

MAYOR
CAROLINE SIMMONS



DIRECTOR OF OPERATIONS
MATTHEW QUIÑONES

LAND USE BUREAU CHIEF
RALPH BLESSING
(203) 977-4714

CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU
888 WASHINGTON BOULEVARD
P.O. Box 10152
STAMFORD, CT 06904-2152

RECEIVED

SEP 19 2022

September 19, 2022

Ms. Theresa Dell, Chair, Planning Board
Land Use Bureau, City of Stamford
888 Washington Blvd.
Stamford, CT 06904

PLANNING BOARD

RE: Application 222-30 City of Stamford – Zoning Board, 888 Washington Boulevard, Stamford, CT, - Text Change, - Proposing Text Change to Amend Section 9.F. TCD-D Transportation Center Design District. The amendments to the TCD-D are intended to implement the goals of the new Master Plan Category 16 (Transit-Oriented Development District) and various planning study efforts for the train station area.

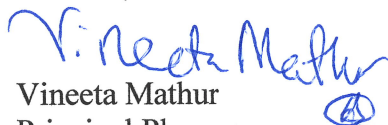
Dear Ms. Dell:

In accordance with Section C6-40-10 of the Charter of the City of Stamford, the above captioned Application for a Text Amendment is hereby referred to the Planning Board of the City of Stamford for its advisory report.

A public hearing has not yet been scheduled. Referral comments should be filed with the Zoning Board Office by **October 24, 2022**.

If you have any questions, please feel free to contact me at (203) 977-4716.

Sincerely,


Vineeta Mathur
Principal Planner



APPLICATION FOR TEXT CHANGE OF THE STAMFORD ZONING REGULATIONS

Complete, notarize, and forward **thirteen (13) hard copies and (1) electronic copy in PDF format** to Clerk of the Zoning Board with a **\$1,000.00 Public Hearing Fee** and the required application filing fee (**see Fee Schedule below**), payable to the City of Stamford.

NOTE: Cost of required Public Hearing advertisements are payable by the Applicant and performance of mailing of required property owners is the sole responsibility of the applicant. **LAND RECORDS RECORDING FEE:** \$60.00 for First page - \$5.00 for each additional page)

Fee Schedule

Minor Text Change	\$1,060.00
Major Text Change	\$5,060.00

APPLICANT NAME (S): CITY OF STAMFORD ZONING BOARD
 APPLICANT ADDRESS: 888 WASHINGTON BOULEVARD, STAMFORD, CT – 06901
 APPLICANT PHONE #: 203-977-4711
 IS APPLICANT AN OWNER OF PROPERTY IN THE CITY OF STAMFORD? NO
 LOCATION OF PROPERTY IN STAMFORD OWNED BY APPLICANT (S): N/A

PROPOSED TEXT CHANGE:

PROPOSING TO AMEND SECTION 9.F. TRANSPORTATION CENTER DESIGN DISTRICT (TCD-D)

DOES ANY PORTION OF THE PREMISES AFFECTED BY THIS APPLICATION LIE WITHIN 500 FEET OF THE BORDER LINE WITH GREENWICH, DARIEN OR NEW CANAAN? NO (If yes, notification must be sent to Town Clerk of neighboring community by registered mail within 7 days of receipt of application – PA 87-307).

DATED AT STAMFORD, CONNECTICUT, THIS 16th 16TH DAY OF SEPTEMBER 2022

SIGNED: Ralph Blessing

NOTE: Application cannot be scheduled for Public Hearing until 35 days have elapsed from the date of referral to the Stamford Planning Board. If applicant wishes to withdraw application, please notify the Zoning Board at least three (3) days prior to Public Hearing so that the Board may have sufficient time to publicize the withdrawal.

STATE OF CONNECTICUT
 COUNTY OF FAIRFIELD ss STAMFORD Sept 16 2022

Personally appeared Ralph Blessing, signer of the foregoing application, who made oath to the truth of the contents thereof, before me.

