

## Proposed Zoning Text Change to Amend Section 9.G – C-D Designed Commercial District

12-06-2021

AMEND Section 9.G. “C-D Designed Commercial District” as follows:

### 9.G. “C-D DESIGNED COMMERCIAL DISTRICT”<sup>1</sup>

#### 9.G.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.

1. The proposed *Development or Redevelopment* is consistent with the Master Plan.
2. The proposed *Development or Redevelopment* consists of such uses and such proportions as are most appropriate to its functional integration into the neighborhood.
3. The proposed *Development or Redevelopment* site plan is so designed in its space allocation, orientation, materials, and landscaping ~~and other features as to produce a stable and desirable character~~, to be complementary to the surrounding neighborhood.
4. The proposed *Development or Redevelopment* is south ~~South~~ of the Merritt Parkway.

#### 9.G.2. Minimum Area

The minimum ~~site~~ 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

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<sup>1</sup> 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.

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)

### 9.G.3. Permitted Uses

The following are the uses permitted within the C-D DESIGNED COMMERCIAL DISTRICT. Any use in the C-D District (~~See also Subsection M of this Section~~) 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; ~~Child Day Care Center~~. (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.

**9.G.4. {Standards}**

In connection with the *Special Permit* uses set forth in Subsection ~~BBB-2~~ 9.G.3., the following standards shall apply:

	<b><u>Non-Residential Uses and Mixed Uses (Non-Residential and Residential.)</u></b>	<b><u>Residential Uses</u></b>
<b>a. <u>Building Coverage</u></b>	12% three story Development 10% four story Development	25%
<b>b. <u>Lot Coverage</u><sup>1)</sup></b>	40% three-story development 35% four-story development	40%
<b>c. <u>Density</u></b>	0.40 FAR	12 units / 14 units per acre if all required BMR units are provided on-site
<b>d. <u>Building Height</u></b>	Lesser of 4 Stories or 60 feet	Lesser of 3 Stories or 35 feet
<b>e. <u>Setback from Street Line</u></b>	50 feet	50 feet
<b>f. <u>Setback from property lines, except Street Line</u></b>	100 feet if adjacent to single and two-family districts <sup>2)</sup> , 50 feet if adjacent to any other districts	Same as the <i>Rear Yard</i> requirement for each adjacent district but not less than 50 feet

<sup>1)</sup> 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.

<sup>2)</sup> RA-3, RA-2, RA-1, R-20, R-10, R-7<sup>1</sup>/<sub>2</sub>, R-6.

~~g. Coverage. Building Coverage shall not exceed twelve percent (12%) of the Lot Area, and the maximum permitted non porous surface area coverage shall not exceed forty percent (40%) of the Lot Area. Notwithstanding the foregoing, security Buildings which are not more than two hundred (200) square feet and located in office parks developed prior to January 1, 1979, shall be excluded from Building Coverage; and uncovered patios built at finished first floor to existing Buildings in the C-D District shall be excluded from Building Coverage, even if above grade, and shelter Structures which may include a roof, do not exceed two hundred (200) square feet in area, and do not have running water, heating, air conditioning or a door, which have a portion of their walls open for ingress and egress; and no more than three (3) such shelter Structures shall be permitted. Stone walls, sidewalks, pedestrian walkways, and at grade patios shall be exempt from the non porous surface area not to exceed an additional five percent (5%) of total Lot Area. (205-32; 206-31, 218-45)~~

~~h. Height. No Building shall exceed three and one half (3½) Stories in height except that on any Lot having an area of thirty (30) acres or more or for Buildings or portions of Buildings used exclusively as an Assisted Living Facility or Senior Housing and Nursing Home~~

~~Facility Complex, four (4) Stories in height may at the sole discretion of the Board, be allowed provided that the Buildings are appropriately screened from adjacent residentially zoned land by landscaped treatment and topography, as determined by the Zoning Board and the area of the roof covered with mechanical penthouses and/or equipment shall not exceed ten percent (10%). The above stated limitation on the area of mechanical penthouses and/or equipment shall not apply to Assisted Living Facility or Senior Housing and Nursing Home Facility Complex. (218-45)~~

~~i. Yard Requirements. No Building shall be located at a distance less than one hundred feet (100') from the boundary line of a Residential District. Buildings shall be set back at least fifty feet (50') from any non-residential district or the Merritt Parkway or any Street on which the Lot fronts. Four (4) Story Buildings shall be at least four hundred feet (400') from the front Street Line except that an Assisted Living Facility or Senior Housing and Nursing Home Facility Complex shall be no closer than two hundred feet (200') from a front Street Line. (218-45)~~

