

**City of Stamford Connecticut**  
**Zoning Regulations**

**SECTION 7.4 – BELOW MARKET RATE DWELLING UNITS**

**A. FINDINGS**

It is the public purpose and policy of the City of Stamford, the Southwestern Regional Planning Agency and the State of Connecticut to achieve a diverse and balanced community with housing available 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.

The Stamford Master Plan 2002 has documented a growing affordability gap between the supply of housing and the demand for housing. This affordability gap is driven by several broad trends including the fact that home sale prices have grown as fast or faster than household earnings, that rents in newer apartment developments are well out of reach of most low and moderate income households, and that the limited inventory of affordable market-rate apartments and condos coupled with the inventory of assisted housing units is inadequate to meet the demand for affordable housing.

A significant cause of this affordability gap and crisis in the availability of a diversity of housing opportunities is the rapid increase in employment in the City. Employment in Stamford increased by 8,000 jobs between 1980 and 1990 and is projected to add 9,000 more jobs by the year 2000 and an additional 7,700 jobs by the year 2010.

The Master Plan establishes the goal of providing decent, affordable housing for all of the residents of Stamford, whatever their economic conditions. To address the continuing loss of affordable housing, coupled with the increasing affordability gap and growing housing demand, the City of Stamford has established the goal of producing a minimum of 8,000 affordable housing units, in addition to what is currently available.

The Master Plan recommends, as a key element of a coordinated housing strategy, that the City's Zoning Regulations incorporate a mandatory inclusionary housing requirement, with appropriate incentives, consistent with established planning principles and contextual development.

The inclusionary housing program defined herein is necessary to provide continuing housing opportunities for low and moderate income households and working people. It is necessary to help maintain a diverse housing stock and to allow working people to have better access to jobs and upgrade their economic status. The regional trend toward increasing housing prices will, without intervention, result in inadequate supplies of affordable housing and will negatively impact the ability of local employers to attract and

maintain an adequate work force. Because remaining opportunity for new residential development within the city is limited, it is essential that a reasonable proportion of new development be devoted to housing that is affordable to low and moderate income residents and working people.

Therefore, to implement the policies of the Master Plan, it is essential that new residential development contain housing opportunities for households of low and moderate income, and that the City provide a regulatory and incentive framework that ensures development of an adequate supply and mix of new housing to meet the future housing needs of all income segments of the community.

## **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.

## **C. STANDARDS**

The purpose of this section is to establish uniform definitions, standards and procedures to apply in all cases where Below Market Rate (BMR) Dwelling Units are required under the terms of these Regulations. Standards for the level of affordability and the number of required BMR units and other special standards are established separately by zoning district and are stated elsewhere in these Regulations.

1.) The term "Below Market Rate Dwelling Unit" (BMR) shall be defined to be a dwelling unit restricted as to sale or rent 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. The criteria for pricing one-bedroom BMR units shall be the SMSA median income for families of two persons; two-bedroom BMR units shall be priced based on the SMSA median income for families of four persons; and three-bedroom BMR units shall be priced based on the SMSA median income for families of five persons. BMR units offered for sale shall be limited to a selling price that is affordable to a purchaser with an income not exceeding the criteria family income, according to unit type as set forth above, based on industry-standard mortgage underwriting guidelines, and based on prevailing interest rates and a ten percent (10%) down payment. BMR units offered for rent shall be restricted to a maximum annual rent, inclusive of all basic utilities except telephone, not to exceed 30% of the criteria family income, according to unit type as set forth above.

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. BMR units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current BMR sale price for a comparable unit, as set forth above. The allowable resale price may be reduced if the physical conditions

reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. 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.

ELIGIBLE FAMILY INCOME LIMITS - YEAR 2006  
FAMILY SIZE

AFFORDABILITY	one	two	three	four	five	six
25% of Median	\$20,352	\$23,260	\$26,168	\$29,075	\$31,401	\$34,769
50% of Median	\$40,705	\$46,520	\$52,335	\$58,150	\$62,802	\$67,454
60% of Median	\$48,846	\$55,824	\$62,802	\$69,780	\$75,363	\$80,945

2.) Below Market Rate Dwelling Units shall be designed, constructed, sold or rented, managed and controlled as to resale in accordance with such other necessary 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. When located within the development, such BMR units shall be constructed with floor area, finishes and amenities comparable to the market rate units within the development, and shall be reasonably distributed throughout the project and provided in a mix of unit types, as determined by the Zoning Board, provided that the average floor area of BMR units shall be comparable to the average floor area of two-bedroom market rate units within the development. When more than the minimum number of required BMR units are proposed, the total floor area of BMR units divided by the minimum number of required BMR units shall remain comparable to the average floor area of the two-bedroom market rate units.

