

# **TOWN OF GREENWICH BUILDING ZONE REGULATIONS**

**December 2014**

**Revisions through  
December 3, 2014**

**BUILDING ZONE REGULATIONS  
OF THE  
TOWN OF GREENWICH  
CONNECTICUT**

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December 2014

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### **Appendix**

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**LAND USE**

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**CHAPTER 6. LAND USE.****ARTICLE 1. BUILDING ZONE REGULATIONS.****DIVISION 1. GENERAL PROVISIONS<sup>1</sup>****Sec. 6-1. PURPOSES OF ARTICLE.**

- (a) This Article and the Zoning Regulations contained in this Chapter shall be for the following purposes:
  - (1) Promoting the health, safety, morals and general welfare of the community;
  - (2) Lessening congestion in the streets;
  - (3) Securing safety from fire, flood, panic and other dangers;
  - (4) Providing adequate light and air;
  - (5) Preventing the overcrowding of land and avoiding undue concentration of population;
  - (6) Facilitating adequate provision of transportation, water, sewerage, schools, parks and other requirements;
  - (7) Conserving the value of buildings and encouraging the most appropriate use of land throughout the town;
  - (8) Providing for the public health, comfort and general welfare in living and working condition;
  - (9) Regulating and restricting the location and use of buildings, structures and land for trade, industry, residence and other purposes;
  - (10) Regulating and limiting the height and bulk of buildings hereafter erected;
  - (11) Regulating and determining the area of yards, courts and other open spaces for buildings hereafter erected.
  - (12) Encouraging the retention and development of housing opportunities for all citizens of the municipality. (6/11/86)
- (b) This Article and the Zoning Regulations prescribed in this Article are established pursuant to the authority conferred by General Statutes.

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<sup>1</sup> State law reference: As to authority to adopt zoning regulations generally, see C.G.S. Title 8. As to State Building Code, see C.G.S. §19-395 to 403.

Editor's note: This article contains the Building Zoning Regulations adopted February 1, 1926, as revised September 30, 1947 and amended. Date at the bottom of the page indicates latest revision.

(6/11/86)

**Sec. 6-2. CLASSES OF ZONES.**

Thirty-three (33) classes of zones are established:

**CLASSES OF ZONES**

RA-4.	4 Acre Residence
RA-2.	2 Acre Residence
RA-1.	1 Acre Residence
R-20.	Single Family Residence 20,000 square feet
R-12.	Single Family Residence 12,000 square feet
R-7.	Single Family Residence 7,500 square feet
R-6.	Single and Two-family Residence 7,500 square feet; Multi-family
R-MF.	Multi-Family
R-C.	Residential Conservation
R-CC.	Residential Conservation Cluster
R-PHD-E.	Residential-Planned Housing Design-Elderly
R-PHD-N.	Residential-Planned Housing Design-Neighborhood
R-PHD-TH.	Residential-Planned Housing Design-Town House
R-PHD-SU.	Residential-Planned Housing Design-Small Unit
R-PR.	Planned Residential
CCRC.	Continuing Care Retirement Community Overlay Zone
LBL.	Local Business Retail
CGBR.	Central Greenwich Business Retail
LB.	Local Business
CGB.	Central Greenwich Business
GB.	General Business
GBO.	General Business-Office
WB.	Waterfront Business
BEX-50.	Executive Office Business
P.	Parking
CGIOZ.	Central Greenwich Impact Overlay Zone
PRIOZ.	Post Road Impact Overlay Zone
HRO	Historic Residential-Office
HO.	Historic Overlay
COZ.	Coastal Overlay Zone
FHOZ.	Flood Hazard Overlay Zone
IND-RE.	Industrial Re-Use Overlay Zone
H.	Hospital Zone (H-1, H-2)

**Sec. 6-3. ADOPTION OF ZONING MAP.**

The boundaries of the zones designated in Section 6-2 are established as shown on a map entitled, "Building Zone Regulation Map, Greenwich, Connecticut," dated September 30, 1947, and all amendments thereto. The Building Zone Map and its amendments are, by this reference made a part of this Article and are displayed in the Town Hall.