Mary Judge
 Notary Public - Commissioner of the Superior Court

FOR OFFICE USE ONLY

APPL. #: 222-30

Received in the office of the Zoning Board: MARY JUDGE
 Notary Public, State of Connecticut
 My Commission Expires 9/30/2023
 Date: _____

By: _____

Project Narrative

Proposed Amendment to Section 9.F. TCD-D Transportation Center Design District

Dated September 16, 2022

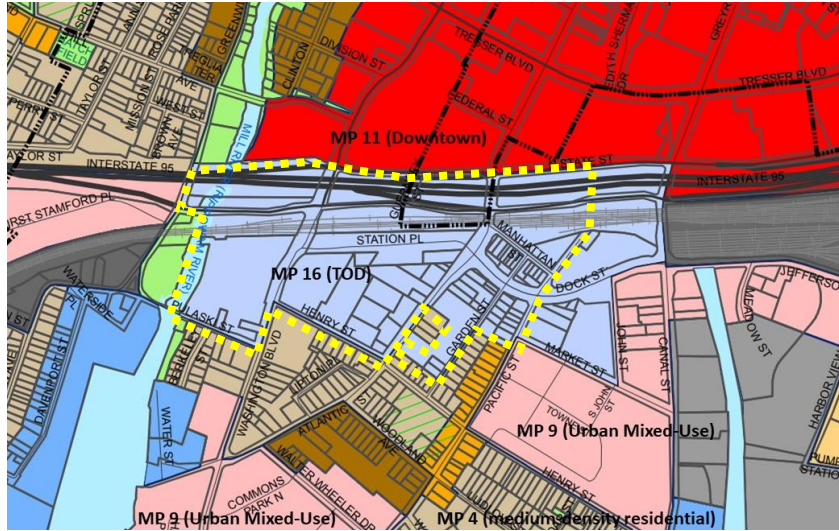
1. Planning Rationale

The area around the Stamford Transportation Center has been identified by various planning studies as a key strategic site for the future development of Stamford. Policy 4.E of the 2015-2025 Master Plan has called for “Transit-Oriented Development [...] encouraging desired growth with minimal impact on traffic congestion. By locating new, higher-density housing as well as office and retail uses near transit, the City can encourage pedestrian-friendly development, minimize traffic impacts and relieve development pressure on lower-density neighborhoods”¹. The South End Neighborhood Study calls for development on the south side of the train station to be “consistent with the Master Plan’s Downtown category” and “high-density, transit-oriented, mixed-use (residential, commercial and retail) development close to the Stamford Transportation Center”².

To implement these policies, the Stamford Planning Board, on May 26, 2020, approved Master Plan Amendment MP-436 to create new Master Plan Category 16 (Transit-Oriented Development District – see Map 1) with the intend “to support the development of high-density residential and office development within walking distance of the Stamford Transportation Center and to create a bridge between and support Downtown with its retail, entertainment, residential, hotel and other uses, and the predominantly residential South End. Densities could equal those of Downtown [...]” The proposed changes to the TCD District will help implement the goals of Master Plan Category 16 and various planning study efforts for the train station area.

¹ City of Stamford Master Plan 2015-2025, p. 97.

² South End Neighborhood Study (2018), p. 34.



Map 1 Master Plan Category 16. The dashed yellow line indicates approximate area of the TCD-D Zoning District

2. Affected Area

Currently, there is one TCD District within the City of Stamford. It is mapped south of the train tracks, west of Pacific Street (see Map 1), north of Henry Street, north of Pulaski Street and east of the Mill (aka Rippowam) River.

3. Proposed changes

a. Zoning Tract

The new text specifies that only properties located in Master Plan Categories 11 (Downtown) and 16 (Transit-Oriented Development District) may be designated TCD-D.

b. Permitted Uses

Currently, the TCD-District allows for all uses permitted in the C-G District as well as “all restaurant uses, all amusement, entertainment and cultural uses, and colleges and dormitory uses”

Rather than having a blanket reference to uses permitted a different district, the proposed changes would define specific uses. The proposed uses generally would allow for large-scale residential (apartment buildings) and large-scale office development as well as neighborhood commercial and amenities serving both residents and the office population. In order to complement, and not compete with, Downtown, large-scale retail as well as entertainment and cultural uses would not be permitted.

c. *Development Standards*

The new text would introduce different development standards for lots smaller than one acre and one acre and up, as well as for Transit Center Access Streets and other streets within the district. Currently, there is only one set of standards for development in the TCD-D. The rationale for this differentiation is that development on smaller lots is, because of space limitations, less appropriate for taller buildings and expensive parking structures. The differentiation between Transit Center Access Streets and other streets is intended to create a clear hierarchy between streets that are pedestrian-friendly, high activity corridors with ground-floor activation and streets that are primarily for back-of-the-house functions. Proposed Transit Center Access Streets would be Atlantic Street, Washington Boulevard, Station Place and Dock Street (aka the Urban Transit Way).

