Buildings} \times 15\%)}{1,000 \text{ SF}} \times 12\%$$

*) When making a Fee-In-Lieu payment do not divide by 1,000sf and multiply by the appropriate fee per sf in Table 7.2.

(210-14, 219-01; 220-13)

- k. **Existing Development.** The floor areas of existing legally non-conforming improvements, including *Buildings*, landscaping, parking and other uses, may be incorporated into the TCD District *Development* where permitted by the Zoning Board to facilitate the fullest attainment of the objectives of the TCD District. The area of the original *Lot* supporting such non-conforming uses shall not be included in any calculations of permitted or required *FAR* within the TCD District. Existing, legally non-conforming improvements or *Lots* may be modified in connection with the TCD *Development* to achieve superior design, but shall not be expanded or extended. Any such modification shall not be deemed to render the improvements or *Lots* more non-conforming.

5.II.6. Site Design Criteria

To fulfill the purposes of these regulations, all TCD District development shall satisfy the following "Mandatory Site Design Criteria" and may request approval of additional "Bonusable Design Criteria" as set forth below: (210-14)

- a. **Mandatory Site Design Criteria.** All TCD District development shall provide the following on-site and off-site improvements:
- (1) **Pedestrian Oriented Frontage.** All TCD *Developments* shall provide Pedestrian Oriented Frontage which is defined as uses of *Buildings* and/or design features that encourage pedestrian interaction at the street level. These include but are not limited to: retail and commercial shops, space designed to be adaptable to retail uses, service businesses; establishments dealing directly with the general public; visually interesting features such as public art or *Building* lobbies; display cases; accessible plazas; or similar landscaped open spaces for public use and congregation.

- (2) **Neighborhood Improvements.** All TCD District developments shall provide off-site improvements or contributions designed to enhance and upgrade the Transportation Center and surrounding vicinity, which may include (1) streetscape improvements (such as off-site sidewalk, lighting, landscaping or other improvements serving to enhance the public streetscape), (2) infrastructure improvements (such as off-site sewer, traffic, or other public infrastructure improvements), (3) neighborhood facilities improvements (such as off-site improvements intended to benefit publicly accessible facilities in and around the Transportation Center) and (4) other improvements (such as cultural, recreational, tenant, resident, and public services).
 - (3) **Environmentally Sustainable Designs.** All buildings in a TCD District development shall provide amenities that constitute elements for certification under the Leadership in Energy and Environmental Design (“LEED”) standards established by the United States Green Building Council. All buildings constructed as part of a TCD District development shall be designed and built to qualify as LEED certified with respect to the Core and Shell of the building (as defined by LEED). Prior to the issuance of a Certificate of Occupancy for each building approved herein, applicant’s architect shall certify to the Zoning Board that the Core and Shell satisfy all of the requirements for LEED Silver certification, and submit the appropriate points accrued, categories satisfied and such other documentation as may be reasonably be required by Zoning Board staff. Actual LEED certification is not required.
- b. **Bonus Height and Bonus Design Criteria.** The Zoning Board in its sole discretion may award bonus height not to exceed two hundred seventy-five feet (275’) upon review of the proposed plan and satisfaction of all of the standards set forth below (219-01):
- (1) parking ratios for commercial office purposes do not exceed 2.35 spaces per 1000 gross square feet of Floor Area;
 - (2) all required below market rate housing units are provided on-site;
 - (3) all buildings are designed and built to meet a LEED standard for certification for Gold or greater for the building Core and Shell. Prior to the issuance of a Certificate of Occupancy for each new building approved herein, applicant’s architect shall certify to the Zoning Board that the Core and Shell of the building satisfies all of the requirements for LEED Gold certification by submitting the appropriate points accrued, categories satisfied and such other documentation as may be reasonably be required by Zoning Board staff. Actual LEED certification is not required; and
 - (4) the *Development* shall include on-site and off-site transit-oriented development features including pedestrian-friendly design, improvements at transportation nodes, and other similar features likely to promote public transit.

5.II.7. Phasing of Development

Notwithstanding anything in these zoning regulations to the contrary, the Zoning Board may, in its sole discretion, approve development in phases. A phase may consist of a single *Permitted Use* and/or building, and a Certificate of Occupancy may be issued after completion of each phase. Required Mill River improvements and their time of implementation will be determined by the GDP. (217-48, 219-01)

5.II.8. Procedure

All applications for designation and Development of property within the TCD District shall be accompanied by and subject to the approval of a General Development Plan (GDP) pursuant to Section 19.H. of these Regulations. ~~conform to the review and application procedures of the DW-D District (Sect. 9.D.7 and 8) except that all references to water dependent uses and the schedule set forth in Subsection 9.D.7.c(2) shall not apply. An approved General Development Plan shall remain in effect for five (5) years with the opportunity for two (2) one year extensions at the discretion of the Zoning Board; provided, however, in the case of a multi-phased *Development* where at least one certificate of occupancy is obtained for a principal *Structure* within the initial five (5) years, the Zoning Board, at its discretion, may issue up to five (5) one year extensions of the initial five (5) year timeframe. For a General Development Plan approved prior to July 1, 2011, that has not expired prior to May 9, 2011, the Zoning Board, at its discretion, may issue up to nine (9) one year extensions of the initial five (5) year timeframe. Notwithstanding any other provision of these Regulations, any approved General Development Plan in the TCD District shall remain in effect so long as all *Building* permits have been obtained during the applicable timeframe set forth above, and the Zoning Board, upon timely application, may for good cause shown grant extensions of related Final Site Plan, *Special Permit* and Coastal Site Plan approvals commensurate with the General Development Plan approval.~~ (211-31, 215-20)

~~Applications for reclassification to TCD must include a statement of how the goals, objectives and specific criteria established herein will be satisfied. All proposals, including off-site improvements required by Subsections 9.F.6.a. and b., shall include provisions to ensure long term continuity and an indication of easements or leases necessary for said improvements. Final plans for improvements required by Subsection 9.F.6.a shall include the location, type, minimum hours of operation or accessibility, exterior informative signage, and other information, as may be necessary or required by the Zoning Board. Improvements required by Subsections 9.F.6.a. and b. shall not be abandoned and shall be continuously operated and maintained for a period of not less than twenty five (25) years from the date of issuance of a Certificate of Occupancy. Upon expiration of the twenty five (25) year period, such an improvement may be discontinued subject to Zoning Board approval, which approval shall not be unreasonably withheld. Minor modifications, alterations or changes of use affecting the improvement may be approved by the Director of Planning and Zoning during the term of said improvements.~~ (211-31, 215-20, 222-01)

5.II.9. Performance

The subdivision of parcels or *Lots* within the site redesignated a TCD District to segregate component *Structures* or uses for financing, construction or operating purposes shall be permitted, subject to Zoning Board approval; provided however that notwithstanding such subdivision, it shall be the purpose of the redesignation to TCD District that all components be constructed as part of a master plan for the development. No Certificate of Occupancy shall be issued unless easements or land dedication for all public access and open space improvements have been granted and recorded on the Land Records and the BMR requirement has been satisfied. (90-004; 207-10; 210-14, 219-01)

5.JJ. V-C VILLAGE COMMERCIAL DISTRICT (208-40, 218-25).⁵³

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-7¹/₂ 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. (1) In the V-C Districts in Glenbrook and Springdale, on land within ~~400~~ 125 feet of *Commercial Streets* ~~as defined in Subsection 4.B.7.c(12) below~~, 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

⁵³ Formerly Section 4.B.7.

apply to any “Café excluding entertainment” or “Restaurant excluding entertainment” within the V-C Districts. (222-01)

- b. In all V-C Districts, on land beyond ~~100~~ 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. (222-01)
- c. In addition to paragraph (1) above, the following uses may be allowed in all other V-C Districts within 100 feet of an *Commercial Street* by *Special Permit* only: Apartment Building for the Elderly; Café including Entertainment & Liquors; Clinic, Community Health Center; Colleges & Universities; Garages, Community; 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.

5.JJ.3. Development Standards

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

	V-C <i>Commercial Street</i> ¹⁾ Glenbrook / Springdale	V-C <i>Side Street</i> ²⁾ Glenbrook / Springdale	V-C <i>Commercial Street</i> ¹⁾ all other V-C Districts	V-C <i>Side Street</i> ²⁾ all other V-C Districts
a. Minimum Lot size	5,000 sf	5,000 sf	5,000sf	5,000sf
b. Minimum Lot Frontage	50'	50'	50'	50'
c. Setbacks				
Front ³⁾	15' (min.) 20' (max.)	10' (min.) 15' (max.)	15' (min.) 20' (max.)	10' (min.) 15' (max.)
Side	15' when abutting a single-family district ⁴⁾ with a planted buffer of at least 5'; none required if abutting any other district; if provided, no less than 10'.	15' when abutting a single family district ⁴⁾ with a planted buffer of at least 5'; none required if abutting any other district; if provided, no less than 10'.	15' when abutting a single family district ⁴⁾ with a planted buffer of at least 5'; none required if abutting any other district; if provided, no less than 10'.	15' when abutting a single family district ⁴⁾ with a planted buffer of at least 5'; none required if abutting any other district; if provided, no less than 10'.
Rear	30' when abutting a single-family district ⁴⁾ , 20' when abutting all other districts.	30' when abutting a single-family district ⁴⁾ , 20' when abutting all other districts.	30' when abutting a single-family district ⁴⁾ , 20' when abutting all other districts.	30' when abutting a single-family district ⁴⁾ , 20' when abutting all other districts.

<p>d. Maximum <i>Building Height</i></p>	<p>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 does not cover more than 50% of the <i>Building</i> footprint.</p>	<p>3 <i>Stories</i> or 35' whichever is less.</p>	<p>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..</p>	<p>4 <i>Stories</i> or 45', whichever is less; the 4th floor, however, must be setback at least 15' from the curb line</p>
<p>e. <u>Coverage</u> (1) <i>Building Coverage</i>⁵⁾ (2) <i>Lot Coverage</i> (222-01)</p>	<p>55% <u>80%</u></p>	<p>45% <u>75%</u></p>	<p>65% <u>85%</u></p>	<p>55% <u>80%</u></p>
<p>f. Max. <i>Floor Area Ratio</i>⁶⁾</p>	<p>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</i> units, excluding fractional units, are provided on site. Said bonus <i>FAR</i> shall not be subject to <i>BMR</i> calculations. Fractional <i>BMR</i> units shall be subject to a Fee-In-Lieu Payment as defined in Section 7.C.4. of these regulations.</p>	<p>1.00 A bonus of .25 <i>FAR</i> shall be applied if all <i>BMR</i> units, excluding fractional units, are provided on site. Said bonus <i>FAR</i> shall not be subject to <i>BMR</i> calculations Fractional <i>BMR</i> units shall be subject to a Fee-In-Lieu Payment as defined in Section 7.C.4. of these regulations.</p>	<p>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</i> units, 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</i> units shall be subject to a Fee-In-Lieu Payment as defined in Section 7.C.4. of these regulations.</p>	<p>1.50 A bonus of .25 <i>FAR</i> shall be applied if all <i>BMR</i> units, excluding fractional units, are provided on site. Said bonus <i>FAR</i> shall not be subject to <i>BMR</i> calculations Fractional <i>BMR</i> units shall be subject to a Fee-In-Lieu Payment as defined in Section 7.C.4 of these regulations.</p>

¹⁾ Standards apply for development parcels and parts thereof in all V-C districts within 125' of an *Commercial Street*

~~as defined in Subsection 4.B.7.c(12). (222-01)~~

- 2) Standards apply for development parcel and parts thereof in all V-C districts on Side Streets more than 125' from an Commercial Street ~~as defined in Subsection 4.B.7.c(12). (222-01)~~
 - 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 5.JJ., Single-Family Districts are RA-3, RA-2, RA-1, R-20, R-10, R-7^{1/2}, 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. (222-01)

~~The amount, location and dimensions of parking and loading and dimensions of driveways shall comply with the standards of Section 12 of these Regulations, as modified by the following special standards applicable to Development within the V-C Districts.~~

~~(a) Parking shall be provided at the following minimum rates:~~

	V-C Glenbrook Springdale	V-C All other V-C Districts
Residential, spaces per unit	Studio: 1.0 1BR: 1.5 2 or more BR: 1.75	Studio: 1.0 1 BR: 1.00 2 BR: 1.25 3 or more BR: 1.5

Retail / personal service estab., per business / estab.	3 per 1,000sf, the first 2,000sf of each business are excluded	3 per 1,000sf, the first 2,000sf of each business are excluded
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~~For permanently, deed-restricted *Below Market Rate* housing units not exceeding affordability levels of 65% *AMI* in the Glenbrook / Springdale V-C Districts, the following parking ratios shall apply:~~

- ~~Studio: 1.0~~
- ~~1 BR: 1.25~~
- ~~2 BR: 1.5~~
- ~~3 or more BR: 1.67~~

~~For permanently, deed-restricted *Below Market Rate* housing units not exceeding affordability levels of 65% *AMI* in all other V-C Districts, the following parking ratios shall apply:~~

- ~~Studio: 0.75~~
- ~~1 BR: 1.0~~
- ~~2 BR: 1.0~~
- ~~3 BR: 1.25~~
- ~~More than three bedrooms: 1.67~~

- ~~(b) All required residential parking shall be made available to residents free of any additional charges or fees apart from the rent for the residential unit.~~
- ~~(c) *Parking Spaces* shall be provided at a point not more than 500 feet distant in a direct line from the nearest part of any commercial use served, and at a point not more than 1,000 feet distant in a direct line from the nearest part of any residential use served.~~
- ~~(d) When the total amount of parking required by these Regulations is in excess of ten (10) spaces, the access driveways or roadways provided for access to a required off street *Parking Area* shall be not less than eighteen feet (18') and not more than twenty feet (20') in width between curbs for two-way operation and not less than ten feet (10') and not more than twelve feet (12') in width for one-way operation, provided further that in no case shall parking be permitted within the required minimum width of any such driveway. Access to *Parking Areas* serving ten (10) or fewer spaces shall be not less than ten feet (10') and not more than twelve feet (12') in width for either one-way or two-way operation.~~
- ~~(e) On *Corner Lots*, off-street parking shall be accessed from the *Side Street*. No curb cut shall be closer to an intersection than fifty feet (50'), and the minimum distance between curb cuts shall be at least forty feet (40'). The Zoning Board may modify or waive this requirement by *Special Permit* if warranted by site specific conditions, with written approval of the City of Stamford Transportation Traffic and Parking Bureau.~~
- ~~(f) The standards of Sections 12-B and 12-C of these Regulations shall not apply. (215-09)~~

- (g) ~~Where fifty (50) or more *Parking Spaces* are provided, the Zoning Board, by issuance of a *Special Permit*, may permit tandem parking, provided tandem spaces shall not exceed twenty percent (20%) of the required parking. (215-09)~~
- (h) ~~In all V-C Districts, required parking may be reduced by four (4) spaces for every shared vehicle provided onsite, provided that the total parking reduction shall not exceed ten percent (10%) of the required parking, except when 14 or less spaces are required the parking may be reduced by two spaces for one shared vehicle and three spaces for one share vehicle when the required parking is 15 to 20 spaces.~~
- (i) ~~In all V-C Districts, the dimensions of *Parking Spaces* and circulation aisles as defined in Section 12 of these regulations maybe modified if the Traffic Bureau finds that such modification would not reduce circulation or maneuverability with regard to off site parking operations.~~
- j. **Signage.** Signage within the V-C Districts within 100 feet of *Commercial Streets* as defined in Section 3.B., Definitions, *Street, Commercial*, 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. Open Space.** ~~At least 15% of the *Lot* shall be landscaped and have pervious surface.~~ If a rear or side *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 paragraph ~~Section~~, RA-3, RA-2, RA-1, R-20, R-10, R-7¹/₂, 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.~~
- (12) **Arterial Streets.** For the purpose of this Section the segments of the following *Streets* located within the V-C District shall be considered "Arterial Streets":
- Hope Street
 - Glenbrook Road
 - Crescent Street
 - Stillwater Avenue
 - Pacific Street (from Doek Street to Ludlow Street) (221-06)

~~"Within 125 feet of an Arterial Street" shall mean within 125 feet measured perpendicularly from the *Lot* line fronting on said Arterial Streets.~~

5.JJ.4. Site Design and Architectural Criteria

Development within the V-C District shall conform to the standards of Section 2.C. and Section

2.B. 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.B, Definitions – *Street, Commercial*, above 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 reconstruction projects, as defined in Subsection 5.JJ.5.e., 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 reconstruction projects, as defined in subsection 5.JJ.5.e., 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. (222-01)
- (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.C. and Section 2.B. 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.5.
- 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 reconstruction 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 11.2 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*.

SECTION 6 –DESIGN STANDARDS FOR PUBLICLY ACCESSIBLE AMENITY SPACE⁵⁴

6.A. PURPOSE

The purpose of this Section is to provide design guidelines for all *Publicly Accessible Amenity Space (PAAS)* within the City of Stamford to assure consistency, usability and excellence in Urban Design.

6.B. GENERAL REQUIREMENTS

All *Publicly Accessible Amenity Space* (except Community Rooms) shall meet the following requirements:

1. There shall be a sign at each entrance point to the *PAAS* with no more than 30' separation between signs, indicating that the space is open to the public, the hours it is open and who is responsible for maintaining it. The size, material and contents of the sign shall be subject to approval by Zoning Board staff.
2. All *PAAS* shall be *ADA* accessible.
3. All *PAAS* applications shall be reviewed by Zoning Board staff and referred to appropriate City Departments for review.
4. Property owner or manager shall ensure that the *PAAS* is well maintained in a condition which effectuates the purpose of this section, litter free and that trash receptacles are provided and regularly emptied.
5. All street furniture and fixtures shall be subject to approval by Zoning Board staff and follow city specifications.
6. Deterrents to seating, such as spikes, rails or other impediments are prohibited within all *PAAS*.
7. All paving shall be durable and non-slippery, and subject to approval by Zoning Board staff, and follow city specifications.
8. All landscaping including plants and materials shall be subject to approval by Zoning Board staff.
9. A permanent, irrevocable public access easement, in form and substance approved by the City Law Department, shall be recorded on the land records for all required *PAAS* or for each *PAAS* for which a Zoning bonus or premium is sought. Modifications to the public access easements shall be subject to agreement by the easement grantor and grantee and only for a valid public purpose. Public access easements related to Publicly Accessible Waterfront Areas shall also be referred to the Harbor Management Commission for review and recommendation.

⁵⁴ [The Regulations for *PAAS* replace the previous Section 6 which regulated Accessory Buildings. The Accessory Building regulations were moved to Section 3.C. Definitions]

10. A landscape maintenance agreement, in form and substance approved by the City Law Department shall be recorded on the land records for all required *PAAS* or each *PAAS* for which a Zoning bonus or premium is sought.
11. All *PAAS* shall be documented in an online database maintained by the City of Stamford and the database shall include information about all *PAASs* including location, access, amenities, features, hours, rules of conduct and photographs. Information required for the database shall be provided to Zoning Board Staff by the property owner/manager.
12. Applicant's plans for all *PAAS* shall be subject to approval by the Zoning Board, except where Land Use Bureau staff approval is provided for.

6.C. ADDITIONAL REQUIREMENTS FOR CERTAIN PAAS

The following additional requirements shall also apply to the following *PAASs*, subject to approval by Zoning Board Staff:

6.C.1. Public Plazas

A Public Plaza is defined as an open space maintained by the property owner for public use that meets the requirements set forth below:

- a. All Plazas shall be open to the public from at least dawn to dusk.
- b. The ratio between the long side and the short side of the plaza shall not be more than 2:1.
- c. At least 25% of the plaza area shall be landscaped with plants.
- d. At least 50% of the plaza area shall be unshaded for at least 5 consecutive hours when the sun is lowest, on or around December 21 of each year at the time of approval.
- e. At least 80% of the plaza area shall be open to the sky, and at least 33% of such open area shall be shaded by canopy trees or movable shade *Structures* such as umbrellas, gazebos or similar.
- f. Up to 25% of the plaza area may be used as outdoor eating and drinking space as part of a restaurant or café or outdoor stand. A temporary increase in the maximum outdoor eating and drinking space (up to a maximum of 40% of the plaza area) may be approved by the Land Use Bureau Chief or his/her designee.
- g. At least 50% of the street frontage shall be open and unobstructed.
- h. At least one seating space shall be provided for every 40 sf of plaza area. The following shall qualify as seating space:
 - (1) Chairs, movable or fixed, including lawn chairs, stools, or similar;
 - (2) Benches, with or without back, with one seating space per two feet of bench width; If backs are provided, they should be at least 14 inches high and reclined or contoured for comfort;

- (3) Linear seating on stonewalls or similar, at least 16” high (but no more than 20” high) and at least 18” deep, with one seating space per two linear feet; and
- (4) Other, as approved by the Zoning Board.

6.C.2. Through Block Connections

A Through Block Connection is defined as publicly accessible amenity space between *Buildings* or *Structures* connecting two public or private streets that meets the requirements set forth below:

- a. All through block connections shall be open to the public for at least 12 hours per day starting at 7:00am
- b. All through block connections shall be more than 200 feet from the nearest intersection or through-block connection.
- c. All through block connections shall be at least 12 feet wide and, if covered with a roof, shall have a floor to ceiling height of at least 10 feet.
- d. The through block connection shall include landscape, lighting and paving material which enhance the pedestrian experience, as approved by Zoning Board Staff.
- e. Any visible exterior blank walls along the through block connection shall be treated with landscaping (vines), murals or other methods to add visual interest to the connection. Commercial advertising signs shall be prohibited unless the through block connection provides direct access to a commercial use. In such case, the sign regulations of the respective district shall apply.

6.C.3. Publicly Accessible Waterfront Areas

A Publicly Accessible Waterfront Area is defined as open space adjacent or connected to the waterfront that meets the requirements set forth below. Amenities which are provided as part of a Publicly Accessible Waterfront Area shall be in addition to, and shall not replace or substitute for, other water-dependent uses required under the Connecticut Coastal Management Act (CCMA). In the case of a conflict between the CCMA and these requirements, the CCMA will take precedence. All Publicly Accessible Waterfront Areas:

- a. shall be open to the public from at least dawn to dusk.
- b. shall provide a shorefront walkway or boardwalk that includes at least a 10 foot wide unobstructed pedestrian pathway and a 5 foot wide amenity area for planting, benches and lighting.
- c. Shall permit bicycles, subject to site conditions.
- d. may also include (in addition to the shorefront walkway or boardwalk) a waterfront plaza comprised of landscaped areas connected to the shorefront walkway or boardwalk.
- e. shall include landscape, lighting and paving material which enhance the pedestrian experience, as approved by Zoning Board Staff.

- f. shall provide at least one seating space for every 75 sf of publicly accessible waterfront area.
- g. shall ensure that shorefront walkways or boardwalks are constructed of high quality and durable material (such as wood, composite or textured concrete) unless otherwise approved by the Zoning Board.
- h. shall include an interpretive sign every 100 feet along the shorefront walkway or boardwalk, as well as directional signage at each entrance of the publicly accessible waterfront areas.
- i. shall include focal features such as water features, artwork, and sculptures within the landscaped areas.
- j. shall have lighting at a minimum of 2 horizontal foot candles for all walkable areas and 0.5 horizontal foot candles for all other areas. All light sources mounted on or within buildings that illuminate the public plaza must be shielded from direct view.

6.C.4. Publicly Accessible Parks

A Publicly Accessible Park is defined as an open recreation space that meets the requirements set forth below:

- a. All publicly accessible parks shall be open to the public from at least dawn to dusk.
- b. A publicly accessible park shall be designed to encourage use by the public and shall provide at least one main entrance which includes signage with the park name, special paving and landscaping.
- c. At least 50% of the area shall be landscaped with plants and allow for large contiguous natural areas.
- d. At least 50% the park area shall be unshaded for at least 5 consecutive hours when the sun is lowest, on or around December 21 of each year.
- e. At least 80% of the park area shall be open to the sky, and at least 20% of the park area open to the sky shall be shaded by canopy trees or movable *Structures* such as umbrellas, gazebos or similar.
- f. All parks shall include a variety of seating, benches, lighting, drinking fountains, trash receptacles, landscape types and space for both active and passive recreation.
- g. Parks larger than 1 acre shall include at least one restroom and play area for children. The play areas shall be located at least 25' from the street and shielded from parking areas and driveways.
- h. At least 50% of the street frontage shall be open and unobstructed.
- i. At least one seating space shall be provided for every 40 sf of park area, and shall comply with the standards for seating space in Subsection 6.C.1.h above.

6.C.5. Community Rooms

Community Rooms are defined as publicly accessible spaces within buildings which meet the following requirements:

- a. All Community Rooms shall be ADA accessible and accessible to the general public via a separate entrance from a public street, which is not shared with the principal use, with prominent signage identifying the community space, its availability and its use policies.
- b. All Community Rooms shall include bathrooms designated for those using the Community Room.
- c. All Community Rooms shall be equipped with electrical and mechanical systems including plumbing and HVAC systems unless otherwise approved by the Zoning Board through the Community Room Plan.
- d. The minimum floor to ceiling height of community rooms shall be 12 feet.
- e. No rent shall be charged for the use of the community room. There shall be no charge for the use of utilities such as electricity, gas, sewer and water.
- f. The applicant shall submit a plan (Community Room Plan) specifying the hours of operation, list of prospective users, advertising strategies and information about the organization responsible for programming the Community Room. Annual reports regarding the actual usage of the Community Room shall be provided to Zoning Board staff. Applicant shall also submit, if applicable, times at which access is limited for the public.
- g. There shall be a sign at each entrance point to the Community Rooms with no more than 30' separation between signs, indicating that the space is open to the public, the hours it is open and who is responsible for maintaining it. The size, material and contents of the sign shall be subject to approval by Zoning Board staff.
- h. Property owner or manager shall ensure that the *Community Room* is well maintained in a condition which effectuates the purpose of this section, is cleaned regularly, litter free and that trash receptacles are provided and regularly emptied.
- i. A permanent, irrevocable public access easement, in form and substance approved by the City Law Department, shall be recorded on the land records for all Community Rooms which are required or for which a Zoning bonus or premium is sought.
- j. All Community Rooms shall be documented in an online database maintained by the City of Stamford and the database shall include information about all Community Rooms including location, access, amenities, features, hours, rules of conduct and photographs. Information required for the database shall be provided to Zoning Board Staff by the property owner/manager.
- k. Applicant's plans for all Community Rooms shall be subject to approval by the Zoning Board, except where Land Use Bureau staff approval is provided for.

6.C.6. Commuter Facility Spaces

Commuter Facility Spaces are defined as publicly accessible spaces serving commuters including direct pedestrian connections to train platforms or the Transportation Center, parking and operations areas for bus and shuttle operations, retail space, lobby and circulation space.

The applicant shall submit a plan specifying the hours of operation, and the organization

responsible for maintaining the Commuter Facility Space, subject to approval by Zoning Board.

6.D. REVIEW PROCEDURES FOR PUBLICLY ACCESSIBLE AMENITY SPACE

6.D.1. Architectural Plan Review Required

A Site and Architectural Plan Review application to the Zoning Board shall be made on applicable forms. The application shall contain the information required under Section 2.C. of these Regulations, 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.

6.D.2. No Building Permit Without Site Plan Review

Where approval is required pursuant to this Section 6, 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.

6.D.3. Additional Findings for Special Permits

Pursuant to *Special Permit* approval following a public hearing, the Zoning Board may modify the requirements of the following subsections of this Section 6, based on the findings of Section 2.B. of these Regulations and the following additional findings:

- a. **Subsection 6.C.1.b.** (Ratio between plaza sides). The Zoning Board may allow minor modification to this requirement to allow better overall design of the plaza and associated development.
- b. **Subsection 6.C.1.d. and 6.C.4.d.** (Limitation on *PAAS* covered in shade). The Zoning Board may allow modification to this requirement if shadows cast by pre-existing *Buildings* and *Structures* impact the amount of unshaded area available.
- c. **Subsection 6.C.1.e.** (Minimum open area, shaded area). The Zoning Board may allow modification of the minimum shaded area/canopy requirement for plazas smaller than 1000 sf and where unobstructed area is required for line of sight at street intersections or to allow superior design.
- d. **Subsection 6.C.1.h., 6.C.3.f. and 6.C.4.i.** (Minimum seating). The Zoning Board may allow modification of seating requirement for plazas 1000 sf or smaller in size or, in waterfront areas, due to shoreline conditions along the waterfront public access areas.
- e. **Subsection 6.C.3.b.** (Shorefront walkway/boardwalk dimension and amenity strip). The Zoning Board may allow modification of minimum dimension and amenity requirement of the

shorefront walkway along portions of the shoreline based on shoreline conditions such as topography, elevation and presence of existing structures

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SECTION 7. BELOW MARKET RATE HOUSING PROGRAM (220-13)⁵⁵**7.A. PURPOSE**

It is the public purpose and policy of the City of Stamford, as outlined in its Master Plan, and the State of Connecticut to achieve a diverse and balanced community with housing available and affordable for households of all income levels. Economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the City and are beneficial to the health, safety and welfare of its residents and to the environmental quality and economy of the region. In addition to the City's other affordable housing strategies, the Below Market Rate ("*BMR*") Housing Program aims at creating mixed-income communities in new developments.

7.B. AUTHORITY

These regulations are enacted under the authority of the Charter of the City of Stamford and Section 8-2(i) of the Connecticut General Statutes.

7.C. STANDARDS**7.C.1. Standards for All BMR Units****a. BMR Units Required.**

- (1) All new residential developments with ten (10) or more Dwelling Units, or conversions of non-residential floor area to residential floor area generating ten (10) or more units, or additions, expansions or conversions to existing residential and mixed-use buildings that increase the total number of residential units in such buildings to ten (10) or more units, shall permanently create and deed restrict the number of rental or for sale *BMR* Units as specified in Subsections 7.C.2 and 7.C.3 below, notwithstanding any provision of these Regulations to the contrary.
- (2) For all Substantial Renovations or Upgrades of existing rental residential properties having ten (10) or more Dwelling Units prior to the renovation or upgrade and which have no *BMR* Units on-site (and for which no alternative means of meeting the *BMR* requirement pursuant to Subsection 7.D was made), there shall be a *BMR* requirement of 5% of all units existing following the upgrade or renovation ("*Rehab Units*"), affordable to Households at 65% of the *AMI*. The applicant may, however, make a fee-in-lieu payment pursuant to Section 7.D.3 without having to receive *Special Permit* approval by the Zoning Board. If, as part of the renovation or upgrade, new units are also developed, then the number of required *BMR Rehab* Units may be reduced at a ratio of one new *BMR* unit = ½ *BMR Rehab*

⁵⁵ Formerly Section 7.4.

Unit. Such new units shall be subject to all of the requirements of this Section 7. For the purposes of this Section 7., “Substantial Renovations or Upgrades” shall mean investments in a residential property within a five (5) year period exceeding 66% of the fair market or assessed value of such property prior to the beginning of the renovations or upgrades.

- (3) All housing for the Elderly, including independent living, shall provide at least five percent (5%) of all units as *BMR* Units. Memory care, assisted living, nursing home or hospice care units shall be excluded from this *BMR* requirement. Such developments may, however, make a fee-in-lieu payment pursuant to Section 7.D.3 without having to receive *Special Permit* approval by the Zoning Board. For the purpose of calculating the amount of the fee-In-lieu payment, common and program areas, e.g., dining or recreational facilities, shall not be considered. All monies generated by this provision shall be used exclusively for the production of Affordable Housing for the Elderly.
- b. **Pricing of BMR Units for Sale or Rent.** Studios shall be priced based on the *Area Median Income (AMI)* for families of 0.9 persons; one-bedroom *BMR* Units shall be priced based on the *AMI* for families of one and one-half persons; two-bedroom *BMR* Units shall be priced based on the *AMI* income for families of three persons; and three-bedroom *BMR* Units shall be priced based on the *AMI* for families of four and one-half persons, all at the criteria income levels established in Table 7.1 (for rental units) and Subsection 8.
- c. **Policies and Guidelines for BMRs Units.** *BMR* Units shall be designed, constructed, sold or rented, managed and controlled as to resale in accordance with such other written administrative policies, definitions and guidelines as officially adopted by the Zoning Board and/or the City of Stamford, as amended from time to time.
- d. **BMR Units Equivalent to Market Rate Units.** *BMR* Units shall be constructed with floor area, layout, interior and exterior finishes, fixtures and amenities comparable to the market rate units within the development.
- e. **Location of BMR Units within Buildings.** *BMR* Units shall be dispersed evenly throughout the development and must not be concentrated on particular floors, within particular sections of a Building, or within particular buildings in a development with multiple buildings. There shall be no separate access points for market rate and *BMR* Units.
- f. **Equal Access to Amenities for BMR Residents.** Residents of *BMR* Units shall have the same access to common areas, facilities, amenities and services as residents of Market-Rate Units in the project, including but not limited to, outdoor spaces, amenity spaces, storage, and other resident services. There shall be no fees for the use of a parking space for one vehicle and bicycle facilities for residents of *BMR* Units. If a *BMR* household owns more than one vehicle, the same parking fees as for the market rate tenants or owners shall apply for all vehicles in excess of the first vehicle. *BMR* tenants and owners shall not be charged higher or additional fees than market-rate renters or owners, and free access to amenities for market rate owners or renters must be free for *BMR* unit renters or owners.