**Sec. 6-4. ZONE BOUNDARIES.**

- (a) The boundaries between zones are as shown and established in accordance with the provisions of Section 6-3. All land under water which shall include but not be limited to stream beds, lake bottoms and tidal areas, is deemed to be in the most restrictive adjacent zone. In cases of uncertainty, the Zoning Commission shall determine the location of the boundary.
- (b) In the event that any lot is not otherwise designated to be in a zone classification, such lot shall be classified in the LB zone if the land was zoned for business prior to September 15, 1976, or if zoned in a residential classification prior to September 15, 1976, the previous residential classification shall prevail. (2/7/2001)

**LAND USE**

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**DIVISION 2. ADMINISTRATIVE PROVISIONS.<sup>2</sup>****Sec. 6-5. DEFINITIONS.**

(a) As used in this Article:

- (1) Addition shall mean any alteration in a building which increases its size, height, or roof area.
- (2) Alteration shall mean any change in the use or location of walls, supports, shape, columns, beams or girders in a structure.
- (2.1) Animal day care establishments are not permitted in any residential zone nor the retail zones of the CGBR and LBR zones, but are allowed in the LB, CGB, GB and GBO zones subject to site plan and special permit approvals, and licensing from the state. Animal Grooming facilities are not permitted in the CGBR zone, but are permitted in the LBR, LB, CGB, GB and GBO zones. These facilities are not considered kennels, but may require licensing from the state or local Health Dept. (4/14/2010)
- (2.2) Attic. An attic is the space between the top of the ceiling joists of the top story and the bottom of the roof rafters. (4/14/2010)
- (3) Awning shall mean a cover, moveable or fixed, projecting from a building and supported only by attachment to the building.
- (3.1) Bank shall mean a financial service business that primarily provides person to person retail banking services at that location including cash deposits and withdrawals using tellers and secondarily other banking services including personal business and mortgage loans and other financial services and is chartered and/or licensed as a bank by an agency of the Federal Government or Connecticut Department of Banking. Bank locations are subject to site plan and special permit approval from the Planning and Zoning Commission. (4/14/2010; 9/28/2010)
- (3.2) Bank Drive In shall mean any physical structure, manned or non-manned (automatic teller machine), where retail banking services and related financial business is transacted from within one's vehicle. A Bank Drive In is permitted only as an accessory use to a principal bank use and structure on the same site and is subject to site plan and special permit approvals from the Planning and Zoning Commission. The terms drive-in, drive-up and drive thru, and similar variations shall be synonymous. (4/14/2010)
- (3.3) Basement. A basement is that portion of a building that is partly or completely below grade plane. See Sec. 6-45.1 "Story Above Grade" to determine when basement is counted as a story. (11/25/2008)
- (4) Boarding House shall mean a dwelling in which meals, or rooms and meals are provided for compensation for five (5) or more persons other than the members of the family of the proprietor. A Boarding House shall not include a Group Living Facility. (2/25/88)
- (5) Building shall mean any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or any other property. (5/4/2005)
- (6) Building Accessory or Accessory Use shall mean, in a residential zone, any accessory building or use which is subordinate and customarily incidental to the principal building or use on the same lot. In a commercial zone, shall mean any accessory building, including shipping containers or other structure customarily incidental to the principal building or use on the same lot. (5/4/2005)

<sup>2</sup> State law reference: As to administrative provisions for Zoning Commission and Zoning Board of Appeal, see C.G.S. Title 8, §1-13. (9/28/2010)

(7) Building Areas shall mean that portion of a lot which may be occupied by buildings. For purposes of this sub-section, buildings shall be measured to the outermost limit of any portion of the building, including but not limited to any projecting overhang of the roof excluding the first two feet. (5/10/2000, 3/2/2012)

(A) That portion of the area of a building or structure whose roof is treated as ground surface (planted or paved) and is entirely below the elevation of the adjacent grade by at least 3 feet of friable fill, as it was prior to any construction or regrading shall not be included in lot coverage or Green Area Requirement. (3/2/2012)