Below is a comparison of the most important bulk parameters between the existing and proposed regulations:

	CURRENT	PROPOSED	
		Zoning Lots less than one acre	Zoning Lots one acre and more
Minimum Lot size	1.5 acres	n/a	43,560 sf
FAR Commercial only	3.0	3.0	6.0
FAR Residential and Mixed-Use	3.0	4.0 (Premium FAR 0.75)	7.5 (Premium FAR 1.5)
Lot Coverage	80% (90% Corner Lots)	70% (80% Corner Lots) 50% above a height of the lesser of 8 stories or 85 feet	80% (90% Corner Lots) 65% above a height of the lesser of 8 stories or 85 feet
Max. Building Height	225 feet (275 with Bonus)	Lesser of 15 stories or 175 feet	Lesser of 15 stories or 175 feet, Towers permitted
Front setback	10' from Street Line	Minimum: 10 feet from Curb Line (15 feet on Transit Center Access Streets)	Minimum: 10 feet from Curb Line (15 feet on Transit Center Access Streets)
Setbacks from Property Lines	None required	None required within 75 feet of Street Line; if provided, at least 15 feet Minimum 15 feet beyond 75 feet of the Street Line (30 feet beyond 75 feet of the Street Line above a height of the lesser of 8 stories or 85 feet)	None required within 75 feet of Street Line; if provided, at least 15 feet Minimum 15 feet beyond 75 feet of the Street Line (30 feet beyond 75 feet of the Street Line above a height of the lesser of 8 stories or 85 feet)
Lot Coverage	None required	Maximum 90%	Maximum 95%
Usable Open Space	None required	Minimum 75 sf / DU	Minimum 75 sf / DU
Public Amenity Space	5%	None required	5%

On lots one acre or larger, towers exceeding the maximum building height would be permitted. However, towers would have to be set back at least 30 feet from any interior property line and separated by at least 60 feet when on the same lot, they could not cover more than 30% of the lot area and the footprint of the tower would be limited to no more than 200' by 200'.

d. Urban Design

The proposed text would strengthen currently existing Urban Design Standards in the TCD-D. Among other requirements, ground floors on Transit Center Access Streets would require activation by non-residential uses (including residential amenity space) and all parking would have to be fully wrapped. Where possible, access to parking and loading would have to be provided on non-Transit Center Access Streets. In addition to the currently existing publicly accessible open space requirement of 5%, the new text would also provide for bonuses for additional public amenity space, including amenities for commuters and introduces a buy-out option for amenity space.

In order to accommodate more innovative architecture form, the proposed text would allow for the Zoning Board to modify certain bulk requirements by Special Permit.

e. Parking

Parking requirements would remain largely unchanged and are governed by Section 12 of the Zoning Regulations. The non-occupant parking requirement for commercial buildings was set at 15% (rather than permitting a range between 10% and 40%). Due its proximity to the Stamford Transportation Center, parking requirements for small uses or on small parcels could be reduced by the Zoning Board by Special Permit.

f. BMR requirement

The proposed text would leave the current BMR requirement of 12% in place as well as the requirement to make a fee-in-lieu payment for affordable housing if the proposed use or development does not contain any residential floor area.

g. Sustainability

The current TCD-D contains a provision granting bonuses to buildings which achieve LEED silver certification (higher building height, less parking, etc.). The proposed text would require that all buildings, regardless of whether they receive bonuses or not, achieve at least a rating of 65 points on the Stamford Sustainability Scorecard. The TCD-District would be the first Zoning District that establishes a requirement to meet a certain number of points on the Scorecard.

Proposed Text Amendment - Transportation Center Design District

Dated September 16, 2022

AMEND Section 9.F. TCD-D Transportation Center Design District as follows:

9.F. TCD-D TRANSPORTATION CENTER DESIGN DISTRICT

9.F.1. Purpose

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

9.F.2. Objectives Zoning Tract

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

~~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:~~

~~Except as provided in Subsection 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. (219-01)~~

~~b. Consistency with the Stamford Master Plan ensuring a compatible and functional relationship to the Downtown, the Stamford Transportation Center and adjacent residential neighborhoods.~~

~~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.~~

~~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)~~

9.F.3. 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,” Number 85 of these Regulations, a TCD District shall be governed by the same standards as a site within Master Plan Category 10 or Category 11.~~