3.) Management Plan. A proposal to establish BMR units shall be accompanied by a management plan ("Affordability Plan"), subject to approval of the Zoning Board, providing all of the necessary information and documentation to ensure the construction and continued operation of affordable housing, including the following:

- i) the person or organization responsible for administering the plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms;
- ii) affirmative fair marketing procedures governing the sale or rental of the BMR units;
- iii) proposed sale or rental prices of BMR units and the basis for their determination;
- iv) identification and timetable for the completion and even distribution of the BMR units among the market-rate units in the development; and
- v) other information as may be required by the Zoning Board.

The Affordability Plan shall encourage the participation of families with Section 8 vouchers and use of other local, State and/or federal programs and initiatives to further

write down the affordability of BMR units to families earning less than fifty percent (50%) of the Stamford SMSA median income or to increase the number of BMR units within the project.

4.) Alternative Methods of Compliance: Pursuant to an application for Special Exception, the Zoning Board in its sole discretion may approve alternative methods of satisfying a BMR requirement, including but not limited to the dedication of vacant land, the construction of BMR units on another site, the acquisition and enforcement of rental/sales price restrictions on existing dwelling units, or the payment of an appropriate in-lieu housing fee. Any such proposal shall demonstrate to the satisfaction of the Zoning Board that the alternative method(s) 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 and/or larger bedroom size units and/or units for families below the required targeted income brackets.

(a) Land Dedication: a BMR requirement may be satisfied by the dedication of land within the City in-lieu of providing affordable housing on-site. The value of land to be dedicated shall be determined by an independent appraiser, at the cost of the developer, who shall be selected from a list of certified appraisers provided by the City, or by such alternative means of valuation mutually acceptable to the developer and the City. The land to be dedicated shall have a value equal or greater than the fee-in-lieu contribution that would otherwise be required to satisfy the BMR requirement. In addition, the land must be of suitable character and location, and zoned to allow construction of a number of dwelling units equal or greater than the number of BMR units being satisfied.

(b) Dedication of Existing Units: a BMR requirement may be satisfied by restricting the rental or sale price of existing dwelling units within the City, through covenants, contractual arrangements, or resale restrictions, the form and content of which are acceptable to the Zoning Board. The restriction of such existing units must result in the creation of units that are equivalent in value, quality, and size as compared to the on-site BMR units that would otherwise be constructed.

(c) Off-Site Construction of BMR Units: a BMR requirement may be satisfied through the off-site construction or substantial rehabilitation of BMR dwelling units within the City of Stamford, subject to the following standards: (i) the location, architectural design and siting of such units shall be subject to approval by the Zoning Board; (ii) such units shall not serve to displace existing affordable housing units; (iii) off-site BMR units shall be generally consistent with all applicable standards of this section; (iv) the Board shall condition the issuance of certificates of occupancy for the development project with the completion of the off-site affordable units and/or establish other reasonable performance conditions necessary to insure that the off-site BMR units will be built in a timely manner.

(d) 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 other approved non-profit or for-profit organization dedicated to affordable

housing initiatives. Off-site BMR units created with such funds shall be maintained as affordable in a manner similar to on-site BMR units. The cash contribution to be provided shall be calculated based on the applicable SMSA median income, as periodically revised, and based on bedroom size as defined in Subsection 7.4-C-1 above, and the following criteria for each of three required affordable income ranges: BMR units affordable at the 25% of SMSA family income level shall require a cash contribution not less than 240% of the SMSA median income; BMR units affordable at the 50% of SMSA median family income level shall require a cash contribution not less than 145% of the SMSA median income; and BMR units affordable at the 60% of SMSA median family income level shall require a cash contribution not less than 110% of the SMSA median income. Where the contribution is targeted to assist an identified off-site project providing affordable housing, the Board shall condition the issuance of certificates of occupancy for the development project with the completion of the off-site affordable units and/or establish other reasonable performance conditions necessary to insure that the off-site BMR units will be built in a timely manner. (205-11)