(B) That portion of the area of a structure or building whose floor is below the average established grade of the street curb in front of the building shall not be included in building coverage nor included in the floor area and may encroach within the required setbacks if it complies with all of the following conditions:

1. At least 75% of the roof surface of such structure or building shall have sufficient earth to support natural vegetation and be planted with grass, ground cover or shrubs.
2. The maximum grade of said roof shall not exceed one foot of rise to three feet of run.
3. The maximum height of any wall of said structure within a required setback shall not exceed 30 inches above the grade at all street curbs at any point, except that cross walls starting from said maximum 30 inch height may follow the slope of an earth covered roof.
4. A below grade structure shall not affect the computation of building height, except that the roof surface may be considered finished ground surface if it complies with all the provisions of the building height definition of these regulations.

This provision shall not apply to structures or buildings which have been granted site plan approval by the Commission prior to May 18, 1976. (5/10/2000)

(8) Building Frontage shall mean the overall dimension of the building most nearly parallel to a street, measured parallel to the street.

(9) Building Height shall mean the vertical distance measured from the grade plane to the highest point of the roof. See Diagram No. 1 (4/30/2002)

(10) Café shall mean an establishment which is conducted and is held out to the public as one in which the principal item offered for sale for consumption on the premises is alcoholic liquor and which does not conduct itself and hold itself out to the public as a restaurant. (The café liquor permit class has been eliminated as a permitted use as of November 17, 1997; see Sec. 6-194).

(10.1) **DELETED** (9/20/13) Left Intentionally Blank.

(10.2) Carport shall mean an enclosed structure or portion of a structure for use as a covered parking area. If the carport is part of a principal structure it may have one (1) or two (2) walls in common with that structure. If the carport is an accessory structure it may not have any walls exceeding 18 inches in height as measured from existing grade. Garage doors are not permitted in any case. Aesthetic enclosure of required structural columns may not exceed eighteen inches (18) in width. Lattice screening must have a minimum of fifty percent (50%) of its surface area open. (11/25/2008)

(11) Commercial Nursery shall mean a place where trees and other plants are grown for sale.

(11.1) Congregate Housing means a form of residential environment consisting of independent living assisted by congregate meals, housekeeping and personal services, for persons sixty-two years old or older. (6/17/83)

(11.2) A Continuing Care Retirement Community shall mean the combination on the same site of a nursing home and a residential facility for the elderly (62 years of age or older) that by contract offers shared meals, housekeeping, emergency call systems, other social supports and at least two (2) health related benefits, one of which shall be priority access to the nursing home without regard to source of payment. Other health related benefits include health care provided by the nursing home or by a home health care agency as defined in C.G.S. 19a-490, or the services of any licensed health professional on a regular, on-going basis, either on staff or on contract. The essential characteristics of a congregate community for the elderly are to provide home health care, intermediate and skilled nursing care in addition to housing, meals and other personal services. (4/2/91)

(11.3) Corner Lot shall mean a lot, other than a rear lot or a through lot with at least two adjacent sides one of which meets the minimum lot frontage requirement of a zoning district on a street and the other side which abuts a street for a minimum of twenty (20) feet. See Diagram No. 10. (4/19/2006)

(12) Court shall mean an unoccupied open space, other than a yard, on the same lot with a building which is bounded on two or more sides by the walls of such building. An outer court extends to a street line or opens upon a front, side or rear yard. An inner court is enclosed on all sides by the walls of a building or by lot lines on which the building walls are permitted.

(12.1) Covered Porches including gazebos, pool houses, pergolas (open air structure on at least 2 sides) to be distinguished from carports. (9/28/2010)

(12.2) Crawl Space. That portion of a building located below the first floor and which is less than five (5) feet in height between the inside finished grade in a building and the bottom of the floor joists of the first floor above the crawl space. (4/30/2002; 9/28/2010)

(12.3) Deck shall mean a constructed platform other than a patio that may be attached to a building and be supported by the building and/or the ground. A deck does not have a roof and is not enclosed. (4/19/2006; 9/28/2010)

(13) Drive-in Restaurant shall mean an establishment which serves food and non-alcoholic drinks from a counter either inside or outside a building primarily, but not exclusively, for consumption in automobiles parked on the premises for such purpose.