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

- Agencies, Real Estate, Insurance, Employment
- Ambulance Facility, Non-Profit
- Apartment Building for Supportive Housing
- Apartment Hotel for the Elderly
- Art and Antique Shops
- Auto Rental Service Facility

- Auto Service Station
- Bakeries, Retail
- Bank and Financial Institutions
- Barber and Beauty Shops
- Book Store
- Boutique Fitness Studio
- Café, excludes Entertainment but includes Liquor
- Café, includes Entertainment and Liquors
- Camera Shop
- Child Day Care Center
- Christmas Trees, Temporary Sale
- Clinic
- Clinic, Community Health Center
- Colleges and Universities
- Community Center
- Confectionary Store
- Copy and Communication Center
- Day Spa
- Drug Store
- Dwelling Multiple
- Dwelling - Group or Town Houses
- Family Day Care Home
- Florist Shop
- Food Processing, Retail on Premises
- Food Shops, Retail
- Garages, Public
- Garages, Private
- Gift Shop
- Group Day Care Home
- Gymnasium or Physical Culture Establishment
- Hardware Store
- Historic Site
- Home Occupation
- Hotel, Inn (excluding a convention center/banquet facility as an accessory use)
- House of Worship
- Ice Dispensing Service, Retail
- Jewelry Store, Repairs
- Laboratories, Research
- Laundry and Dry Cleaning Establishment, Retail
- Medical Marijuana Dispensary

- Music Store
- Museum
- Newsstand, Variety Store
- Nursing Home
- Offices, Business and Professional
- Optician, Repairs
- Package Liquor Store
- Personal Wireless Communication, Retail
- Personal Wireless Service Facility
- Pet Store and Pet Daycare
- Professional Office – Medical
- Professional Office – Principal Use
- Professional Pharmacy
- Photographic Studio
- Public and Charitable Institutions
- Public Library or any Branch thereof
- Public Utility Building
- Public Utility Transformer and Pump Station
- Residential Recreational Area
- Restaurant, Carry Out
- Restaurant, excludes Entertainment but includes Liquor
- Restaurant, includes Entertainment and Liquors
- Restaurant, Standard
- School, Non-Public
- School, Public
- School, Vocational and Secretarial
- Senior Housing and Nursing Home Facility Complex (without any limitation as to minimum parcel size)
- Shoe Repair Shop
- Social Hall
- Sporting Goods Store, Retail
- Stationary Store
- Surgery Center / Out Patient
- Tailor Shop
- Veterinary Office

9.F.4. Standards

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

	<u>Zoning Lots less than one acre</u>	<u>Zoning Lots one acre and more</u>
a. <u>Minimum Lot size</u>	<u>none</u>	<u>43,560 sf</u>
b. <u>Minimum Lot Frontage</u>	<u>40 ft</u>	<u>100 ft</u>
c. <u>Density</u>		
<u>FAR Commercial only</u>	<u>3.0</u>	<u>6.0</u>
<u>FAR Residential and Mixed-Use</u>	<u>4.0 (Premium FAR 0.75)</u>	<u>7.5 (Premium FAR 1.5)</u>
<u>Residential Density Divider¹⁾ / market rate</u>	<u>700 sf</u>	<u>800 sf</u>
<u>Residential Density Divider / affordable housing, housing for the Elderly¹⁾</u>	<u>550 sf</u>	<u>550 sf</u>
d. <u>Building Coverage</u>	<u>70% (80% Corner Lots) 50% above a height of the lesser of 8 Stories or 85 feet</u>	<u>80% (90% Corner Lots) 65% above a height of 8 Stories or 85 feet</u>
e. <u>Max. Building Height²⁾</u>	<u>Lesser of 15 Stories or 175 feet</u>	<u>Lesser of 15 Stories or 175 feet, Towers permitted pursuant to Subsection 9.F.5.</u>
f. <u>Front setback²⁾, measured from Curb Line</u>	<u>Minimum: 10 feet (15 feet on Transit Center Access Streets); Maximum: 20 feet (25 feet on Transit Center Access Streets)</u>	<u>Minimum: 10 feet (15 feet on Transit Center Access Streets); Maximum: 25 feet (30 feet on Transit Center Access Streets)</u>
g. <u>Setbacks from Property Lines²⁾</u>	<u>None required within 75 feet of Street Line; if provided at least 15 feet Minimum 15 feet beyond 75 feet of the Street Line (30 feet beyond 75 feet of the Street Line above a height of the lesser of 8 Stories or 85 feet</u>	<u>None required within 75 feet of Street Line; if provided at least 15 feet Minimum 15 feet beyond 75 feet of the Street Line (30 feet beyond 75 feet of the Street Line above a height of the lesser of 8 Stories or 85 feet</u>
h. <u>Lot Coverage</u>	<u>Maximum 90%</u>	<u>Maximum 95%</u>
i. <u>Usable Open Space</u>	<u>75sf per unit, but no less than a total of 500sf</u>	

¹⁾ Applied to Gross Residential Floor Area.