#### 7.4-4

##### EXAMPLE CALCULATIONS OF CASH PAYMENT - YEAR 2006

Cash contribution for a One-Bedroom BMR unit is based upon the Year 2006 Stamford SMSA Median Family Income for a Family of Two = \$93,040. Minimum cash contribution for each affordable income range is as follows:

25% of Median Units:  $\$93,040 \times 240\% = \$223,296$   
50% of Median Units:  $\$93,040 \times 145\% = \$134,908$   
60% of Median Units:  $\$93,040 \times 110\% = \$102,344$

Cash contribution for a Two-Bedroom BMR unit is based upon the Year 2006 Stamford SMSA Median Family Income for a Family of Four = \$116,300. Minimum cash contribution for each affordable income range is as follows:

25% of Median Units:  $\$116,300 \times 240\% = \$279,120$   
50% of Median Units:  $\$116,300 \times 145\% = \$168,635$   
60% of Median Units:  $\$116,300 \times 110\% = \$127,930$

Cash contribution for a Three-Bedroom BMR unit is based upon the Year 2006 Stamford SMSA Median Family Income for a Family of Five = \$125,604. Minimum cash contribution for each affordable income range is as follows:

25% of Median Units:  $\$125,528 \times 240\% = \$301,267$   
50% of Median Units:  $\$125,528 \times 145\% = \$182,016$   
60% of Median Units:  $\$125,528 \times 110\% = \$138,080$

(e) Other Equivalent Actions: a BMR requirement may be satisfied through other in-lieu contributions and efforts that, in the discretion of the Zoning Board, are judged to have a value that is equal or greater than the “fee-in-lieu” cash contribution otherwise required and will further the affordable housing goals and purposes of this section. (203-08)

## **SECTION 9 - DESIGNED DISTRICTS**

### 9-2 c Density Standards

To encourage the inclusion of Below Market Rate units (BMR) units pursuant to subsection 2(h) below, on-site dwelling units dedicated or conveyed to satisfy the BMR requirements of Section 7.4 of these Regulations shall be exempt from the maximum density calculation of this section provided the overall density for all units including exempt units shall not exceed one hundred percent (100%) of the underlying density. To facilitate the conveyance of on-site BMR units on separate, conforming single-family zoned lots, such land may be included within the maximum density calculation of this subsection and allowed to retain its original zoning designation in effect prior to the R-D zone change. (81-032; 203-04)

9-4

### h. Below Market Rate Dwelling Units Requirement:

- (1) All residential development within the R-D District shall be required to include Below Market Rate (BMR) dwelling units in an amount equal to not less than ten percent (10%) of the total number of market rate residential units approved pursuant to the R-D zone change. Required Below Market Rate units shall be provided in accordance with the standards, definitions and procedures contained within Article III, Section 7.4 of these Regulations, provided that onsite BMR units shall be affordable to households earning not more than one-hundred percent (100%) of the Stamford Standard Metropolitan Statistical Area (SMSA) Median family income. The exterior of new BMR homes within the RD development shall be indistinguishable from market rate units with respect to the exterior finishes, including

landscaping, but interiors may include standard finishes and need not be of “luxury” quality.

- (2) 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 initial R-D designation and site plan approval. Where a BMR requirement is satisfied by a “fee-in-lieu” cash payment, the cash contribution shall equal not less than 225% of the Stamford Standard Metropolitan Statistical Area (SMSA) median family income, based upon the number of bedrooms and family size criteria of Section 7.4. (203-04)

#### **AA. P-D PLANNED DEVELOPMENT DISTRICT**

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

- a. The proposed development is consistent with the Master Plan and the objectives of comprehensive plans for redevelopment, renewal or neighborhood preservation and rehabilitation by the City of Stamford.
- b. The proposed development consists of such uses and such proportions as are most appropriate to its functional integration into the neighborhood.
- c. The proposed development site plan is so designed in its space allocation, orientation, materials, landscaping and other features as to produce a stable and desirable character, complementary to the surrounding neighborhood.
- d. The proposed development includes or supports the production of dwelling units available at less than market rates.
  1. 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 that not less than seventy-five percent (75%) of the site shall be within a one-half (1/2) mile radius of the geographic center of the intersection of Atlantic and Main Streets. Land

zoned R-7 1/2 One Family Residence District and R-5 Multiple Family Residence District shall not be eligible for inclusion in any P-D PLANNED DEVELOPMENT DISTRICT. 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 fifty (50) feet, at least 30,000 square feet of land exists on each side of such street, and some portion of the frontage of each parcel is directly opposite. (97-033)