- g. **BMR Unit Size Proportional to Market Rate Unit Size; Alternate Unit Mix.** The number of *BMR Units* defined by size and number of bedrooms shall be proportionate to the overall number of units in the project defined by size and number of bedrooms. Applicants may request, by *Special Permit* from the Zoning Board, unit sizes differing from the overall distribution of units based on the following ratios; provided, however that the *Floor Area* of the *BMR Units* provided is equal to or greater than the total *Floor Area* of *BMR Units* that would otherwise be required pursuant to these Regulations. All subsequent changes to the unit mix shall be subject to Administrative Approval by the Zoning Board.

Base: 2-Bedroom Unit

- One 2-Bedroom Unit equals three Studio units
- One 2-Bedroom Unit equals two 1-Bedroom units
- One 2-Bedroom Unit equals one 2-Bedroom unit
- One 2-Bedroom unit equals 0.75 3-Bedroom units.

- h. **Rental and Ownership BMR Units in the Same Development.** For projects with a combination of rental and owner-occupied *Dwelling Units*, the ratio of rental to owner-occupied *BMR Units* shall be equal to the ratio of rental to owner-occupied units in the Development.
- i. **All BMR Units to be Provided On-Site.** All required *BMR Units*, except fractional units, shall be provided on-site unless the Zoning Board, in its sole discretion, approves an Alternative Method of Compliance, pursuant to Section 7.D. below.
- j. **Fractional BMR Units.** For fractional *BMR Units* of less than one unit, a fee-in-lieu payment may be made pursuant to Section 7.D.3 without having to receive *Special Permit* approval by the Zoning Board.
- k. **Equivalency of Affordability Levels.** The Zoning Board, in its sole discretion, may determine the affordability level for the required *BMR Units* between the range of 50-80% *AMI* based on the following equivalencies and shall take into account the recommendations of the City's Affordable Housing Plan, if such Plan exists.

Base: One (1) BMR unit at 50%;

- One (1) *BMR Unit* at 25% *AMI* equals 2.00 units at 50% *AMI*;
- One (1) *BMR Unit* at 30% *AMI* equals 1.56 units at 50% *AMI*;
- One (1) *BMR Unit* at 35% *AMI* equals 1.43 units at 50% *AMI*;
- One (1) *BMR Unit* at 40% *AMI* equals 1.3 units at 50% *AMI*;
- One (1) *BMR Unit* at 45% *AMI* equals 1.15 units at 50% *AMI*;
- One (1) *BMR Unit* at 60% *AMI* equals 0.70 units at 50% *AMI*;
- One (1) *BMR Unit* at 65% *AMI* equals 0.60 units at 50% *AMI*; and
- One (1) *BMR Unit* at 80% *AMI* equals 0.40 units at 50% *AMI*

Applicants may request, by *Special Permit* approval for the Zoning Board, any of the above affordability levels.

1. **Premium Floor Area Only When BMRs Provided On-Site.** Notwithstanding anything to the contrary in these Regulations, no development shall receive *Premium Floor Area* unless all *BMR Units*, excluding fractional *BMR Units* as defined in Subsection C.1.k., are provided on-site at the Development.
- m. **Premium Floor Area Excluded from BMR Calculations.** Premium Floor Area for *BMR Units* provided on-site, as defined in the respective District Regulations in Sections 4 and 9 and/or in Appendix B, Table III, shall be excluded from *BMR* requirements,
- n. **Replacement of Subsidized, Affordable Housing and Existing Market Rate Affordable Housing Units.**

(1) **Replacement of Subsidized or Affordable Housing Units:** If, as part of a redevelopment, any Subsidized or Affordable Housing units are lost, then, in addition to the new *BMR Units* required, applicant shall replace all Subsidized and Affordable units lost at a ratio of 1:1 at the same affordability levels as the Subsidized and Affordable units lost; provided, however, the following rules shall apply:

- (a) If the number of Subsidized and Affordable units lost is 10% or less of the total number of new units, then the *BMR* requirement shall be the base requirement for the district plus the percentage of units lost.

Example:

Proposed new development 100 units, 10% BMR requirement = 10 BMR units)

Affordable Units lost: 2 (=2% of total new units)

BMR requirement = 12% (10% base plus 2% units lost) = 12 units

- (b) If the number of Subsidized and Affordable units lost is greater than 10% but less than 20% of the total number of new units, then the *BMR* requirement, including replacement of subsidized units lost, shall be 20%

Example:

Proposed new development 100 units, 10% BMR requirement = 10 BMR units)

Affordable units lost: 13 (=13% of total new units)

BMR requirement = 20% (number of units lost between 10% and 20%) = 20 units. Note that this is less than the 23(10+13) units which would be required if 1:1 replacement of lost units was required.

- (c) If the number of Subsidized and Affordable units lost is 20% or more of the total number of new units, then the *BMR* requirement shall be 5% of the new units plus the number of units lost

Example:

Proposed new development 100 units, 10% BMR requirement = 10 BMR units)

Subsidized units lost: 22 (=22% of total new units)

BMR requirement = 27 units; replace 22 units lost plus 5% of the total proposed (=5 units)

(2) **Replacement of Market Rate Affordable Housing Units:** If, as part of a redevelopment,

any Market Rate Affordable Housing units are lost, then, in addition to the new *BMR Units* required for such district, applicant shall replace all *Market Rate Affordable Units* lost with BMR Units affordable at 65% *AMI* at a ratio one additional replacement unit for every two *Market Rate Affordable Units* lost; provided, however, that the applicant shall not be required to provide replacement units exceeding 20% of the total number of units of the redevelopment .

Examples:

(a) *Market Rate Affordable units pre-redevelopment: 8;*

Proposed development: 100 units; BMR requirement 10% = 10 BMR units

8 Market Rate Affordable units lost = 4 replacement units required:

BMR requirement =14 units (10 new BMR units and 4 replacement BMR units)

(b) *Market Rate Affordable Units pre-redevelopment: 24;*

Proposed development: 100 units; BMR requirement 10% = 10 BMR units

Market Rate Affordable units lost must be replaced at a ratio of 2:1 but no more than 20% of the proposed total of units created;

12 Market Rate Affordable units need to be replaced, however, BMR is capped at 20%

BMR requirement = 20 units

- (3) Where Subsidized Affordable or *Market-Rate Affordable Housing Units* are replaced with non-residential uses, a fee-in-lieu payment shall be made for such lost units. Said fee-in-lieu payment shall be calculated based on 10% of the proposed non-residential Gross Floor Area and the current per square foot fee for “All other districts” in Table 7.2.
- o. **Accounting for Assets.** Return-on-Assets Income shall be imputed by excluding the first \$5,000 of assets and multiplying the value of the remaining assets by the HUD passbook rate as reported by Charter Oak Communities. Net Household Assets shall not exceed \$100,000 at the time of initial application to lease or purchase a *BMR Unit* and at the time of annual income recertification.
- p. **Preference for Stamford Residents.** Preference for 50% of *BMR Units* shall be given to persons living or working in the City of Stamford.
- q. **Phased Development.** Where a project is constructed in phases, the required number of *BMR Units* shall be satisfied at each phase of the development, unless the Zoning Board, by *Special Permit*, approves a different procedure.

7.C.2. Standards for Rental BMR Units

- a. *BMR Units* offered for rent shall be restricted to a maximum annual rent, inclusive of all rent, parking for one car and basic utilities except telephone and cable, fees and taxes not to exceed 30% of the criteria family income, according to unit type as set forth above in Subsection 7.C.1.b.
- b. Rental restrictions shall remain in full force and effect for so long as the *Building* or

development exists, and shall be administered in accordance with written guidelines as adopted and periodically revised by the Zoning Board.

- c. In all rental developments specified in Subsection 7.C.1.a above, *BMR Units* shall be made available at the percentages and affordable levels (as percentage of the *AMI*) as set forth in Table 7.1:

Table 7.1.

Zoning District	Percentage of units in developments with 10 or more units to be permanently dedicated as <i>Below Market Rate Rental Dwelling Units</i>	
	% of all units ¹⁾	Affordability level (% of <i>AMI</i>)
TCD-D	12%	50%
MR-D (total of 12%)	5%	25%
	4%	50%
	3%	65%
V-C (total of 12%)	6%	50%
	6%	65%
All other Districts	10%	50%
Rehab Units	5%	65%
Housing for the Elderly	5%	50%

¹⁾ Excluding units developed with Premium FAR.

- d. All renters of *BMR Units* shall be recertified annually to assure that they continue to meet the respective maximum income requirements. If, upon recertification, a household exceeds the maximum income by more than 10%, said household shall vacate said unit within three months of the date of the recertification.
- e. Renters of *BMR units* under the BMR Housing Program established under this Section 7. shall only be permitted to apply for a different unit in this program if they no longer meet the requirements of the BMR unit assigned to them, for example because of a change in family size or income.

7.C.3. Standards for Ownership BMR Units

- a. In all home-ownership developments specified in Subsection 7.C.1.a above, 50% of all required BMR units, excluding units developed with Premium FAR, shall be made available for sale to Eligible Households earning 65% or less of the *AMI*, and an additional 50% to Eligible Households earning 80% or less of the *AMI* according to unit type as set forth above in Subsection C.1.b.

- b. BMR Units offered for sale (both the first sale and all subsequent resales) shall be limited to a selling price that is affordable to a purchaser with an income not exceeding the family income defined in Subsection 7.C.3.a, according to unit type as set forth above, based on industry-standard mortgage underwriting guidelines, and based on prevailing interest rates and a three percent (3%) down payment. The initial sale price for a BMR Unit shall be set at a level where monthly housing cost (which shall include debt service at prevailing interest rates for a 30-year conventional mortgage, down payment of 3%, condominium or related common charges, real estate taxes, and parking fees for one vehicle) does not exceed thirty percent 30% of household income, based on a household size of one (1) person per bedroom.
- c. *BMR Units* offered for sale shall remain subject to resale restrictions for so long as the Building or development exists with a selling price that is affordable to a purchaser with an income not exceeding the family income defined in Subsection 7.C.3.a and based on the guidelines set forth in Subsection 7.C.3.b. *BMR* sale and resale requirements shall be administered in accordance with written guidelines as adopted and periodically revised by the Zoning Board, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out and effectuate these obligations.
- d. Should an applicant not be able to sell some or all of the required *BMR Units* within one year of the final Certificate of Occupancy for a *BMR Unit*, the unsold homeownership units may, by Administrative Approval by the Zoning Board, be rented out to Eligible Households earning 50% or less of the *AMI* for a lease term of at least one (1) year. Following expiration of the initial one (1) year lease term, if the applicant finds an eligible buyer other than the renter of the *BMR Unit*, the developer must grant the current renter at least three months from the date of closing to vacate the *BMR Unit*.

7.D. ALTERNATIVE METHODS OF COMPLIANCE

Pursuant to an application for *Special Permit*, the Zoning Board, at its sole discretion, may approve one or a combination of the alternative methods of satisfying a BMR requirement as provided for below; provided, however, as set forth above, no *Special Permit* approval shall be required for fee-in-lieu payments made for fractional *BMR Units* pursuant to Subsection 7.C.1.k., Substantial Renovations or Upgrades pursuant to Subsection 7.C.1.a(2) and housing for the Elderly pursuant to Subsection 7.C.1.a(3).

Any proposed alternative method shall demonstrate to the satisfaction of the Zoning Board that the alternative method is desirable and will further affordable housing opportunities in the City to a greater extent than the provision of on-site *BMR Units*, either through the production of a greater number of affordable housing units, larger bedroom size units, or units for families below the required targeted income brackets. The dedication of land shall not be a permitted alternative method of compliance.

7.D.1. Dedication of Existing Units

A BMR requirement may be satisfied by permanently deed-restricting the rental or sale price of existing Dwelling Units within the City, the form and content of which is acceptable to the Zoning Board and recorded on the land records and senior to all financing instruments. The restriction of such existing units must result in the creation of units that are at a minimum equivalent in value, quality, and size to the on-site *BMR Units* that would otherwise be provided. Such units shall not displace existing deed-restricted Affordable Housing units or Market Rate Affordable Housing units, and must be provided and available prior to issuance of the Certificate of Occupancy for the market rate units in the development.

7.D.2. Off-Site Construction of BMR Units

A *BMR* requirement may be satisfied through the off-site construction or substantial rehabilitation (also known as a “gut rehab”) of *BMR Units* within the City of Stamford, subject to the following standards:

- a. The location, architectural design and siting of such units shall be equivalent to the market rate units in the development;
- b. Such units shall not displace any existing subsidized or Market Rate Affordable Housing units;
- c. Such units shall be generally consistent with all applicable standards of this section, including but not limited to, value, quality finishes, amenities, unit mix, parking and size of the market rate units in the development; and
- d. Such units must be provided prior to the issuance of a Certificate of Occupancy for the market-rate units in the Development.

7.D.3. Fee-in Lieu Payment

A *BMR* requirement may be satisfied, in whole or in part, through the payment of a “fee-in-lieu” cash contribution to a City of Stamford fund, or to a non-profit or for-profit organization approved by the Zoning Board, which is dedicated to affordable housing initiatives. Notwithstanding any other provisions of this Section 7 to the contrary, the cash contribution shall be determined based on a fee for every square foot of *BMR Gross Floor Area* not realized pursuant to table 7.2. All fee-in-lieu payments shall be made prior to the issuance of a Building Permit for the market rate units.

Table 7.2. (221-11)

Zoning District	Percentage of Gross Residential Floor Area subject to fee	Fee per square foot, 2020
MR-D, TCD-D	12%	\$200

CC, G-G, C-L, DW-D, MX-D, RHD-D, R-HD, SRD-N, SRD-S,	10%	\$200
V-C	12%	\$175
All other districts	10%	\$150
Rehab units	5%	\$125
Housing for the Elderly	5%	\$125

The fee-in-lieu fee per square foot shall be increased automatically on every January 1st by no more than the increase of the Construction Cost Index as published by the Engineering News Record with December 2019 as the basis. More frequent increases or increases higher than the Construction Cost Index, or a decrease of the current fee-in-lieu fee, shall require an amendment to these Regulations by the Zoning Board.

7.E. MANAGEMENT OF THE BMR PROGRAM

7.E.1. Affordability Plans Required

All developments requiring the provision of *BMR Units* pursuant to this Section 7 shall be accompanied by a management plan (“Affordability Plan”).

For projects requiring *Special Permit*, Site Plan, Zoning Map or Text, Architectural and Site Plan or General Development approval, a draft Affordability Plan shall be submitted and is subject to Zoning Board approval concurrently with these actions. For Affordability Plans as part of as-of-right developments, the draft Affordability Plan is subject to review and approval by the Zoning Board by Administrative Approval prior to issuance of a Building Permit. No final Certificate of Occupancy shall be granted without a complete and approved final Affordability Plan. Minor Modifications to approved Affordability Plans shall be subject to approval to the Land Use Bureau Chief or designee.

7.E.2. Contents of the Affordability Plan

The Affordability Plan shall include the following:

- a. General information about the nature and scope of the development subject to these regulations.
- b. The total number of Market Rate Housing units and *BMR Units* in the development.
- c. The size (number, bedrooms, bathrooms and square footage) for each Market Rate Housing unit and *BMR Unit* in the development.
- d. The combined approximate square footage all *BMR Units* and all Market Rate Housing units

without common areas such as *Hallways*, amenity spaces, etc.

- e. The approximate location of each *BMR Unit* within any multifamily residential Structure.
- f. The person or organization responsible for administering the Affordability Plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms.
- g. Provision for the selection of buyers or tenants and affirmative fair marketing procedures governing the sale or rental of the *BMR Units*.
- h. The pricing of each *BMR Unit* and the basis for their determination, including all fees and common charges associated with the Building, e.g., for parking. Final pricing of rental and ownership *BMR Units* shall be re-determined at the time of issuance of the Certificate of Occupancy, based on changes in the area median income and prevailing mortgage interest rates and any changes in the administrative guidelines.
- i. Plans for income verification of tenants and buyers.
- j. Plans for management of *BMR Units*, particularly with respect to maintenance and assurance of long-term affordability. New fees and charges should not make units unaffordable.
- k. Relocation plans for tenants affected by substantial rehabilitation projects.
- l. Timetable for the completion of Market Rate Housing units and *BMR Units* on a pro-rata basis.
- m. Amenities available to tenants and buyers, including tenants and buyers of *BMR Units* and conditions of use, such as fees.
- n. Annual reports demonstrating compliance with the requirements of this Subsection 7.E shall be submitted to the Land Use Bureau and the Director of the Department of Social Services for the life of the Building. Such reports shall be submitted no later than January 15 of each year. Failing to submit such report on time shall be considered a Zoning Violation pursuant to the City of Stamford Code Chapter 248 (Zoning), with each day being a separate violation.

The Zoning Board may request additional information in conjunction with its review, and may reject any application not providing the minimum Affordability Plan elements noted above.

7.E.3. Administration of the BMR Program by the City or a Third Party

The City of Stamford may, at the discretion of the Zoning Board and under an agreement acceptable to the City's Law Department, at any time assume management of rental *BMR Units* and the resale of ownership *BMR Units* or delegate such responsibilities to a third party. The City of Stamford may require the applicant or then owner of the Building to pay a reasonable fee to cover the cost of administration of the *BMR Units*.

7.E.4. Section 8 Vouchers

Section 8 vouchers and use of other local, state or federal programs, subsidies and initiatives to further increase the affordability of *BMR Units* shall only be permitted to accommodate families earning less than 45% of the *AMI*. Under no circumstance shall the total of rent, including the value of the Section 8 voucher or other subsidy, initiative or program, including all rent, common charges basic utilities (with the exception of telephone and cable), parking for one vehicle, fees and taxes exceed the rent for a household earning 50% of the *AM*

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SECTION 8. HISTORIC PRESERVATION⁵⁶

8.A. PURPOSE

The purpose of this Section is to:

1. encourage the preservation, rehabilitation, enhancement and adaptive re-use of *Historic Structures* and *Historic Sites*; and
2. support contextual *Development* and *Redevelopment* within *Historic Districts*.

8.B. HISTORIC SITE AND ARCHITECTURAL PLAN REVIEW

8.B.1. Applicability

a. *Historic Structures* and *Historic Sites*

All proposed exterior alterations, expansion, redevelopment, additions or other modifications to *Historic Structures* or *Historic Sites* listed on the *Cultural Resources Inventory*, including but not limited to full or partial demolition of such *Structures* or *Sites*, shall be subject to Historic Site and Architectural Plan Review pursuant to the standards of Subsections 8.B.2.a. and 8.B.2.b. Landscaping or interior features of a *Structure* that are explicitly listed in the *Cultural Resources Inventory* shall also be subject to Historic Site and Architectural Plan Review under this Section.

b. New Construction in Local Historic Districts or Alterations to Structures in Local Historic Districts.

All new construction on sites in *Local Historic Districts* as well as additions or alterations to existing *Structures* in *Local Historic Districts* shall be subject to Historic Site and Architectural Plan Review pursuant to Subsections 8.B.2.a. and 8.B.2.c.

8.B.2. Review Procedures

a. Historic Site and Architectural Plan Review

(1) All Historic Site and Architectural Plan Review applications pursuant to this Subsection shall be referred to *HPAC* for review and recommendations. Whenever a *Qualified Historic Preservation Expert* is engaged, that expert shall present their findings to *HPAC* and the Zoning Board.

(2) All Historic Site and Architectural Plan Review applications shall require Administrative Review and approval by the Zoning Board.

⁵⁶ Formerly Section 7.3.

(3) Where Site and Architectural Plan Review pursuant to Sections 2.C, 7.5 or 9, or a *Special Permit* application, is required, Historic Site and Architectural Plan Review shall be conducted in conjunction with such required review, following the respective standards and procedures of such sections.

(4) The following activities shall be exempt from review and the requirements under this Section after determination by the Land Use Bureau Chief, or designee, who may consult with *HPAC*, the *Chairperson of HPAC*, or a *Qualified Historic Preservation Expert* in making this determination:

- (a) Minor modifications and repairs which include replacement of deteriorated elements of façade, minor landscaping that does not substantially alter the appearance of the property, roof replacement, window replacements, etc. The intent is to retain the historic character of the *Building*.
- (b) Modifications and repairs to *Non-Contributing Structures* or Sites which do not significantly detract from the historical context.
- (c) Activities that do not require a review by the Zoning Enforcement Officer as part of the granting of a Permit by the Building Department, such as mechanical permits, including, but not limited to electrical or plumbing permits, or roof top solar panels.
- (d) Activities that require a Zoning Permit only, such as *Fences*, or certain *Accessory Structures* not requiring a Building Permit.
- (e) Installation of generators, fuel tanks or HVAC equipment that require a review by the *ZEO*.

b. Application Requirements for Historic Site and Architectural Plan Review

(1) Applicant shall provide the following information for the Historic Site and Architectural Plan Review for properties subject to Section 8 in addition to the submission requirements of Sections 2.C., 7.5, 9 and *Special Permit* applications:

- (a) Application form and fee, if applicable;
- (b) Elevations of *Building* existing facades visible from each public right-of-way and site survey showing currently existing conditions, including materials used on the façade and other *Building* and site features;
- (c) Elevations of proposed *Building* facades visible from each public right-of-way and site plan showing proposed conditions, including materials and colors to be used on the façade and other *Building* and site features;
- (d) If available, pictures, plans or other documentation showing the original condition and subsequent modifications of the *Building* and *Site*;
- (e) A narrative describing the proposed work and how it deviates from the original condition or attempts to bring the *Building* back to its original condition; and

- (f) Other pertinent information as may be requested by *HPAC* or the Zoning Board, e.g., request for Historic Tax Credits.
- (2) At least 35 days prior to a meeting at which such matter will be discussed by the Zoning Board, the application shall be referred to *HPAC* for review and comment.
- (3) The Zoning Board shall receive and consider *HPAC*'s comments. The Board may accept, reject or modify in full or in part any part of *HPAC*'s report. The failure of *HPAC* to timely submit a report shall not prevent the Board from acting on the application.
- (4) No Zoning Permit shall be issued for any property subject to Subsection B.2.b without Zoning Board approval of the Historic Site and Architectural Plan Review application.
- (5) No certificate of zoning compliance shall be issued until the Land Use Bureau confirms that the as-built conditions meet the approved plans and a *Historic Preservation Easement*, if required, was recorded on the land records.

c. Procedures for Additions to and Deletions from the Cultural Resources Inventory.

- (1) Addition of Individual Buildings or Sites. *Historic Structures* and *Sites*, shall be listed on the Cultural Resources Inventory in accordance with the following requirements:
 - (a) an application form provided by the City of Stamford Land Use Bureau has been filed and an application fee, if applicable, is paid; no fees shall be payable unless an applicant is seeking zoning bonuses or relief from zoning requirements pursuant to Section 8.C. below;
 - (b) the application has been reviewed by Land Use Bureau staff based on review criteria for historic or architectural significance established by the Land Use Bureau in consultation with *HPAC*; provided, however, that if a Structure or Site is listed on the National Register of Historic Places, such review is not required;
 - (c) the property owner has been notified in writing at least 30 days prior to the scheduled ~~HPAC public hearing meeting at which the matter will first be discussed~~, unless the applicant seeking addition of the property to the *Cultural Resources Inventory* is the property owner;
 - (d) the Land Use Bureau has not received a written objection from the property owner prior to or at the Zoning Board public hearing to the listing on the *Cultural Resources Inventory*. If no written objection by the property owner is received prior to or at the public hearing, the property owner will be deemed to have consented to the listing on the *Cultural Resources Inventory*;
 - (e) ~~HPAC~~ the Zoning Board has duly noticed and conducted a public hearing pursuant to Section C6-40-11-of the City of Stamford Charter, as amended;(222-01)
 - (c) *HPAC* has recommended that the *Structure* or site to be added to the *Inventory* is historically or architecturally significant. Such recommendation shall detail the *Structure*'s

compliance with the current standards for designation on the National Register of Historic Places or the *Cultural Resources Inventory*, and justify any findings based on the *Structure's* or *Site's* architectural, social or other significance to the history of the City of Stamford; and

- (d) the Zoning Board has ~~administratively~~ approved in full or in part the recommendation of *HPAC*. (222-01)

Following approval of an addition to the Cultural Resources Inventory by the Zoning Board, a notice shall be posted on the City of Stamford Land Records noting development controls pursuant to this Section 8. of the City of Stamford Zoning Regulations.

- (2) **Addition of a Local Historic District.** Any *Local Historic District* shall automatically be listed on the *Cultural Resources Inventory*.
- (3) The Land Use Bureau, in consultation with *HPAC*, may establish additional rules regarding the *Cultural Resources Inventory* and the application procedure to add *Structures* and sites to the Inventory.
- (4) Deletion of Properties from the Cultural Resources Inventory. A property listed on the Cultural Resources Inventory may be removed from such Inventory if it is approved for listing on the Historic Preservation White List.
- (5) When a *Qualified Historic Preservation Expert* is engaged for an application which includes adding a *Building* or *Site* to the Cultural Resources Inventory in conjunction with a *Special Permit* application pursuant to Section 8.C., or deleting a *Building* or *Site* from the CRI, the Applicant shall be responsible for paying for the services of such expert. (222-01)

d. Procedures for Additions to the *Historic Preservation White List*.

All properties added to the White List shall meet the following requirements:

- (1) an application form provided by the City of Stamford Land Use Bureau has been filed and an application fee, if applicable, is paid;
- (2) the application has been reviewed by Land Use Bureau staff based on review criteria for historic or architectural significance established by the Land Use Bureau in consultation with *HPAC*, and a preliminary determination has been made that the Structure or site is no longer historically or culturally significant. Accidental destruction of a *Historic Structure* pursuant to Section 8.D.3 and 4 of this Section, or a finding by *SHPO*, the Attorney General's Office or any other governmental agency having jurisdiction in making such finding that a Structure is no longer historically significant shall be considered sufficient evidence;
- (3) the property owner has been notified in writing at least 30 days prior to scheduled *HPAC* public hearing, unless the applicant seeking addition of the property to the White List is the property owner;

- (4) HPAC has duly noticed and conducted a public hearing pursuant to Section C6-40-11-of the City of Stamford Charter, as amended;
- (5) HPAC has recommended that the *Structure* or site is not historically or architecturally significant; and
- (6) the Zoning Board has administratively approved the listing after consideration of the recommendation by HPAC.

The Land Use Bureau, in consultation with HPAC, may establish additional rules regarding the *Historic Preservation White List* and the application procedure to add *Structures* and sites to the White List.

8.C. SPECIAL USE, BULK AND DENSITY STANDARDS FOR HISTORIC STRUCTURES AND SITES

The provisions of this subsection 8.C. shall apply to all *Historic Structures* and *Sites* in Stamford listed on the *Cultural Resources Inventory*. Properties which are not *Historic Structures* or *Sites* wishing to benefit from this Section 8.C. must be placed on the *Cultural Resources Inventory* pursuant to Subsection 8.B.2.d of these Regulations prior or simultaneously to applying for a *Special Permit* under this Section 8.C.

8.C.1. Special Permit Required for Special Standards

For *Historic Structures* and *Historic Sites* listed on the *Cultural Resources Inventory*, the Zoning Board, at its sole discretion, may modify by *Special Permit* use, bulk, height, *Light and Air*, setback, coverage, *Density* and parking standards based on the standards listed in this Section. All *Special Permit* applications pursuant to this Section shall be referred to HPAC and whenever a *Qualified Historic Preservation Expert* is employed, that expert shall present their findings to HPAC and to the Zoning Board. An application for *Special Permit* under this Subsection shall be required to meet the criteria of Section 2.B.2 and the following findings and conditions:

- a. Proposed use and site plan are compatible with and implement the objectives and policies of Stamford's *Master Plan*;
- b. Proposed use and site plan are superior to a plan conforming to the standard dimensional requirements and use standards of the underlying zoning district and will not impair the future development of the surrounding area;
- c. Proposed use and site and architectural plans serve to rehabilitate, restore, *Critically Reconstruct*, or preserve *Historic Structures* or *Sites*, and meet the HPAC guidelines for Historic Preservation (once they are recommended by HPAC and adopted by the Zoning Board), or the appropriate Standards and Guidelines of the Secretary of the Interior, as amended from time to time and published on the National Park Service website, as applied by

HPAC and the Zoning Board; and

- d. The loss of said *Historic Structure* or *Historic Site* would be detrimental to the neighborhood character, *Local Historic District* or the cultural and historical heritage and identity of the City of Stamford.

Alternate standards approved by the Zoning Board pursuant to this section shall be restricted to the minimum amount deemed necessary to encourage preservation or rehabilitation of *Historic Structures* and *Sites*. Nothing in this section shall be deemed to preclude the relocation and/or incorporation of such *Historic Structures* or *Sites* into a larger plan of development subject to Historic Site and Architectural Plan Review by the Zoning Board.

A suitable *Historic Preservation Easement* shall be recorded to ensure that the continued maintenance of any such *Historic Structure* or *Historic Site* properties is in accordance with such Standards and Guidelines. Any subsequent alteration to the *Historic Structure* or *Historic Site* shall require administrative approval by the Zoning Board.

8.C.2. Use Standards

In addition to the uses permitted as of right or by *Special Permit* as otherwise provided in these Regulations, the Zoning Board may permit the following uses:

- a. In Zoning Districts prohibiting residential uses, *Historic Structures* may, in addition to the uses permitted in the respective district, be allowed all of the as-of-right and *Special Permit* uses permitted in R-MF, RHD-D and P-D Districts. The permitted number of Dwelling Units shall be determined by dividing the *Gross Floor Area* by 800.
- b. Uses that were historically located in or on the *Historic Structure* or *Historic Site*, or non-historic uses which the *Historic Structure* or *Historic Site* lends itself to, provided that adverse impacts on neighboring uses, and in particular residential uses, including, but not limited to traffic, parking, noise, light, smell, vibration, run-off and pollution are minimal and minimized as determined by the Zoning Board. The permitted number of Dwelling Units shall be determined by dividing the *Gross Floor Area* by 800. In Districts where densities are determined by units per acre, the maximum permitted non-residential *Density* (in square feet) shall be determined by multiplying the allowable building area (coverage in square feet) by 2.

8.C.3. Parking Standards

Parking for *Historic Structures* to be preserved shall be subject to approval by the Zoning Board based on the proposed use, the available information and a determination that the proposed plan provides for adequate parking in the vicinity and that no adverse impact will be created. Notwithstanding the other applicable parking standards of these Regulations, the Zoning Board, in its sole discretion, may approve the following minimum parking standards:

- a. No less than 0.5 Parking Spaces per Dwelling Unit within *Master Plan Categories* 9, 11 and 16, or less where permitted by these Regulations, and no less than 1.0 Parking Spaces per Dwelling Unit in all other *Master Plan Categories*, or less where permitted; provided, however, that no on-site parking shall be required if the *Building* is within 1,000 feet of a public parking garage, as measured from the entrance of the *Building* to the garage entrance, as the crow flies, or if sufficient on-street parking is available, as determined by the City of Stamford Transportation, Traffic and Parking Bureau; and
- b. No less than 0.5 Parking Spaces per 1,000 sf of *Gross Floor Area* for non-residential uses within *Master Plan Categories* 9, 11 and 16, or less where permitted by these Regulations, and no less than 1.0 Parking Spaces per 1,000 sf of *Gross Floor Area* for non-residential uses in all other *Master Plan Categories*, or less where permitted; provided, however, that no on-site parking shall be required for non-residential uses with a *Gross Floor Area* of 2,000 sf or less per establishment or if located within 1,000 feet of a public parking garage, as measured from the entrance of the *Building* to the garage entrance, as the crow flies, or if sufficient on-street parking is available, as determined by the City of Stamford Transportation, Traffic and Parking Bureau.