(13.1) Drive In, Drive Thru Establishments – Conversion from one Drive thru – Drive in establishment to another type of Drive thru establishment requires site plan and special permit approval. This includes Fast Food establishments, banks and other types of uses with drive ups. (4/14/2010)

(14) Dwelling, Attached shall mean a dwelling unit which is joined to another dwelling unit at one (1) or more points or by a party wall or walls.

(15) Dwelling, One Family shall mean detached building containing only one (1) dwelling unit.

(16) Dwelling, Two-Family shall mean a detached building containing only two (2) dwelling units.

(17) Dwelling Group shall mean two (2) or more principal buildings each one of which contains one or more dwelling units on a lot. (5/4/2005)

(18) Dwelling Unit shall mean one or more rooms in a structure which room or rooms is (are) arranged, designed, used or altered for one family, said room or rooms containing a kitchen and a bathroom with bathtub and/or a shower, a toilet and sink. (10/03/2001)

(19) Dwelling Multi-Family shall mean a building containing three or more dwelling units.

(19.1) Emergency Youth Shelters shall mean sleeping and eating facilities for youths, birth through 18, who need short-term housing (approximately three weeks) in order to resolve family problems. Total occupancy in a single-family dwelling shall not exceed

ten youths plus staff, with a minimum of six off-street parking spaces. To be eligible youths must be screened so as to eliminate drug and alcohol users or emotionally disturbed youths. (6/8/92)

(19.2) Executive Offices shall mean a structure or portion thereof containing offices of the top management or supervisory personnel of a corporation or company.

(20) Fall-Out Shelter shall mean a structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.

(21) Family shall mean any number of persons living together as a single housekeeping unit in a domestic relationship based on birth, marriage or other domestic bond, or one (1) person living in a single housekeeping unit as distinguished from roomers or boarders or the occupants of a hotel. If several unrelated individuals live together as a family, then one (1) member shall be designated as head of household and the other members shall be considered as roomers or boarders.

(21.1) Family Day Care shall mean care in a private family home for pre-school and elementary school children licensed by the State of Connecticut for not more than 10 hours during a 24 hour period. The number of children are not to exceed six at any given time and care is on a regular basis. This use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (1/1/87)

(21.2) Fast Food Restaurant shall mean an establishment having more than twelve (12) seats with a limited menu whose principal business is the sale of quickly prepared foods, frozen desserts or beverages to the patron in a ready to consume state, primarily served in paper, plastic or other disposable plates or containers with disposable utensils, for consumption within the building, or within a motor vehicle parked on the premises or off the premises as carry-out orders, and may have drive-thru or delivery services. (5/4/2005)

(21.3) Financial Service: A business or use regulated by the State or Federal Government as a "bank" and any business, which makes loans, mortgages, accepts deposits, gives financial advice and/or buys and sells securities on behalf of its customers or clients. Financial Services are considered office uses and as such fall under Use Group 2a, 2b and 2c. These uses are not permitted on the first floor in the CGBR and LBR zones, but are permitted on the first floor in all other business zones. All Banks, including Drive-in, Drive-thru, etc. require site plan and special permit approvals in all business zones. ATM machines and access to floors above are not considered financial services and may be located on the first floor in the CGBR and LBR zones. (9/28/2010)

(21.4) Finished Grade. The final elevation of the ground surface, including lawns, walks and paved surfaces after the completion of grading. See Diagram No. 1. (4/30/2002; 9/28/2010)

(21.5) Fitness Club shall mean a commercial establishment or use, where a combination of group fitness center, gym or recreational facility uses are conducted, that may offer membership but is generally available to the public. (9/20/2013)

(22) Floor Area, Gross for buildings in non-residential zones shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls. Floor area, gross, shall not include areas below grade when devoted to the following uses: (A) Mechanical spaces, (B) Parking, (C) Storage (when related to the principal use of the building) but shall include all other below grade areas. An area below grade shall mean that portion of a building partially underground having  $\frac{1}{2}$  or more than  $\frac{1}{2}$  of its clear height below the grade plane. (6/11/86) (4/30/2002)