2. 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)

3. Standards. In connection with uses set forth in Subsection AA,2,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-N Central City District North shall apply in areas redesignated from the CC-N 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. To serve residential development, a minimum of one hundred fifty (150') square feet of usable open space per family shall be provided on the tract. Such usable open space may be at grade or as specified in (e.) below.
- 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. Not less than one and one-half (1 1/2) off-street parking spaces per dwelling unit shall be provided for residential development. Required parking for non-residential uses shall be as stipulated elsewhere in these regulations. The Zoning Board may grant a Special Exception pursuant to Section 12D-9(e) to provide for a reduction of the minimum number of spaces required by this section, or to authorize use of a valet parking system using vehicular elevator access and/or use of tandem parking spaces. (84-043; 204-12)
- h. **Below Market Rate (BMR) Dwelling Unit Standard.** All development within the P-D District shall be required to include Below Market Rate (BMR) units, in an amount not less than one-third (1/3) of the bonus density approved pursuant to the P-D zone change, or not less than ten percent (10%) of the total number of dwelling units, whichever is greater. In addition, any existing subsidized dwelling units on site shall be retained or replaced pursuant to a plan approved by the Zoning Board. Bonus density shall be defined as the amount by which the number of approved P-D units exceeds the maximum number of dwelling units otherwise permitted by zoning immediately prior to the P-D zone change. Where non-subsidized housing will be demolished or was previously demolished within the three (3) year period preceding the filing of the application, additional BMR units shall be provided equal to fifteen percent (15%) of the number of units demolished provided that the

**Zoning Board may exclude those units with a market rent or sale value greater than 150% of current BMR rent/sale limits.**

**Required BMR 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. (203-16)**

- 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)
4. 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 AA,2,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 7.2 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 7.2 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. Performance. The applicant(s) shall secure a building permit within one (1) year of the effective date of Zoning Board approval under Subsection AA,4,(c.) above. Upon failure to secure said permit, the modifications or amendments provided for in Subsection AA,4,(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.
6. Effectiveness. Upon the effective date of Appl. 88-004 establishing Subsection 3 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 3 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.

### **AAA. MX-D MIXED USE DEVELOPMENT DISTRICT - PART A**

Any parcel of land or aggregation of parcels of land contiguous to or within the Downtown Core and Downtown Corridor 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 housing 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 MXD-A MIXED USE DEVELOPMENT DISTRICT where a determination is made that the following objectives and minimum standards are met:

- 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 Core and Downtown Corridor Land Use Categories.
- c. The proposed development consists of such proportions as are most appropriate to its functional integration into the neighborhood.
- d. The proposed development site plan is so designed in its space allocation, orientation, materials, landscaping and other features as to produce a stable and desirable character, complementary to the surrounding neighborhood.
- e. The proposed development includes active or passive recreational amenities that will provide a superior living and working environment for the residents and employees therein.

1. 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 Core and/or Downtown Corridor Land Use Categories 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).

Subsequent to the initial designation of a MXD-A site, additional land may be designated and incorporated as an integral part of the MXD-A 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 MXD-A District. (93-015)

2. Permitted Uses. The following permitted uses in a MXD-A MIXED USE DEVELOPMENT

DISTRICT shall be subject to Zoning Board authorization for each use as a part of site plan review and approval:

a. Agencies; Apartment House or Dwelling; Dwelling, Two Family; Apparel Shops; Art and Antique Shops; Bakery; Banks; Barber, Beauty Shops; Book, Stationery Stores; Cafe; Camera Shop; Child Day Care Centers; Churches and Religious Institutions; Clubs and Lodges; 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)

3. Standards. In connection with the uses set forth in Section AAA, 2, a. above, the following standards shall apply:

- a. The maximum residential density permitted in the MXD-A 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 MXD-A 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 MXD-A MIXED USE DEVELOPMENT DISTRICT. The floor/area ratio of all uses permitted in the MXD-A 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.
- 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. To serve residential development, a minimum of one hundred fifty (150) square feet of usable open space per dwelling unit shall be provided on the tract. Areas such as landscaped roofs of parking structures, or balconies which conform to the dimensional requirements of these regulations shall qualify toward these usable open space requirements. However not less than twenty-five (25) percent of this requirement shall be met at grade. The provision for open space for pre-school children found elsewhere in these regulations shall not apply in the MXD-A MIXED USE DEVELOPMENT DISTRICT.
- 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.