8.C.4. Development Standards

Historic Structures or *Sites* or lots where *Historic Structures* or *Sites* are located must meet the requirements for the underlying Zoning District. The Zoning Board may modify the development standards as follows:

a. **Density:**

- (1) In the R-6, R-7.5, R-10, R-20, RA-1, RA-2 and RA-3 Zoning Districts, increases in *Floor Area Ratio (FAR)*, *Dwelling Unit Density* and *Building Area* shall not exceed what is permitted as-of-right, provided, however, that *Dwelling Unit Density* shall be calculated by dividing the *Lot Area* of the subject property by the minimum *Lot Area* requirement of the underlying Zoning District, regardless of the “Maximum Families Per Plot” limitation in Appendix B, Table III of these Regulations. If such calculation results in a fractional amount of .60 or larger, a full additional unit may be permitted.
- (2) In all other Zoning Districts, the *Gross Floor Area* or *Dwelling Units* per acre bonus for residential *Buildings* shall be:
 - (a) where six (6) or fewer *Dwelling Units* are permitted as-of-right: The lesser of the number of *Dwelling Units* or amount of *Gross Floor Area* in the *Historic Structure* or fifty percent (50%) of the *Dwelling Units* or *Gross Floor Area* permitted as-of-right; and
 - (b) where seven (7) or more *Dwelling Units* are permitted as-of-right: The lesser of the number of *Dwelling Units* or amount of *Gross Floor Area* in the *Historic Structure*

or twenty five percent (25%) of the Dwelling Units or *Gross Floor Area* permitted as-of-right.

Example 1

Lot Area: 10,000 sf FAR 2.0 as-of-right

Maximum permitted Gross Floor Area as-of-right: 20,000sf

Historic Building Gross Floor Area: 18,000sf

Floor Area premium = The lesser of the Gross Floor Area of the historic building (18,000sf), or 25% of as-of-right Gross Floor Area permitted (5,000sf): Bonus = 5,000sf

Total permitted Gross Floor Area, including Bonus: 25,000sf

Existing Gross Floor Area currently used by Historic Building: 18,000sf

Remaining Gross Floor Area available: 7,000sf (25,000sf-18,000sf)

Example 2

Lot Area: 10,000 sf FAR 2.0 as-of-right

Maximum permitted Gross Floor Area as of right: 20,000sf

Historic Building Gross Floor Area: 3,000sf

Gross Floor Area premium = The lesser of the Gross Floor Area of historic building (3,000), or 25% of as-of-right Gross Floor Area permitted (5,000sf): Bonus = 3,000sf

Total permitted Gross Floor Area, including Bonus: 23,000sf

Existing Gross Floor Area currently used by Historic Building: 3,000sf

Remaining Gross Floor Area available: 20,000sf (23,000sf-3,000sf)

- (3) Notwithstanding Subsection 8.C.4.a.(1) and (2) above, conversion of non-residential Floor Area to residential use in any Zoning District shall be permitted if the *Gross Floor Area* of the existing *Building* is not increased and the average Dwelling Unit size is 800 square feet or more, even if the existing or resulting residential *Density* exceeds the permitted *Density* of the underlying Zoning District.
- (4) Bonus *Gross Floor Area* for mixed-use and non-residential Buildings shall be limited to the lesser of the *Gross Floor Area* of the *Historic Structure* or twenty five percent (25%) of the permitted *Density*.
- b. **Setbacks.** *Rear-* and *Side Yard* setbacks may be reduced by up to fifty percent (50%) of the required setbacks, but to no less than the *Light and Air* requirement, as set forth in Subsection 8.C.4.e below. *Front Yard* setbacks may be reduced by up to the setback of existing adjacent *Historic Buildings*.
- c. **Height.**

- (1) In the R-7.5, R-10, R-20, RA-1, RA-2 and RA-3 Zoning Districts, *Building Height* and *Building* setback standards for attached or detached additions may be modified to not exceed the height or setback of an existing feature of the *Historic Structure* that is legally non-conforming.
- (2) In all other Zoning Districts, increase in height for attached or detached additions to the *Historic Structure*, shall be limited to the lesser of one (1) story or 15 feet where the maximum building height in the underlying Zoning District is the lesser of four (4) stories or 45 feet, and the lesser of two (2) stories or 25 feet where the maximum building height in the underlying Zoning District is five (5) stories or 55 feet or more.
- d. **Building Area.** Increases in *Building Area* shall be limited to no more than twenty five percent (25%) of the *Building Area* permitted as-of-right.
- e. **Light and Air.** In districts where the *Light and Air* requirement is 20 feet, the *Light and Air* requirement may be reduced to no less than 10 feet. In districts where the *Light and Air* requirement is 30 feet, said requirement may be reduced to no less than 20 feet.
- f. **Minimum Size of Plot (Frontage, Minimum Lot Size, and Circle Diameter) pursuant to Appendix B Table III.** The Zoning Board may modify the Minimum Plot Size Standards to accommodate the additional *Density* afforded to Historic Structures pursuant to Subsection 8.C.4.a.
- g. **Lot Coverage and Impervious Surface.** Increases in *Lot Coverage* or *Impervious Surface* shall be limited to no more than twenty five percent (25%) of the permitted as-of-right requirements.

8.C.5. Replacements and Reconstructions

The Zoning Board may, at its sole discretion and by *Special Permit* under this Subsection C, apply the Standards of Subsection 8.C.4 to certain *Developments* if the Board, in consultation with HPAC, finds that these projects meet the criteria for *Critical Reconstruction*, as defined in Section 3 of these Regulations.

8.C.6. Performance

Prior to issuance of a Building Permit for projects approved under this Subsection 8.C., the Zoning Board or Land Use Bureau may require the applicant to post a bond to assure completion of the historic preservation work in accordance with the approved Historic Site and Architectural Plan. The amount of said surety shall be based on the cost of the proposed rehabilitation work, as determined by the Land Use Bureau, HPAC or a *Qualified Historic Preservation Expert*.

No Final Certificate of Occupancy shall be issued, and no bond shall be returned, for any *Development* or *Redevelopment* under this Subsection 8.C. unless:

- a. A *Historic Preservation Easement* is recorded on the City of Stamford Land Records; and
- b. The historic rehabilitation has been completed to the satisfaction of the Land Use Bureau and in accordance with approved Historic Site and Architectural Plans.

8.D. DEVELOPMENT LIMITATIONS FOR SITES WHERE HISTORIC STRUCTURES ARE DEMOLISHED

If a *Historic Building* or *Site* listed or under consideration for listing on the *Cultural Resources Inventory* or located in a *Local Historic District* or is located in an area considered for listing as such a *District*, is demolished then the development rights as defined for the respective Zoning Districts in these Regulations shall be limited to the lesser of (i) the development rights of the underlying Zoning District or (ii) the development rights used by such *Historic Structure* or *Historic Site* on the demolition date, unless one of the following requirements are met:

1. Applicant was granted a *Special Permit* by the Zoning Board that includes such demolition. In addition to the requirements of Section 2.B.2, when requesting such a *Special Permit*, Applicant shall provide information as to why the demolition is necessary, including why the preservation of the *Historic Structure* or *Site* is not feasible, and present evidence as to why the structure to be demolished is not historically significant. The *Special Permit* application shall be referred to HPAC for its review and comment at least 35 days prior to a meeting at which such matter will be discussed by the Zoning Board. The Zoning Board shall consider HPAC's comments. The Board may accept or reject in full or part any part of HPAC's report. The failure of HPAC to timely submit a report shall not prevent the Zoning Board from acting on the application;
2. The *Historic Structure* or *Site* is listed on the *Historic Preservation White List* on the demolition date;
3. Applicant was approved for a *Special Permit* that includes such demolition, pursuant to Subsection 8.C. of these Regulations;
4. For partial demolitions, if the parts of the structure demolished are not classified as a *Historic Structure* or *Site*;
5. The *Historic Structure* or *Site* was fully destroyed, or significantly damaged or destroyed (i.e., repair or reconstruction of the structure would exceed fifty percent (50%) of the structure's appraised value) by an Act of God; damage or destruction as a result of insufficient or deferred maintenance, shall not be considered to have met this requirement;
6. The *Historic Structure* or *Site* was fully destroyed, or significantly damaged or destroyed (i.e., repair or reconstruction of the structure would exceed fifty percent (50%) of the structure's appraised value), by an accident. *Historic Structures* or *Sites* destroyed or damaged by negligence, or as a result of insufficient or deferred maintenance, shall not be considered to have met this requirement;
7. The National Register or the *State Historic Preservation Office* have determined that the *Historic Structure* or *Site* is no longer historically significant; or

8. Applicant presented the demolition to the *State Historic Preservation Office*, Attorney General's Office or a court of competent jurisdiction and the final resolution of the matter allows for such demolition.

As used in this Section D, "development rights" includes but is not limited to square footage, floor area ratio, *Density*, Building Coverage, Building Height, Light and Air, and Setbacks of the property demolished.

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SECTION 9. SUSTAINABILITY AND RESILIENCY (220-14)

9.A COASTAL AREA MANAGEMENT REGULATIONS⁵⁷

All *Buildings*, uses and *Structures* fully or partially within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes (CGS) entitled "The Coastal Management Act" and as shown on the Official Coastal Boundary Map of the City of Stamford shall be subject to issuance of coastal site plan review approval pursuant to the requirements and procedures established in CGS Section 22a-109 and these regulations. The requirements of this section shall be in addition to other requirements of these Regulations.

9.A.1. General Procedures

- a. Applications submitted for coastal site plan review shall contain the information requested on the City of Stamford Coastal Site Plan Review Application form.
- b. The coastal site plan application shall include all information required in Sections 22a-105 and 106 of the Connecticut Coastal Management Act in addition to the other required information.
- c. The reviewing board may require additional supporting facts or documentation that it finds necessary to assist in a fair evaluation of the proposal.
- d. Issuance of coastal site plan approval shall be deemed to authorize only the *Buildings*, landscaping, uses and other features shown on the site plan and described in the application, subject to such conditions that may be imposed by the reviewing board. Any changes to approved plans shall require further approval of the reviewing board unless exempted by these regulations.
- e. Applications for coastal site plan review may be referred to any other appropriate agency for review and recommendation.
- f. The Zoning Board may at its discretion hold a public hearing on any application for coastal site plan approval.
- g. Where approval is required pursuant to this Section no zoning permit shall be issued by the *Zoning Enforcement Officer* except upon approval of the coastal site plan by the reviewing board as set forth by these regulations and then only in conformity with the approved coastal site plan.
- h. Any coastal 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, provided that the reviewing board upon timely application and good cause shown, may grant not more than three (3) one-year extensions of the expiration date. Notwithstanding the foregoing, for projects intended to be

⁵⁷ Formerly Section 7.T.

constructed in phases and comprising more than 100,000 square feet of *Gross Floor Area* or more than five (5) acres of land, the Zoning Board may authorize at the time of initial coastal site plan approval a timetable with longer intervals of time within which building permits may be secured, as it deems reasonably necessary to complete the project. (95-002)

- i. Reasonable fees for review of coastal site plans may be set and amended by the reviewing board.
- j. **Exemptions.** The following activities are hereby exempted from the requirements of this Section:

(1) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.

(2) Additions and/or modifications to existing *Principal Buildings* or detached *Accessory Buildings* such as garages and utility sheds meeting the following criteria:

(a) The Gross Floor Area of the addition shall not exceed two-thousand five-hundred (2,500) square feet and shall not increase existing Gross Floor Area by more than twenty-five percent (25%) and shall not increase total Building Coverage area by more than twenty-five percent (25%).

(b) The addition is not proposed on a Lot containing or immediately adjacent to coastal waters or any tidal wetlands, coastal bluffs and escarpments, beaches and dunes as defined in Section 22a-93 (7) CGS, or located within one hundred feet (100') of any such tidal wetlands, coastal bluffs and escarpments, beaches and dunes.

(c) The affected *Structure* is not located within a designated flood hazard area as defined in Section 9.B.4.

(d) The addition and/or modification shall not result in a change in use of the *Building* or property.

(3) Minor modifications to existing *Buildings* or detached *Accessory Buildings* such as garages and utility sheds meeting the following criteria:

(a) Interior modifications that do not result in a change in use of the *Building* or property.

(b) Exterior modifications that do not substantially alter the existing height, bulk or façade of the *Building* or *Structure* nor in any other way degrade visual quality as defined in CGS Section 22a-93 (15) (f), for properties containing or immediately adjacent to coastal waters or any tidal wetlands, coastal bluffs and escarpments, beaches and dunes as defined in Section 22a-93 (7) CGS, or when such construction is located within one hundred (100) feet of any such tidal wetlands, coastal bluffs and escarpments, beaches and dunes, or when such construction is located within a designated flood hazard area as defined in Section 9.B.4.

(4) Construction of new or modification of existing *Structures* incidental to the enjoyment and

- maintenance of residential property including but not limited to driveways, swimming pools, tennis courts, docks and detached Buildings, provided that the affected property does not contain and is not within one-hundred (100) feet of coastal waters or any tidal wetlands, coastal bluffs, escarpments, beaches or dunes as defined in Section 22a-93 (7) CGS, and the affected *Structure* is not located within a designated flood hazard area as defined in Subsection 9.B.4.
- (5) Construction of new or modification of existing on-premise *Fences*, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, Signs and such other minor Structures as will not substantially alter the natural character of coastal resources as defined in CGS Section 22a-93 (7) or restrict access along a public beach.
 - (6) Construction of an individual conforming one family *Structure* except on properties containing or immediately adjacent to coastal waters or any tidal wetlands, coastal bluffs and escarpments, beaches and dunes as defined in Section 22a-93 (7) CGS, or when such construction is located within one hundred (100) feet of any such tidal wetlands, coastal bluffs and escarpments, beaches and dunes, or when such construction is located within a designated flood hazard area as defined in Section 9.B.4.
 - (7) Minor changes in use of a *Building, Structure* or property except those changes occurring on property adjacent to or abutting coastal waters.
- k. The foregoing exemption categories shall apply to coastal site plan reviews performed in association with the following site plans, plans, referrals and applications:
- (1) Site plans submitted to the Zoning Board in accordance with Section 22a-109 of the Connecticut General Statutes, and these regulations.
 - (2) Applications for a *Special Permit* submitted to the Zoning Board or Zoning Board of Appeals in accordance with Section 8-2 of the Connecticut General Statutes and Section 2.B. of these regulations.
 - (3) Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of Section 8-6 of the Connecticut General Statutes and Section 2.B. of these regulations.
 - (4) A referral of a proposed municipal project to the Planning Board in accordance with Section 8-24 of the Connecticut General Statutes and Section 523 of the Stamford Charter.
- l. **Coordination of Review.** Coastal site plan approval issued by the Zoning Board of Appeals, pursuant to approval of a variance for a single-family or two-family property or for a *Special Permit*, shall be deemed to be final coastal site plan review and no further coastal site plan review shall be required by the Zoning Board, provided the property does not contain and is not within one-hundred (100) feet of any coastal waters, tidal wetlands, coastal bluffs, escarpments, beaches, or dunes as defined in Section 22a-93 (7) CGS, and provided that no

affected Structure is located within a designated flood hazard area as defined in Section 9.B.4 (80-014; 83-009; 86-018; 203-31, 220-14)

9.B FLOOD PRONE AREA REGULATIONS⁵⁸ (213-18)

9.B.1 Purpose

The purpose of this Section is to implement comprehensive flood prone area regulations that promote the health, safety and welfare of the general public, that limit public and private property losses and diminish expenditures of public money for costly flood protection projects and relief efforts, and that minimize prolonged governmental and business interruptions. This Section is specifically intended to:

- a. Regulate those uses that are dangerous to the health, safety and welfare of the public;
- b. Regulate those uses that are threatened by the action of flood waters, velocity or erosion hazards or increase the potential for damages caused by increased flood heights, velocities or erosion hazards;
- c. Require that uses vulnerable to floods be protected against flood damage at the time of initial construction or when substantially improved;
- d. Control the alteration of natural floodplains, stream channels and natural protective barriers that act to accommodate flood waters or moderate their potentially erosive actions;
- e. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or increase flood hazard to other lands.
- f. Minimize dangers to public health by protecting water supplies and natural drainage
- g. Insure that potential home buyers, property owners and other citizens are adequately notified that property is situated in a flood hazard area.

9.B.2 Definitions

The following special definitions apply only to this Section 9.B:

- a. Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the One Hundred (100) Year flood).
- b. Base Flood Elevation (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

⁵⁸ formerly Section 7.1.

- c. Basement means an area of a Building having its floor sub-grade (below ground level) on all sides.
- d. Breakaway Wall means a wall that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the Building or the supporting foundation system.
- e. Building means see definition for "Structure."
- f. Coastal Boundary means those areas defined by Section 22a-94 of the Connecticut General Statutes (CGS) entitled "The Coastal Management Act" and Section 9.A of the Zoning Regulations of the City of Stamford and as shown on the "Official Coastal Boundary Map of the City of Stamford."
- g. Coastal High Hazard Area means the area subject to high velocity waters, caused by, but not limited to hurricane wave wash, and is designated on a Flood Insurance Rate Map (FIRM) as Zone VE.
- h. Connecticut Coastal Jurisdiction Line means the location of the topographical elevation of the highest predicted tide for the period beginning in 1983 and ending in 2001, referenced to the most recent National Tidal Datum Epoch as published by the National Oceanic and Atmospheric Administration and described in terms of feet of elevation above the North American Vertical Datum of 1988. In Stamford, the Coastal Jurisdiction lies at elevation 5.5 feet NAVD-88 (North American Vertical Datum of 1988).
- i. Cost means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a Structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, Building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the Building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, *Fences*, yard lights, irrigation systems, and detached Structures such as garages, sheds, and gazebos.
- j. Critical Uses and Facilities mean any use or facility for which even a slightest chance of flooding would be too great. Such uses and facilities include, but are not limited to, schools, nursing homes, elderly housing, hospitals, jails, prisons, sites containing essential and irreplaceable records, public utilities, and emergency service facilities such as fire, police and rescue.
- k. Dangerous Material means any material or substance which may pose an unreasonable risk to

the health and safety of individuals, property, water supplies and/or the environment if discharged or released. These materials or substances may be defined as explosive, blasting agent, flammable gas, nonflammable gas, combustible liquid, flammable liquid, flammable solid, organic peroxide, oxidizer, poison, irritating material, etiologic agent, radioactive material, corrosive material, other regulated material.

- l. Development means any man-made change to improved or unimproved real estate, including but not limited to the construction of Buildings or Structures; the construction of additions, alterations or substantial improvements to Buildings or Structures; the placement of Buildings or Structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- m. Elevated Building means a non-basement Building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts or piers), shear walls, or breakaway walls, as allowed under applicable standards.
- n. Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, June 22, 1982, of the floodplain management ordinance adopted by the community.
- o. Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the Lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads).
- p. Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP).
- q. Finished Living Space means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.
- r. Five Hundred Year Storm or 500 Year Flood means flooding having a 0.2 percent chance of being equaled or exceeded in a given year.
- s. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
- t. Flood Insurance Rate Map (FIRM) means the official map of the City of Stamford, effective

July 8, 2013 (including any update, amendment or modification of said map approved by the Federal Emergency Management Agency) on which the Federal Emergency Management Agency has delineated special flood hazard areas and the insurance risk premium zones applicable to the City of Stamford. FIRMs published after January 1990 may also show the boundaries of the floodway.

- u. Flood Insurance Study is the official report by the Federal Emergency Management Agency entitled "Flood Insurance Study, City of Stamford, Connecticut, Fairfield County", effective July 8, 2013, as amended from time to time that establishes flood profiles and water surface elevations of the base flood and other flood data within the City of Stamford.
- v. Floodplain or Flood Prone Area means any land area susceptible to being inundated by water from any source.
- w. Flood proofing means any combination of structural and non-structural additions, changes or adjustments to Structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, Structures and their contents.
- x. Functionally Dependent Facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship Building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
- y. Historic Structure means any Structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
- z. Lowest Floor means the floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, Building access or limited storage in an area other than a basement area, is not considered a Building's lowest floor, provided that such an area fully meets the requirements of Subsection 9.B.4.a.(6)(d) hereof.
- aa. Manufactured Home means a Structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable Structures

placed on a site for 180 consecutive days or longer shall be considered to be manufactured homes for the purpose of this section.

- bb. Manufactured Home Park or Subdivision means a parcel, or contiguous parcels, of land divided into two or more manufactured home Lots for rent or sale.
- cc. Market Value means the value of the Structure shall be determined by an independent appraisal by a professional appraiser prior to the start of the initial repair or improvement, or in the case of damage, the value of the Structure prior to the damage occurring.
- dd. Mean High Tide (also, Mean High Water) means the average height of the maximum elevation reached by each rising tide observed over a specific 19 year period. Mean High Tide at Stamford is 4.37 feet NGVD (National Geodetic Vertical Datum of 1929) or 3.27 feet NAVD-88 (North American Vertical Datum of 1988).
- ee. Mean Sea Level means the average height of the sea for all stages of the tide as established by the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations provided in the Flood Insurance Study and shown on the Flood Insurance Rate Map (FIRM) are referenced.
- ff. Minimum Elevation Standard means the elevation of the base flood plus one (1) foot of freeboard (Example: Base Flood Elevation = 12.00 feet NAVD; Minimum Elevation Standard = 13.00 feet NAVD)
- gg. New Construction means Structures for which the "start of construction" commenced on or after June 22, 1982 and includes any subsequent improvements to such Structures.
- hh. New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, June 22, 1982, of the floodplain management regulation adopted by the community.
- ii. New Underground Storage Facilities means an underground storage facility, the construction or installation of which began on or after the effective date of these regulations, including but not limited to facilities which replace existing facilities and facilities which are moved from one location to another.
- jj. Recreational Vehicle means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projections, designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- kk. Regulatory Floodway (or "Floodway") means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

- ll. Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- mm. Sand Dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- nn. Special Flood Hazard Area means all land within the City of Stamford subject to a one percent or greater chance of flooding in any one year. Special flood hazard areas are determined utilizing the base flood elevations as provided in the Flood Insurance Study for the City of Stamford. Special flood hazard areas include, but are not necessarily limited to the land shown as Zones A, AE, and VE on the City of Stamford's Flood Insurance Rate Map.
- oo. Start of Construction, including substantial improvement, means the date the Building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date, or within the time frame for start of construction specified in the permit. The actual start means the first placement of permanent construction of a Structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of *Accessory Buildings*, such as garages or sheds not occupied as *Dwelling Units* or not part of the main Structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.
- pp. Structure means a walled and/or roofed Building that is principally above ground, a manufactured home, or a gas or liquid storage tank.
- qq. Substantial Damage means damage of any origin sustained by a Structure, whereby the cost of restoring the Structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred. "Substantial damage" also means flood-related damages sustained by a Structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the Structure before the damage occurred.
- rr. Substantial Improvement means any combination of repairs, reconstruction, alteration, or improvements to a Structure, taking place during a five (5) year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the Structure as determined at the beginning of such five (5) year period. The market value of the Structure should be (1) the appraised market value of the Structure prior to the "start of construction" of the initial repair or improvement, or (2) in the case of damage, the value of the Structure prior to the

damage occurring. This term includes Structures that have incurred “substantial damage”, regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the Building commences, whether or not that alteration affects the external dimensions of the Structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications which are the minimum necessary to assure safe living conditions and which have been previously identified by the local code enforcement official.

- ss. Substantially Modified Underground Storage Facilities means the construction or installation of any addition to an underground storage facility or any restoration or renovation of an underground storage facility which: a) increases or decreases the on-site storage capacity of the facility; b) significantly alters the physical configuration of the facility; or c) impairs or improves the physical integrity of the facility or its monitoring systems.
- tt. Tidally Influenced Floodplain means those areas of flooding where flood waters from a 100-year coastal storm, without considering the extent of any riverine flooding, have a significant influence on the backwater height of the base flood. The area of tidally influenced floodplain extends from Long Island Sound to the West Broad Street bridge for the Rippowam River and extends to the East Main Street bridge for the Noroton River.
- uu. Underground Storage Facilities means a system of interconnected tanks, pipes, pumps, vaults, fixed containers and appurtenant Structures, singly or in any combination, which are used or designed to be used for the storage, transmission or dispensing of petroleum liquids or other materials.
- vv. Variance means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
- ww. Violation means a failure of a Structure or other Development to be fully compliant with the community’s floodplain management regulations. A Structure or other Development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- xx. Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

9.B.3 General Requirements

- a. **Areas to Which This Section Applies.** The standards of Section 9.B shall apply to all areas of special flood hazard within the City of Stamford.

- b. Basis for Establishing Special Flood Hazard Areas.** Special flood hazard areas are identified utilizing the base flood elevation data developed by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0512G, 09001C0516G, 09001C0517G, 09001C0518G, 09001C0519G, 09001C0536G) and June 18, 2010 (Panels 09001C0344F, 09001C0363F, 09001C0364F, 09001C0365F, 09001C0366F, 09001C0368F, 09001C0369F, 09001C0501F, 09001C0502F, 09001C0503F, 09001C0504F, 09001C0506F, 09001C0507F, 09001C0508F, 09001C0509F) and other supporting data, and other supporting data applicable to the City of Stamford, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Section. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. Special flood hazard areas are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Special flood hazard areas include:
- (1) A and V Zones. Any area shown on a Flood Insurance Rate Map as Zones A, AE or VE, including any areas designated as floodway; and
 - (2) Additional Areas. Areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the zones cited in Subsection 9.B.3.b.(1) above, and where the land surface elevation is lower than the base flood elevations as shown in the Flood Insurance Study, and the area is not protected from flooding by a natural or man-made feature.
- c. Flood Hazard Area Permit Required.** A Flood Hazard Area Permit is required for all Development within a special flood hazard area of the City of Stamford. A "Coastal Site Plan Approval" from the Zoning Board (for properties situated within the designated "Coastal Boundary") or an "Inland Wetland and Watercourses Permit" from the Environmental Protection Board (for all other properties) shall constitute a Flood Hazard Area Permit.
- d. Warning and Disclaimer of Liability.** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply or guarantee that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Stamford or on the part of any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made there under.

9.B.4 Provisions for Flood Hazard Reductions

a. Provisions Applicable to All Special Flood Hazard Areas

- (1) **Base Flood Elevation and Floodway Data.** The Zoning Board and Environmental Protection Board shall utilize the base flood elevation and floodway data provided by the Federal Emergency Management Agency as criteria in evaluating all permit applications.
- (2) **Streams Without Established Base Flood Elevations, Floodways and/or Flood Mapping**
 - (a) The Zoning Board and the Environmental Protection Board shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State or other sources, as criteria for requiring that new construction, substantial improvements or other Development in any area of potential, demonstrable or historical flooding within the City of Stamford meets the standards of Section 9.B.
 - (b) In A and AE zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other Development (including fill) shall be permitted which will result in any increase in base flood elevations at any point along the watercourse when all anticipated Development is considered cumulatively with the proposed Development.
 - (c) Floodway data may be requested of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source, the Zoning Board or Environmental Protection Board shall adopt a regulatory floodway based on the principal that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.
- (3) **Carrying Capacity Maintained.** In any portion of a watercourse which is altered or relocated, the flood carrying capacity shall be maintained.
- (4) **Federal, State and Local Permits Required.** The applicant shall certify in writing that all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law, including Section 404 of the Federal Water Pollution Control Act, as amended.
- (5) **Structures Already in Compliance.** A Structure already in compliance with the provisions of Subsection 9.B. FLOOD PRONE AREA REGULATIONS shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the Structure.
- (6) **New Construction and Substantial Improvements**
 - (a) **All Structures.** All new construction and substantial improvements (including the placement of prefabricated Buildings) shall comply with the following requirements:
 - i. be designed (or modified) and adequately anchored to prevent flotation, collapse or

- lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- ii. be constructed with materials resistant to flood damage;
 - iii. be constructed by methods and practices that minimize flood damage.
 - iv. be installed using methods and practices which minimize flood damage, including providing adequate access and drainage.
 - v. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - vi. new and replacement potable water systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - vii. new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems to flood waters.
 - viii. on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. In no case shall any component of a septic system be situated within the area subject to inundation by a 25-year frequency flood (four percent annual chance flood).
 - ix. if any portion of a Structure lies within the Special Flood Hazard Area (SFHA), the entire Structure is considered to be in the SFHA. The entire Structure must meet the construction requirements of the flood zone. The Structure includes any attached additions, garages, decks, sunrooms, or any other Structure attached to the main Structure. Decks or porches that extend into a more restrictive flood zone will require the entire Structure to meet the standards of the more restrictive zone.
 - x. if a Structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire Structure (i.e., V zone is more restrictive than A zone; Structure must be built to the highest BFE). The Structure includes any attached additions, garages, decks, sunrooms, or any other Structure attached to the main Structure. (Decks or porches that extend into a more restrictive zone will require the entire Structure to meet the requirements of the more restrictive zone.)
 - xi. new construction, substantial improvements and repair to Structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

(b) Residential Structures. All new construction and substantial improvements of residential Structures within a special flood hazard area shall have the lowest floor

- (including basement) elevated to or above the minimum elevation standard.
- (c) **Non-residential Structures.** All new construction and substantial improvements of non-residential Structures within a special flood hazard area shall:
- i. have the lowest floor (including basement) elevated to or above the minimum elevation standard; or
 - ii. together with attendant utility and sanitary facilities, be designed so that below the minimum elevation standard, the Structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (d) **Enclosed Areas Below the Minimum Elevation Standard.** New construction or substantial improvements of Buildings with lowest floor elevated to or above the minimum elevation standard that include fully enclosed areas formed by foundation and other exterior walls below the minimum elevation standard are subject to the following additional standards:
- (i.) Use criteria. The enclosed space can only be used for the parking of cars or other similar vehicles, Building access or limited storage.
 - (ii.) Equalization of Hydrostatic Forces. Areas below the lowest floor that are fully enclosed areas and subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Connecticut registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (iii.) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (iv.) The bottom of all openings shall be no higher than one foot above grade;
 - (v.) The openings may be equipped with screens, louvers, valves or other coverings or devices provided these devices permit the automatic and unobstructed flow of floodwaters in both directions.
 - (vi.) The area below the minimum elevation standard shall not be a basement.
- (e) **Utilities above the minimum elevation standard.** Machinery or equipment that service the Structure such as furnaces, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers shall not be permitted below the minimum elevation standard.
- (f) **Unfinished/flood resistant materials.** All interior wall, floor, and ceiling materials located below the minimum elevation standard shall be unfinished and resistant to flood

damage.

- (g) **Flood proofing Design Certification.** Where flood proofing is utilized for a particular Structure, a Connecticut registered professional engineer or architect shall certify in writing that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

(h) **Manufactured Homes**

- i. All manufactured homes (including "mobile" homes to be placed or substantially improved within a special flood hazard area) and manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood) shall meet the following requirements.
- ii. Elevation above the minimum elevation standard. Be elevated so that the lowest floor is above the minimum elevation standard.
- iii. Construction Standards. In the instance of elevation on pilings or columns, Lots must be large enough to permit steps, piling and column foundations are to be placed in stable soil no more than ten feet apart, and reinforcement must be provided for pilings and columns more than six feet above ground level.
- iv. Securely anchored to a permanent foundation. Be placed on a permanent foundation which itself is securely anchored and to which the Structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. If over-the-top or frame ties are used, specific requirements are that:
 - v. over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, and mobile homes less than fifty feet long requiring one additional tie per side;
 - vi. frame ties be provided at each corner of the home with five additional ties per side at intermediate points, and mobile homes less than fifty feet long requiring four additional ties per side;
 - vii. all components of the anchoring system to be capable of carrying a force of 4,800 pounds; and
 - viii. any additions to the mobile home be similarly anchored.
- (i) Recreational vehicles placed on sites within Zones A or AE shall be on the site fewer

than 180 consecutive days, be fully licensed and ready for highway use, or meet all the standards of Subsections 9.B.4.a and 9.B.4.b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(7) **No Increase in the Base Flood Elevation (Equal Conveyance).** Within the floodplain as designated on the Flood Insurance Rate Map (FIRM), encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the Structure, are prohibited unless the applicant provides certification by a licensed professional engineer registered in the State of Connecticut demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in the water surface elevation of the base flood, as defined in the Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013. Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity. The requirements of this paragraph shall not apply to encroachments within those areas of the floodplain which are tidally influenced.