(22.1) Floor Area, Gross for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases, chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No. 2

(a) Notwithstanding the foregoing, for buildings existing as of the effective date of this amendment, where the attic space has been solely accessible via "pull down" stairs or ceiling scuttle and the attic floor has not been included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(22. 1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5 (45). See Diagram No. 2. (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than three (3) feet above the grade plane and at all points the floor of the basement is more than four (4) feet below the grade plane the basement shall not be included within Gross Floor Area. See Diagram No. 3.

2. Where the finished surface of the floor above the basement is more than three (3) feet and less than five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:

(a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.

(b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:

- 300 sq. ft. per vehicle; no tandem spaces permitted
- 100 sq. ft. of space for laundry equipment
- 100 sq. ft. of space for mechanical equipment

3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 100% of the space, excluding

crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3. (4/19/2006)

(C) The effect of Subsection (A) and (B) above shall not preserve legally non-conforming square footage in excess of the maximum floor area ratio. Basement and attic areas, which, as a result of these amendments, are no longer included in floor area ratio may be replicated only to the extent that they do not exceed the floor area ratio limitations. (4/30/2002)

(23) Floor Area Ratio shall mean the ratio of the aggregate Gross Floor Area of all buildings on a lot (including accessory structures having walls and a roof, such as pool houses, sheds, and garages) to the total area of the lot excluding underwater coastal lands as described in Sec. 6-138 and excluding that land over which a right-of-way for a private road exists. (11/25/2008)

(24) Floor Area, Usable shall mean 75% of the gross floor area as defined in (22) above. (6/11/86)

(25) Garage Space shall mean space in a covered area used for the parking of vehicles.

(26) Grade Plane. A reference plane representing the weighted average of the finished ground level adjoining the building at all exterior walls as set forth below: If retaining walls are constructed to create the finished grade used to determine the grade plane, the height and spacing of the retaining walls must be in compliance with Sec. 6-134(b). If the finished grade slopes downward from the exterior walls, the reference plane shall be established as follows: (5/4/2005)

- If any portion of the building, not including projections permitted by Sec. 6-128, is ten (10) feet or less from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area between the building and the lot line; and
- If any portion of the building, not including projections permitted by Sec. 6-128, is more than ten (10) feet from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area, which is ten feet from the building.
- If fill is added to create the finished grade, establishment of the reference plane shall be determined by measurement of the actual finished grade after fill is added.
- If a retaining wall is placed on a property line and the property line is ten (10) feet or less from the building, the lowest finished grade on either side of the wall shall be used to calculate the reference plane. (4/30/2002)
- If the structure is in the Flood Hazard Overlay Zone, see also Section 6-139.1(c)(22.1) (6/17/2014)

(26.1) Green Area Requirement shall mean the required percentage of a residentially zoned property as noted under Section 6-205, that is naturally occurring such as a wooded area, a rock outcrop, or grassed, manicured or landscaped areas. (3/2/2012)

(A) The following is permitted within the Green Area Requirement subject to the restrictions of Section 6-128 regarding encroachments into yards: Synthetic turf playing fields for school or municipal uses only, rain gardens, patios, decks, small scale garden paths (stepping stones), and walkways less than 5' wide, mechanical equipment and mechanical equipment pads, septic systems and underground drainage systems with the purpose of retention, infiltration or water quality treatment. Any underground structure or impermeable surface that is covered by at least 3 feet of friable fill is permitted in the Green Area Requirement. (3/2/2012)

(B) The following is not permitted within the Green Area Requirement: Surface development on a site or lot occupied by buildings, structures, parking areas,

driveways, tennis courts, porches, swimming pools and pool coping, and patios and/or decks that are in some way covered by a second floor or roof, porous asphalt, porous concrete, permeable inter-locking concrete pavers, concrete grid pavers, plastic turf reinforcing grids and similar man-made materials and products. Any underground structure or impermeable surface that is covered by less than 3 feet of friable fill shall not be permitted in the Green Area Requirement. (3/2/2012)