1. 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-N District for front, side, and rear yards and residential structures shall be governed by the requirements of the R-H District for front, side, and rear yards. However, the Zoning Board may approve, on a site specific basis the appropriate relationship of yard requirements and separation of structures on the site to each other with the objective of assuring adequate light, open space, screening, landscape, safety and privacy for existing and proposed dwelling units, and overall urban design considerations. The requirements of Article III, 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. 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 2/3 (two-thirds) of all required parking shall be situated below grade or integrated into the building and entirely hidden from view.
- j. **Below Market Rate Requirement** For all MXD-A developments providing ten or more residential dwelling units, not less than ten percent (10%) of the total number of dwelling units shall be offered for rent or sale as Below Market Rate (BMR) units. 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 initial MXD-A designation and site plan approval. Where non-subsidized

**housing will be demolished or was previously demolished within the three (3) year period preceding the filing of the application, additional BMR units shall be provided equal to fifteen percent (15%) of the number of units demolished provided that the Zoning Board may exclude those units with a market rent or sale value greater than 150% of current BMR rent/sale limits. 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. (201-03; 203-17; 205-18)**

#### **D. R-H MULTIPLE FAMILY DESIGN DISTRICT, HIGH DENSITY**

1. Purpose. The purpose of this multi-family design district is to set aside areas which have been and may be developed predominantly for high density high-rise dwellings. It is intended that development in these districts provide an attractive living environment and include open space for the use and enjoyment of tenants. The regulations are designed to insure that the highest intensity uses have a lot area adequate to meet the parking and open space requirements of these regulations.  
In addition to dwellings, the Zoning Board may by Special Exception authorize a limited amount of professional office and/or neighborhood retail space in certain buildings. These uses are compatible with high density housing and are intended to provide relatively small spaces for individual businesses serving the local community.
2. Procedure. Applications for approval pursuant to the standards of paragraph (5-c) of this subsection and all applications for R-H special exception uses shall be subject to approval of site and architectural plans by the Zoning Board in accordance with the standards and procedures of Section 7.2 of these Regulations. All other R-H applications shall be subject to review and approval by the Zoning Enforcement Officer.
3. Authorized Uses.
  - a. In any R-H district a building or other structure may be erected, altered, arranged, designed or used, and a lot or structure may be used for all of the uses permitted as-of-right in the R-MF district.
4. Special Exception Uses. At the discretion of the Zoning Board, the following special exception uses may be authorized upon a finding that the use is consistent with the purposes of the R-H Design District and these Regulations, and with the standards of Section 19-3.2:
  - a. All uses permitted by Special Exception in the R-MF district.
  - b. Hotel, Residential
  - c. 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)

- d. The design, location and size of signage for such neighborhood commercial uses shall be approved by the Zoning Board, as it deems appropriate to the project design, location and use, and shall be limited to wall signage placed on the ground floor commercial façade not to exceed two square feet in area for each lineal foot of building frontage occupied by commercial use, and not more than one (1) ground mounted sign for each building frontage on a public street, each ground mounted sign not to exceed thirty (30) square feet. (205-43)

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 Exception 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, except where a Special Exception 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 to encourage increased interaction with pedestrian traffic, notwithstanding any other requirements in these regulations. (86-040)

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.