(8) **Compensatory Storage.** The water holding capacity of the floodplain, as designated on the Flood Insurance Rate Map (FIRM), shall not be reduced, based on the floodplain capacity in existence as of the date of the hydrologic and hydraulic analyses used to determine the applicable base flood elevation, as cited in the report entitled "Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the Structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal or greater than to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality. The requirements of this paragraph shall not apply within those areas of the floodplain which are tidally influenced.

b. Provisions Applicable to Designated Regulatory Floodways. In all designated regulatory floodways the following special standards shall apply, in addition to the requirements of Subsection 9.B.4.a above:

(1) **Encroachments.** Encroachments (including filling, new construction, substantial improvements and other Development within the adopted regulatory floodway) that

- would result in any (0.00 ft) increase in flood levels during the occurrence of the base flood discharge shall be prohibited. The provision of proof that there shall be no (0.00 ft) increase in flood levels during occurrence of the base flood discharge due to the proposed construction or encroachment shall be the responsibility of the applicant and shall be based on hydrologic and hydraulic studies, performed in accordance with standard engineering practice, and certification, with supporting technical data, by a Connecticut Registered Professional Engineer.
- (2) **Prohibited Uses.** Within any delineated Regulatory Floodway, the placement of manufactured homes, manufactured home parks, manufactured home subdivisions, recreational vehicles, new or substantially improved uses and facilities defined as critical uses and facilities, new or substantially improved Structures and facilities used for the storage or production of dangerous materials and new or substantially modified underground storage facilities containing or proposed to contain "Dangerous Materials" shall be prohibited.
- c. Provisions Applicable to Coastal High Hazard Areas.** Coastal High Hazard Areas have special flood hazards associated with wave wash and are subject to the following special standards, in addition to the requirements of Subsection 9.B.4.a above:
- (1) **Location Landward of the Connecticut Coastal Jurisdiction Line.** All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101;
- (2) **Elevation Above the Minimum Elevation Standard.** All new construction or substantial improvement shall be elevated on adequately anchored pilings and columns and securely anchored to such pilings and columns so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located above the minimum elevation standard, with all space below the lowest supporting member open so as not to impede the flow of water.
- (3) **Design for One-Percent Annual Chance Floods and Winds.** All pilings and columns and the attached Structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all Building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the base flood recurrence interval (one percent annual chance flood and winds).
- (4) **Certification by Professional Engineer or Architect.** A professional engineer or architect registered in the State of Connecticut shall review and/or develop structural design specifications and plans for the construction and shall certify that the design, specifications and plans for construction are in accordance with acceptable standards and are in compliance with the provisions contained in Subsections 9.B.4.c.(2) and 9.B.4.c.(3)

above.

- (5) **Use of Fill for Structural Support Prohibited.** There shall be no fill used as structural support of Buildings. Non-compacted fill may be used around the perimeter of a Building for landscaping/aesthetic purposes provided the fill will wash out from storm surge thereby rendering the Building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Such plans shall only be approved subject to an analysis by an engineer, architect, and/or soil scientist demonstrating that the following factors have been fully considered:
- (a) particle composition of fill material does not have a tendency for excessive natural compaction;
 - (b) volume and distribute on of fill will not cause wave deflection to adjacent properties; and
 - (c) slope of fill will not cause wave run-up or ramping.
- (6) **No Alteration of Sand Dunes.** There shall be no alteration of sand dunes.
- (7) **Construction Standards and Use of Areas Below the Minimum Elevation Standard.** Use of breakaway walls. Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the minimum elevation standard provided they are not part of the structural support of the Building and are designed to break away under abnormally high tides or wave action without damage to the structural integrity of the Building on which they are used, subject to the following standards:
- (a) the design safe loading resistance of each wall shall not be less than ten (10) nor more than twenty (20) pounds per square foot; or
 - (b) if more than 20 pounds per square foot, a professional engineer or architect registered in the State of Connecticut shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the Building and supporting foundations system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all Building components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have a one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (9) **Not for human habitation.** If breakaway walls, lattice work or screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation, but may be designed to be used for parking of vehicles, Building access, or limited storage of maintenance equipment used in connection with the premises.
- (10) **Modifications to Structures.** Any alteration, repair, reconstruction, or improvement to a Structure shall not enclose the space below the lowest floor except with breakaway walls,

lattice work, or screening as provided for in items (1) and (2) above.

- (11) **Prohibited Uses.** Within any Coastal High Hazard Area, the establishment of manufactured homes, manufactured home parks, or manufactured home subdivisions, the placement of recreational vehicles, and the establishment or substantial improvement of critical uses and facilities, and the establishment or substantial improvement of Structures used for the production or storage of dangerous materials, and the establishment or substantial modification of underground storage facilities containing or proposed to contain "Dangerous Materials" shall be prohibited.
- d. **Special Provisions Applicable to Subdivisions.** All subdivision proposals shall be consistent with the need to minimize flood damage and reduce threats to public health and safety. The following requirements shall apply to all subdivision proposals:
- (1) Public utilities and facilities such as sewer, gas, telephone, electrical and water systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
 - (2) Adequate storm water drainage shall be provided to reduce exposure to flood hazards.
 - (3) A subdivision shall be disapproved unless designed, located and constructed so that at any time during the occurrence of the base flood, all Building sites can be safely accessed and evacuated.
 - (4) All proposed subdivisions which contain any land within a special flood hazard area shall include the base flood data on the record plan.
 - (5) Sanitary sewers within the flood prone areas shall be constructed with water tight manhole frame and covers, pipe joints, and manhole joints.
- e. **Special Provisions Applicable to Critical Uses and Facilities.** All such uses and facilities including substantial improvements shall be prohibited in any Regulatory Floodway or any Coastal High Hazard Area. All such uses and facilities including substantial improvements shall be prohibited within any special flood hazard area unless elevated (residential Structures) or elevated and/or dry flood proofed (non-residential Structures) to or above the level of the 500-year flood and so located and constructed as to be safely accessed and evacuated at any time during the base flood.
- f. **Special Provisions Applicable to Dangerous Materials.** All new or substantially improved Structures and facilities including underground storage facilities, which will be used for the production or storage of any material or substance defined as a "Dangerous Material," shall be prohibited in any Regulatory Floodway or any Coastal High Hazard Area. All such Structures and facilities including substantial improvements shall be prohibited within any special flood hazard area unless those portions of the Structure or facility used for the production or storage of a dangerous material or substance are elevated (residential Structures) or elevated and/or dry flood-proofed (non-residential Structures) to or above the level of the 500-year flood, and

so designed as to prevent pollution from the Structure or facility during the course of the 500-year flood. All new and substantially improved underground storage facilities shall be prohibited within any Special Flood Hazard Area unless designed and constructed to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 500-year flood, and to prevent the infiltration of floodwaters into the facilities and discharges from the facilities to floodwaters. Specifically exempt from this section is oil or petroleum liquids of a volume of not more than 550 gallons, stored in interior storage facilities and used solely for on-site heating or intermittent stationary power production.

9.B.5 Administration

a. Zoning Enforcement Officer (ZEO). The *Zoning Enforcement Officer* shall monitor and inspect construction and other Development activities within the Coastal Boundary to ensure compliance with the standards of this Section and the conditions of any issued Flood Hazard Area Permit, shall enforce any violations in the same manner as other violations of the Zoning Regulations, and endorse issuance of a certificate of occupancy upon a determination that all conditions of the permit have been met. The ZEO shall maintain records pertaining to the provisions of this Section including:

- (1) elevation of the lowest floor (including basement) and, in coastal high hazard areas (VE zones) elevation of the bottom of the lowest horizontal structural member of all new or substantially improved Structures per Subsection 9.B.5.c below;
- (2) elevation to which new or substantially improved non-residential Structures have been flood-proofed per Subsection 9.B.c below;
- (3) certifications that flood proofing, when utilized, meets the requirements of this Section per Subsection 9.B.c below;
- (4) certifications that Structures in coastal high hazard areas are designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;
- (5) fair market value/improvement cost assessments for projects situated within Special Flood Hazard Areas.
- (6) variance actions.

b. Zoning Board. The Zoning Board of the City of Stamford shall approve, approve with conditions or disapprove all applications for Flood Hazard Area Permit within any special flood hazard area situated within Stamford's designated Coastal Boundary. The Zoning Board shall also provide notification to adjoining municipalities and to the Southwest Regional Planning Agency not less than thirty-five (35) days prior to any scheduled public hearing or final action on any change of regulations or use of a flood zone any portion of which is within five hundred (500) feet of any adjoining municipality. The Zoning Board shall also notify

adjacent municipalities and the Connecticut Department of Energy and Environmental Protection (DEEP) - Water Resources Unit not less than 35 days prior to approval of any application to alter or relocate any watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.

Any application filed with the Zoning Board which is in conformance with the applicable Flood Prone Area Regulation of the Zoning Regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in the Flood Prone Area Regulation taking effect on or after the date of such receipt.

- c. Environmental Protection Board (EPB).** The EPB of the City of Stamford shall approve, approve with conditions, or disapprove all applications for Flood Hazard Area Permit within any special flood hazard area situated outside of Stamford's designated Coastal Boundary, including any conditions it deems necessary in order for the proposed activity to meet the provisions of Section 9.B FLOOD PRONE AREA REGULATIONS. The EPB shall provide notification to adjacent municipalities, boards, agencies and commissions as required under Section 5.9 of the "Inland Wetlands and Watercourses Regulations of the City of Stamford." Violations of any Flood Hazard Area Permit issued by the EPB shall be enforceable by the EPB by issuance of a cease and desist order in accordance with Section 10 of the Inland Wetlands and Watercourses Regulations, and all other remedies available by law. Such violations shall also be separately enforceable by the *Zoning Enforcement Officer*.

Any application filed with the EPB which is in conformance with the applicable Flood Prone Area Regulation of the Zoning Regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in the Flood Prone Area Regulation taking effect on or after the date of such receipt.

- d. Executive Director of the EPB.** The Executive Director of the Environmental Protection Board shall:
- (1) Review all proposed Development activities to determine if the proposed activity is within a special flood hazard area in accordance with Subsection 9.B.4.a.(1) above.
 - (2) Review proposed plans with applicants to explain the provisions of this Section, review all permit applications to determine whether proposed Building sites will be reasonably safe from flooding, identify any aspects of the proposed activity that may not conform and suggest modifications that would bring a project into conformance with the standards of Section 9.B.
 - (3) Advise applicants of any additional federal, state or local permits that may be required, including but not limited to: Coastal Area Management, Water Diversion, Dam Safety, Corps of Engineers Section 404, and Inland Wetland and Watercourses permits.
 - (4) Issue written findings, recommendations and suggested conditions of approval to the Zoning Board, Zoning Board of Appeals and Planning Boards of the City of Stamford

regarding any application for a variance from the standards of Section 9.B or any applications submitted pursuant to or affected by the standards of Section 9.B

- (5) Provide advice and assistance to the *ZEO* to ensure that approved and permitted activities are completed in conformance with the provisions of this Section 9.B.
 - (6) Notify permit holders regarding any violation of the provisions of this Section 9.B and petition the EPB to issue a cease and desist order and initiate other enforcement actions as necessary.
 - (7) Endorse the issuance of a Certificate of Compliance and Certificate of Occupancy upon a final inspection and determination that the conditions of the Flood Hazard Area Permit have been met.
 - (8) Maintain records pertaining to the provisions of this Section, including the same information maintained by the *ZEO*.
- e. Building Department.** For any activity in a special flood hazard area subject to the provisions of this Section 9.B, the Chief Building Inspector or his/her designee shall not issue a Building Permit until a Flood Hazard Area Permit has been issued and shall not issue a final Certificate of Occupancy until written approval has been issued by the *Zoning Enforcement Officer*.
- f. Permit Application Procedures.** Prior to any Development activity, an application for Flood Hazard Area Permit shall be submitted to the Zoning Board (Coastal Area) or to the EPB (outside Coastal Boundary), containing site plans and architectural plans conforming to the standards of Section 2.C.3. of these Regulations and the following additional standards and requirements:
- (1) all elevation data shall be referenced to the North American Vertical Datum (NAVD) of 1988.
 - (2) proposed finished floor elevation or the elevation to which Structures, or facilities will be flood-proofed shall be shown.
 - (3) any changes to any flood boundary, floodway or coastal velocity zone resulting from the proposed construction shall be shown.
 - (4) preliminary plans and descriptions of proposed measures to mitigate identified impacts of the Development and proposed flood proofing measures shall be provided.
 - (5) estimates of the cost of proposed alterations to an existing Building and the appraised value of the Building shall be provided, of sufficient detail and accuracy to determine if the proposed work meets the definition of a Substantial Improvement.
 - (6) where structural flood proofing measures are proposed, a written statement shall be provided by a Connecticut licensed professional engineer or architect certifying that any proposed flood proofing measures have been designed to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base

flood and in accordance with the provisions of Section 9.B.

- (7) where applicable, the boundary and elevation of the Base Flood, the Five Hundred Year Flood, the Regulatory Floodway, the Coastal High Hazard Area, the Connecticut Coastal Jurisdiction Line, Mean High Tide and any Stream Channel Encroachment Lines shall be surveyed and shown on the site plan.
 - (8) where applicable, a hydrologic analysis shall be submitted, prepared by a Connecticut registered Professional Engineer, evaluating the effects the proposed Development will have on Base Flood elevations, the floodway, flood velocities, and erosion hazards to adjoining properties.
 - (9) where applicable, an evacuation plan shall be submitted which details a safe and practical method for notifying and evacuating the occupants of a Building at any time during the occurrence of the Base Flood.
 - (10) where applicable, an impact assessment shall be provided evaluating the risk of pollution that could occur from the Development during the Base Flood event including the potential release of loose or buoyant materials or debris on-site, and the potential impact to public health and flood flows.
- g. Certification of Completed Development.** Upon completion of the permitted Development and prior to the issuance of a Certificate of Occupancy, necessary as-built surveys and engineering or architectural certifications shall be provided demonstrating compliance with the issued Flood Hazard Area Permit and the standards of Section 9.B, including but not limited to the following:
- (1) Verification of Elevation. Completion of a National Flood Insurance Program Elevation Certificate, prepared by a Connecticut licensed land surveyor based on a Class A-2 as-built survey. For residential Structures and manufactured homes, such survey shall show the elevation of the top of the lowest floor (including basement). For non-residential Structures such survey shall show the elevation of the lowest floor (including basement) and/or the elevation to which such Structures have been dry flood proofed. In Coastal High Hazard Areas such survey shall also show the lowest point of the lowest supporting horizontal member (excluding pilings or columns).
 - (2) Verification of Flood proofing Measures. Where flood proofing is used to satisfy the standards of Section 9.B, a Connecticut registered professional engineer or architect shall submit a written statement, signed and sealed, certifying that he has inspected the completed construction and that the Structure or facility has been constructed to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, as specified in the issued Flood Hazard Area Permit and in accordance with the provisions of Section 9.B.
 - (3) Flood Hazard Disclosure. For all Flood Hazard Area Permits, the owner of the property

shall file a notice on the Stamford Land Records, on forms approved by the Zoning Board, declaring the property subject to flood hazard and referring to the issued flood hazard permit.

9.B.6. Variances

- a. An application for variances from the standards of Section 9.B shall be submitted to the Zoning Board of Appeals (ZBA) and shall contain all the information required for an application for a Flood Hazard Area Permit as defined under Subsection 9.B.4.f of this Section.
- b. **Variances Prohibited**
 - (1) No variances shall be issued within any designated Regulatory Floodway if the proposal would result in any increase in flood levels during the Base Flood discharge.
 - (2) No variances shall be issued within any Special Flood Hazard Area if the proposal would result in any increase in flood levels during the Base Flood discharge.
- c. **Historic Structures.** Variances may be issued for the reconstruction, rehabilitation or restoration of Structures listed on the State or National Register of Historic Places provided they do not violate the prohibitions of Subsection 9.B.6.b above and subject to the following additional standards:
 - (1) The proposed reconstruction, rehabilitation, or restoration will not result in the Structure losing its historical character; and
 - (2) No reconstruction, rehabilitation, renovation or alteration is made to an historical Structure without due consideration and effort to incorporate design concepts which, while preserving the historical character of the Building, will also serve to reduce the potential for future flood damage and threat to human life and property.
- d. **Pre-Existing, Small Lots.** Variances may be issued for new construction and substantial improvements to be erected on a Lot of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the base flood level.
- e. **Functionally Dependent Facility.** Variances may be issued for new construction and substantial improvements and other Development necessary for the conduct of a Functionally Dependent Facility provided the Structure or other Development is protected by methods that minimize flood damage and create no additional threat to public safety.
- f. **Considerations for Granting of Variances.** When reviewing applications for a variance from the standards of Section 9.B, the Zoning Board of Appeals shall make a finding that all of the following standards are met in addition to the other standards of Section 1.E.2:
 - (1) Consider all technical evaluations, all relevant factors and all standards specified in other parts of this Section 9.B including:

- (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated Development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and Streets and bridges.
- (2) The variance requested will not result in increased flood heights, additional threat to public safety, extraordinary public expense, creation of nuisances, or conflicts with existing local laws or ordinances.
- (3) Any variance granted is the minimum necessary to afford a reasonable level of relief.
- g. **Referral to Other Agencies.** In addition to the requirements of Subsection 2.B, each application for a variance under this section shall be referred to the EPB and to the Zoning Board for an advisory opinion at least thirty (30) days prior to the date assigned for a public hearing thereon.
- h. **Notification of Consequences of Variance.** Any applicant to whom a variance is granted shall be notified in writing by the ZEO describing the consequences of the variance including increased risk to life and property resulting from construction below the Base Flood elevation and possible increase in flood insurance rates. The issuance of a variance to construct a Structure below the base flood level may result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced elevation of the lowest floor, up to premium rates as high as \$25.00 for \$100.00 of insurance coverage.

9.C. SOIL EROSION AND SEDIMENT CONTROL.⁵⁹**9.C.1. Applicability**

- a. No activity that results in the land disturbance of more than 10,000 square feet of land area shall be permitted unless a "Soil Erosion and Sediment Control Plan" meeting the standards stated in Subsection 9.C.3.b is submitted, reviewed and certified by the Environmental Protection Board in accordance with the standards and procedures as herein defined.
- b. A "Soil Erosion and Sediment Control Plan" may also be required for those activities disturbing a lesser amount of soil, where, in the opinion of the Executive Director of the Environmental Protection Board or designee (hereinafter referred to as "EPB"), there is the potential for erosion or sedimentation damage, based on topographic, hydrologic, environmental or land use conditions of individual sites.
- c. However, nothing in these regulations shall be construed to require the filing of a separate application for those activities for which a permit has been issued by the EPB or for which a Coastal Site Plan Application, *Special Permit*, Subdivision, or other related application has been approved by the Zoning Board (ZB), Planning Board (PB) or the Zoning Board of Appeals (ZBA), provided such approvals certify conformity with the erosion and sediment control standards of this subsection.

9.C.2. Standards

- a. Plans shall be prepared and control measures specified in accordance with accepted soil and erosion control principals and technical standards as outlined in the Connecticut "Guidelines for Soil Erosion and Sediment Control" (2002), as amended.
- b. Such plans shall effectively minimize erosion and sedimentation of the development site during construction, shall provide for temporary and permanent stabilization of all disturbed areas, shall provide for the effective management and disposal of storm water runoff as may be required and in accordance with the City of Stamford Drainage Manual (2020), as amended, and shall prevent flooding or the discharge of sediment to surrounding properties, wetlands, watercourses or drainage facilities.

9.C.3 Application/Plan Requirements

- a. Relevant information shall be noted on a "Soil Erosion and Sediment Control Plan" and "Application Form". The Application Form is available from the EPB.
- b. Unless otherwise authorized by the EPB, the "Soil Erosion and Sediment Control Plan" shall be prepared by a Connecticut licensed professional engineer and, **unless specifically waived by**

⁵⁹ Formerly Section 15.B.

the EPB, shall include the following:

- (1) **Existing Conditions and Topographic Survey** prepared by a Connecticut licensed land surveyor prepared in accordance with the standards of Class A-2 (horizontal) and Class T-2 (topographic) as defined in the Regulations of Connecticut State Agencies, Sections 20-300b-1 through 20-300b-20. The survey shall include the following:
 - (a) A vicinity sketch at a scale not exceeding 1" = 800', suitable for the purpose of orientation, showing existing streets in the area generally contiguous to the proposed development.
 - (b) The scale of the survey map shall not exceed 1"=20' unless authorized by the EPB.
 - (c) The parcel address, lot designation, parcel identification number, block number, a north arrow, the area of parcel in square feet or acres, zoning district lines, survey date, along with the name of the owner and the Connecticut licensed land surveyor authoring the survey.
 - (d) Accurate depiction of all property boundaries.
 - (e) All recorded easements, rights of way, and areas of restriction, including but not limited to Access Easements, Deed Restrictions, Conservation Easements, Drainage Easements, River Walk Easements, Trail Easements, Sanitary Sewer Easements, Utility Easements, View Corridor Easements, etc.
 - (f) The location, widths and names of all constructed or unconstructed public or private streets or other ways of access, with both right-of ways and traveled ways shown, within or immediately adjacent to the subject property.
 - (g) Location of significant structures and features including, but not limited to, existing buildings, driveways, walkways, septic systems, wells, utilities, pools, utility poles, hydrants, stone walls, *Fences*, lawn and garden limits, hedge lines, gas mains, transmission lines, and railroad lines.
 - (h) The names of the record owners, lot numbers, maps of record, and adjoining lots lines, as available, on adjacent parcels.
 - (i) Underground utilities within the street frontages and on the subject property as obtained from field evidence, as obtained from respective utility company records or other reliable sources.
 - (j) Storm drainage structures on the property with rim/grate and invert elevations, pipe sizes and material type.
 - (k) Sanitary sewer structures on and proximate to the property with rim/cover and invert elevations, pipe sizes and material type.
 - (l) Overhead utilities, and utility poles with ownership and the number noted.

- (m) Accurate location of municipal boundaries, zoning district boundary lines, zoning setback lines, mean high water, and the Coastal Jurisdiction Line (CJL).
- (n) The location of existing wells and subsurface sewage disposal systems, and to the extent feasible, the approximate location of those situated on adjacent properties within seventy-five (75) feet of the property from field evidence or as obtained from other reliable sources.
- (o) Contours at an interval of one (1) foot over the entire area of existing or proposed disturbance and beyond as may be requested by the EPB, with spot elevations at critical changes in grade, and at the top and bottom of retaining walls/curbs. All elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD-88). On large properties, the applicant may request a waiver from EPB allowing the mapping of two (2) foot contours on those portions of the property situated outside of the proposed development limits.
- (p) Identification of property slopes equaling or exceeding twenty-five (25) percent.
- (q) Location of significant natural features including, but not limited to, rock outcroppings/ledge and the location of significant trees of eight (8) inches in diameter (dbh) or greater with the common name noted.
- (r) Flood zone designation, base flood elevation, and Flood Insurance Rate Map (FIRM) references (Community Number, Panel, Suffix, and Date), including any effective Letter of Map Revision/Amendment. When the property is affected by the base flood, the special flood hazard areas and regulatory floodway boundaries shall be established/depicted on the survey in the manner defined in Section 9.B of the Stamford Zoning Regulations (“Flood Prone Area Regulations of the City of Stamford”).
- (s) National Resources Conservation Services (NRCS) soil types as identified by a Connecticut soil scientist based upon a field inspection. A copy of the soil scientist’s report and sketch shall be provided as part of the subdivision application submittal. Report references shall be noted on the survey.
- (t) The location of all watercourses, rivers, streams, brooks, waterways, ponds, lakes, drainage-ways, vernal pools, and inland wetlands pursuant to CGS 22a-38 along with a depiction of the NRCS soil designation and the surveyed location of the number flags corresponding to the soil scientist’s report/sketch. The water’s edge, top of bank, and limits of the upland review area as defined in the “Inland Wetland and Watercourse Regulations of the City of Stamford” shall be clearly noted. Report references shall be noted on the survey.
- (u) The tidal wetlands pursuant to CGS 22a-29 as determined by a qualified soils/environmental professional with the NRCS soil designation with the surveyed

- location of the numbered flags corresponding to the soil scientist's report/sketch and environmental assessment. Report references shall be noted on the survey.
- (v) In the case of any property located within Stamford's Coastal Boundary as reflected on the "Official Coastal Boundary Map of the City of Stamford, Connecticut," identification and approximate location of all coastal resources.
 - (w) Other information as determined by the EPB.
- (1) **Soil Erosion and Sediment Control Plan** prepared by a Connecticut licensed professional engineer based upon an "Existing Conditions Survey" meeting the standards described in Section 9.C.3.b.(1) above. The plan and associated documentation shall include the following:
- (a) Proposed limits of clearing, and a clear depiction of all grading and other topographic changes including spot elevations in critical changes in grade, and at the top and bottom of all proposed retaining walls and curbs. All elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD-88).
 - (b) Proposed location and details of all structures and features necessary to further the objectives of this section including all walls, curbs and other related measures.
 - (c) Proposed temporary/permanent sediment and erosion control provisions in accordance with the standards outlined in Connecticut Guidelines for "Soil Erosion and Sediment Control" (2002) as amended.
 - (d) Drainage impact, water quality assessment and design by a Connecticut licensed professional engineer in accordance with the standards outlined in the City of Stamford Stormwater Drainage Manual (2020), as amended.
 - (e) The schedule and sequence of grading and construction activities.
 - (f) The schedule and sequence for the installation and/or application of all soil erosion and sediment control measures.
 - (g) The location and details of measures for the protection of significant vegetation.
 - (h) A written narrative describing the nature of the proposed development activity and a program for the operation and maintenance of the drainage and sediment and erosion control measures throughout the life of the project.
 - (i) Landscape plan, as developed by a qualified landscaping professional, showing the location, type, size, number, root type and other pertinent details for any planted features necessary to further the objectives of this section.
 - (j) Such other information deemed necessary to determine the conformity of the application to the performance standards of these regulations, as determined by the EPB.

9.C.4. Review Procedures:

- a. Plans filed pursuant to these Regulations shall be reviewed and acted upon as prescribed by Public Act No. 85-91.
- b. The EPB shall act as the designated agent of the Zoning Board, and shall be empowered to receive, review and certify "Soil Erosion and Sediment Control Plans" pursuant to these Regulations, except where the plan has been certified by one of the reviewing agencies enumerated under subsection 9.C.1.c above.
- c. "Soil Erosion and Sediment Control Plans" may be forwarded to the Engineering Bureau or other City agencies for an advisory opinion.
- d. Upon the receipt of a complete application and plan, the EPB shall approve, approve with conditions, or deny the plan within thirty (30) days.
- e. In approving the plan, the EPB may impose, as a condition of approval, the submission of a performance surety in an amount sufficient to insure the timely installation, operation, maintenance and certification of the control measures, in the form of a certified check or performance bond as determined by the EPB, and in a form acceptable to Corporation Counsel.
- f. In approving the plan, the EPB may impose, as a condition of approval, the submission of a standard, City of Stamford Drainage Maintenance Agreement (Agreement Covenant) to ensure the full and proper function of proposed drainage facilities.
- g. In approving the plan, the EPB may impose, as a condition of approval, the submission of a standard, City of Stamford, Landscape Maintenance Agreement to ensure the survival of necessary planted features.

9.C.5 Enforcement

- a. Site disturbance shall not begin until the required control measures and facilities are properly installed and functional and all required approvals have been issued.
- b. All required control measures shall be maintained in an effective condition throughout the duration of the project in accordance with accepted soil and erosion control principles and technical standards as outlined in the Connecticut "Guidelines for Soil Erosion and Sediment Control" (2002), as amended.
- c. Final approval and release of any performance surety shall only be granted upon a final inspection by the EPB, and, at the discretion of the EPB, the receipt of a final, signed/sealed improvement location survey (ILS) by a Connecticut licensed land surveyor, and a signed/sealed letter of plan conformance by a Connecticut licensed professional engineer. The engineer's certification shall be based upon periodic site inspections and the review of the information shown on the final ILS. The EPB may also require submission of written

certifications from a qualified landscaping professional confirming the full and proper completion of all approved landscape/soil stabilizing features.

- d. In acceptance of an approval pursuant to these Regulations, the owner of the property shall consent to permit the City of Stamford or its designee to enter upon the premises to inspect compliance with the approved plan and to perform all work necessary to correct and abate any violations.
- e. Enforcement of these Regulations shall be the duty of the *Zoning Enforcement Officer* pursuant to Section 1.D. of the Zoning Regulations (91-003).

9.D. - STORMWATER MANAGEMENT (MS4) (220-14)⁶⁰

9.D.1 Purpose and Intent

The purpose of this section is to ensure that new development, redevelopment, and other land disturbance activities within the City of Stamford:

- a. Are in compliance with Federal and State requirements regarding stormwater management practices;
- b. Promote the implementation of “Low Impact Development” (LID) site design strategies and stormwater treatment practices;
- c. Minimize degradation of water resources within the City of Stamford from pollution from non-point source runoff;
- d. Mitigate impacts to the hydrologic system from development, including maintaining post-development runoff conditions at least as effective as pre-development runoff conditions; and
- e. Reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development.

9.D.2 Applicability

The provisions of this Section of the Regulations shall apply to all new development, redevelopment, and other land disturbance activities within the City of Stamford, whether considered individually or collectively as part of a larger common plan, unless:

- a. Specifically exempted in Section 2.2 of the City of Stamford Stormwater Drainage Manual (2020), as amended, or
- b. Granted a modification by the Engineering Bureau as provided in Section 2.3 of the City of

⁶⁰ Formerly Section 15.D.

Stamford Stormwater Drainage Manual (2020), as amended, where, due to physical site or environmental conditions, it is not feasible or possible to meet one or more of the requirements.

9.D.4 Requirements

- a. Any new development, redevelopment, and other land disturbance activities within the City of Stamford shall conform to the requirements of the City of Stamford Stormwater Drainage Manual (2020), as amended, unless exempted or modified as provided in Section 9.D.2 of these Regulations.
- b. For post-construction stormwater management, any development, redevelopment, and other land disturbance activities within the City of Stamford shall maintain compliance with:
 - (1) City of Stamford Ordinance #1183 regarding discharges to the City Stormwater System;
 - (2) The Connecticut Stormwater Quality Manual (2004), as amended;
 - (3) Any Standard, City of Stamford Agreement Covenant and/or Drainage Maintenance Agreement applicable to the premises; and
 - (4) All stormwater discharge permits issued by the Connecticut Department of Energy and Environmental Protection (DEEP) within the City of Stamford pursuant to CGS 22a-430 and 22a-430b.

9.D.5 Administration

- a. **Engineering Bureau:** The City Engineer, or designee shall:
 - (1) Perform technical reviews of development proposals with regard to adherence with the City of Stamford Stormwater Drainage Manual (2020), as amended.
 - (2) Prepare comments regarding adherence to the City of Stamford Stormwater Drainage Manual (2020), as amended, unless such development proposal is exempted or such drainage standards modified as provide in Section 9.D.2 of these Regulations.
 - (3) Perform field inspections, as it deems necessary, to ensure compliance with approved plans and consistency with other relevant drainage requirements and/or practices.
 - (4) Maintain all records pertaining to the provisions of this Section.
 - (5) Endorse issuance of a Certificate of Occupancy/Completion and release of surety upon a determination that all conditions, including but not limited to, the stormwater approval, have been met.
- b. **Environmental Protection Board (EPB):** The Executive Director of the Environmental Protection Board or designee shall:
 - (1) Assist the Engineering Bureau in the technical review of development proposals, including

- the identification of resources, establishing the applicability of these regulations, etc.
- (2) Assist the Engineering Bureau in the performance of field inspections to ensure compliance with approved plans and consistency with other relevant drainage requirements and/or practices.
 - (3) Incorporate comments from the Engineering Bureau in any permit or approval issued by the EPB.
 - (4) Endorse issuance of a Certificate of Occupancy/Completion and release of surety upon a determination that all conditions of the stormwater approval have been met.
- c. Zoning Board (ZB), Planning Board (PB), Zoning Board of Appeals (ZBA):** The Zoning Board, Planning Board and Zoning Board of Appeals, or respective designee, shall incorporate comments from the Engineering Bureau in any permit or approval issued by these agencies.
- d. Zoning Enforcement Officer (ZEO):** The *Zoning Enforcement Officer* or designee shall:
- (1) Enforce any violation in the same manner as other violations of the Zoning Regulations, and
 - (2) Endorse issuance of a Certificate of Occupancy/Completion and release of surety upon a determination that all conditions of the stormwater approval have been met and following the receipt of written endorsements by the Engineering Bureau and EPB.
- e. Building Department.** The Chief Building Official or designee shall not issue a Building Permit until the requirements of this Section have been met and shall not issue a final Certificate of Occupancy or Completion until written approval has been issued by the ZEO.
- f. Permit Application Procedures.** Prior to any development activity, the materials and information identified in Section 6 (Submittal Requirements) City of Stamford Stormwater Drainage Manual (2020), as amended, shall be provided to the Engineering Bureau for review unless exempted or modified as provided in Section 9.D.2 of these Regulations.
- g. Certification of Completed Development.** Upon completion of the permitted development and prior to the issuance of a Certificate of Occupancy/Completion and release of surety, an Improvement Location Survey (ILS) by a Connecticut licensed land surveyor, engineering certification by a Connecticut licensed professional engineer, Directly Connected Impervious Area (DCIA) Summary Report by a Connecticut licensed engineer, and other pertinent data, shall be provided demonstrating compliance with the City of Stamford Stormwater Drainage Manual (2020), as amended, unless exempted or modified as provided in Section 9.D.2 of these Regulations.