²⁾ Any part of a Building exceeding a height of eighty-five (85) feet or eight (8) Stories, whichever is less, shall be setback at least thirty feet (30') from the category boundary when abutting land in Master Plan Categories 1, 2, 3, 4, 6, 7, 8 and 15.

l. For the purposes of this Section 9.F., the following shall be considered Transit Center Access Streets and Other Streets within the TCD district

Transit Center Access Streets

Atlantic Street

Washington Boulevard

Station Place

Dock Street (aka the Urban Transit Way)

Other Streets

All other streets within the TCD District

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

~~—— 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) and~~

~~(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. (210-14) (219-01)~~

~~——— 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)~~

~~——— 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 Article III, Section 7 K shall not apply to the TCD District.~~

~~——— 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. (219-01)~~

~~e. Coverage. The Building Coverage of all buildings shall not exceed 90% on corner lots or 80% on exterior lots. (219-01)~~

9.F.5. Tower Regulations

On lots one acre and larger, Buildings and portions of Buildings may exceed the maximum Building Height (“Towers”) established under Subsection 9.F.4.e. above, provided that the following requirements are met:

- a. The parcel has at least one frontage on a Transit Center Access Street, and the Tower is located within 500 feet of such Street, measured perpendicularly from the Street Line.
- b. The minimum distance between Buildings and portions of Buildings exceeding the maximum Building Height shall be no less in horizontal distance than 60 feet, unless they are separated by a public street.
- c. Buildings or portions of Buildings exceeding the maximum Building Height shall be setback at least thirty (30) feet from any interior property line.
- d. Buildings or portions of Buildings exceeding the maximum Building Height shall not cover more than 30% of the Zoning Lot they are located on.
- e. All Buildings or portions of Buildings exceeding the maximum Building Height shall fit within a square measuring 200’ by 200’ below a height of 275 feet, and within a square measuring 175’ by 175’ for a height of 275 feet or more.

9.F.6. Parking

a. Parking shall be provided pursuant to Section 12 of these Regulations.

b. In addition to the Regulations in Section 12, the following standards shall apply:

~~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)~~

(1) Transportation Demand Management Plan required. A effective Transportation Demand Management Plan (TMP) pursuant to Section 19.G. is required for developments on zoning lots 20,000 sf or more to effectively reduce the demand for parking spaces by at least twenty percent (20%) and promote alternative means of transportation including, but not limited to, biking, walking, mass transit, carpooling, or car share. Shared Parking pursuant to Section 12.I., may be used to meet this requirement., 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. (219-01)~~

(2) **Stamford Transportation Center and Other Non-Occupant Parking.** In addition to the parking requirements of Section 12 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.H.4 of these Regulations, Stamford Transportation Center and other “non-occupant parking” shall be provided on-site on Zoning Lots one acre or larger in an amount not less than fifteen ten percent (15% 10%) of the minimum number of spaces required for the proposed non-residential office use, subject to Zoning Board approval. and not more than forty percent (40%) of the maximum number allowed for the proposed office use. The Stamford Transportation Center and other “non-occupant parking” spaces to be provided 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 Transportation Demand Management Plan and Parking Management Plan pursuant to Sections 19.F. and 19.G. which is subject to approval by the Zoning Board prior to the issuance of a Building Permit. Shared Parking pursuant to Section 12.I., may be used to meet this requirement. Subject to issuance of a *Special Permit*, the non-occupant parking requirement may be satisfied by a payment pursuant to Section 12.H.3. of these Regulations if the Zoning Board finds that the number of commuter or other non-occupant parking spaces within the TCD District is sufficient. (219-01)

(3) **Parking Requirements for Small Retail Establishments, Cafes and Restaurants.** Establishments with a gross floor area of 2,500 sf or less shall be exempt from the parking requirement established pursuant to Section 12.