(8) Standards for parking are stipulated elsewhere in these regulations. The Zoning Board may grant a Special Exception pursuant to Section 12D-9(e) to reduce the minimum number of residential spaces required. (84-043)

(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 Exception by the Zoning Board, the following modifications of R-H standards may be awarded:

- i. Building coverage may be increased to forty (40%) percent plus an additional

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- 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.
- ii. 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.
  - iii. Side and rear yard requirements may be reduced, unless within the scope of Section 7K, but in no case shall be less than ten (10) feet.
  - iv. The requirements of Section 7K 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)
  - v. Where proposed development is within a Downtown Master Plan Category, the Zoning Board, by issuance of a Special Exception, 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: On lots with an area of 43,560 square feet or more in area not utilizing any bonus density, not less than ten percent (10%) of the total number of dwelling units shall be offered for rent or sale as Below Market Rate (BMR) units. By application for special exception, the Zoning Board may approve a bonus density not to exceed 80 dwelling units per acre on lots with an area of 43,560 square feet or more, provided that an additional number of units shall be offered for rent or sale as BMR units, and any existing subsidized dwelling units on site shall be retained or replaced pursuant to a plan approved by the Zoning Board. Projects utilizing bonus density shall provide BMR units totaling not less than ten percent (10%) of the density permitted in Section 9-D-5(c) plus one-fifth (1/5th) of the bonus density utilized.**

**For projects utilizing bonus density, where non-subsidized housing will be demolished or was previously demolished within the three (3) year period preceding the filing of the application, additional BMR units shall be provided equal to fifteen percent (15%) of the number of units demolished provided that the Zoning Board may exclude those units with a market rent or sale value greater than 150% of current BMR rent/sale limits.**

**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.**

- (11) On lots with an area of 43,560 square feet or more utilizing the bonus density set forth in subsection (10) above, the Zoning Board may approve the following modifications of R-H development standards:
- i) front setback from street center may be reduced or waived.
  - ii) 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.
  - iii) building coverage may be increased up to five percent (5%).
  - iv) side and rear setbacks shall be not less than one-third the height of the building, but need not exceed fifteen (15) feet.
  - v) the requirements of Article III, Section 7-K may be reduced or waived.
- (203-11)

**6. Screening of Parking.**

- a. At least two-thirds of the total number of parking spaces provided for buildings constructed pursuant to Subsection 5.c of this Section shall be located below grade or enclosed within a building. This requirement shall not apply to an Apartment Building for the Elderly.
- b. The following requirements shall apply to all parking areas for more than five (5) cars on any lot of 20,000 square feet or more in the R-H District:
  - (1) There shall be a buffer strip of land on the same lot as the parking area located between the parking area and the property line. The buffer strip shall be at least three feet wide and shall not be encroached on or over by any part of a parked car.
  - (2) Said buffer strip shall be landscaped with dense evergreen planting of a species which normally grows to a height of at least four feet, at least two feet high at planting, designed to screen noises, odors, visibility and headlight glare in the parking area from the adjacent property. A suitable opaque fence or wall at least five feet high may be substituted for the evergreen planting. In cases where a fence or wall is provided, such wall or fence shall be supplemented by landscaping. Landscaping shall consist of hedges or other ornamental plants supplemented by shade or flowering trees. There shall be at least one tree for each twenty-five linear feet of buffer area.
  - (3) All trees and plants required by this section shall be maintained in a healthy growing condition. Plant materials which do not meet this requirement shall be replaced by the property owner.

**E. RM-1 MULTI-FAMILY, LOW DENSITY DESIGN DISTRICT**

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 Exception 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.
2. Procedure. All projects located on lots of 30,000 square feet or more, and all applications for RM-1 Special Exception 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.
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.
4. Special Exception Uses. At the discretion of the Zoning Board, the following special exception 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 19-3.2:
  - a. the same uses authorized by Special Exception in the R-6 District.
  - b. Hospital Complex.
  - c. Nursing Homes.
5. Building Standards:
  - a. Minimum Lot Area: 5000 sq. ft.
  - b. Minimum Lot Area per Dwelling Unit: 3750 sq. ft.
  - c. Minimum Frontage: 50 ft.
  - d. Maximum Building Coverage, all Buildings: 25%
  - e. Maximum Building Height: 2 1/2 stories, not to exceed 30 ft.
  - f. Minimum yards: Front - 25 feet Rear - 30 feet  
Side - at least 10 feet each side (88-025)
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)

7. Accessory Buildings: on lots of 10 acres or more, the Zoning Board may by Special Exception 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)