9.D.6 Enforcement

This Section of the Regulations shall be enforced in accordance with State statutes, local ordinances (including Chapter 248 of the Code of Ordinances – Penalties For Violations of Zoning Regulations), and other applicable enforcement procedures.

9. E. EXCAVATIONS⁶¹

Excavations and the removal of excavated materials shall be permitted in any zone subject to the provisions of this Section where they are clearly necessary to the improvement of property. No excavation of more than one hundred (100) cubic yards of material shall be commenced or continued without a permit therefor from the *Zoning Enforcement Officer*, except in connection with required work in the area necessary to construct a Building for which a building permit has been issued, the aforesaid area of excavation not to exceed ten feet (10') beyond the perimeter of said Building, or except in connection with the construction of streets, driveways, drains, utilities, or sanitary disposal systems for which permits have been issued, or except in connection with an excavation which is covered by tide water.

9.E.1. Application Requirements

Application for any permit required under Subsection E above, shall be made by the property owner or by their agent authorized thereto in writing, and shall be on forms provided by the *Zoning Enforcement Officer*. Such application shall be accompanied with the following:

- a. Maps and plans with specifications thereon shown:
 - (1) The location of the premises and the cubic yards to be excavated.
 - (2) Existing and proposed contours in the area to be excavated and in the surrounding area within twenty feet (20') of the excavation shown on a map drawn to a scale not less than one hundred feet (100') to the inch, with contour lines at intervals of not more than four feet (4'), or with profiles at intervals of not more than fifty feet (50').
 - (3) Details of existing and proposed drainage on the premises including the proposed level of any impounded water, certified as being approved by the City Engineer
 - (4) Proposed truck access to the excavation.
 - (5) Details of revegetation and preparation of soil therefor, or of other method of soil erosion control.
- b. For excavations of more than one hundred (100) cubic yards of material, a performance bond in form and with surety acceptable to the *Zoning Enforcement Officer* in such amount as the *Zoning Enforcement Officer* shall deem sufficient to insure completion of the work following

⁶¹ Formerly Section 15.A.

excavation pursuant to the conditions of approval, provided that no bonds be less than one thousand dollars (\$1,000) and further provided that the *Zoning Enforcement Officer* may accept and hold a certified check payable to the City of Stamford in the same amount in lieu of such bond.

- c. A fee to cover the cost of permit and inspections based on a rate of five dollars (\$5) per one thousand (1,000) cubic yards of material or fraction thereof to be excavated, with a minimum fee of five dollars (\$5) and a maximum fee of one hundred dollars (\$100).

9.E.2 Review Standards

In approving plans and specifications for excavations, the *Zoning Enforcement Officer* shall be guided by the following standards:

- a. Finished slopes of an excavation shall not exceed 1:1 $\frac{1}{2}$ (vertical to horizontal) in undisturbed earth, 1:2 in earth fill, and 4:1 in rock, whether or not the ground surface will be below water, provided further that all slopes of the perimeter bank or shore of any pond or lake shall not exceed 1:3 (vertical to horizontal).
- b. If the proposed method of soil erosion control is by revegetation, the specifications for the work shall provide that any layer of topsoil over the area to be excavated shall be set aside and retained on the premises in sufficient quantity to be re-spread over all surfaces which will remain exposed, except rock, to a depth of at least four inches (4"), with topsoil added if necessary to make up any deficiency. The specifications shall also provide that at the completion of re-spreading of topsoil it shall be immediately harrowed or raked to establish a seed bed and shall be seeded with grass, permanent pasture mixture, or other approved fast growing revegetation, repeated as necessary until the area is stabilized.
- c. No excavation shall be permitted within twenty feet (20') of an existing or approved street except to conform to approximate street grade, nor shall any excavation be permitted within twenty feet (20') of any property line except to conform to approximate grade of adjacent property.
- d. Excavation shall not interfere with public utility systems and shall not create or aggravate any condition detrimental to the public health and safety. Any lakes or ponds that are created shall have sufficient depth and inflow of water to prevent their becoming stagnant or marshy in dry periods.
- e. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

9.E.3 Conditions

- a. Except for rock crushing as permitted by *Special Permit* under Subsection 9.E.5 below, there

shall be no processing of excavated materials on the premises except with a simple bar type screen to remove oversize aggregates and used only for loading of trucks. (90-008)

- b. Barricades shall be erected as necessary to protect pedestrians and vehicles during the period of excavation.
- c. Measures shall be taken to minimize the nuisance of flying dust by use of chemical dust deterrents or water.
- d. Provision shall be made for proper drainage of the area both during the period of excavation and at its completion.

9.E.5 Validity of Approval

Permits shall expire eighteen (18) months from the date of issuance unless extended by the Zoning Board of Appeals following due notice and public hearing.

9.E.6 Processing of Excavated Material

Regardless of the amount of material excavated, any rock crushing activity shall require application to and issuance of a *Special Permit* by the Zoning Board in accordance with the standards and procedures of Section 9.C, Section 2.B. and the special standards as set forth below. Such application shall include a detailed excavation and operations plan and schedule showing at a minimum the following:

- a. Limitations on the days of the week and the hours of the day during which any work may be performed on the premises;
- b. The duration (not to exceed 6 months) of the permitted rock crushing activity;
- c. Limitations as to the size and type of machinery to be used on the premises;
- d. All information required under Section 9.C.3 including the proposed place and manner of disposal of crushed material;
- e. Approvals from other agencies, e.g. DEEP, Health Department, EPB, Fire Marshall, etc.;
- f. An erosion and sediment control plan as specified in Section 9.C.3.b.(2) of these regulations; and
- g. Requirements as to the control of dust, noise, fumes and lighting if permitted, so as to prevent results injurious or offensive to the general public and the environment.

Application for a rock crushing *Special Permit* shall be made by the property owner or by their agent authorized thereto in writing, and shall be on forms provided by the Zoning Board. Before any *Special Permit* shall become effective, the owner or their agent shall file with the Zoning Board a bond or other acceptable form of surety sufficient in amount to guarantee compliance with

these Regulations, compliance with applicant's approved exaction and operations plan, and the timely and proper completion of all rock crushing activity and complete site restoration. A maximum of $\frac{1}{2}$ acre of unrestored work area shall be permitted under this regulation, exclusive of approved stockpiles, loading areas and access drives. No material brought to the site shall be processed by crushing. All material processed by rock crushing shall be used on site exclusively pursuant to a valid plan of improvements authorized by a land use agency of the City of Stamford and authorized by a valid building permit. Any violation of any conditions of approval or any standards of this regulation shall be cause for immediate stoppage of the operation and revocation of the permit and forfeiture of the bond or surety.

Notwithstanding the above and pursuant to a *Special Permit* by the Zoning Board, a Demolition Materials Recycling Facility may be allowed as an interim use in the M-G zone. (90-008, 215-33)

9. F. SUSTAINABLE BUILDING AND LAND USE PRACTICES – STAMFORD SUSTAINABILITY SCORECARD⁶²

9.F.1. Purpose

The purpose of this section is to encourage the efficient and careful use of natural and other resources and to limit the impact of development on the natural environment as much as possible. Sustainable land use and building practices help implementing Chapter 7 of the City of Stamford Master Plan, "A Sustainable Future".

9.F.2. Applicability

No building or structure with ten or more Dwelling Units or 10,000 square feet or more in floor area shall be erected, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall land on a parcel 20,000 sf in size or more be disturbed without the completion of the Stamford Sustainability Scorecard (the "Scorecard"), as defined in the "Stamford Sustainability Scorecard and Manual" (2020), as amended.

9.F.3. Review Standards

The Scorecard shall be submitted to the Land Use Bureau for review (the "Scorecard Review"):

- a. As part of a General Development Plan, Site and Architectural Plan, *Special Permit* application or any other approval sought from the City of Stamford Zoning.
- b. Prior to issuance of a Building Permit for projects not requiring a review pursuant to Section

⁶² Formerly Section 15.F.

9.F.3.a.

c. Prior to issuance of a Certificate of Occupancy for all projects defined under Subsection 9.F.2.

As part of the Review, Land Use Bureau staff may request from applicant submission of specifications, certifications from qualified professionals or other documentation to verify the statements made by the applicant in the Scorecard.

he Scorecard Plaque as further defined in the “Stamford Sustainability Scorecard and Manual” (2020), as amended, shall be conspicuously posted near the main pedestrian access of each structure, building, development or site required to submit a Scorecard under Subsection 9.F.2 of this Section, pursuant to the requirements outlined in the “Stamford Sustainability Scorecard and Manual”, as amended, and within four weeks after issuance of the final Certificate of Occupancy. All Sustainability Scorecards, including additional documentation, shall be published on a City of Stamford webpage for public view and inspection.

9.F.4 Enforcement

Failure to obtain a Scorecard Review for a development under Subsection 9.F.2 or to display the Scorecard Plaque in accordance with the requirements of this Section and the “Stamford Sustainability Scorecard and Manual” (2020), as amended, shall be considered a Zoning Violation pursuant to Chapter 248 of the Stamford Code of Ordinances and enforced accordingly

SECTION 10. NON-CONFORMING USES

10.A. GRANDFATHERED STATUS FOR LEGALLY NON-CONFORMING USES

Any *Building* or use of land or *Building* legally existing at the time of enactment of this Regulation, or of any amendments thereto, or authorized lawful permit issued prior to the adoption of these Regulations which does not conform to the provisions of these Regulations for the Use Districts in which it is located, shall be designated a non-conforming use. Such use may be continued but may not be extended or expanded, or changed to a less restrictive use as listed in the LAND USE SCHEDULE in APPENDIX A.

10.B. LIMITATIONS TO THE CONTINUATION OF NON-CONFORMING USES

The total structural repairs and alterations that may be made in a *Structure* which is non-conforming in use only shall not exceed fifty percent (50%) of its replacement value at the time of application for the first structural change, unless changed to a conforming use. The foregoing provision in this Subsection with reference to limitations on structural repairs and alterations need not apply to that part of any *Building* used for residence purposes located in any Business or Industrial District, not conforming to the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF *BUILDINGS* in APPENDIX B, except that no additional *Dwelling Units* shall be permitted in any such *Building* in which structural repairs or alterations are undertaken unless the density provisions of SCHEDULE OF REQUIREMENTS for minimum number of square feet of *Lot Area* per family can be complied with for the district in which such *Building* is located.

10.C. REBUILDING OF NON-CONFORMING USES AFTER DISASTERS

Any non-conforming *Building* or *Structure* or one or more of a group of non-conforming *Buildings* or *Structures* which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, act of God or act of any governmental authority, may be reconstructed and used as before, if reconstruction is started within twelve (12) months of such calamity, provided that the restored *Building* covers no greater area or has no greater cubic content and has equal or greater front, side and *Rear Yards*.

10.D. EXPIRATION OF GRANDFATHERED NON-CONFORMING USES

A *Building Structure* or portion thereof, non-conforming as to use, which is, or hereafter becomes vacant or remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

10.E. GRANDFATHERED STATUS FOR BUILDINGS AND LOTS IN EXISTENCE PRIOR TO 1955

Any *Building* constructed prior to July 1, 1955, or any *Plot* for which a *Building* permit has been issued prior to that date having area, front, side and/or *Rear Yard* insufficient to comply with the Regulations then in effect shall nevertheless be deemed to be lawfully non-conforming with respect thereto and may be continued.

10.F. PROHIBITION OF SUBDIVISION FOR NON-CONFORMING USES IN RESIDENTIAL DISTRICTS

Any *Lot* located within a residence district and supporting a commercial use of land or use of a *Structure* that is non-conforming with respect to the *Permitted Uses* of Appendix A - LAND USE SCHEDULE, where such non-conforming commercial use exceeds either 50% ground coverage or a *Floor Area Ratio* of 0.30 of such *Lot*, shall not be reduced with respect to the original acreage, frontage, width, or configuration of such *Lot* existing at the time that the use first became non-conforming. Such *Lots* may however be modified or combined with adjacent lands provided that the non-conforming use shall not be expanded, intensified or extended into adjacent lands. No new *Permitted Uses*, *Structures* or *Buildings* shall be established on any *Lot* supporting a use of land or use of a *Structure* that is non-conforming with respect to the *Permitted Uses* of Appendix A that would increase the degree of non-conformity or exceed the maximum intensity of use permitted for the district. Intensity of non-residential uses shall be equated on a residential density basis of not more than 800 square feet of gross non-residential floor area per Dwelling Unit, or such lesser amount deemed appropriate based on the character of the non-residential use. (86-015)

10.G. [DORMITORY USE FOR CERTAIN HISTORIC BUILDINGS IN R-10 DISTRICTS

In order to preserve historic and legally non-conforming *Buildings* that contribute to the character of the neighborhood, *Building(s)* in the R-10 District originally designed and used for religious and/or educational purposes for a period in excess of forty (40) years may be used for dormitories serving children high school aged or younger with accessory onsite staff living quarters pursuant to a *Special Permit* granted by the Zoning Board. Incidental uses may also be allowed, such as school or educational uses, tutoring and extra-curricular classroom and lecture areas, and art studio space, and other supplemental uses provided that:

1. No structural change is made to the exterior of the *Building* except as is necessary to provide access for handicapped persons, for code compliance, or for customary repair and maintenance; and no increase in legally nonconforming floor area.
2. Where the existing number and design of *Parking Spaces* and access thereto is legally nonconforming, the Zoning Board may (a) allow such nonconformities to remain, and/or (b) approve an alternate design that decreases the nonconformities and where the Zoning Board makes a determination that the proposed plan provides for adequate parking. Drive aisles

serving fifteen (15) or fewer spaces may be not less than ten (10) feet in width for one way access.

3. The *Building* is connected to the city sanitary sewer system
4. On *Corner Lots*, ground mounted mechanical equipment may be located in a *Front Yard* provided such equipment is not less than ten (10) feet from a property line and suitably screened from public view.
5. For applications under this Section 10.G, the requirements of Section 2.B.2.e. shall not apply, provided that: total ground coverage shall not exceed 52.5%; any new *Parking Spaces* shall be a minimum of 20 feet away from the longest street frontage and 10 feet away from all other street frontages and residential properties; and not less than 50% of the total perimeter of all *Buildings* shall satisfy the landscape buffer requirement. (87-028, 214-36)

10.H. CONVERSION OF COMMERCIAL BUILDINGS TO RESIDENTIAL BUILDINGS IN CERTAIN DISTRICTS (222-01)

1. Conversion as of Right

- a. **Conversions Permitted.** Any existing *Building* conforming or legally non-conforming may be converted, in whole or in part, as of right, to residential purposes, where the Building (i) is located ~~within~~ in any commercial zone zoning district, except in the M-G, M-L and M-D zoning districts, (ii) is used for commercial purposes ~~Appendix B – SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS,~~ and (iii) complies with the zoning requirements of the underlying district (except as set forth below), or, if legally non-conforming, does not increase *Building Coverage* or *Building Height*, or decrease *Usable Open Space* or *Parking* below that which is required by these Regulations.
- b. **Calculation of Residential Density for Converted Floor Area.** Notwithstanding the density limitations of the underlying zoning district, residential density shall not exceed one (1) dwelling unit per 8600 square feet of converted gross commercial floor area or one (1) dwelling unit per 6500 square feet of converted gross commercial floor area where all required *Below Market Rate* Units, except for fractional units, are provided on-site. *All Below Market Rate Units* shall comply with Section 7.4 of these Regulations.
- c. **Expansion of Floor Area.** Applicant may expand the *Floor Area* where (i) the *Density* of the proposed conversion to residential use complies with Subsection 10.H.1 and (ii) the expansion does not result in exceeding any of the limitations of the underlying zoning district; ~~Expansion of usable *Floor Area* shall be limited to the infill of unenclosed areas that are below the existing perimeter walls of the *Principal Building*, or to the conversion of portions of structured parking garage floors for tenant storage, amenity space or uses to further below market rate housing objectives.~~

- d. **Loading Spaces and Drive Aisles.** *Loading Spaces*, ramps and drive aisles not conforming to the dimensional standards of Sections 12.A, 12.B and 12.C may continue to be used subject to review by Transportation Traffic and Parking Bureau and approval by the Land Use Bureau staff. (218-14)

2. Conversion by Administrative Approval

Upon a finding by the Zoning Board that due to existing conditions and limitations of the commercial building to be converted, a commercial building cannot be converted as-of-right to a residential use pursuant to Subsection 1. Above, the Zoning Board may administratively modify the requirements of the underlying zoning district as follows:

- a. **Parking.** (1) *Electric Vehicle Parking Space* may be counted as one *Parking Space*;
(2) Bike Parking requirements may be reduced by up to 50% and Class A Bike Parking spaces substituted with Class B spaces;
(3) Required parking may be reduced by up to 20% .
- b. **Building Height.** The Zoning Board may permit *Building Height* to be increased by up to one (1) story unless it currently exceeds the permitted *Building Height* of the underlying zoning district by more than one (1) story; provided, however, that any additional *Building Height* permitted by the Zoning Board is (i) set back not less than ten (10) feet from each face of the converted building facing a public street and (ii) meets the density limitations of the underlying zoning district and Section 10.H.1 above. (207-06, 218-14)
- c. **Usable Open Space.** *Usable Open Space* shall be provided on-site in compliance with the requirements of the underlying zoning district. Provided, however, that for conversions and adaptive reuse of commercial *Buildings* to residential *Buildings* where the full amount of the required *Usable Open Space* cannot be provided due to existing physical conditions or limitations, (i) *Indoor Amenity Space* may be substituted for *Usable Open Space*, (ii) the *Usable Open Space* requirement may be reduced by no more than 50%, or (iii) non-required, additional *Publicly Accessible Amenity Space* may be substituted for up to 50% of required *Usable Open Space*.
- d. **Expansion of Building Coverage.** Expansion of *Building Coverage* beyond exceeding the limitations of the underlying zoning district ~~walls of the existing *Building*~~ shall be permitted only for exterior unenclosed stairways, canopies, architectural features to enhance the residential character, ~~*Usable Open Space*~~, or other improvements necessary to comply with Building Codes or other Municipal, State or Federal Public Safety Codes, not to exceed two and one-half percent (2.5%) of the permitted *Building Coverage*.
- ~~; provided however, that the Zoning Board may reduce the amount of the required *Usable Open Space* by up to 50% upon a finding that provision of such *Usable Open Space* is not feasible. Notwithstanding standards set forth elsewhere in these regulations, 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. (93-011; 94-005)~~

6. ~~Notwithstanding paragraph 10.H.4 above, expansion of a commercial building to be converted, in whole or in part, to residential use shall be permitted under the following conditions: (220-13)~~
- a. ~~A parcel is contiguous to, under common ownership with, and in the same zoning district as the commercial building to be converted. (218-31)~~
 - b. ~~The residential density, in addition to that derived from conversion per paragraph 1 above, shall not exceed the permitted density of the contiguous Lot. Residential density in addition to paragraph 1 above shall not exceed the as of right density of the combined parcels. Building coverage of the expansion shall not exceed that as of right for the contiguous parcel. (218-31)~~
 - c. ~~The height of the expansion shall not exceed one additional Story in case a building is non-conforming with respect to height, but in no event greater than one (1) Story above the height permitted in Appendix B, excluding roof top structures as permitted pursuant to Section 8-B of the Zoning Regulations; provided that any such addition is set back not less than ten (10) feet from each face of the existing building facing a public street. (218-31)~~
 - d. ~~The contiguous parcel shall be merged with the lot of the converted commercial building prior to the issuance of a Certificate of Occupancy. (218-31)~~
 - e. ~~New dwelling units constructed by expansion of the converted commercial building shall follow the same density standards as defined in Subsection 10.H.1. above.~~
 - f. ~~All required BMR Units, except fractional units, shall be provided on-site pursuant to Section 7.4 of these Regulations. (210-27)~~

10.I. CONVERSION OF NON-CONFORMING BUILDINGS IN RM-1 DISTRICTS TO RESIDENTIAL USE

Subject to *Special Permit* Approval by the Zoning Board, any existing *Building* located in the RM-1 Zone that is non-conforming with respect to Appendix A - LAND USE SCHEDULE and Appendix B - SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF *BUILDINGS*, may be converted to residential purposes provided that:

- 1 Notwithstanding the limitations of Appendix B, residential density shall not exceed one (1) Dwelling Unit per 2,000 square feet of converted *Gross Floor Area*.
2. The number of *Parking Spaces* provided shall satisfy the standards of Section 12 of these regulations, and may, subject to determination and approval of the Zoning Board, include existing *Parking Space* serving the nonconforming use including offsite spaces within 500 feet of the site, and spaces and aisle widths that are nonconforming;
3. No expansion of nonconforming *Building(s)* shall be permitted, except modifications not

exceeding two and one half percent (2.5%) coverage shall be limited to exterior stairways, canopies, or other improvements necessary to comply with the *Building Code* or other Municipal, State or Federal Public Safety Code;

4. Notwithstanding standards set forth elsewhere in these regulations, useable open space shall be provided onsite, with the amount, location and design of such open space subject to determination and approval of the Zoning Board.
5. *Below Market Rate* Housing shall be provided pursuant to Section 7 of these Regulations. (20-13)
6. The non-conforming use shall not be extended, expanded or changed to a less restrictive use. (202-08)

10.J. ADAPTIVE REUSE OF NON-CONFORMING BUILDINGS IN C-N DISTRICTS

Subject to *Special Permit* Approval by the Zoning Board, sites located in the C-N zoning district, that as of November 28, 2005 have a minimum of two acres containing an existing non-conforming *Building* or *Building(s)*, may be adaptively reused or redeveloped in whole or in part, provided the following special standards are satisfied:

1. All non-conforming uses with respect to Appendix A shall be eliminated and office use shall not exceed 0.1 *FAR* for the entire property. (208-42)
2. The existing amount of floor area in excess of 0.30 *FAR* shall be reduced by not less than fifty percent (50%).
3. *Building Coverage* may be increased by one square foot for every two square feet of reduction of *Building* floor area in excess of 0.30 *FAR*, provided that total *Building Coverage* shall not exceed forty-five percent (45%).
4. Not less than fifty percent (50%) of required parking shall be located beneath the *Building* or integrated into the *Building* and screened from sensitive views to the satisfaction of the Zoning Board.
5. Vehicular access and egress shall both be limited to State Highways.
6. Individual uses and changes of use with a floor area in excess of twelve thousand (12,000) square feet shall require administrative approval by the Zoning Board. (205-26)

10.K. EXPANSION OF NON-CONFORMING BUILDINGS IN C-B AND C-WD DISTRICTS

Subject to *Special Permit* approval by the Zoning Board and notwithstanding the limitations in Section 10, any non-conforming *Building* located within the C-B or C-WD Zoning District may expand usable Floor Area provided the following standards are satisfied:

1. Any increase in total Floor Area shall not result in an increase in new or additional *Building Coverage* or height; and
2. Any additional Floor Area shall be devoted to collaborative work space, common areas or lobbies and shall be in furtherance of *Adaptive Reuse* or *Redevelopment* of the *Building* for modernization, aesthetic, safety, efficiency, and technological capability or sustainability purposes. (218-39)

Expansion beyond the *Building* envelope of the existing *Building* shall be limited to canopies and architectural features which enhance the aesthetic appearance of the *Building*. Said improvements shall not be considered new or additional *Building Coverage* provided same do not exceed two and one-half percent (2.5%) *Building Coverage*.

Conditions placed on granting of a *Special Permit* pursuant to this subsection by the Zoning Board shall be deemed to supersede and replace any conditions or limitations previously imposed by the Zoning Board or Zoning Board of Appeals. (210-21)

10.L. EXPANSION OF NON-CONFORMING BUILDINGS IN RM-F DISTRICT (220-23)

Subject to *Special Permit* approval of the Zoning Board, any residential building located in the RM-F Zone that was constructed prior to 1984 pursuant to Appendix B Footnote #3 at the time of approval permitting high-rise development, and is nonconforming with regard to density, parking, open space and/or yard requirements, may be renovated pursuant to the following requirements and standards:

1. Minimum lot area of one (1) acre. The Zoning Board may allow additional contiguous land to be added to the application.
2. There shall be no net increase in the number of bedrooms.
3. There shall be no increase in *Floor Area* except as required to meet applicable building codes.
4. Notwithstanding the limitations of Appendix B, residential density shall not exceed four hundred (400) square feet of land area per *Dwelling Unit* or eight hundred (800) square feet of existing *Floor Area* per *Dwelling Unit*, whichever is less.
5. The minimum number of *Below Market Rate (BMR) Units* shall be equivalent to twenty percent (20%) of the total units affordable at fifty percent (50%) of the *Area Median Income (AMI)* and shall be provided in accordance with the standards, definitions, and procedures contained within Section 7 of these Regulations.
6. There shall be a minimum of one (1) parking space per *Dwelling Unit*, except as set forth in subsection 7 below.
7. There shall be a minimum of one (1) parking space for every three (3) units that are either:
 - (a) restricted as affordable to families earning not more than 30% of the *Area Median Income (AMI)*; and/or
 - (b) restricted to Seniors and/or disabled persons earning not more than 50%

of the AMI; or any pro rata combination of the above. Such spaces shall be provided at no charge to such tenants. Parking spaces shall also be provided at no charge to all tenants occupying deed restricted BMR units. A *Parking Management Plan* and *Affordability Plan* shall be recorded on the Land Records which accounts for the number of units under 7(a) and 7(b) used to satisfy the parking requirement.

8. Where shared vehicles are provided onsite, the Zoning Board may authorize a parking reduction of four (4) spaces for each such shared vehicle, provided that the number of such vehicles does not exceed 5% of the total units and the Zoning Board approves a *Parking Management Plan* to be filed on the Stamford Land Records prior to a *Certificate of Occupancy*. Upon 75% building occupancy, annual reports shall be submitted to the Zoning Board staff detailing the parking demand and which of the available criteria is being used to satisfy the requirements.
9. Existing parking and *Loading Spaces*, ramps, and drive aisles, which may or may not conform to the standards of Sections 12, may continue to be used. Restriping for small cars shall be allowed for up to 30% of the total number of spaces provided.
10. Not less than seventy-five (75) square feet of usable open space shall be provided per Dwelling Unit. Such space shall be satisfied at grade, on balconies and/or on roof decks. Up to 25% of required open space may be satisfied within interior amenity areas.

SECTION 11. SIGN REGULATIONS⁶³

11.A. FINDINGS, PURPOSE AND SCOPE

1. The City has determined that:

- a. Since 1951, the City of Stamford has had in effect a comprehensive system of *Sign* regulations governing the location, size and number of *Signs* that can be erected in the City. These regulations are intended to create a legal framework for a balanced system of signage to improve and enhance the City of Stamford's interests in promoting public safety, preventing traffic hazards, and creating an aesthetically pleasing community. The City finds that *Signs* provide an important medium through which individuals may convey a variety of messages. However, left unregulated, *Signs* can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic concern.
- b. As a result of its comprehensive sign regulations, and in particular its restrictions on the height, area and location of signage, the City of Stamford presents an aesthetically pleasing environment and provides for traffic substantially free of unsafe diversions.
- c. It has never been the intention of the City and its enforcement efforts to interpret, restrict or regulate the messages contained on signage in the City.

2. The purposes of this Section are to regulate the number, location, size, type, and use of *Signs* within the City in order to promote the public health, safety and welfare; to maintain, enhance and improve the environment of the City by preventing visual clutter that is harmful to traffic safety and the appearance of the community; to balance the rights of persons to convey their messages through *Signs* and the right of the public to be protected against the unrestricted proliferation of *Signs*; and to ensure the fair and consistent enforcement of sign regulations, while providing for effective means of communication, consistent with constitutional guarantees. This Section does not regulate, nor is it intended to regulate, the message displayed on any *Sign*, *Building* design or any display not defined as a *Sign*.

3. It is hereby declared unlawful for any person, corporation or entity to construct, place, install, alter, change, maintain, use or to permit the construction, placement, installation, alteration, change, maintenance, or use of any *Sign* contrary to or in violation of the provisions of this Section.

11.B. NONCOMMERCIAL SIGNS

Notwithstanding any other provision in this Section or these Regulations to the contrary, any *Sign* authorized in these Regulations may contain any noncommercial copy in addition to, or in lieu of, any other copy. *Signs* containing only noncommercial copy shall be deemed to be *On-site Signs*,

⁶³ Formerly Section 13.

not *Off-site Advertising Signs*.

11.C. PERMITS

1. Permits Required

Except as provided elsewhere in these Regulations, it shall be unlawful for any person to post, display, substantially change, or erect any *Sign* authorized by this Section without first having obtained a Zoning Permit as prescribed in Section 2.A. of these Regulations. The cost of a Zoning Permit for a *Sign* shall be established pursuant to the separately adopted Fee Schedule.

2. Contents of Permit Application

An application for a Zoning Permit under this Section shall include the following information:

- a. An accurate plan showing the proposed location of the *Sign* on the subject property in relation to property lines, existing *Signs*, and *Principal Buildings* and other site improvements, if any.
- b. An accurate elevation drawing of the proposed *Sign* and the supporting *Structure* or *Building* façade intended to receive the *Sign*, showing the sign dimensions, area, and height above finished grade, and proposed location of the *Sign* in relation to the *Building* façade and roof line.
- c. The property address, the name and address of the property owner, and, if the applicant is not the property owner, the written consent of the owner or his/her agent to the placement and maintenance of the proposed *Sign*.
- d. The name, address, phone number and license number of the sign contractor, if any.
- e. The aggregate area of all existing *Signs* on the *Plot*.
- f. The type of construction, sign supports, and any mechanical or electrical details as required by the applicable *Building* code.
- g. Whether the proposed *Sign* is an *On-site Sign* or an *Off-site Advertising Sign*.

3. Permit Procedures, Appeals, Variances

The procedures for applying for a Zoning Permit for a *Sign*, including the time for decision by the Zoning Officer and appeals from a denial of a permit application, are set forth in Sections 2.A. and 2.B. of these Regulations. The procedures for seeking a variance for a *Sign* are also set forth in Section 2.B. of these Regulations.

4. Repair and Replacement of Permitted Signs

A *Sign* which conforms to the standards of this Section may be repaired by repainting, replacement of lettering and accompanying symbols, and repair of structural supports, and such repainting, replacement and repair shall not be considered a substantial change requiring a Zoning Permit within the meaning of this Section, provided that the outside dimensions, location, height and illumination of the *Sign* are not changed.

5. Signs Exempt from Permit Requirements

The following *Signs* do not require a Zoning Permit, but must comply with all standards of this Section and all other provisions of these Regulations:

- a. *Signs* that are not illuminated and have a *Sign Area* of sixteen (16) square feet or less.
- b. Flags.
- c. *Signs* installed flush with or on the interior of a window and designed for viewing from the outside of the premises. However, such *Signs* shall not exceed thirty (30) percent of the available window area.
- d. Public Notice *Signs* required pursuant to Section 1.G.3.

11.D. PROHIBITED SIGNS IN ALL DISTRICTS

1. No *Sign* shall use or be illuminated by lighting of flashing, intermittent or varying intensity, including, but not limited to, flashing, beacon, strobe, rotating beacon, chasing or zip lights.
2. No *Sign* shall be illuminated by exposed tubes, bulbs or similar exposed light surfaces, or by exterior spot lighting or other illumination that would cause glare observable to a Residence District or hazards to vehicular traffic.
3. No *Sign* shall include any visible moving parts.
4. No *Sign* shall simulate emergency lights on emergency vehicles or traffic control signals or devices, or hide from view any traffic control device, signal or *Sign*.
5. No *Sign* shall obstruct road or highway visibility, interfere with the safe and orderly movement of traffic, or otherwise pose a hazard to traffic.
6. All *Off-Site Advertising Signs* are prohibited.
7. All *Roof Signs* are prohibited except as expressly permitted under subsections G, H and L of this Section. (214-30)
8. No *Pole Sign* or *Ground Sign*, including its base, may exceed twenty-one (21) feet in height. This height limit shall not apply to flags.
9. No *Sign* or sign *Structure* above a height of three (3) feet shall be erected or maintained within fifteen (15) feet of the intersection of the right-of-way lines of two (2) *Streets*, or of a street intersection with a railroad right-of-way (the "Corner Visibility Area"). However, a *Sign* support *Structure* not more than ten (10) inches in diameter may be located within the Corner

Visibility Area if all other requirements of this Section are met and the lowest elevation of the sign surface is at least twelve (12) feet above the ground level.