**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 13.A. – 13.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 erected affixed to each Building wall facing each Street on which the Plot 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 may any part thereof eight feet (8') in height. Exposed tubes, bulbs or similar exposed light sources, shall not illuminate such Sign. 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, Directional signs 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 exceeding twelve (12) square feet in area and no such Sign exceeds or eight feet (8') in height shall be permitted as-of-right. 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. 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. When existing C-D zoned land is subdivided, the Zoning Board may allow two (2) additional Ground Signs, not to exceed sixty (60) square feet each. (200-32, 218-45)

j. ~~Floor Area Ratio. The FAR of all Buildings shall not exceed 0.40. Notwithstanding the foregoing, security Buildings which are not more than two hundred (200) square feet and located in office parks developed prior to January 1, 1979, shall be excluded from FAR, and shelter Structures which may include a roof, do not exceed two hundred (200) square feet in area, and do not have running water, heating, air conditioning or a door, which have a portion of their walls open for ingress and egress; and no more than three (3) such shelter Structures shall be permitted. (205-32; 206-31)~~

k. ~~Structured Parking: In order to encourage reduced Development intensity and increased Building setbacks, conservation of open space, and effective use of topography to screen above grade parking Structures, the Zoning Board may grant limited exemptions from the standards of subsections (a), (c), and (f) above, subject to the following criteria: (1) parking Structures shall be located on a lot of not less than thirty (30) acres and set back not less than~~

~~400 feet from the front Street Line and fifty feet (50') from all other property lines; (2) exempt parking Structures may occupy not more than five percent (5%) of the Lot Area; (3) total non-porous surface area shall not exceed thirty five percent (35%) of the Lot Area; (4) Floor Area Ratio of all Buildings, exclusive of exempt Structured parking, shall not exceed 0.35; (5) The height of such parking Structure shall not exceed twenty feet (20') above average grade measured at a uniform distance of fifty feet (50') or less from the perimeter of the Structure; (6) the top floor of such Structure, within 100 feet of residential property, shall be ten (10) feet or more below the grade at the property line of any adjoining residential property within 500 feet of the Structure, excluding the Merritt Parkway; (7) all such parking Structures shall be appropriately screened from view by Principal Buildings, topography, and/or landscaping to the satisfaction of the Board.~~

### **9.G.5. Special Permit Uses**

~~Assisted Living Facility, Senior Housing and Nursing Home Facility Complex and School, Non Public may be authorized by Special Permit by the Zoning Board subject to the standards of Section 9.G.4 above. Notwithstanding the above, Single family, Two family and multifamily dwellings may be authorized by Special Permit by the Zoning Board subject to the following standards: (218 45, 220 11)~~

~~a. The parcel shall be contiguous to residentially zoned land on all sides and shall not front on a State highway.~~

~~b. The standards of the RM-1 Zoning District shall apply except for Building Height and BMR standards. Building Height shall not exceed three (3) Stories. Parking garages shall be exempt from Building Coverage and Story limitations provided that the garage ceiling is not more than five (5) feet above the level from which the height of the Building is measured, the garage roof is fully landscaped and accessible to residents as Usable Open Space, and any exposed garage walls are covered with finished architectural materials and/or suitably screened from sensitive views. (207 21)~~

~~c. Total non-porous surface area coverage shall not exceed fifty percent (50%), provided that if at least one Parking Space per residential unit is provided in an enclosed area, coverage may be increased to fifty five percent (55%). (208 04)~~

~~d. The parcel shall be developed exclusively for residential use and no commercial use shall be permitted.~~

~~i. **Below Market Rate Housing Requirement.** All Below Market Rate Housing shall be provided pursuant to Section 7.4 of these Regulations. ; provided, however, that all BMR Housing units shall be provided on site.~~

~~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.

#### **9.G.5. Procedure**

All Development and Redevelopment within the C-D District, shall be subject to a General Development Plan, pursuant to Subsections 9.D.7.b, c, d and 9.D.8.f., and to the Site Plan Review requirements pursuant to Section 19.D, unless Final Site and Architectural Plan Approval is granted for the entirety of the Development or Redevelopment at the time of the Special Permit approval.

~~Within any C-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 7.2.C 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 7.2 Site Plan Review, and the general purposes and other applicable standards of these Regulations, who shall not approve same until after a public hearing. (97-006)~~