(4) For **Buildings on Zoning Lots with 10,000 sf in Area or Less,** the Zoning Board may, by *Special Permit*, reduce or waive the parking requirement if it finds that

(a) such lot is located fully or partially within one thousand-foot (1,000’) radius of a municipal or publicly accessible *Parking Garage*, as measured between the nearest point of the property and the primary entrance of said *Parking Garage*;

(b) is a *Mixed-Use Development*; and

(c) reduction or waiver of such requirements would not negatively interfere with traffic, on-street or off-street parking on or in the vicinity of such lot.

9.F.7. Signage

All Signage shall comply with the standards of Subsections 7.6.D.1-8 and 13.H.

~~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 TCDD, 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)~~

9.F.8. Below Market Rate Housing Requirement

a. Below Market Rate Housing shall be provided pursuant to Section 7.4 of these Regulations.

~~All TCD District developments shall provide Below Market Rate (BMR) units in an amount not less than twelve percent (12%) of the total number of dwelling units contained within the development. Required Below Market Rate units shall be affordable to households earning not more than fifty percent (50%) of the Stamford SMSA Median income and shall be provided in accordance with the standards, definitions and procedures contained within Article III, Section 7.4 of these Regulations. The BMR requirement may be satisfied with any of the options provided in Article III, Section 7.4 of these Regulations, and shall not require the separate issuance of a Special Exception if approved at the time of site plan approval. 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 units proposed in said phase.~~

b. For proposed developments without residential *Floor Area* in the TCD District, BMR units shall be provided by way of off-site construction of BMR units and/or a fee-in-lieu payment, in accordance with the standards, definitions and procedures contained within ~~Article III~~, Section 7.4.C.4.c and Section 7.4.C.4.d of these Regulations, pursuant to the following formula:

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

9.F.9. Site and Architectural Design

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

	<u><i>Transit Center Access Streets</i></u>	<u><i>Other Streets within the TCD-D</i></u>
<u>Ground floor Residences</u>	<u>Not permitted</u>	<u>Permitted</u>
<u>Non-residential ground floor uses, including residential amenity space</u>	<u>Required</u>	<u>Permitted</u>
<u>Screening of parking in buildings, ground floor</u>	<u>Must be fully wrapped by active uses¹⁾</u>	<u>Must be fully screened</u>
<u>Screening of parking in buildings above the ground floor</u>	<u>Must be fully wrapped by active uses¹⁾</u>	<u>Must be fully screened</u>
<u>Parking permitted in side yard</u>	<u>No</u>	<u>Yes</u>
<u>Access to <i>Parking Facilities</i></u>	<u>Permitted only if no other Streets provide access to the property</u>	<u>Permitted</u>
<u>Access to <i>Loading Spaces and other curb cuts</i></u>	<u>Permitted only if no other Streets provide access to the property</u>	<u>Permitted</u>

¹⁾ At least 90% of the frontage or no more than 25 feet whichever is less must be wrapped.

b. **Landscaping.** All areas of the site not devoted to *Buildings, Structures* or other designed uses shall be suitably landscaped to the satisfaction of the Zoning Board. Landscaping shall be designed, provided and permanently maintained consistently with the design and visual quality criteria of adjacent uses and neighborhoods. Use of native plants and plants requiring little or no irrigation is strongly encouraged.

c. **Exterior Lighting.** All exterior lighting shall meet the requirements of the City of Stamford Code.

d. **Fencing.** Chain link fencing shall not be permitted. Fencing materials along public streets and other public right-of-ways shall be limited to tubular steel or wrought-iron-type milled steel pickets. Fencing along the side or rear yards or within a lot may be wood, steel pickets or any other fence types approved by the Zoning Board.

e. **Contextuality.** The architectural design of new *Buildings* or *Structures*, or substantial 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*. Architectural design shall be subject to approval by the Zoning Board.

f. **Building Elements.** *Buildings* shall be designed to have a clear base, middle and top.

g. **Building Height.** Coordination of the height of new *Buildings* or *Structures*, or substantial reconstruction or renovation projects, with the actual and apparent height of adjacent structures

is required, especially where buildings will adjoin or be close to each other. Coordination of *Building Height* can often be achieved by adjusting the height of a wall, cornice or parapet line to match that of the adjacent *Building*. Similar design linkages can be achieved to adjust apparent height by placing window lines, belt courses, and other horizontal elements in a pattern that generally reflects the same elements on neighboring *Buildings*.