11.E. IN RESIDENTIAL DISTRICTS, non-illuminated *On-site Signs* are authorized on each *Plot* under the following conditions:

1. One or more *Wall Signs* and/or *Ground Signs*, in the aggregate not exceeding fifteen (15) square feet in area, and no single *Sign* exceeding six (6) square feet in area or a height of six (6) feet when ground mounted, may be placed not in advance of the property line.
2. Properties supporting only a permitted non-residential use may display one additional *Wall Sign* or *Ground Sign*, not exceeding twelve (12) square feet in area and eight (8) feet in height when ground mounted, placed not in advance of the setback line.
3. Flags, in the aggregate not exceeding twenty-four (24) square feet in area, may be displayed, provided that no flag may exceed 25 feet in height.

11.F. IN THE C-N NEIGHBORHOOD BUSINESS DISTRICT, *On-site Signs* are authorized on each *Plot* under the following conditions:

1. The total area of any *Signs* placed on the front wall of a *Building* shall not exceed two (2) square feet in area for each lineal foot of *Building* frontage.
2. The total area of *Signs* placed on the side and rear walls of a *Building* shall not exceed thirty (30) square feet per wall.
3. Where a *Parking Area* is provided on a *Plot*, *Signs* may be erected at the entrances and exits of such *Parking Area*, provided the total area of all such *Signs* shall not exceed twelve (12) square feet and no such *Sign* exceeds eight (8) feet in height.
4. 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.
5. 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.
6. One (1) *Ground Sign* or *Pole Sign* may be erected on a *Plot* in addition to all other signage permitted in this subsection 11.F. Such *Ground Sign* or *Pole Sign* shall not exceed fifty (50) square feet in area, and no side of the sign face may exceed ten (10) feet in length, nor shall such *Sign* exceed twenty-one (21) feet in height.
7. Other than as expressly provided herein, all *Signs* permitted by this Section shall be placed to

the rear of the setback line for the property on which the *Sign* is to be located and no part of any *Sign*, including *Pole Signs*, shall project over sidewalks.

11.G. IN ANY C-L LIMITED BUSINESS DISTRICT, C-G GENERAL COMMERCIAL DISTRICT, AND C-I INTERMEDIATE COMMERCIAL DISTRICT *On-site Signs* are authorized on each *Plot* under the following conditions:

1. On the front walls of *Buildings*, the total area of *Signs* for each *Story* shall not exceed two (2) square feet for each lineal foot of *Building* frontage.
2. The total area of *Signs* placed on the side or rear walls of a *Building* shall not exceed sixty (60) square feet.
3. Where a *Parking Area* is provided on a *Plot*, *Signs* may be erected at the entrances and exits to such *Parking Area*, provided the total area of all such *Signs* shall not exceed twelve (12) square feet and no such *Sign* exceeds eight (8) feet in height.
4. 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*, or on a temporary protective *Fence* on a property in the process of construction, demolition, remodeling or repair.
5. Flags, each not to exceed one-hundred (100) square feet in area and fifty (50) feet in height, and in the aggregate not exceeding three-hundred (300) square feet in area, may be displayed on vertical or mast-arm flagpoles.
6. One (1) *Ground Sign* or *Pole Sign* may be erected on a *Plot* in addition to all other signage permitted in this subsection 11.G. Such *Ground Sign* or *Pole Sign* shall not exceed sixty (60) square feet in area, and no side of the sign face shall exceed ten (10) feet in length, nor shall such *Pole Sign* exceed twenty-one (21) feet in height. In the C-G District on *Lots* of one (1) acre or larger with multiple street frontages within the Architectural Review Design District, one (1) additional *Ground Sign* may be erected provided that all such *Signs* are separated by a distance of not less than ten (10) feet and two *Signs* facing a single street frontage may only be allowed pursuant to the review procedure of Section 5.A.5. (213-12)
7. Other than as expressly provided herein, all *Signs* permitted by this Section shall be placed to the rear of the setback line for the property on which the *Sign* is to be located and no part of any *Sign*, including *Pole Signs*, shall project over sidewalks.
8. Where a property is located in the C-I District (Intermediate Commercial District) or C-G District (General Commercial District) and abuts I-95, the abutting area shall be considered a "Front" yard for purposes of wall mounted signage. The total area of such wall signage on a *Building* façade facing I-95 shall be restricted to one (1) square foot per linear foot of *Building* frontage with a maximum of two (2) *Wall Signs* per such *Building* frontage. Any such *Wall Sign* shall contain only the name or logo of the person or entity which owns the *Building* or the

name or logo of any tenant occupying at least twenty thousand (20,000) square feet of leasable floor area within the *Building*, and shall not be used to promote any product line, service or like advertising. (209-028; 214-30)

9. Where a *Building* fronts on more than one *Street*, one of which is I-95 or a state highway, is on a *Lot* in excess of three (3) acres and is used exclusively for commercial purposes, the Zoning Board may authorize by issuance of a *Special Permit Wall Signs* to be mounted above the established roofline on a parapet façade of uniform height so long as said *Sign* does not extend above the top of the parapet façade. (214-30)

11.H. IN THE CC CENTER CITY DISTRICT *On-site Signs* are authorized on each *Plot* under the following conditions:

1. The total area of *Signs* placed on the front wall of the *Building*, shall not exceed one and one-half (1 ½) square feet per lineal foot of such façade length. Such *Wall Signs* may not project more than twenty-four (24) inches from the face of the *Building*. On any *Building* approved subject to the provisions of Section 2.D. of these Regulations, a “blade” type *Sign* may be provided, and such blade *Sign* may project over sidewalks and any required setback lines, but may not project more than nine (9) feet from the face of the *Building* and not beyond the property line. The bottom of such *Signs* must be no lower than the base of the second floor of the *Building*. No more than one (1) blade *Sign* may be provided on any frontage. For any proposed blade *Sign* with two faces, total *Sign Area* for such *Sign* shall equal the surface area of one sign face, and shall exclude any non-advertising ornamentation attached to such *Sign* provided the ornamentation does not exceed twenty-five percent (25%) of the sign. 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. 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. Lighting such as: spotlights, flood lights, warm fluorescent, neon or incandescent lamp source is suggested. Mercury or sodium vapor lighting is prohibited. No text or illustration shall be permitted on the narrow face of such *Sign*. Blade *Signs* shall be approved by the Zoning Board administratively during or following Site Plan review. (204-01, 218-49)
2. The total area of *Signs* placed on the side or rear walls of a *Building* shall not exceed sixty (60) square feet.
3. Where a *Parking Area* is provided on a *Plot*, *Signs* may be erected at the entrances and exits to such *Parking Area*, provided the total area of all such *Signs* shall not exceed twelve (12) square feet and no such *Sign* exceeds eight (8) feet in height.
4. 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.

5. Flags, each not to exceed two hundred and sixteen (216) square feet in area and sixty (60) feet in height, in the aggregate not exceeding six hundred and fifty (650) square feet in area, may be displayed on vertical or mast-arm flagpoles.
6. One (1) ground or *Pole Sign* may be erected on a *Plot* in addition to all other signage permitted in this section 11.H. Such *Ground Sign* or *Pole Sign* shall not exceed fifty (50) square feet in area, and no side of the *Sign* face may exceed ten (10) feet in length, nor shall such *Sign* exceed twenty-one (21) feet in height.
7. Other than as expressly provided herein, all *Signs* shall be placed to the rear of the setback line for the property on which the *Sign* is to be located and no *Signs*, including *Pole Signs*, shall project over sidewalks.
8. Where property abuts I-95, the abutting area shall be considered a “front” yard for purposes of signage.
9. Where a *Building* fronts on more than one *Street* and is on a *Lot* in excess of two acres, the Zoning Board, by issuance of a *Special Permit*, may authorize the transfer of front wall signage rights to another front, side or rear wall of the *Building*, the wall of an attached garage that fronts on a *Street*, or to a ground mounted *Sign* or *Signs*, upon a finding by the Zoning Board that such transfer (i) will result in a *Sign* or *Signs* appropriate to the architecture of the *Building*, (ii) will promote identification of the *Building*, and (iii) is consistent with the goals and policies of the *Master Plan*. Any signage rights transferred shall remain on the same *Lot* from which they originate. A request to transfer signage rights shall be accompanied by plans, subject to Zoning Board approval, showing the intended location, number, size and design of the intended new signage. Where a portion of the requested signage transfer is unallocated to an approved sign plan, the amount of such unallocated signage transfer shall not exceed two hundred (200) square feet per *Lot*.
 - a. Any such wall signage shall contain only the name or logo of a person or entity having an ownership interest in the *Building* or the name or logo of a tenant or tenants occupying not less than twenty thousand (20,000) square feet of leasable floor area within the *Building*, and shall not be used to promote any product line, service or like advertising. Any such *Wall Signs* shall satisfy the following criteria, as determined by the Zoning Board: (A) except in an instance where the Zoning Board has previously approved signage with internally illuminated lettering or logos on the same *Building*, illumination of signage shall be with back lighting or indirect lighting and no internally illuminated lettering or logos shall be permitted; (B) in addition to a background color, no more than two colors may be used within a *Sign*; and (C) *Signs* shall be compatible in color, height and alignment to other *Signs* on the same frontage of a *Building*. The *Sign Area* calculation for open-type

Signs permitted under paragraph H.1 above shall not apply to any signage rights transferred under this paragraph 9. (215-16)

- b. Such *Ground Signs* shall not exceed one (1) *Sign* per street frontage, subject to the limitation that the *Sign Area* of any individual *Ground Sign* shall not exceed 125 square feet, as defined in Definition 94.1, and no individual sign face shall exceed a width of seven (7) feet. Notwithstanding paragraphs D.1 and H.7 above, such *Signs* may be allowed within a front setback area and/or within Corner Visibility Areas, provided the Zoning Board makes a finding that visibility will not be impaired.
- c. Where a *Special Permit* has approved the transfer of unallocated signage rights, the location, number, size and design of all new wall and *Ground Signs* pursuant to this paragraph 9, shall be subject to administrative review and approval by the Zoning Board. Alterations, replacement and changes in the content of existing *Signs* shall be subject to administrative review and approval by the Zoning Board, consistent with the standards and criteria of this paragraph 9. (206-07B; 209-24)
- d. Where a *Building* fronts on more than one *Street*, one of which is a state highway, is on a *Lot* in excess of three (3) acres and is used exclusively for retail purposes, the Zoning Board may authorize the following *Signs* by issuance of a *Special Permit*:
 - i. On *Building* walls facing public *Streets* or private drives leading to a municipal parking garage, the total area of *Signs* on a *Building* façade facing such *Streets* or drives shall not exceed 2.0 square feet per lineal foot of façade length, for each *Story* at or below 3 *Stories*, and may include so called “blade *Signs*” which do not project more than 5 feet from the *Building* façade and do not extend above the parapet wall.
 - ii. The Zoning Board may authorize any *Sign* to be mounted above the established roofline on a parapet façade so long as said *Sign* is completely contained within the parapet façade. The Zoning Board may authorize such *signs* at such time as the initial approval of the *Building* design or subsequently. (206-51)

11.I. IN A M-L LIGHT INDUSTRIAL DISTRICT OR A M-G GENERAL INDUSTRIAL DISTRICT, *On-site Signs* are authorized on each *Plot* under the following conditions:

1. On the front walls of *Buildings*, the total area of *Signs* shall not exceed an area of one and one-half (1½) square feet for each lineal foot of *Building* frontage.
2. The total area of *Signs* placed on the side or rear walls of a *Building* shall not exceed sixty (60) square feet.
3. Where a *Parking Area* is provided on a *Plot*, *Signs* may be erected at the entrances and exits to such *Parking Area*, provided the total area of all such *Signs* shall not exceed twelve (12) square feet and no such *Sign* shall exceed eight (8) feet in height.
4. 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 placed 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.

5. Flags, each not to exceed one-hundred (100) square feet in area and fifty (50) feet in height, in the aggregate not exceeding three-hundred (300) square feet in area, may be displayed on vertical or mast-arm flagpoles.
6. One (1) *Ground Sign* or *Pole Sign* may be erected on a *Plot* in addition to all other signage permitted in this section 11.I. Such *Ground Sign* or *Pole Sign* shall not exceed fifty (50) square feet in area, and no side of the *Sign* face shall exceed ten (10) feet in length, nor shall such *Sign* exceed twenty-one (21) feet in height. However, in the case of a large scale retail establishment fronting on a State highway, the Zoning Board, by *Special Permit*, may allow a *Ground Sign* or *Pole Sign* of no more than one hundred (100) square feet and no more than twelve (12) feet in length, if the establishment meets the following criteria:
 - a. It must be on a parcel or two or more contiguous parcels under common ownership, with a combined *Lot Area* in excess of 300,000 square feet and with at least one parcel fronting on a state highway, and with the primary entrance and exit driveway for access to said parcel or parcels on said state highway;
 - b. It must be used primarily for retail purposes, supporting at least 100,000 square feet of retail floor area, with shared internal driveways and/or parking;
 - c. Said *Sign* must be the only *Pole Sign* or *Ground Sign* on all of said parcels;
 - d. Said *Sign* shall be located so as to identify the primary access driveway for said parcel or parcels and may only display businesses located on such parcel or parcels. (206-13)
7. Other than as expressly provided herein, all *Signs* shall be placed to the rear of the setback line for the property on which the *Sign* is to be located and no *Signs*, including *Pole Signs*, shall project over sidewalks.

11.J. BUILDINGS IN ADVANCE OF SETBACK LINE

On any *Building* located in advance of the setback line, a *Sign* may be erected on the front wall of the *Building* that otherwise conforms to all other applicable provisions of this Section for the applicable district.

11.K. NON-CONFORMING SIGNS AND USES

A *Sign* that complied with the then-applicable provisions of this Section when it was erected, but that does not comply with this Section as amended, is a non-conforming *Sign*. A non-conforming *Sign* may not be replaced, altered or relocated except to make the *Sign* comply with all of the standards of this Section. A non-conforming *Sign* that is discontinued or abandoned for a continuous period of one (1) year may not thereafter be re-used, repaired or replaced except with

a *Sign* that conforms to the standards of this Section for the district in which the property is located. Minor repairs to and maintenance of non-conforming *Signs* shall be permitted. No existing *Sign* for any non-conforming use may be enlarged or relocated unless such *Sign* conforms with this Section.

11.L. PENTHOUSE SIGNS

A *Sign* placed on and not extending beyond the vertical wall of a decorative architectural screening or a fully enclosed mechanical penthouse *Structure* located on the roof of a *Building* of not less than four (4) *Stories* in a commercial or industrial district is declared to be a class of *Wall Sign*. Except for location, such *Signs* shall conform to all other applicable standards for a *Wall Sign* in the applicable district. (210-21)

11.M. SEVERABILITY

The provisions of these Sign Regulations are declared severable, to the maximum extent permitted by law. If any provision or provisions of these Sign Regulations or the application thereof to any person or circumstance is held invalid or unlawful, it is the intent of the Zoning Board of the City of Stamford that said invalidity shall not affect other provisions of these Regulations, which shall remain in full force and effect as if such portion so declared invalid or unlawful were not originally part of these Regulations, even if the surviving parts of the Regulations result in greater restrictions after any unlawful provisions are stricken. In particular, and without limitation, in the event any portion of these Regulations are declared invalid as applied to noncommercial *Signs*, the Regulations, or any surviving portions thereof, shall remain in full force and effect as applied to commercial *Signs*.

11.N. This Section shall not apply to any *Sign* required by regulation or statute of any federal, state or municipal government or department. (200-32)

SECTION 12. MOBILITY (220-31)

The purpose of this section is to provide optimal support for all modes of transportation and to make sure that all participants in traffic and in particular those with disabilities or special needs have the adequate accommodations to move safely, reliably and conveniently through the public realm.

12.A. PARKING DESIGN AND MANEUVERABILITY STANDARDS

Off-street *Parking Space* and *Loading Space* shall be provided according to the following minimum requirements and in compliance with *ADA* mobility guidelines, and such space shall be served with necessary driveways appurtenant thereto and giving access thereto. Such *Parking Spaces*, *Loading Spaces*, driveways, and circulation roadways shall be designed in accordance with the standards set forth in the following subsections and diagrams, constructed in accordance with City standards and Ordinances (including but not limited to Sec. 214-27.1 of the City of Stamford Code of Ordinances regarding corner vision obstructions) and paved with asphalt, concrete or other surface acceptable to the City Engineer and the Transportation, Traffic and Parking Bureau (TTP). Unless authorized by written approval of the Engineering Bureau and TTP, no support column or other obstruction shall be allowed to encroach into any parking or *Loading Space*. (97-038)

12.A.1. Minimum Dimensions of Parking Stalls

The width of all *Parking Stalls* for all off-street *Parking Spaces* shall be not less than eight and one-half feet (8'6") wide within Parking Categories 1 and 2, as outlined in Map 12.8, and no less than nine (9) feet wide in all other Parking Categories, measured at right angles to the direction of the stall. The Zoning Board may, by approval of a *Special Permit* application, reduce the width of *Parking Spaces* to no less than eight (8) feet for Dwelling Units of exclusively *Deeply Affordable Housing Developments* or *Historic Preservation Developments*,

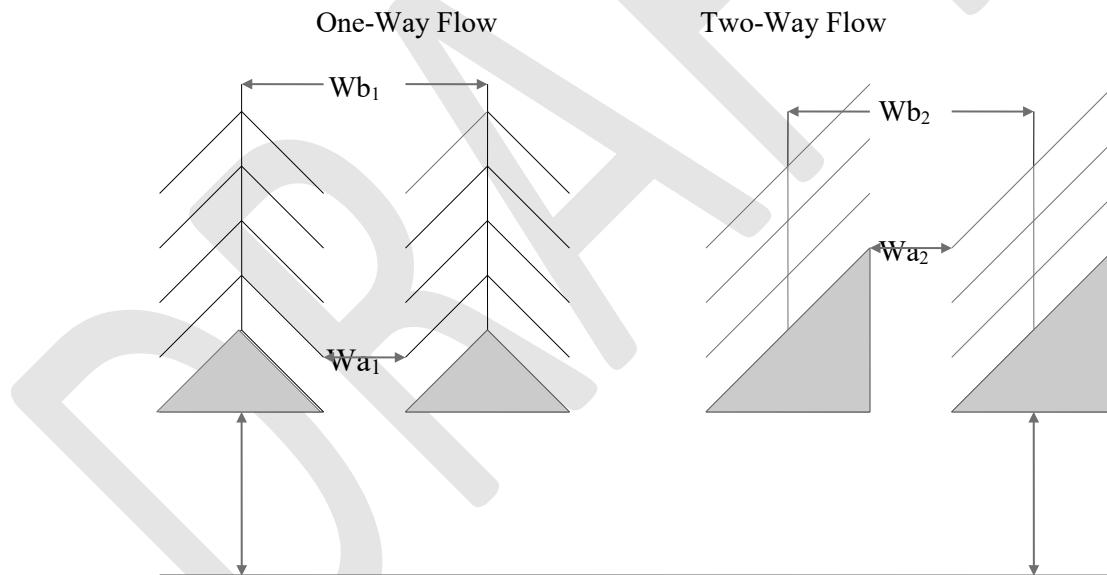
Minimum stall depth, aisle and bay width dimensions, in feet, for all off-street parking layouts in relation to angle of parking, shall be according to Table 12.1. and Figure 12.2.

Table 12.1. Parking Layout Dimensions

		One-Way Flow		Two Way Flow	
		W _{a1}	W _{b1}	W _{a2}	W _{b2}
Angle	D				
0° (parallel)	22' 20' for end stalls	12'	N/A	20'	N/A
45°	19'	14'	50'	20'	58'
55°	20'	13'	54'	20'	60'
60°	20'	16'	56'	20'	60'
75°	20'	19'	59'	20'	60'
90° (perpendicular)	18'	20'	56'	20'	56'

Notes: W_a Drive Aisle width
 W_b Parking Bay width
 d Parking Stall depth

Figure 12.2. Drive Aisles and Bay Width Dimensions for Angled Parking



12.A.2. Width of Access Driveways

When the total amount of parking required by these Regulations is in excess of forty-nine (49) spaces, the access driveways or roadways provided for access to an off-street *Parking Area* shall be not less than twenty-four feet (24') in width between curbs for two-way operation and fifteen feet (15') in width for one-way operation; provided that in no case shall parking be permitted within the required minimum width of any such driveway or roadway. When the required parking is from eleven (11) to and including forty-nine (49) *Parking Spaces*, the two-way width may be reduced to twenty feet (20') and the one-way width to twelve feet (12'). Access to *Parking Areas* serving ten (10) or fewer *Parking Spaces* shall be not less than ten feet (10') in width for either one-way

or two-way operation. Provided, however, that for single and two-family homes the width of the driveway shall not exceed twelve feet (12') except to the extent a wider driveway is required to access multiple garages. Driveways with more than one lane in one direction shall only be permitted upon a favorable recommendation by the Transportation, Traffic and Parking Bureau Chief or their designee. (79-036)

Subject to a *Special Permit* approval of the Zoning Board for a valet-only parking operation, access driveways shall not be less than sixteen feet (16') for two-way access and not less than nine feet (9') for one-way access for passenger cars only based on a favorable recommendation by the Transportation, Traffic and Parking Bureau Chief or their designee. (217-19)

12.A.3. Design of Parking Structures

- a. **Minimum Height of Garage Floors.** The internal control height of any *Parking Structure* shall not be less than seven feet (7').
- b. **Access Ramps.** In the case of an inclined ramp not incorporating helix-type construction leading to multi-story, underground or overhead off-street parking, or to *Loading Spaces*, no such ramp shall be less than: (1) for two-way traffic, twenty-eight feet (28') wide including a two foot (2') wide center divider concrete curb and one foot (1') wide concrete curb on each side ~~for e-~~ or (2) for one-way traffic, fourteen feet (14') wide including a one foot (1') wide concrete curb on each side. For both one-way and two-way garage ramps not utilized for parking, ~~and~~ the minimum width of each lane from curb to curb shall not be less than twelve feet (12'), nor shall the maximum grade of any such ramp be greater than eleven percent (11%); provided, however that the Zoning Board may modify slope and other dimensional requirements by *Special Permit* with a recommendation from the Transportation, Traffic and Parking Bureau. The maximum allowable grade on garage ramps utilized for parking shall be not more than six percent (6%).
- c. **Facades of Parking Structures.** Facades of *Parking Structures* visible from the street or other public right of way shall be subject to architectural review and approval by the Zoning Board.
- d. **Gated Driveways.** Gated driveways for any *Parking Facility* shall require approval by the Transportation, Traffic and Parking Bureau to ensure safe operation, minimal impact on the operation of the adjacent streets and pedestrian right-of-ways and sufficient queuing space.

12.A.4. Location of Access Driveways in Relation to Intersections

Location of intersections of access driveways with a street, and any necessary curb cuts in relation thereto, shall be subject to the approval of the Transportation, Traffic and Parking Bureau. Approval of the location of an access driveway shall not be granted when, in the opinion of the Bureau Chief of Transportation, Traffic and Parking or their designee, such location will constitute a hazard to motorists or impede the orderly and safe flow of traffic and pedestrians. In

their review, the Bureau Chief of Transportation, Traffic and Parking or their designee may consider traffic and pedestrian volumes to be generated by the proposed land use, sight distances, existing traffic control devices, adjacent land use (existing or proposed), and such other factors as may, in their opinion, be relevant to the review of the proposed driveway location. (97-038)

12.A.5. Traffic Studies Required

Where the number of new or additional *Parking Spaces* required by these Regulations is fifty (50) or more, or where the proposed use of the property is the establishment of a fast-food restaurant, the developer shall submit electronic copies of a traffic and access study prepared by a professional engineer, registered in the State of Connecticut, with expertise in traffic engineering, as a part of the application to the Land Use Bureau, for review by the Transportation, Traffic, and Parking Bureau. Paper copies shall be submitted upon request. The Transportation, Traffic and Parking Bureau Chief or their designee may require a traffic study for smaller projects based on use and/or intensity. This study shall project traffic flows to be generated by the facility, site orientation of vehicle trips, and existing and future levels of service on the area roadway network. (79-007)

12.A.6. Curb Cuts

The following requirements shall apply to curb cuts and driveways:

- a. **Curb Cuts to Parking Areas serving ten (10) or fewer Parking Spaces.** Curb Cuts to *Parking Areas* serving ten (10) or fewer *Parking Spaces* shall not exceed fifteen feet (15') in width.
- b. **Curb Cuts to Parking Areas serving more than ten (10) Parking Spaces.** Curb Cuts to *Parking Areas* serving more than ten (10) spaces shall not exceed the permitted width of the driveway by more than eight feet (8').
- c. **Circular Driveways.** In RA-3, RA-2, RA-1, R-20 and R-10 districts, and on lots 10,000 sf or larger in any other district with one single-family home, no more than two curb cuts per parcel shall be permitted, provided they are at least 50 feet apart and used for a circular driveway. For lots smaller than 10,000 sf containing a single-family home, no more than one curb cut and driveway shall be permitted.
- d. **Review of Curb Cuts.** Applications for approval of Site and Architectural Plans and *Special Permits* pursuant to Sections 2.B., 2.C. and 2.D., shall require:
 - (1) that the number and widths of curb cuts is as limited as possible and that the location of curb cuts interferes as little as possible with vehicles, bikes and pedestrians; (210-09)
 - (2) a sight distance analysis to verify that there is adequate length of roadway visible to all drivers; and

- (3) all curb cuts shall be executed in concrete or asphalt, unless approved otherwise by the City of Stamford Engineering Department.

12.B. ADDITIONAL PARKING STANDARDS

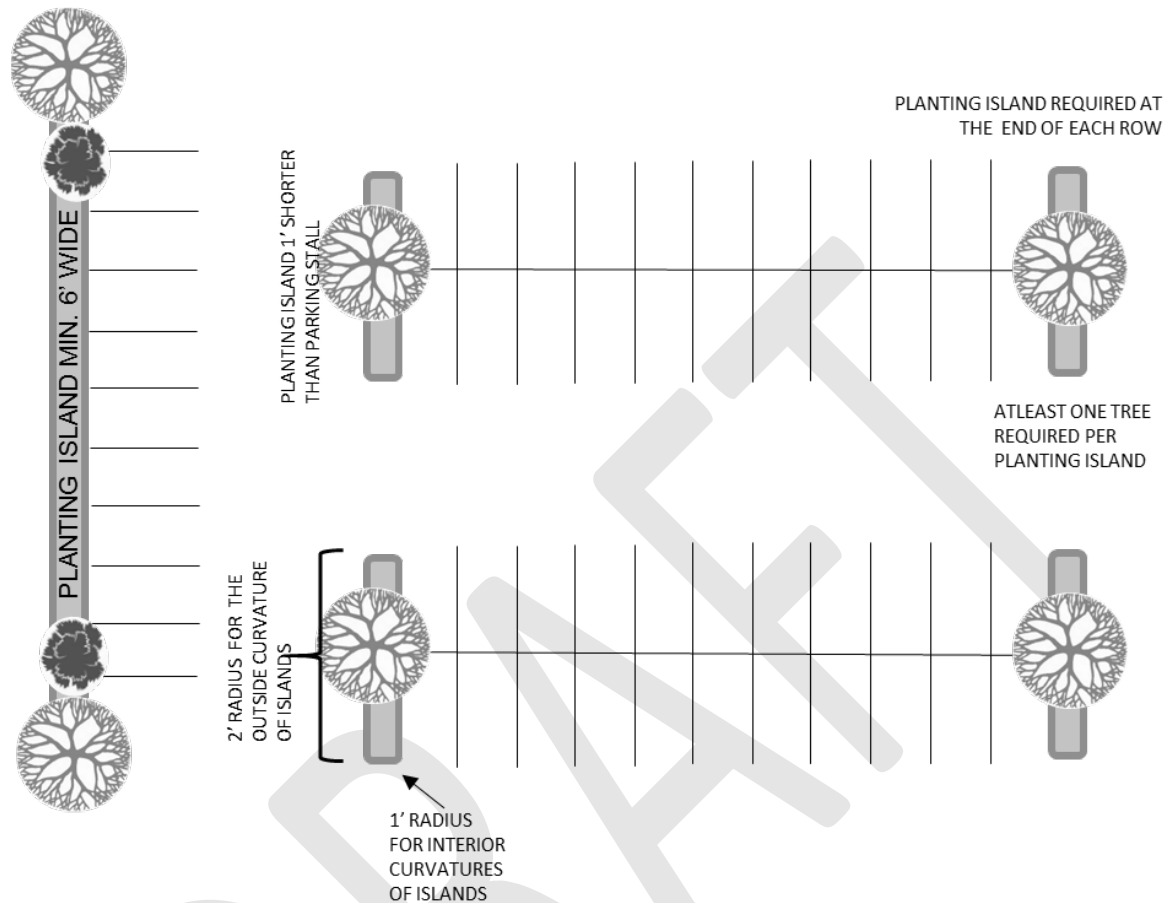
12.B.1. Tandem Parking Permitted in Certain Zoning Districts

The use of tandem parking is permitted only (a) pursuant to Subsection 12.D.1.c below, or (b) on any lot supporting only a one-family or a two-family use within the RA-3, RA-2, RA-1, R-20, R-10, R-7^{1/2}, R-6, RM-1 or R-5 districts. On such lots, only one required *Parking Space* may have its access obstructed by one other *Parking Space* provided for the same *Dwelling Unit*. On such lots, access to parking may be designed for the backing of a vehicle across a sidewalk or into any street provided the street shall not be designated as a Major Arterial within the Stamford *Master Plan*, as amended. (210-09)

12.B.2. Design Standards for New *Parking Lots* with 30 to 49 Parking Spaces

On *Parking Lots* with thirty (30) to forty-nine (49) *Parking Spaces*, there shall be at the end of each row of parking stalls a landscaped island one foot (1') shorter than the depth of the parking row and at least six feet (6') wide. A radius of not more than two feet (2') shall be permitted at the outer corners of such parking islands when facing driving aisles and no more than one foot (1') shall be permitted at any other corner of such parking islands. Planting islands shall be curbed with a six inch (6") high and six inch (6") wide curb. Planting islands shall be designed in a way as to reduce surface stormwater run-off, shall be well maintained, and densely planted containing at least one appropriately sized street tree as outlined in Subsection 12.K.5 See figure 12.3.

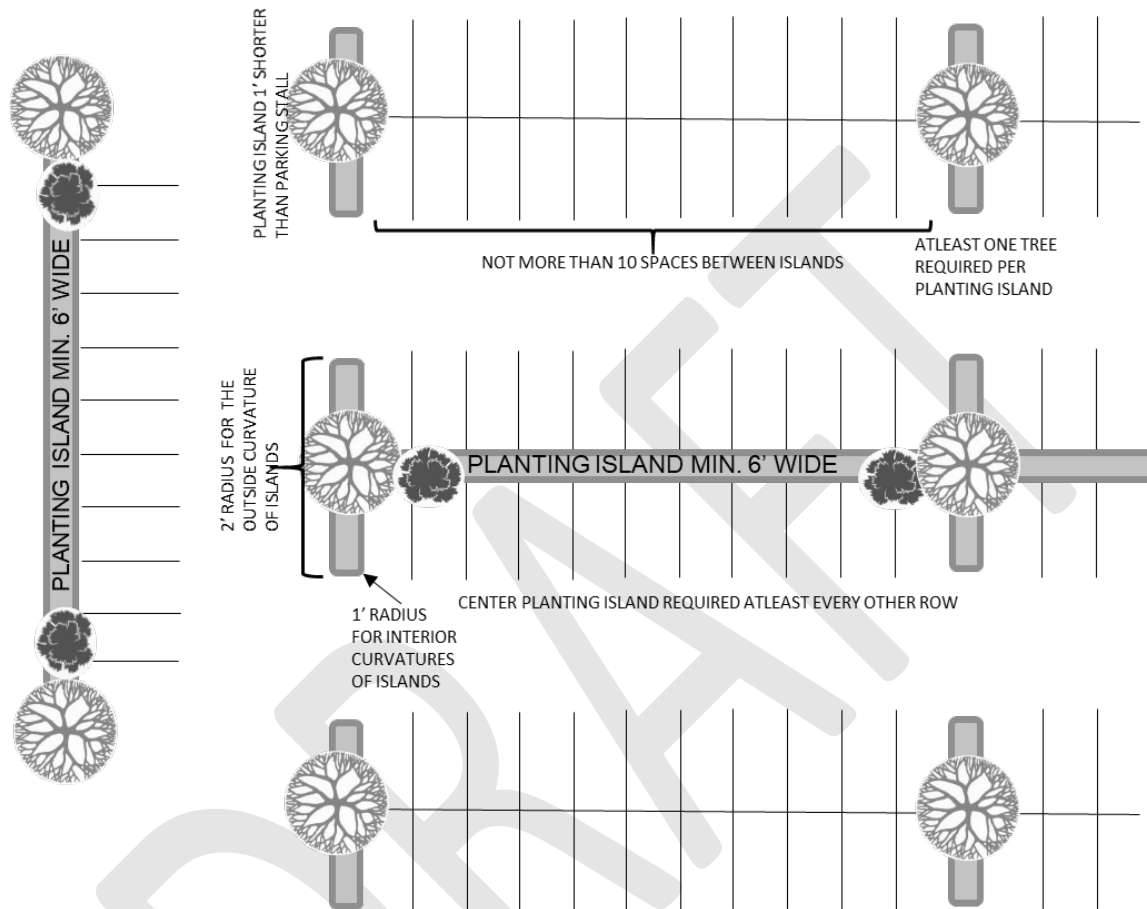
FIGURE 12.3 Illustration of Parking lot Design for 30-49 spaces



12.B.3. Design Standards for New *Parking Lots* with 50 or More Parking Spaces

Parking Lots with fifty (50) or more Parking Spaces, in addition to complying with the Design Standards for *Parking Lots* with thirty (30) to forty-nine (49) *Parking Spaces*, as set forth in Subsection 12.B.2, shall have planting islands at least after every tenth *Parking Space* one foot shorter than the depth of the row of parking stalls and at least six feet (6') wide. At least every other row shall have a planting island at the center. Planting islands shall be curbed with a six inch (6") high and six inch (6") wide curb. Planting islands shall be designed in a way as to reduce surface stormwater run-off, shall be well maintained and densely planted, containing at least one appropriately sized street tree as outlined in Subsection 12.K.5 See figure 12.4. A standard City of Stamford Landscape Maintenance Agreement shall be executed by the Applicant and recorded on the land records.