**8. Below Market Rate Requirement: On lots with an area of 30,000 square feet or more not utilizing any bonus density, not less than ten percent (10%) of the total number of dwelling units shall be offered for rent or sale as Below Market Rate (BMR) units. By application for special exception, the Zoning Board may approve a bonus density not to exceed 15 dwelling units per acre on lots with an area of 30,000 square feet or more, provided that an additional number of units shall be offered for rent or sale as BMR units, and any existing subsidized dwelling units on site shall be retained or replaced pursuant to a plan approved by the Zoning Board. Projects utilizing bonus density shall provide BMR units totaling not less than ten percent (10%) of the density permitted in Section 9-E-5(b) plus one-fifth (1/5th) of the bonus density utilized.**

For projects utilizing bonus density, where non-subsidized housing will be demolished or was previously demolished within the three (3) year period preceding the filing of the application, additional BMR units shall be provided equal to fifteen percent (15%) of the number of units demolished provided that the Zoning Board may exclude those units with a market rent or sale value greater than 150% of current BMR rent/sale limits.

**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.**

9. 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 Article III, Section 7-K may be reduced or waived. (203-09)

**F. R-5 MULTI-FAMILY, MEDIUM DENSITY DESIGN DISTRICT**

1. Purpose. The purpose of this district is to set aside and protect areas which have been or may be developed predominantly for medium density multi-family dwellings of various types. Certain other uses are also permitted as-of-right or by Special Exception 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.
2. Procedure. All projects located on lots of 30,000 square feet or more, and all applications for R-5 Special Exception 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.
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.
4. Permitted Uses, Special Exception. The following uses shall be permitted by Special Exception; the same uses and in the same manner as are permitted by Special Exception 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. Building Regulations
  - a. Minimum Lot Area: One Family Dwelling: 5000 sq. ft.  
Two Family Dwelling: 6000 sq. ft.  
Multi-family Dwelling: 9000 sq. ft.  
On lots of at least 5,000 sq. ft. but less than 6,000 sq. ft., there may be located by conversion a second dwelling unit in a single family dwelling existing as of June 24, 1986 or constructed or last modified as to total floor area at least five (5) years prior to the date of application under this section. Such second dwelling unit shall be limited to one (1) bedroom and no more than three (3) additional rooms, and may occupy the existing unexpanded useable floor area of any single floor, or if created by expansion shall be limited to 700 sq. ft. of useable area. Building coverage (footprint) of the principal building shall not be

increased by the conversion or subsequent to the conversion, except for exterior stairways required by the Building Code. Three (3) off-street, suitably screened and landscaped parking spaces shall be provided for such converted dwellings, two of which may be provided in tandem.

b. Minimum Frontage:

One or Two Family Dwelling: 50 ft.

Multi-family dwelling,

lot area less than 30,000 sf.: 60 ft.

lot area 30,000 sf. or more: 150 ft.

c. Maximum Building Coverage, all Buildings: 30%

d. Maximum Building Height:

1 or 2 Family Dwelling: 2 1/2 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: On lots with an area of 30,000 square feet or more not utilizing any bonus density, not less than ten percent (10%) of the total number of dwelling units shall be offered for rent or sale as Below Market Rate (BMR) units. By application for special exception, the Zoning Board may approve a bonus density not to exceed 22 dwelling units per acre on lots with an area of 30,000 square feet or more, provided that an additional number of units shall be offered for rent or sale as BMR units and any existing subsidized dwelling units on site shall be retained or replaced pursuant to a plan approved by the Zoning Board. Projects utilizing bonus density shall provide BMR units totaling not less than ten percent (10%) of the density permitted in Section 9-F-5(f) plus one-fifth (1/5th) of the bonus density utilized. For projects utilizing bonus density, where non-subsidized housing will be demolished or was previously demolished within the three (3) year period preceding the filing of the application, additional BMR units shall be provided equal to fifteen percent (15%) of the number of units demolished provided that the Zoning Board may exclude those units**

**with a market rent or sale value greater than 150% of current BMR rent/sale limits.**

**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.**

- h. On lots with an area of 30,000 square feet or more utilizing the bonus density set forth in subsection (g) above, the Zoning Board may approve the following modifications of R-5 development standards:
  - i) front setback from street center may be reduced or waived.
  - ii) 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.
  - iii) 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.
  - iv) the requirements of Article III, Section 7-K may be reduced or waived. (203-10)