(C) A class A-2 Zoning Location Survey or Improvement Location Survey is required to demonstrate compliance with this Section. A class T-2 Topographic Survey is also required to demonstrate compliance in those instances where an underground structure is involved. (3/2/2012)

(26.1.1) Group Fitness Center shall mean a commercial establishment or use where physical exercise or training is conducted in a group session with an instructor using exercise equipment or open floor space such as but not limited to aerobics studios, yoga studios, spin classes, and martial arts studios. (9/20/2013)

(26.2) Group Living Facility for the Elderly. A Group Living Facility for the Elderly (60 years or older) is one which provides shared-living opportunities in a family-like environment to no more than 12 individuals, related or unrelated, exclusive of any staff. These individuals must be capable of living independently. (2/25/88)

Facilities are provided for room and board. Each person may have his or her own bedroom and may have own bath. Residents share kitchen/dining facilities and other common space. Shared activities may include sharing responsibilities for meals, social activities and daily living activities, but the residents retain the choice of being private or socializing. (2/25/88)

A Group Living Facility for the Elderly is not for people with alcohol or drug abuse problems, for those coming directly from correctional or custodial institutions, for those with a history of aggressive behavior toward persons or property, or for those requiring supervision. (2/25/88)

A Group Living Facility for the Elderly may have part-time or full-time staff to assist with normal household functions and domestic services such as laundry, shopping, building maintenance and management. (2/25/88)

(26.3) Group Day Care Home shall mean a detached Resident-Occupied, Single-Family Dwelling in which a program, licensed by the State of Connecticut, of supplementary child care for not less than seven (7) or more than twelve (12) related or unrelated preschool and elementary school children is conducted on a regular basis for part of the twenty-four (24) hours in one or more days of the week. (10/2/89)

(27) Guest House shall mean an accessory building used solely by the owner or occupant of the premises for the temporary accommodation of his guests or members of his family and for which no rental or other charge is made or received and provided that no kitchen facilities or other housekeeping facilities are included in the accessory building.

(27.1) Gym shall mean a commercial establishment or use where physical exercise or training is conducted on an individual basis, using exercise equipment or open floor space with or without one-to-one instruction with a personal trainer. (9/20/2013)

(27.2) Healthcare Professional: A trained specialist or practitioner with an advanced degree or certification who works one-on-one with people to resolve health related issues. This includes psychologists, social workers, counselors, naturopaths, physical therapists, massage therapists, and nutritionists, but excludes licensed medical professionals. (9/28/2010)

(28) Home Occupation shall mean any use customarily conducted entirely within a dwelling and carried on by the residents thereof using only customary home appliances, which

use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, such as dressmaking, millinery, massaging, preserving and the like. Uses such as, but not limited to the conduction of dancing or music studio, tourist home, kennel, animal hospital, or any similar use, shall not be deemed to be a home occupation. Any business enterprise or activity which shall require a license or permit from the town or from any bureau or department of the County or State, shall not be deemed a home occupation, except for a Registered Physical Therapist. (4/7/81)