Figure 12.4. Illustration of Parking Island Design, 50 or more Parking Spaces



12.B.4. Design Standards for Redeveloped and Re-used Parking Lots

Parking lots in existence at the time of the adoption of these standards shall not be required to be in compliance with the standards of Sections 12.B.2. and 12.B.3 unless they are comprehensively redesigned. “Comprehensively redesigned” for the purposes of this Section shall mean structural changes that affect at least 50% of the *Parking Lot* area, as determined by Land Use Bureau staff, including, but not limited to, installation of new curb cuts, curbing, drainage or regrading. A change of use, restriping, repairs or milling and paving shall not be considered a comprehensive redesign.

12.C. PARKING IN YARD SPACE

Yard space, as required by these Regulations, may not be used for off-street parking, driveways,

or *Loading Space*, except as specified below: (99-004)

12.C.1. Location of Parking Areas and Loading Spaces

a. Minimum Distances for Parking Areas and Loading Spaces from Lot Lines and Buildings.

The minimum distance requirements established in Table 12.5. shall apply for Parking Areas and Loading Spaces in relation to Street Lines, Lot Lines and Buildings.

Table 12.5. Minimum Distances of *Parking Areas* from *Lot Lines* and *Buildings* ⁽¹⁾

Zoning District	Minimum Distance of surface <i>Parking Areas</i> and <i>Loading Spaces</i> from any <i>Street Line</i>	Minimum Distance of surface <i>Parking Areas</i> and <i>Loading Spaces</i> from any <i>Interior Lot Line</i>	Minimum Distance of surface <i>Parking Areas</i> from any <i>Building</i> , including <i>Accessory Buildings</i> ⁽²⁾
RA-3, RA-2, RA-1 R-20	The lesser of 50' or the required front <i>Street Line</i> setback	The lesser of 20' or the required <i>Side Yard</i> setback	5'
C-D, IP-D, HT-D	50'	50'	5'
All other Zoning Districts	10'	5'	5'

¹⁾ Reasonable accommodations shall be made for *ADA* accessibility as approved by the Bureau Chief of Transportation, Traffic, and Parking or their designee.

²⁾ This provision shall not apply to *Parking Areas* located partially or fully beneath *Buildings*.

b. Location of Parking Areas and Loading Spaces in Yards. *Parking Areas* and *Loading Spaces* shall only be allowed in Yards pursuant to Table 12.6, and in compliance with the distance requirements from *Lot Lines*, *Street Lines* and *Buildings* as permitted in Subsection 12.C.1.a.

Table 12.6 Location of *Parking Areas* and *Loading Spaces* in Yards

Zoning District	<i>Parking Areas</i> and <i>Loading Space</i> permitted in <i>Front Yard</i> between the <i>Building Lines</i>	<i>Parking Areas</i> and <i>Loading Space</i> permitted in <i>Front Yard</i> outside the <i>Building Lines</i>	<i>Parking Areas</i> and <i>Loading Spaces</i> permitted in <i>Side Yards</i>	<i>Parking Areas</i> and <i>Loading Spaces</i> permitted in <i>Rear Yards</i>
RA-3, RA-2, RA-1, R-20	YES	YES	YES	YES
R-10, R-7 ^{1/2} , R-6, R-5 (lots less than 7,500 square feet only)	NO	NO ¹⁾	NO ¹⁾	YES
C-D, IP-D, HT-D	YES	YES	YES	YES
CC, C-G, NX-D, V-C	YES	NO	YES	YES
All other Zoning Districts	NO	YES	YES	YES

¹⁾ A turn-around area for one (1) vehicle not exceeding 175sf in area may be permitted.

12.C.2. Parking Restrictions in Yard Space

Parking in Yards shall be limited to designated *Parking Areas* as permitted in Subsection 12.C.1; provided, however, that in RA-3, RA-2, RA-1, R-20, R-10, R-7^{1/2}, R-6 and R-5 (on lots less than 7,500 square feet) districts, and on Lots that are used for residential uses containing fewer than four dwellings, parking shall be permitted on driveways, regardless of the district they are located in.

12.D. PARKING REQUIREMENTS

Except as otherwise provided for herein, the following standards for off-street *Parking* shall be required:

12.D.1. General Requirements

- a. All required parking shall be provided off-street, and shall be provided, available and accessible at the time of the Certificate of Occupancy and shall thereafter continue unless provided otherwise in Subsection 12.D.1.d.

- b. In RA-3, RA-2, RA-1, R-20, R-10, R-7^{1/2}, R-6, R-5, R-M1 and R-MF districts, all required parking shall be provided on-site only. In zoning districts within *Master Plan Categories* 11 and 16, all required parking shall be provided on-site or off-site where the entrance to such off-site *Parking Facility* is within 1,000 feet of a Building's main pedestrian entrance. In all other zoning districts, all required parking shall be provided on-site or off-site where the entrance to such off-site *Parking Facility* is within 500 feet of a Building's main pedestrian entrance. All off-site parking shall meet the following conditions to the satisfaction of Zoning Board and the Transportation, Traffic and Parking Bureau:
- (1) that there is a safe pedestrian, *ADA* accessible path between the off-site *Parking Facility* and the Building's main pedestrian entrance; and
 - (2) where such off-site parking is not reserved exclusively for the Applicant, that the Applicant has met the shared parking requirements of Subsection 12.I.
- c. For projects generating a parking requirement of 50 or more Parking Spaces, at least eighty percent (80%) of the required parking shall be provided as self-parking. The remaining required parking may be provided using tandem, valet parking, stackers, car elevators, or other parking management techniques. Provided however, that the Zoning Board, at its sole discretion and by *Special Permit* approval, after submission and approval of a *Parking Management Plan* pursuant to Subsection 2.E. of these Regulations, may permit more than twenty percent (20%) of the required parking to be provided using tandem, valet parking, stackers, car elevators, or other parking management techniques.
- d. For projects generating a parking requirement of 50 or more Parking Spaces, the Zoning Board, at its sole discretion and by *Special Permit* approval, after submission and approval of a *Parking Management Plan* pursuant to Subsection 2.E. of these Regulations, may permit up to ten percent (10%) of all required parking to be provided on an as-needed basis.
- e. Provision of shared vehicles may substitute required *Parking Spaces* at a ratio of four *Parking Spaces* per one shared vehicle, with such reduction of required parking not to exceed ten percent (10%). Such shared vehicles shall be available at all times commencing prior to issuance of a certificate of occupancy.
- f. For Buildings and Developments containing different uses, the parking requirement shall be determined by the gross lot area or *Gross Floor Area* of each use, except for a use of 10% or less of the *Gross Floor Area*, in which case the parking ratio for the principal use shall be applied to the whole lot area or floor area.
- g. By *Special Permit* approval, the Zoning Board may modify the dimensions of *Parking Spaces* and circulation aisles exclusively used for residential uses, as defined in Section 12.A. of these Regulations if the Transportation, Traffic and Parking Bureau finds that such modification would not reduce circulation or affect maneuverability of parking operations.
- h. Parking for a specific use shall only be permitted in a district where such use is permitted.

Where a use is permitted by *Special Permit* only, all parking shall be provided on-site where such use is located unless otherwise specified in the *Special Permit* and is located in a zoning district where off-site parking is permitted.

- i. In case of a conflict between the parking requirements in individual districts and the regulations in this Section 12, the regulations of Section 12 shall prevail.

12.D.2. Residential Parking Requirement, except Senior and Supportive Housing

The off-street parking requirements in Table 12.7. shall apply for residential uses for different parking category areas as delineated on Map 12.8. For mixed income developments the parking requirement shall be applied pro-rata, based on the number and type of units in the respective income band.

Table 12.7. Residential Parking Requirements by Parking Category

	Category 1*			Category 2			Category 3		
	Market	BMR	Deeply Aff.	Market	BMR	Deeply Aff.	Market	BMR	Deeply Aff.
Single family house	2	2	1	2	2	1	3	2	1
Two-family house, per unit	2	2	0.5	2	2	0.5	2	2	1
Three-family house, per unit	2	2	0.33	2	2	0.33	2	2	1
Multi-Family Development (4 units or larger), with Group Parking Facilities**									
Studio Apt.	0.75	0.5	0.33	1	0.75	0.33	1	0.75	0.5
1 BR -Apt.	1	0.75	0.33	1.5	1	0.33	1.5	1.25	0.5
2 BR -Apt	1.25	1	0.33	1.75	1	0.33	1.75	1.5	0.75
3+ BR Apt.	1.5	1.25	0.33	2	1.25	0.33	2	1.5	1

*For Zoning Lots with 10,000 sf in area or less, the Zoning Board may, by *Special Permit*, reduce or waive the parking requirement, subject to the mobility contribution under Section 12.H. of these Regulations, if it finds that:

- (i) such lot is located fully or partially within a one thousand foot (1,000') radius of a municipal parking garage, as measured between the entrance of the property and the nearest entrance of said parking garage;
- (ii) such lot contains a Mixed-Use Development; and
- (iii) reduction or waiving of such requirements would not negatively interfere with traffic, on-street or off-street parking on or in the vicinity of such lot.

** For multifamily developments with four (4) or more units, where designated parking is separately provided for each unit, such as in townhouses, then (i) the single-family house requirement shall apply per unit; and (ii) one (1)

additional guest parking spot is required for every four (4) units. Space in front of the *Parking Spaces* for each unit (i.e., tandem spaces) may count as guest parking if parked vehicles allow for circulation.

Map 12.8. Delineation of Parking Categories for Residential Parking



Map 12.8 - Parking Categories

0 0.15 0.3 0.6 Miles

Date: 1/8/2021



12.D.3. Parking Requirement for Senior and Supportive Housing

For supportive and senior housing, including age-restricted housing for the Elderly, Senior Housing and Nursing Home Facility Complex, parking shall be provided pursuant to Table 12.9 and shall include staff parking.

Table 12.9 Parking Requirements for Senior and Supportive Housing

Assisted Living Facility	0.5 spaces per unit
Memory Care	0.5 spaces per bed
Independent Living and all other housing for the Elderly	1 space per unit
Nursing Homes	0.33 spaces per bed
Supportive Housing	0.33 spaces per unit + 2 spaces per 1,000 sf for space used for supportive services
Government, subsidized or deed-restricted Affordable Housing (50% of AMI or less) for the Elderly	0.33 spaces per unit

12.D.4. Religious Institution, Club, Recreational Building or Ice-Skating Rink

One (1) *Parking Space* for each four (4) seats shall be provided for each Religious Institution, Club, Recreational Building or Ice-Skating Rink (outdoors). One (1) *Parking Space* for each four (4) seats or for every 500 square feet of *Gross Floor Area* shall be provided for any enclosed ice-skating rink, whichever is greater. In Parking Category 1 as shown on Map 12.8, the requirements of this Paragraph 4 shall not apply to: (a) clubs and lodges situated within a 1,000 foot radius of a municipal parking garage as measured between the entrance of the Building and the nearest entrance of said parking garage; (b) religious institutions and their Accessory Uses (i.e., offices, school, etc.) provided, the Building has a *Floor Area Ratio* of one (1.0) or less; and (c) outdoor ice-skating rinks. (93-018; 94-002; 202-10)

12.D.5. Schools and other Institutions of Learning

In Schools and Institutions of Learning, one (1) *Parking Space* shall be provided for each staff member, one (1) *Parking Space* shall be provided for each three (3) students in the 11th grade or over, and one (1) *Parking Space* shall be provided for each three (3) seats in any Auditorium or Stadium. Any Auditorium or Stadium designed to be used during non-school hours may include student and staff *Parking Spaces* as part of the required total. *Parking Areas* and driveways shall be screened with planting and/or *Fences* so as to provide adjacent properties with reasonable protection from automobile noises and lights. No *Parking Area* or driveway serving an Auditorium or Stadium shall be closer than ten feet (10') to any residentially zoned property. (216-21)

12.D.6. Offices, Professional and Studios

One (1) *Parking Space* shall be provided for each five hundred (500) square feet or portion thereof of *Gross Floor Area* which is used for Professional Offices or Studios where such floor space is clearly accessory to the principal use of the Building. (80-008)

12.D.7. Health Care Facilities

- a. **Hospitals.** One (1) *Parking Space* shall be provided for every bed plus one (1) *Parking Space* shall be provided for every two (2) staff members. One (1) *Parking Space* shall be provided for every two (2) beds, plus one (1) *Parking Space* shall be provided per staff member in Convalescent Hospitals, Rest Homes or comparable institutions.
- b. **Clinics.** Clinics shall provide three (3) *Parking Spaces* for each one thousand feet (1,000') of *Gross Floor Area*. (89-015, 215-37)
- c. **Surgery Center, Out-Patient.** Nine (9) *Parking Spaces* shall be provided for each operating room or treatment room contained within such facility, provided that in no case shall less than three (3) spaces per 1,000 square feet of *Gross Floor Area* be provided. (88-034)

12.D.8. Theater, Auditorium or Stadium

One (1) *Parking Space* shall be provided for each three (3) seats or similar accommodations in any Theater, Auditorium or Stadium. The requirements of this Subsection 12.D.8 shall not apply to seating in a non-profit theater or to a restaurant operated in the same Building as that theater, or to a for profit theater with a capacity of 50 or fewer seats the front entrance of which is within 1,000 feet of the principal entrance to a municipal parking garage, provided such theater Building is located in the CC district. (84-005)

12.D.9. Restaurants (Standard), Taverns, Night Clubs, etc.

One (1) *Parking Space* shall be provided for each three (3) seats or one (1) *Parking Space* shall be provided for every one-hundred (100) square feet of *Gross Floor Area*, whichever is greater, for any Restaurant (Standard), Night Club, Tavern, Grill, Bar, Dance Hall or Roller Skating Rink.

The parking requirements of this Section 12.D.9 for shall not apply to property situated north of I-95 and within Parking Category 1 as shown on Map 12.8, which property is within a one thousand feet (1,000') radius of a municipal parking garage, as measured between the entrance of the building and the nearest entrance of said parking garage.

12.D.10. Restaurants, Carry-Out, Drive-Thru and Fast-Food

a. **Restaurants, Carry-Out:** One (1) *Parking Space* shall be provided for every fifty (50) square feet of *Gross Floor Area* of Restaurant, Carry-Out establishments, with a minimum of ten (10) *Parking Spaces* to be provided.

The parking requirements of this Section 12.D.10 for Restaurants, Carry-Out, shall not apply to property situated north of I-95 and within Parking Category 1 as shown on Map 12.8, which property is within a one thousand feet (1,000') radius of a municipal parking garage, as measured between the entrance of the building and the nearest entrance of said parking garage.

b. **Restaurants, Fast-Food and Drive-Thru:** One (1) *Parking Space* shall be provided for every fifty (50) square feet of *Gross Floor Area* of Restaurant, Drive-Thru. A minimum of one (1) *Parking Space* per three (3) persons of the legal occupancy load of the premises or one (1) *Parking Space* for every fifty (50) square feet, whichever is greater, shall be provided for any Restaurant, Fast-Food establishments.

(77-018; 80-004; 88-033; 91-010)

12.D.11. Indoor Amusements

One (1) *Parking Space* shall be provided for every three hundred (300) square feet of *Gross Floor Area* of a Radio-Controlled Miniature Car Facility or a Family Recreation Center (Amusements, Indoor).

12.D.12. Hotels and Motels with fewer than 100 Guest Rooms

One (1) *Parking Space* shall be provided for each guest room or suite of guest rooms in a Hotel or Boarding House with fewer than 100 guest rooms, and one (1) *Parking* shall be provided for each room designed for sleeping purposes in an Automobile Court or Motel with fewer than 100 guest rooms. This subsection shall not apply to an Apartment Hotel for the Elderly when 24-hour limousine service is provided as part of the congregate living. (71-012; 72-023)

12.D.13. Hotels and Motels with 100 or more Guest Rooms and Additional Facilities

One and a half ($1\frac{1}{2}$) *Parking Spaces* shall be provided for each guest room in a Hotel or Motel having one hundred (100) or more sleeping rooms-with no additional *Parking Spaces* required for subordinate and incidental Accessory Uses such as dining room, cocktail lounge, bar, meeting rooms and swimming pools. Subject to the issuance of a *Special Permit*, the Zoning Board may approve a reduction of parking to not less than one half ($\frac{1}{2}$) spaces per guest room or suite for Hotels in the CC Zone within five hundred (500) feet of a public garage where 24-hour shuttle services are provided, the terms of which are determined by the Zoning Board, and hotel conferencing and/or banquet facilities do not exceed 0.10 FAR, and where it can be demonstrated

to the Zoning Board's satisfaction that the type of hotel uses warrant such a reduction. Use of valet, tandem, vehicle elevators, stacked vehicles, or other similar on-site parking management strategies may be allowed by *Special Permit*. (72-023; 203-06; 208-27)

12.D.14. Retail Stores and Offices

a. **Retail Stores:** Four (4) *Parking Spaces* shall be provided for each one thousand (1,000) square feet of *Gross Floor Area* of any Retail Store, ; provided, however, that this requirement shall not apply to property situated north of I-95 and within Parking Category 1 as shown on Map 12.8, which property is within a one thousand foot (1,000') radius of a municipal parking garage, as measured between the entrance of the building and the nearest entrance of said parking garage. (70-024)

b. **Offices:** Three (3) *Parking Spaces* shall be provided for each one thousand (1,000) square feet of *Gross Floor Area* of any Office Building; provided, however, that for offices within a one-thousand-foot (1,500') radius measured from the entrance of the building to the nearest entrance of the Stamford Transportation Center, the parking requirement shall be two and one-half (2^{1/2}) *Parking Spaces* for every one thousand (1,000) square feet of *Gross Floor Area* used for office purposes. (90-028; 95-001; 97-002)

12.D.15. Wholesale and Industrial Uses

One (1) *Parking Space* shall be provided for each three (3) employees in any Wholesale House or Industrial Plant.

12.D.16. Passenger Transportation Terminals

Adequate *Parking Spaces* shall be provided for Passenger Transportation Terminals to facilitate passenger arrivals and departures, and further, one (1) *Parking Space* shall be provided for each three (3) employees employed on the premises.

12.D.17. Marinas

At any Marina, one and one-half (1^{1/2}) *Parking Spaces* shall be provided for each mooring, slip or other unit accommodating a boat, vessel, or other watercraft in the water. (78-017)

12.D.18. Home Occupation

Two (2) *Parking Spaces* shall be provided for each Home Occupation in addition to any residential requirements.

12.D.19. Resident Professional Uses

Four (4) *Parking Spaces* shall be provided for the office of each Resident Professional Person in addition to any residential requirements.

12.D.20. YMCAs, YWCAs, Civic Centers

YMCAs, YWCAs, Civic Centers and other similar uses and activities carrying on the major portion of their business for the civic benefit of the community in a CC District shall be required to provide one (1) *Parking Space* for each five hundred (500) square feet of *Gross Floor Area* and one (1) *Parking Space* for every three (3) guest rooms in any adjacent residence units annexed to or a part of said facility.

The requirements of this Subsection 12.D.20 shall not apply to property situated in the CC District where the primary entrance of the *Building* is within 500 feet of the entrance to a municipal parking garage; but in such event one (1) *Parking Space* shall be provided on-site for each employee of said facility and one (1) *Parking Space* shall be provided on-site for every three (3) guest room units annexed to or a part thereof. (71-003)

12.D.21. Fire Station, Volunteer

Fire Station, Volunteer shall provide a minimum of one (1) *Parking Space* for every full-time paid employee on the regular day shift, and one (1) *Parking Space* for every three (3) bunks, plus two (2) visitor spaces. A minimum of one (1) *Parking Space* shall be provided for every emergency vehicle.

12.D.22. Warehouses

Warehouses shall have one (1) *Parking Space* for every 2,000 square feet of *Gross Floor Area*. (214-10, 216-16)

12.D.23. Self-Storage Facilities

Self-Storage Facilities shall have one (1) *Parking Space* for every 5,000 square feet of *Gross Floor Area* which may be provided at a point not more than 500 feet distant in a direct line from the nearest part of the *Building* served, provided that directly accessible ground level units shall have (1) space on-site for every 2,000 square feet of such accessible *Gross Floor Area*. (216-16)

12.D.24. Child Day Care Center

One and one-quarter (1^{1/4}) spaces for each employee on the maximum shift. shall be provided for each Child Day Care Center. Driveways and areas for vehicle turn-arounds shall provide for safe operations and a paved unobstructed drop-off space shall be provided with adequate stacking area, as determined by the Transportation, Traffic and Parking Bureau and Land Use Bureau Staff. (93-013)

12.D.25. Dormitories

Parking for Dormitories shall satisfy the residential parking standards, including parking reduction options, of the zoning district in which they are located. For parking purposes, a dormitory room with six (6) beds shall be considered a three (3) bedroom unit, a dormitory room with four (4) beds shall be considered a two (2) bedroom unit, a dormitory room with two (2) beds shall be considered a one (1) bedroom unit, and a dormitory room with one (1) bed shall be considered a studio unit. Required parking shall be located within 500 feet of the main pedestrian entrance of the building served or alternately may be located on the campus of the educational institution.

12.D.26. Shooting Range Facility (220-32)

One space per shooting lane and such number of spaces as determined by the Zoning Board for employees in addition to other parking calculations for ancillary uses such as retail, manufacturing, classroom and educational instruction, manufacturing, snack bar. All parking shall be on-site with the exception of employee parking which may be off-site. The applicant will provide to Zoning Board staff for review and approval, an agreement covering such off-site parking and shall maintain such off-site parking during the life of the use.

12.E. OFF-STREET LOADING SPACE

Permanently established off-street *Loading Space* shall be provided on the premises in accordance with the following requirements for each of the following uses or any combination thereof. Such off-street *Loading Spaces* shall be located and designed so that vehicles are completely contained within site boundaries while loading and unloading. Whenever possible, all vehicle maneuvering necessary to utilize said spaces shall take place within site boundaries and shall not require stopping or backing to, from, or on any public thoroughfare. (79-007)

The first required off-street space available for the loading or unloading of goods shall be not less than fifteen (15') feet wide, twenty-five feet (25') long, and fourteen feet (14') high, and shall have direct usable access to a Street or Alley. Where one such *Loading Space* has been provided, any additional *Loading Space* lying alongside, contiguous to, and not separated from such first *Loading Space* need not be wider than twelve feet (12').

Off-street *Loading Spaces* may be used for parking during those hours when such spaces are not used for loading, upon approval of such shared use by the Transportation Traffic and Parking Bureau.

12.E.1. Hospitals and Health-Related Facilities:

From 10,000 to 300,000 square feet of *Gross Floor Area*: one (1) *Loading Space*. For each additional 300,000 square feet of *Gross Floor Area* or major fraction thereof: one (1) additional *Loading Space*.

12.E.2. Hotels and Office Buildings:

From 25,000 to 100,000 square feet of *Gross Floor Area*: one (1) *Loading Space*. From 100,000 to 300,000 square feet of *Gross Floor Area*: two (2) *Loading Spaces*.

For each additional 300,000 square feet of *Gross Floor Area* or major fraction thereof: one (1) additional *Loading Space*.

12.E.3. Retail Stores and Service Establishments:

From 10,000 to 40,000 square feet of *Gross Floor Area* per *Building*: one (1) shared *Loading Space*. More than 40,000 to 100,000 square feet of *Gross Floor Area* per *Building*: two (2) shared *Loading Spaces*.

For each additional 150,000 square feet of *Gross Floor Area* or major fraction thereof: one (1) additional *Loading Space*.

12.E.4. Wholesale, Manufacturing and Storage:

From 8,000 to 40,000 square feet of *Gross Floor Area*: one (1) shared *Loading Space*. More than 40,000 to 80,000 square feet of *Gross Floor Area*: two (2) *Loading Spaces*.

For each additional 80,000 square feet of *Gross Floor Area* or major fraction thereof: one (1) additional *Loading Space*.

12.E.5. Self-Storage Facility:

Less than or equal to 100,000 square feet of *Gross Floor Area*: one (1) *Loading Space*. More than 100,000 square feet of *Gross Floor Area*: two (2) *Loading Spaces*. (217-12)

12.F. ENLARGEMENTS OF LEGALLY NON-CONFORMING RESIDENTIAL BUILDINGS

Unless otherwise provided in these Regulations, no legally non-conforming residential dwelling may be changed or altered to provide for more *Dwelling Units* than existed at the time it became legally non-conforming, unless one (1) off-street *Parking Space* is provided for each additional *Dwelling Unit* included in the changed or altered Building.

12.G. EXCEPTIONS FOR URBAN RENEWAL PROJECTS

12.G.1. No Off-Street Parking Required for Certain Parcels

Notwithstanding anything set forth in these Regulations, there shall be no off-street parking requirements for improvements constructed or to be constructed on the Reuse Parcels as shown in the Urban Renewal Plan for the Southeast Quadrant Renewal area, Project Conn. R-43 as amended through July 19, 1973 and approved by the Board of Representatives on September 10, 1973, except as follows:

- a. Residential use: one (1) *Parking Space* for every *Dwelling Unit* of two (2) bedrooms or less and one and one-quarter (1.25) spaces for each *Dwelling Unit* of three (3) bedrooms or more. (211-36)
- b. Office use (except Reuse Parcels 34 and 35): one (1) *Parking Space* for every 1,000 square feet of *Gross Floor Area* used for office purposes in any Building not classified as a retail.
- c. Reuse Parcels 34 and 35 (except for a hotel): two (2) *Parking Spaces* for every 1,000 square feet of *Gross Floor Area* in any Building excluding such portion thereof as is devoted to parking use.
- d. Hotel: the same off-street parking requirements as provided for hotels elsewhere in these Regulations.

This provision will no longer be in effect once such Urban Renewal Plan expires.

12.G.2. Parking Requirements in the CC District

In the CC Center City District, pedestrian and vehicular access to required off-street *Parking Spaces* and *Loading Spaces* may be accomplished by one or more easements over the land of others, provided that:

- a. each such easement shall be appurtenant to and run to the benefit of the land on which such *Parking Spaces* and *Loading Spaces* are situated;
- b. each such easement shall not terminate so long as any of the *Parking Spaces* and *Loading Spaces* exist; and
- c. any such easement is recorded in the Stamford Land Records. Driveways constructed in such

easement areas shall conform to the requirements of this Section 12. (74-007; 80-043)

12.H. PARKING REDUCTIONS

12.H.1. General Requirements

- a. The Zoning Board may consider and approve by *Special Permit* reductions in the required number of *Parking Spaces* for projects within Parking Category 1, as shown on Map 12.8, based on a contribution to a City Mobility Improvements fund or to the City for mobility improvements. This contribution requirement shall apply to any reduction of required parking under these Regulations; provided, however, that this contribution requirement shall not apply to a parking reduction under Subsection 8.C.3. – Historic Preservation.
- b. The parking reductions shall not exceed the following thresholds:
 - (1) For Non-Residential uses, the parking shall not be reduced by more than 30% of the full parking requirement as established in Section 12.D. above;
 - (2) For Residential Multi-Family Buildings, the parking shall not be reduced by more than 25% of the full parking requirements established in Subsection 12.D.2 above; and
 - (3) For Hotels where hotel conferencing and banquet facilities do not exceed 0.10 FAR, the parking requirement shall not be reduced to less than 0.5 spaces per guest room.
- c. All Developments eligible for parking reductions shall be located within 1,000 feet, as measured from the entrance of the building to the entrance of the Parking Facility, of a municipal *Parking Facility*, or a *Parking Facility* that is available for overnight parking to the general public.
- d. Contributions to mobility improvements as part of a *Special Permit* approval for parking reductions pursuant to this subsection 12.H. do not release an Applicant from any other mitigation measures related to traffic and transportation impacts required by the City of Stamford Transportation, Traffic and Parking Bureau and approved by the Zoning Board.
- e. The number of *Parking Spaces* approved shall be provided, available and accessible at the time of issuance of the Certificate of Occupancy and shall continue at all times thereafter.
- e. The criteria used by the Zoning Board in determining the number of *Parking Spaces* to be provided shall include, to the extent applicable, the standards found in Section 2.C. of these Regulations; the convenience and availability of public transportation to and from the site; and the recommendations of the Bureau Chief of Transportation, Traffic and Parking or their designee. -Any parking reductions are contingent on Applicant's implementation of the *TDMP* and *PMP* prior to issuance of a Certificate of Occupancy.
- f. The Zoning Board shall find, in accordance with CGS Section 8-2c, that the provision of all required parking:

- (1) would result in an excess of parking spaces for such use of land or in the area surrounding such use of land; or
- (2) could not be physically located on the parcel of land for which such use is proposed (requires a $\frac{2}{3}$ vote by the Zoning Board).

12.H.2. Application

An application for *Special Permit* for grant of reductions in *Parking Spaces* shall include all of the following:

- a. A *Transportation Demand Management Plan (TDMP)* pursuant to Section 2.F. of these Regulations, subject to approval by the Zoning Board; and
- b. A filing fee in an amount equal to \$10.00 for each *Parking Space* for which a reduction is requested and indexed to the Consumer Price Index as established by the U.S. Bureau of Labor Statistics for the North East Region with the year 2020 as a base, based on the full requirement.

12.H.3. Contribution to Mobility Improvements.

The contribution to the improvement of mobility required under this Subsection 12.H. shall be satisfied by a cash payment to a City fund account dedicated to transportation capital improvements. Such cash payment shall be equal in value to \$7,500 for each *Parking Space* not provided, subject to adjustment for inflation. The \$7,500 unit value shall be adjusted for inflation on January 1 and July 1 of each calendar year based on the following formula:

$$\text{UNIT VALUE} = \$7,500 \times (\text{ENR COST INDEX}) / 4,219.62$$

As used above, ENR refers to the Construction Cost Index as published in Engineering News Record, with the figure 4,219.62 representing the ENR Index of July 1985.

The Zoning Board shall have the authority to establish a timetable and to impose necessary conditions to insure payment of the contribution, including a surety bond. In determining an appropriate timetable and conditions for payment of a fee contribution, the Zoning Board may give consideration to:

- a. The magnitude of the requested parking reduction;
- b. The location of the project;
- c. The adequacy of existing public transportation facilities servicing the site;
- d. The scope of the proposed *TMP*; and

- e. Concomitant mobility improvements or amenities to be supported or performed as part of the project. The payment of a contribution by the Applicant under this Subsection 12.H. shall be a credit against any amounts which Applicant expends for such concomitant improvements or amenities at the request of the Transportation, Traffic and Parking Bureau with respect to Zoning Board approval of an application.
- f. Any payment timetable shall require an initial minimum payment prior to the issuance of a temporary or final Certificate of Occupancy in an amount equal to 33% of the total contribution, and with the balance paid over five (5) years from the date of the initial Certificate of Occupancy, as such schedule is approved by the Zoning Board. The Applicant's financial obligation under the terms of this Section shall be determined based on the unit value, as adjusted for inflation, in effect at the time that each partial payment is performed.

12.H.4. Continuing Obligation

Applicant shall indicate their consent to making a contribution for the reduction of *Parking Spaces* by filing with the Zoning Board a signed statement in which they agree to pay such amount and on the schedule as approved by the Zoning Board. The Applicant shall further covenant with the City to insure continued compliance with the approved *TMP*. The covenant shall be for a term of 20 years and provide for annual certification of compliance to the Zoning Board by the Zoning Enforcement Officer and on-site inspection by the Transportation, Traffic and Parking Bureau for verification. This document shall be recorded in the land records and shall run with the land.