- h. Building Volume.** Buildings shall be designed to reduce their perceived height and bulk by incorporating architectural strategies including, but not limited to, dividing the building mass into smaller-scale components and providing articulation of all facades. Architectural strategies which create the appearance of a series of side-by-side buildings or bays are required on longer buildings. Rooflines may be emphasized, for example, with a variety of roof forms, parapets, balustrades, and/or cornices. Where side elevations of buildings are prominently exposed to pedestrian view from public streets, architectural strategies shall be employed to provide articulation of the façade and to diminish perceived height.
- i. Materials.** On facades visible from the public right-of-way, only high-quality materials shall be used, and the use of vinyl and aluminum siding as well as Exterior Insulation and Finish System (EIFS) or any similar system are prohibited. Changes in façade treatment from lower to upper levels shall occur along a horizontal line, with the visually heavier treatment below the visually lighter treatment. Paneling materials applied to one façade only, such as brick paneling, shall be extended around building corners to a logical break in plane, so as to look substantial rather than “pasted-on.”
- j. Façades.** Building façades shall be articulated by using color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Long building facades shall be broken up into manageable lengths with sufficient building articulation and architectural features such as reveals and piers and, and landscaping in limited instances, to avoid a monotonous or overpowering institutional appearance. Large scale retail stores with building frontages exceeding fifty feet (50’) shall include architectural details and design elements to create the appearance of multiple storefronts. Building façades and site improvements significantly exposed to public view shall be constructed with high quality, durable exterior materials. This paragraph is not intended to discourage the use of high quality, durable and innovative materials.
- k. Screening of Roof Top Mechanicals.** Rooftop mechanical equipment shall be integrated into the design of the building and set back at least ten feet (10’) from all upper-level building facades, and effectively screened from view from street level.
- l. Building Entrances.** The principal building entrance and front building façade shall be prominently located and visible from the street and shall not be oriented toward a parking lot. A building on a corner lot shall have its principal entrance facing the primary street. Where parking is located to the side or rear of a building, or above-ground but below a building, a secondary building entrance may be provided for direct access to the parking area or a walkway

should lead to the primary entrance. All entries shall be well lit and shall include architectural treatment that heightens their visibility.

m. Storefronts. Storefronts and architectural facades shall serve to enliven the street and provide a continuous “border of interest” by maintaining storefronts and window displays close to the outermost edge of the building façade and by avoiding deep setbacks and dark alcoves. Any portion of the ground floor used for non-residential uses shall have a floor-to-ceiling height of at least twelve feet (12’). Storefront windows shall be kept as large as reasonably possible and glazing shall be of clear vision glass only. Tinted and reflective glass shall not be permitted. Storefront windows shall: (a) have a minimum height of six feet (6’) with a window sill of not more than three feet (3’) above grade, and (b) occupy seventy-five percent (75%) or more of the building frontage on the street on the ground floor between the heights of three feet (3’) and ten feet (10’). Primary store entrances shall open to the street except if not possible. Where storefronts do not open to the street, building facades should be highly articulated with projections, recessions, windows, and other design elements to enliven the street and provide a continuous “border of interest”.

n. Security Systems. Preferred security systems are glass shock, breaker sensors or electronic alarms. Open grill gates when used shall be mounted within the store interior behind the window display with the gate housing hidden from view. Solid slat rolling gates or shutters, barbed wire and razor wire are prohibited.

o. Ground Floor Residences on Non-Transit Center Access Streets. Ground floor Dwelling Units shall be permitted on Non-Transit Center Access Street. Privacy measures shall be employed for ground floor Dwelling Units along public sidewalks including, but not limited to, elevating the finished first floor a minimum of 24 inches above curb level, installing reverse shades, introducing landscaped private terraces or implementing other screening measures. There shall be at least a five foot (5’) wide planting strip between the sidewalk and ground floor dwelling.

p. Ground Floors on Transit Center Access Streets. No Dwelling Units shall be permitted on ground floors on Transit Center Access Streets. Residential amenity space, however, may be permitted. All Buildings or portions thereof fronting on a Transit Center Access Street must meet the requirements of Subsection 9.F.10.m. “Storefronts”. At least 70% of the street frontage shall be occupied by active uses including residential amenity space. When a site is located on both a Transit Center Access Street and a non-Transit Center Access Street, all vehicular access for parking, loading and other “back of house” operations shall be located on the non-Transit Center Access Street unless deemed infeasible by the Zoning Board.