- (28.1) Home Office shall mean one office within a resident's one family dwelling or the garage or other residential accessory structure thereto, constructed within such setbacks as are required for the dwelling, that is used for the conduct of business services primarily by means of customary office and telecommunications equipment with no more than three (3) business visitors (clients, deliverers and couriers, and consultants) daily, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character or appearance thereof. A home office does not include the uses in Use Group 1 of Section 6-100. (2/8/94)
- (29) Horticultural Reservation shall mean an area devoted to the art, study or science of the cultivation of flowers, fruits, vegetables or ornamental plants.
- (29.1) Hospital shall mean a facility providing around-the-clock 24-hour care for sick and diseased persons by physicians and licensed health professionals, housing in-patients overnight for professional medical care (including less than 48-hour care) and having facilities to handle on a regular basis emergency treatment, general surgery, acute care and intensive care, including those services necessary to the handling of such care. Said facility will be under the supervision of the State Commission on Hospitals and Health Care. (6/8/90)
- (30) Hotel shall mean a building or portion thereof, kept, used, maintained, advertised or held out to the public, containing thirteen (13) or more rooms used for sleeping accommodations for guests, and providing lodging with or without meals, and other incidental services and in which there are certain public rooms and services for the use of all guests. In no case are hotel units to be used as dwelling units. The word "hotel" includes the word "motel," "motor lodge," "auto court," "inn," "tourist court" or similar names.
- (30.1) Jobbing Establishment shall mean the premises of an independent contractor directly involved in the building construction trades such as plumbing, heating, carpentry, electrical and the like. (6/11/86)
- (31) Kennel shall mean the keeping or raising of dogs for a profit, or the keeping of five (5) or more dogs over the age of six (6) months.
- (31.1) Kitchen shall mean an area or a room containing a sink and appliances for cooking and a refrigerator for food storage and an area for the preparation of foods. Such room may also contain cabinetry and appliances, which may include, but not be limited to, a dishwasher, microwave oven and trash compactor. (10/3/2001)
- (31.2) "Level of Service, Acceptable" for roads shall mean that stable conditions exist, i.e., movements may be somewhat restricted due to volumes, but conditions are not objectionable for motorists. "Level of Service, Acceptable" for intersections shall mean that drivers occasionally wait through more than one signal indication, and occasionally backups may develop behind left-turning vehicles, but traffic flow is stable and acceptable. (6/11/86)
- (32) Loading Space shall mean an off-street space available for the loading or unloading of goods; not less than fifteen (15) feet wide and twenty-five (25) feet long, having direct usable access to a street except that where one such loading space has been

provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve (12) feet.

(33) Lot shall mean a parcel of land occupied or to be occupied by a building or a group of buildings and their accessory uses, including such open spaces as are required by these regulations and such other open spaces as are used in connection with the buildings. Lot shall include "plot". For the purposes of compliance with Sec. 6-156, a lot also includes the land between the property line and the traveled way of the abutting street or streets.

(34) Lot Corner see definition Sec. 6-5(a)(11.3), corner lot and Diagram No. 10. (4/19/2006)

(34.1) Lot Coverage shall mean the percentage of surface development on a site or lot occupied by buildings, structures, parking areas, driveways, decks, tennis courts, patios, terraces, swimming pools, etc., and does include porous asphalt, porous concrete, permeable inter-locking concrete pavers, concrete grid pavers, plastic turf reinforcing grids and similar man-made materials and products. Grassed and landscaped areas, rain gardens, tree areas etc., shall not be included in Lot Coverage. Any underground structure or impermeable surface shall, not be considered in lot coverage if covered by at least three (3) feet of friable fill. Septic systems and drainage systems with the purpose of retention, infiltration or water quality treatment shall not be considered as lot coverage. Lot coverage shall apply to R-MF, R-6 (three-family) and all commercial zones. (5/4/2005; 10/26/2010; 3/2/2012)

(35) Lot Frontage shall mean the distance between the side lines of a lot measured along the street which distance continues the minimum frontage as stated in Sec. 6-205 for the zone in which the lot is located undiminished to a depth equivalent to at least two hundred percent (200%) of the minimum front yard setback depth as stated in Sec. 6-205 for the zone in which the lot is located. Where the front lot line is along the circular terminus of a cul-de-sac, the distance may be measured at the required front yard depth setback along an arc concentric with the street line. See Diagrams 6 and 8. (4/30/2002)

(36) Lot, Through shall mean any lot other than a corner lot with frontage on more than one street.