12.I. SHARED PARKING

The shared use of parking may be permitted by administrative approval of the Zoning Board, where a finding is made by the Zoning Board that individual uses such as residential, office, and retail, experience peak parking demand at different times. In such case, the Zoning Board may authorize a reduction in parking to be provided by and solely for the use by Applicant, by recognizing the opportunity to share common *Parking Spaces*, including off-street public *Parking Facilities*. If approved by the Zoning Board, Applicant's parking obligation shall not change, but part of such obligation may be satisfied by shared parking. Shared parking may be considered for multiple uses on individual parcels, between two or more parcels, or for commuter parking in existing or proposed surface lots or structured *Parking Facilities*. Such shared parking is subject to:

- a. submission and approval by TTP of a shared parking analysis which accounts for how parking demand is expected to vary by time of day/day of week for each applicable use and the overall cumulative effect on peak parking demand between uses, parcels, commuter parking facilities, etc.;
- b. Zoning Board and Transportation, Traffic, and Parking Bureau approval;
- c. their approval of a suitable *Parking Management Plan*; and

- d. the execution of a legal agreement, recorded on the land records, approved in form and substance by the City Law Department and the Zoning Board, granting the Applicant the right to use a specified number of shared spaces and assuring the continued availability of the shared *Parking Spaces* on the affected properties for the life of the proposed development or use.

The Applicant shall also be required to submit semi-annual reports to the Land Use Bureau and Transportation, Traffic, and Parking Bureau on the actual usage of the shared *Parking Facility* for the first two years and annually thereafter. The reduction of required on-site parking through the use of shared parking shall be effective only upon satisfaction of items (a), (b), (c) and (d) in this Subsection I. All required on-site and shared parking shall be provided and be available and accessible prior to issuance of a Certificate of Occupancy and thereafter for the life of the proposed development or use.

12.J. BICYCLE PARKING (220-31)

Use of *Bicycles* for transportation relieves traffic congestion, improves air quality and has health benefits. In order to make *Bicycles* a viable option for mobility in Stamford, sufficient infrastructure is required. This Subsection 12.J. establishes requirements for *Bicycle Parking* for building occupants and visitors.

12.J.1. Applicability

Bicycle Parking is required for:

- a. All new residential developments with 10 or more *Dwelling Units*.
- b. All new non-residential development of 5,000 square feet of *Gross Floor Area* or larger.
- c. All changes of use that would generate 10 or more *Dwelling Units* or 5,000 square feet of *Gross Floor Area* or more of a different use.
- d. All additions for non-residential uses which would bring the total *Gross Floor Area* square footage to 5,000 square feet or more.
- e. All additions to residential uses that would bring the total number of *Dwelling Units* to 10 or more, or additions of three (3) or more *Dwelling Units* to developments having 10 or more *Dwelling Units*.
- f. All substantial renovations of either non-residential *Gross Floor Area* of 5,000 square feet or residential uses having 10 or more *Dwelling Units*.

12.J.2. Standards

- a. **General Standards.** Each required *Bicycle Parking* space shall meet the following standards:
- (1) A physical space that allows for the secure storage and easy maneuverability of a six feet (6') long *Bicycle*;
 - (2) All *Bicycle* storage racks and systems must be approved by City of Stamford Transportation, Traffic and Parking Bureau staff;
 - (3) Entrances to *Bicycle Parking* such as gates or doors shall be at least three feet (3') wide;
 - (4) The rack shall be a securely and permanently anchored structure that supports the *Bicycle* frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device;
 - (5) *Bicycle Parking* shall be located as closely as possible to the main entrance of the building and with easy accessibility to the building;
 - (6) All *Bicycle Parking* shall be free, with no fees or charges;
 - (7) All *Bicycle Parking* shall be at-grade or include ramp or elevator access without steps, and with no curbs or thresholds exceeding six inches (6") in height;
 - (8) All *Bicycle Parking* shall be located in a well-lit, safe area within viewing distance from a public street or by building staff and/or monitored by electronic surveillance systems;
 - (9) All *Bicycle Parking* must be available at the same hours as vehicular parking; and
 - (10) A *Bicycle Parking* Maintenance Agreement with the City shall be filed on the Land Records for the maintenance of said *Bicycle Parking*.
- b. **Class A *Bicycle Parking* Standards.** Class A *Bicycle Parking* is intended to accommodate those who expect to leave their *Bicycle* parked for more than two (2) hours and come to a destination regularly, such as residents, employees or staff. In addition to the General Standards outlined above, all Class A *Bicycle Parking* shall be provided in a fully enclosed, permanent storage space with controlled access in a secure location, sheltered from precipitation, such as:
- (1) A *Bicycle* locker;
 - (2) A lockable *Bicycle* enclosure; or
 - (3) A lockable room within a building or garage.
- In the event the number of required Class A bicycle parking spaces is ~~three~~ nine (9) or less, the Applicant may substitute Class B *Bicycle Parking*. (222-01)
- c. **Class B *Bicycle Parking* Standards.** Class B *Bicycle Parking* is mainly intended to accommodate use of less than two (2) hours, such as visitors and customers. In addition to the General Standards outlined above, all Class B *Bicycle Parking* shall be in front or at the side

of the building in close proximity of the building's main pedestrian entrance and shall be covered. If *Bicycle Parking* is located on or adjacent to a sidewalk or pedestrian walkway, a clear path of at least five feet (5') in width must be provided for pedestrians. Any covering must comply with standards elsewhere in these Regulations.

Class B *Bicycle Parking* including any covering may be located in the public right of way if it meets all of the following conditions: (a) the prior written approval by the Transportation, Traffic and Parking Bureau; (b) an agreement with the City filed on the Land Records for the maintenance of said *Bicycle Parking*; (c) it does not interfere with ingress and egress requirements; and (d) the clear path for pedestrians may not be reduced to less than five feet (5').

12.J.3. Minimum Number of Bicycle Parking Spaces

- a. All residential uses with ten (10) or more *Dwelling Units* and all non-residential uses with 5,000 sq. ft. or more of *Gross Floor Area* shall provide *Bicycle Parking Spaces*, based on the standards outlined in Table 12.10.
- b. The requirement for Class A and Class B *Bicycle Parking* shall be cumulative.
- c.. Where a mix of uses allows for the shared use of *Bicycle Parking* facilities, Zoning Board staff may permit lower *Bicycle Parking* requirements after consultation with TTP. The sharing of *Bicycle Parking* facilities shall be set forth in the *Parking Management Plan*.

Table 12.10.

Use	Class A Bicycle Parking		Class B Bicycle Parking	
Residential uses with 10+ DU	1 per 5 Dwelling Units (60 units or less)	1 per 10 Dwelling Units (for additional units in excess of 60)	1 per 10 Dwelling Units (60 units or less)	1 per 10 Dwelling Units (for additional units in excess of 60)
Commercial/Office uses of 5,000 sf <i>Gross Floor Area</i> or more	1 per 5,000 sf (first 50,000 sf)	1 per 7,500 sf (for additional floor area in excess of 50,000 sf)	1 per 2,000sf (first 50,000 sf)	1 per 10,000 sf (for additional floor area in excess of 50,000 sf)
Educational and Recreational uses of 5,000 sf <i>Gross Floor Area</i> or more	1 per 2,500 sf (first 50,000 sf)	1 per 5,000 sf (for additional floor area in excess of 50,000 sf)	1 per 500sf (first 50,000 sf)	1 per 2,000sf (for additional floor area in excess of 50,000 sf)
Restaurant/Retail uses of 5,000 sf <i>Gross Floor Area</i> or more	1 per 5,000 sf (first 50,000 sf)	1 per 10,000sf (for additional floor area in excess of 50,000sf)	1 per 500sf (first 50,000 sf)	1 per 2,000 sf (for additional floor area in excess of 50,000 sf)
Theaters, Entertainment, Assembly or Religious uses of 5,000 sf <i>Gross Floor Area</i> or more	1 per 5,000 sf (first 50,000 sf)	1 per 1,000sf (for additional floor area in excess of 50,000sf)	1 per 1,000 sf (first 50,000 sf)	1 per 2,000sf (for additional floor area in excess of 50,000 sf)
Public Uses such as Museums, Libraries, or Community Centers of 5,000 sf <i>Gross Floor Area</i> or more	1 per 2,500 sf (first 50,000 sf)	1 per 5,000sf (for additional floor area in excess of 50,000 sf)	1 per 1,000 sf (first 50,000 sf)	1 per 2,000sf (for additional floor area in excess of 50,000 sf)
Hospitals	1 per 5,000sf (first 75,000 sf)	1 per 10,000sf (for additional floor area in excess of 75,000 sf)	1 per 20 beds (first 75,000 sf)	1 per 50 beds (for additional floor area in excess of 75,000 sf)
All other non-residential uses	1 per 5,000sf (first 75,000 sf)	1 per 10,000sf (for additional floor area in excess of 75,000 sf)	1 per 2,000sf (first 50,000 75,000 sf)	1 per 5,000 sf (for additional floor area in excess of 75,000 sf)

12.J.4. Signs

The following regulations shall apply to signage for *Bicycle Parking* facilities:

- a. All *Bicycle Parking* facilities shall be clearly marked with signage approved by the Transportation, Traffic and Parking Bureau and consistent with the City's 2020 Curb Regulation (Sign) Style Guide.
- b. If *Bicycle Parking* is not visible from the building's main entrance or the street on which the front entrance is located, directional signs must be posted at the building's pedestrian and vehicular entrances indicating the location of the *Bicycle Parking* facilities, and meet the standards outlined in Figure 12.11.
- c. *Bicycle Parking* facilities shall have clear instructions and rules easily visible for users.
- d. Class A *Bicycle Parking* shall have signs clearly indicating who is eligible for usage of the space, how to gain access to the space and any access limitations such as hours (same as vehicular parking).

Figure 12.11.



Manual on Uniform Traffic Control Devices (MUTCD) *Bicycle Parking* Sign D4-3. Sign size at least 12" by 18".

12.J.5. Additional Requirements for Larger *Bicycle Parking* Facilities.

For all non-residential uses generating a requirement for 20 or more Class A *Bicycle Parking* spaces, the following additional standards shall apply. The *Bicycle Parking* amenities listed below shall be exempt from calculation of *Floor Area*.

- a. Showers and Changing Rooms. One shower and one changing room shall be provided for each 10 required Class A *Bicycle Parking* spaces. If more than one shower and changing room, or group showers, are provided, the same number of showers and changing rooms shall be

provided for each gender. All showers and changing rooms shall be well lit, heated, ventilated, well-maintained, regularly cleaned and made available free of charge. If a building or facility has showers and changing rooms as part of a different use (e.g., a gym) no additional showers or changing rooms need to be provided if these facilities are available free of charge for Class A *Bicycle Parking* space users.

- b. Lockers. One locker per *Bicycle Parking* space shall be provided. All lockers shall be:
 - (1) At least 12 inches wide, 18 inches deep, and 36 inches high.
 - (2) Installed adjacent to the showers and changing rooms in a safe and secure area.
 - (3) Located in a well-lit, heated, ventilated, well-maintained area which is regularly cleaned and made available free of charge for Class A *Bicycle Parking* space users.
- c. Repair Station. A Bicycle repair station shall be provided meeting at least the following specifications:
 - (1) A repair stand capable of supporting at least a six foot (6') long Bicycle without causing damage to the Bicycle.
 - (2) Basic tools attached to the stand with tamper-proof hardware.
 - (3) An air pump attached to the stand with tamper-proof hardware.

12.J.6. Review and Approvals

All plans for required *Bicycle Parking* shall be subject to review and approval by the Zoning Board (or, for as-of-right projects, by Zoning Board staff) in consultation with the Transportation, Traffic and Parking Bureau.

If a *Parking Management Plan* is required as part of an approval and if more than 10 Class A *Bicycle Parking* spaces are required to be provided, the Applicant shall also report on Class A *Bicycle Parking* usage, based on agreed upon standards.

12.K. SIDEWALKS

12.K.1. Applicability

Sidewalks shall be provided along all public and private roadways, subject to the exceptions and exemptions set forth in Subsection 12.K.3, as follows:

- a. For all new *Developments* and *Redevelopments*;
- b. Renovations or alterations exceeding \$250,000 in cost, as determined by the Building Department, except single- and two-family homes on individual lots; and
- c. As determined by the Zoning Board for applications requiring a General Development Plan or

Large-Scale Development Review.

12.K.2. Minimum Standards

The following standards shall apply to all sidewalks unless specified otherwise in Subsections K.3 and K.4 below.

- a. All sidewalks shall comply with *ADA* mobility guidelines.
- b. The minimum width of a sidewalk shall be ten feet (10') from the *Curb Line*. There shall be a clear concrete path at least six feet (6') wide and a four feet (4') wide amenity strip between the curb and the clear path.
- c. All utility poles, street trees, parking meters and other street fixtures shall be located in the amenity strip. In all residential districts, the amenity strip shall be planted and maintained with grass or other suitable plant material, except (i) on corners and where driveways cross the amenity strip and (ii) except in the RHD-D and R-HD districts where the amenity strip may be paved.
- d. All sidewalks shall be curbed with a concrete curb at least six inches (6") high, except on corners, curb cuts, raised intersections and other complete street features, as determined by TTP, and mid-block pedestrian crossings, where there shall be ramps complying with *ADA* mobility guidelines. On corners and intersections, the radius of the curb shall be reinforced with steel.
- e. All sidewalks, including aprons and paving of the amenity strip, where permitted, shall be executed in concrete, as specified by the City of Stamford Engineering Bureau.
- f. All sidewalks shall adhere to City of Stamford Engineering Bureau and Transportation, Traffic, and Parking Bureau specifications.
- g. Where a new sidewalk meets an existing sidewalk there shall a suitable transition, subject to review by the City of Stamford Transportation, Traffic, and Parking and Engineering Bureaus.
- h. All required sidewalk and streetscape work shall require a performance bond prior to the issuance of a permit for such work. The amount of the bond will be determined by the Engineering Bureau.
- i. For all required sidewalks or parts thereof on private property, a public access easement, in form and substance satisfactory to the City Law Department, shall be recorded on the City of Stamford land records.
- j. Where a sidewalk meets a driveway apron, then the sidewalk shall be carried flush across the apron and shall be subject to TTP and Engineering Bureaus review.

12.K.3. Supplemental Sidewalk Standards.

- a. Within *Master Plan Category 11 (Downtown)*, sidewalks shall be executed in the Rail Trail Design (as amended), or as specified by the Engineering Bureau.
- b. Along *Downtown Commercial Streets*, a sidewalk of at least fifteen feet (15') in width from the curb shall be provided, subject to the standards outlined in Subsections 12.K.2.a to 12.K.2.h. and in 12.K.3.a.
- c. On Streets within the Mill River Corridor Plan area, the streetscape shall comply with the standards provided within said Plan.
- d. On Streets whose mapped width is 30 feet or less, where sidewalks are required, the sidewalk width shall be at least four feet (4') in width on each side of the street or five feet (5') in width on one side of the street.
- e. New *Developments* and renovations or alterations exceeding \$250,000 in cost, as determined by the Building Department, with a street frontage of 100 feet or less, in areas where sidewalks are existing but do not meet the requirements of Subsections 12.K.2. and 12.K.3, shall provide a sidewalk similar to the existing area sidewalks, provided that the minimum clear path shall be at least five feet (5') wide for the entire length of the sidewalk.

12.K.4. Exemptions

The following shall be exempt from the requirements of this Subsection 12.K:

- a. Single or two-family properties on a cul-de-sac or dead-end street serving five (5) or fewer such properties.
- b. Properties facing on *Alleys* or *Accessways*.
- c. RA-3, RA-2, RA-1, R-20 and R-10 districts, unless they are located in R-D overlay districts, where sidewalks shall be required.
- d. Redevelopment of individual single-family homes in built-up neighborhoods where no sidewalks exist.
- e. A finding by the Zoning Board, pursuant to a *Special Permit* application, that:
 - (1) existing conditions do not allow for the construction of a sidewalk;
 - (2) the provision of a sidewalk would not serve the goal of providing a pedestrian network; or
 - (3) provision of a sidewalk would create less safe conditions for pedestrians.

12.K.5. Modification of Requirements

For *Redevelopment* and adaptive reuse projects on *Streets* that are not subject to the exceptions and exemptions in Subsections 12.K.3 and 12.K.4, Zoning Board Staff, in consultation with the Transportation, Traffic and Parking Bureau, for as-of-right projects, or the Zoning Board, in instances where an approval is required, may approve more narrow sidewalks and may modify, or waive the requirement for a planting or amenity strip, if the Applicant demonstrates to such staff or the Zoning Board, that existing conditions preclude the minimum sidewalk widths established in this Section 12.K. Unless otherwise specified in this Subsection 12.K, a sidewalk shall not be less than five feet (5') wide.

12.K.6. Street Tree Planting Requirement

- a. Whenever sidewalks are required pursuant to this Subsection 12.K, street trees shall be provided along all such sidewalks in accordance with the requirements of this Subsection 12.K and the current City of Stamford Street Tree Planting Manual, as amended (the "Tree Manual").
- b. Where street trees are planted pursuant to this Subsection 12.K.6, the property owner shall warrant those trees for three (3) full growing seasons, starting with the issuance date of the Certificate of Occupancy for the accompanying development. A cash deposit of \$2,500 shall be posted by property owner for each tree planted, and shall only be eligible for return if, after three (3) full growing seasons, the street trees are deemed in good health by the City of Stamford Tree Warden. If after three (3) full growing seasons the Tree Warden determines that a tree is not in good health, then the property owner shall replace such trees within three (3) months after a notice from the Tree Warden that the tree is not in good health. Upon certification by the Tree Warden that the replacement trees are in good health, the \$2,500 cash deposit per tree shall be returned to the property owner. Funds from bonds which are either (a) not entitled to be reclaimed, or (b) entitled to be reclaimed but which are not reclaimed within four (4) years after the date of the issuance of the Certificate of Occupancy shall be retained by the City and transferred to an account specified by the Director of Operations for off-site tree plantings or replacement of damaged street trees.
- c. Where the Transportation, Traffic and Parking or Engineering Bureaus certify that it is not possible for the applicant to provide the required number of street trees, as specified in the Tree Manual, cannot be provided (for example, because of sight line issues, the presence of utilities or insufficient sidewalk width due to existing buildings), then prior to issuance of a Certificate of Occupancy, the property owner shall make a one-time lump sum payment of ~~\$2,500 per tree that cannot be planted~~ to an account specified by the Director of Administration for off-site tree plantings and replacement of damaged street trees. The amount of the payment shall be determined as follows:

(Street Frontage in feet (measured along the entire *Street Line*) / 30) x \$2,500 = required payment

The required payment shall be adjusted automatically on every January 1st by no more than the increase of the Construction Cost Index as published by the Engineering News Record with December 2021 as the base month. (222-01)

- d. The Zoning Board may modify administratively the location of required street trees subject to the agreement of the Engineering or Transportation, Traffic, and Parking Bureaus, to address pre-existing site or street layouts, improve traffic safety or to accommodate City or public utility infrastructure.

12.L. ELECTRIC VEHICLE CHARGING AND PARKING (220-31)

Electric Vehicles help reduce greenhouse gas emissions and particulate matter which cause adverse impact on the environment and human health. In order to increase the use and availability of *Electric Vehicles*, this section establishes minimum requirements for *Electric Vehicle* infrastructure.

12.L.1. Applicability

The following standards shall apply when 10 or more off-street *Parking Spaces* are required. These requirements shall also apply to shared *Parking Spaces* used to satisfy required parking (i.e., Applicant shall meet these requirements (charging stations, *Electric Vehicle Parking Spaces*, etc.) for the shared spaces.

12.L.2. Standards

- a. Level 2 or higher electric charging facilities, or similar technologies, as specified in the *Parking Management Plan*, must be provided pursuant to Table 12.14.

Table 12.14 Required Level 2 Charging Facilities

Number of required <i>Parking Spaces</i>	Minimum Number of charging spaces
10-19 required <i>Parking Spaces</i>	1
20-49 required <i>Parking Spaces</i>	3
50-99 required <i>Parking Spaces</i>	5
100+	1 additional charging space for each 25 required <i>Parking Space</i> increment in excess of 99 spaces

- b. A charging space may count as one-half (1/2) of a required off-street *Parking Space*. Provided, however, if Applicant provides double the number of required charging spaces, then each

- charging space shall count towards required off-street parking
- c. Charging spaces shall be used exclusively by *Electric Vehicles* for charging only.
 - d. Charging stations shall be equipped with adapters to allow charging for the widest range of different vehicle models.
 - e. For each charging space, there shall be one reserved *Parking Space* for *Electric Vehicles* only. . These reserved *Parking Spaces* shall count towards required off-street parking.
 - f. Charging spaces and reserved *Parking Spaces* for *Electric Vehicles* shall be conveniently located as closely as possible to the entrances of residential, office and other buildings.
 - g. There shall be no charges or fees for the use of *Electric Vehicles* as compared to conventional gas-powered vehicles except for the cost of electricity to charge such vehicles. If there is an extra fee for electricity said fee shall not exceed the net cost charged by the utility for the electricity used plus a convenience cost of no more than 10% of the electricity cost.
 - h. The signs used for identifying *Electric Vehicle Parking Spaces* and charging spaces, shall be compliant with the City of Stamford Curb Regulations Style Guide, as amended.
 - i. In every *Parking Facility* required to provide *Electric Vehicle* charging and *Parking Spaces* there shall be directional signs guiding potential users to said spaces using the symbology below (Figure 12.14). If a *Parking Facility* is open to the general public, then all *Electric Vehicle* charging and *Parking Spaces* must also be available to the public, and all directional signs in the public right-of-way shall indicate that *Electric Vehicle* charging and parking is available.

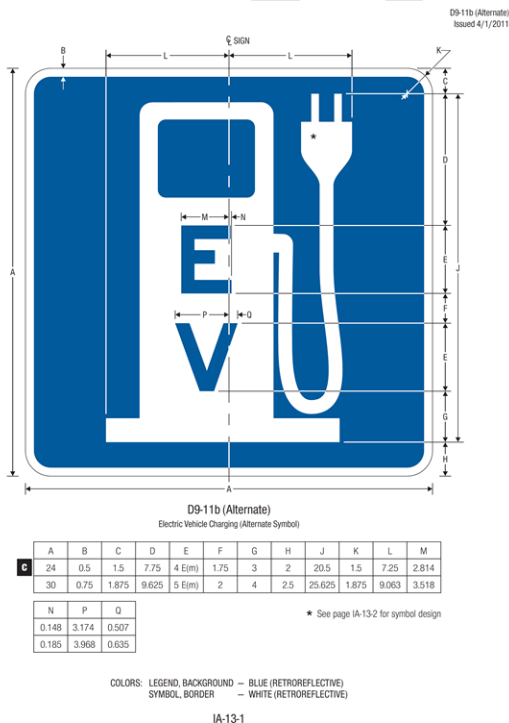


Figure 12.14.

- j. At each charging space there shall be clearly legible instructions as well as fee information for the cost of electricity, if applicable.
- k. Policies for the use (e.g., hours for charging) of the charging spaces shall be defined in *Parking Management Plan*.
- l. A charging space shall meet the depth requirements as laid out in Table 12.2 of this section. The minimum width of a charging space shall be at least ten feet (10'), measured at right angles to the direction of the stall.
- m. Charging equipment shall be exempt from any bulk and setback regulations if it is fully located within a *Parking Facility* or on a parking lot.

DRAFT

SECTION 13. PUBLIC GARAGE, SERVICE STATIONS AND AUTOMATIC CAR WASH ESTABLISHMENTS.⁶⁴

13.A. PROHIBITION OF PUBLIC GARAGES AND GAS STATIONS NEAR CERTAIN USES

Under no circumstances shall there be allowed the erection or enlargement of a **public garage** for more than five (5) motor vehicles or a **motor vehicle service station or gas filling station**, or the conversion of any premises not so used, to be used for such purposes in any district, if any part of the *Lot* or *Plot* in question is situated within a distance of two hundred feet (200') from the entrances to any public park or playground, (excluding small park areas within the boundaries of a highway), or from the nearest point of any *Building* in which there is established and maintained a school, hospital, church, theater, public library, or *Building* for civic assembly.

13.B. GRANDFATHERED PUBLIC GARAGES AND GAS STATIONS

No existing **public garage** for more than five (5) motor vehicles or **motor vehicle service station, or gasoline filling station** conforming to these Regulations at the time of its erection shall be deemed to be a non-conforming use through the subsequent construction of such park, school, hospital, church, theater, public library, or civic assembly *Building* within the prescribed area.

On any parking *Lot* located within the CC Center City District upon which *Lot* is situated a public parking garage with a capacity of not less than five hundred (500) motor vehicles and which parking facility is owned or operated by the Stamford Parking Authority, there may be installed and erected not more than three (3) privately operated gasoline pumps on a single pump island which dispense gasoline to the public together with a pump operator's booth or *Building* which does not exceed four hundred (400) square feet in size. Such pumps and booth or *Building* may be constructed in an open portion of such parking *Lot* or within the parking garage. Such pumps shall be advertised by not more than one (1) *Sign* which shall not exceed sixteen (16) square feet in size. In such cases where all, or a portion of the *Parking Area* has been assembled in accordance with an approved urban redevelopment or renewal plan, the location of such pumps, booth or *Building*, and *Sign* shall be determined by the Urban Redevelopment Commission after consultation with the Stamford Parking Authority, provided that any pumps not installed within the parking garage shall comply with Subsection 13.A and 13.C.4. hereof and all gasoline storage tanks shall be installed in accordance with Subsection 13.C.7. hereof.

13.C STANDARDS FOR GAS STATIONS

Approval of an application for a **gasoline filling station** by the Zoning Board of Appeals shall include the following additional standards:

⁶⁴ Formerly Section 11.

1. Use of a Gasoline Filling Station shall be limited to the retail sale of motor fuel, lubricants and other motor vehicle supplies and parts, and customary minor repair and service activities, not including body and fender work. Minor repair and service activities shall not exceed those allowed by the State Motor Vehicle Department under a Limited Repair License. A Gasoline Filling Station may also be used for the retail sale of food, household and personal items normally associated with a convenience store, pursuant to a *Special Permit*; provided that such convenience store use is not permitted in any Residential District and is not permitted in the C-N Neighborhood Business District for property abutting land zoned RA-1, RA-2 or RA-3. (87-009, 207-57)
 - a. Use of a gasoline filling station for the sale of new or used motor vehicles shall not be permitted in any C-N Neighborhood Business District.
 - b. Use of a gasoline filling station for the rental of trailer vehicles shall not be permitted in any C-N Neighborhood Business District.
2. All repair and service work other than emergency services shall be conducted entirely within a *Building*.
 - a. There shall be indoor bays or garage space for not less than two (2) motor vehicles.
 - b. There shall be no outdoor storage of partially dismantled motor vehicles except for temporary parking before and after servicing.
3. The site of a gasoline filling station shall have a frontage on one (1) *Street* of at least one hundred feet (100') and shall have a minimum area of at least ten thousand (10,000) square feet.
4. Gasoline pumps and other service equipment shall be set back from any *Street Lot* line at least twenty feet (20') and not less than twenty-five feet (25') from any other adjacent property line unless greater distances are specified in the SCHEDULE OF REQUIREMENTS, and all other *Buildings* and *Structures* shall be set back at least thirty feet (30') from any boundary line of any contiguous *Lot* in a Residence District unless greater distances are specified in the SCHEDULE OF REQUIREMENTS; and a landscaped area at least ten feet (10') in depth containing a dense screen of evergreens at least six feet (6') in height shall be maintained for the full length of the boundary line between any gasoline filling station and any contiguous *Lot* in a Residence District, except that in the case of any gasoline filling station in any M-L Light Industrial District or M-G General Industrial District, said screen of evergreens need not be provided between any gasoline filling station and a contiguous *Lot* in a Residence District, but, if said screen of evergreens is not provided, then instead there shall be required a solid *Fence* at least six feet (6') high with the smooth side facing any contiguous *Lot* in a Residence District.
5. There shall be no more than two (2) driveways entering on any *Street*. Such driveways shall not be more than fifty feet (50') wide nor less than twenty-five feet (25') wide measured along the *Street Lot* line, nor shall such driveways be closer together than fifteen feet (15') measured along the *Street Lot* line and said driveways shall be at least ten feet (10') from any intersection of public *Streets* as measured along the *Street Lot* line; nor shall any driveway be located within ten feet (10') of any adjoining property line.

All driveways and automobile service areas shall be permanently improved with a paved surface.

6. There shall not be more than two (2) pump islands for every ten thousand (10,000) square feet of *Lot Area*. No pump island shall have more than three (3) pumps. One additional pump island shall be allowed for each additional five thousand (5,000) square feet of *Lot Area* in excess of ten thousand (10,000) square feet.

7. Storage tanks for gasoline or other motor vehicle fuels shall be located underground at least sixteen inches (16") below finished grade, with a six inch (6") reinforced cover. The amount of fuel stored shall be limited to thirty thousand (30,000) gallons, and storage tanks shall be set back at least fifteen feet (15') from any *Lot* line and thirty feet (30') from the boundary line of any contiguous *Lot* in a Residence District, unless greater distances are required under any other law or regulation. (79-031)

8. Signage and Lighting.

a. No *Ground Sign* or *Pole Sign* erected on the premises of any service station shall exceed sixty (60) square feet in area and no side of the sign face may exceed ten (10) feet in length. No part of any such *Ground Sign* or *Pole Sign* shall exceed twenty-one (21) feet in height, nor shall any *Ground Sign* or *Pole Sign* be so arranged so as to obstruct visibility for drivers or pedestrians. Not more than two (2) such ground or *Pole Signs* may be erected on the premises. The total area of all additional signage shall not exceed two (2) square feet in area for each lineal foot of *Building* frontage, or eighty (80) square feet, whichever is greater. For each *Street* on which the property fronts, a maximum of twenty (20) square feet of this additional signage may be erected on a canopy over pump islands.

b. Lighting, including permitted illuminated *Signs*, shall be so arranged as not to reflect or cause glare into any Residence District. (200-32)

9. There shall be provided at least one off-street *Parking Space* for each employee of any shift but in no case less than two (2) employee off-street spaces shall be provided, and one (1) off-street *Parking Space* for each service bay shall be required provided that said service bays shall not be counted as off-street *Parking Spaces*.

13.D. STANDARDS FOR CAR WASH ESTABLISHMENTS

The Zoning Board of Appeals may permit, upon application and following due notice and public hearing, the location of an automatic car wash establishment in the C-L Limited Business District, the C-I Intermediate Commercial District,, the M-L Light Industrial District, and the M-G General Industrial District, subject to the following standards and any other conditions or safeguards deemed desirable by the Zoning Board of Appeals in the public interest. (75-013, 83-003, 201-30)

1. The provisions under Subsection 13.C.5. of this Section with reference to locations and width of driveways and paved surfacing shall also be applicable to automatic car wash establishments.

2. Outdoor advertising shall be limited to the standard type of permanent *Signs* indicating the name of the company and the insignia and description of products and services available on the premises.
 - a. Not more than one (1) *Pole Sign* may be erected on the premises of any automatic car wash establishment, nor shall any *Pole Sign* be so constructed or arranged as to obstruct visibility for drivers or pedestrians, provided further that the maximum height of any such sign, including its base, shall not be greater than twenty-one feet (21') from the established grade of the immediate area.
3. Lighting, including permitted illuminated *Signs*, shall be so arranged as not to reflect or cause glare into any Residence District.
4. Off-street *Parking Space* shall be provided to accommodate not less than the number of cars equal to one-half ($\frac{1}{2}$) of the hourly maximum operational capacity.
5. The minimum *Lot Area* for the location of an automatic car wash establishment shall be not less than three-fourths ($\frac{3}{4}$) of an acre.
6. The minimum distance between any *Street Lot* line and the nearest part of any principal and *Accessory Building* or *Structure* used in connection with the operations of washing and drying cars shall not be less than forty feet (40'), nor shall any vehicle be parked or left standing within ten feet (10') of any *Lot* line, provided further that all *Buildings* and *Structures* shall be set back at least thirty feet (30') from any boundary line of any contiguous *Lot* in a Residence District unless greater distances are specified in the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF *BUILDINGS* in APPENDIX B; a landscaped area at least ten feet (10') in depth containing a dense screen of evergreens at least six feet (6') in height shall be maintained for the full length of the boundary line between any automatic car wash establishment and any contiguous *Lot* in a Residence District, except that in the case of any automatic car wash establishment in any M-L Light Industrial District or M-G General Industrial District, said screen of evergreens need not be provided between any automatic car wash establishment and a contiguous *Lot* in a Residence District, but if said screen of evergreens is not provided, then instead there shall be required a solid *Fence* of at least six feet (6') high with its smooth side facing any contiguous *Lot* in a Residence District.