9.F.11. Sustainability

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

9.F.12. Publicly Accessible Amenity Space 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. Those portions of the public sidewalk located on Applicant's property shall count towards this requirement, pursuant to the design requirements in Section 6 of these Regulations.

9.F.13. Bonus for Publicly Accessible Amenity Space

If an applicant provides more amenity space than required pursuant to Subsection 9.F.12. above, Bonus Floor Area, in addition to the Floor Area Ratios specified in Subsection 9.F.4.c. above, may be awarded at the following rates:

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

(1) Lots less than 20,000 sf in area: 2 sf Bonus Floor Area for every 1 sf of PAAS up to 2,000sf of Bonus Floor Area;

(2) Lots at least 20,000 sf in area but less than one acre: 2 sf Bonus Floor Area for every 1 sf of PAAS, up to 4,000sf of Bonus Floor Area; or

(3) Lots one acre or larger: 2 sf Bonus Floor Area for every 1 sf of PAAS, up to 10,000sf of Bonus Floor Area.

b. Publicly Accessible Amenity Space consisting of Community Space, pursuant to the standards of Section 6:

(1) Lots less than 20,000sf in area: 4 sf Bonus Floor Area for every 1 sf of Community Space, up to 2,000 sf of Bonus Floor Area;

(2) Lots at least 20,000sf in area but less than one acre: 4 sf Bonus Floor Area for every 1 sf of Community Space, up to 4,000 sf of Bonus Floor Area; or

(3) Lots one acre or larger: 4 sf Bonus Floor Area for every 1 sf of Community Space, up to 20,000sf of Bonus Floor Area.

c. Publicly Accessible Amenity Space consisting of commuter facility space.

(1) Lots less than 20,000sf in area: 5 sf Bonus Floor Area for every 1 sf of commuter facility space, up to 5,000 sf of Bonus Floor Area;

(2) Lots at least 20,000sf in area but less than one acre: 5 sf Bonus Floor Area for every 1 sf of commuter facility space, up to 10,000 sf of Bonus Floor Area; or

(3) Lots one acre or larger: 5 sf Bonus Floor Area for every 1 sf of commuter facility space, up to 25,000sf of Bonus Floor Area.

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

9.F.14. Application and Review Procedure

- a. Applications for phased *Development* of property within the TCD District shall be accompanied by and subject to the approval of a General Development Plan (GDP).
- b. Pursuant to *Special Permit* approval, the Zoning Board may modify the requirements of the following subsections of this Section, based on the findings of Section 19.C. and the following additional findings:

(3) Subsection 9.F.4.f. (Front Setback)

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

- (a) allows for better alignment with existing *Buildings* and *Structures*, or for design features that improve the overall quality of the *Building*;
- (b) allows for landscaped exterior courts or other *Publicly Accessible Amenity Space* features that enhance the streetscape;
- (c) allows for drives or access to required off-street parking or pick-up and drop-off for building residents or their guests; or
- (d) allows for the more rational development of the site because of site-specific conditions and constraints.

(4) Subsection 9.F.4.g. (Setback from interior property lines)

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

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

(5) Subsection 9.F.4.h. (Lot Coverage)

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

(6) Subsection 9.F.5.e. (Tower Geometry)

The Zoning Board may modify the shape of footprint of a *Building* or portion of a *Building* exceeding the maximum *Building Height*; provided that the proposed design is superior to an as-of-right design and that all other requirements of Subsection 9.F.5. are met.

(7) Subsection 9.F.9.a. Access to Parking

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

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

(1) Minor repairs and/or minor alterations, maintenance or replacement of portions of an existing building, structure, sign, utility service or other minor structures and site features that would result in no significant impact on the design, function, architectural character or visual appearance of the building, structure or property;

(2) Minor exterior architectural modifications that do not substantially alter the existing height, bulk or facade of an existing building or structure and do not increase building floor area;
or

(3) Interior modifications with no or insignificant increase in *Floor Area*.

~~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.~~

8. 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 District 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, and 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 Silver 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. (219-01)

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 1,000 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; (219-01) 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.~~

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 schedule of implementation will be determined by the GDP. (217-48)~~

8. Procedure

~~All applications for designation and development of property within the TCD District shall conform to the review and application procedures of the DWD District (Sect. 9.AAAA-7 and 8) except that all references to water-dependent uses and the schedule set forth in Section 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~~

~~Exception 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 Section 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 Section 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 Section 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.~~

~~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)~~