(36.1) Medical Professional: This term shall mean a licensed medical doctor, psychiatrist, doctor of dental surgery and doctor of medical dentistry and other similar uses such as chiropractors, doctors of osteopathic medicine, and other medical professional requiring medical licenses in the State of Connecticut. (9/28/2010)

(36.2) Museum shall mean an institution that is devoted to storing, preserving, and exhibiting objects of art, history, science or other objects of lasting historical, educational or cultural value on a permanent basis in a building, portion of a building or outdoor location. Museums must be open to the public; provide museum services to the public in a building or portion of a building or outdoor location on a regular basis; and be public institutions or private not-for-profit institutions with a 501(c)(3) federal tax status. Museums are permitted in residential and commercial zones subject to special exception and/or special permit approvals under Sec. 6-94 (11) (10/12/2010)

(36.3) Nail Salon is an establishment that primarily offers nail care services such as manicures, pedicures, and nail enhancements. (1/28/2014)

(37) Natural Park Area shall mean an area of unusual natural beauty which has remained substantially undisturbed by man and is used primarily for conservation, education, scientific purposes, and the study and enjoyment of nature. (3/2/2012)

(38) Non-conforming Use shall mean a building or land, the use of which does not conform to the use regulations for the zone in which it is situated.

(38.1) Non-Passenger Vehicle shall include all vehicles other than passenger vehicles under the Connecticut General Statutes Title 14, Chapter 246, Motor Vehicles. (5/4/2005)

(38.2) Office Uses shall mean non-retail, non-personal service establishments which involve the transaction or provision of financial, professional or business services, the operation of service organizations, or the offices of Health-Care providers. Office uses include, but are not limited to advertising agencies; banks, public relations firms; offices of professional persons; financial and tax services; mortgage and money-lending institutions; investment companies; business consultants; credit agencies; secretarial services and the like. Office uses are characterized by having limited storage consisting of office supplies or the like, but not stock for resale. Office uses may include health and fitness facilities provided as a service to employees of the office uses. (5/4/2005; 9/28/2010)

(38.2.1) Outdoor dining shall mean a seasonal use, ancillary and contiguous to an approved eating establishment (restaurant, or retail food establishment), operating on a seasonal (seven month) basis starting on April 1st and concluding on November 1st in any calendar year and subject to the standards and conditions of Section 6-100 Use Group 1. (3/25/2014)

(38.3) Passenger Vehicles for purposes of these regulations includes passenger cars, SUVs, mini-vans, pick-ups and other vehicles with a maximum of two axles, and a maximum seating capacity of 10 persons used primarily for the transportation of persons for non-commercial purposes. (5/4/2005)

(38.4) Patio shall mean an area on grade, which is covered with an impervious surface material such as masonry or stone. (4/19/2006)

(38.5) Personal Service Establishments shall mean those establishments primarily involved with the provision of personal care or other service directly to the ultimate consumer on a one to one basis as walk-in trade or by appointment. Personal service establishments include but are not limited to beauty salons; spas; barber shops; decorating shops; tailors; dressmakers; laundries; photographic studios; shoeshine and repair shops; shops for repairs or adjustments to appliances, watches, locks, guns and similar small items; and one-to-one physical conditioning. Personal service uses shall not include offices or facilities of fitness clubs, health care professionals, or health care providers, training, fitness, recreational or educational facilities, such as but not limited to computer schools, martial arts or language schools, tutoring facilities, yoga classes, spinning classes and the like. Personal service establishments do not include high intensity group type uses such as nail salons, recreational or group fitness centers which services a large number of customers/clients at one time and which require parking on site in all business zones. (4/19/2006; 9/28/2010, 9/20/2013)

(38.6) Pharmacy: A retail use (Use Groups 1 & 8) located within the commercial zones where prescription drugs are sold and are constantly supervised by a licensed pharmacist. An accessory use to a Pharmacy is permitted where it is an activity or use of space that is clearly secondary to the pharmacy pursuant to the following:

1. Shall be less than 150 square feet, including customer waiting area, that is physically separated from the remainder of the retail space;
2. Shall be a use characterized by having limited facilities and personnel, which functions without an appointment system to provide on-the-spot medical aid to persons who present non-life-threatening problems, but who need or want the convenience of immediate medical attention for common family illnesses such as strep throat, ear, eye, sinus, bladder, and bronchial infections;
3. Shall be staffed only by a nurse practitioner or physician's assistant in accord with CT General Statutes and who can diagnose, treat, and write prescriptions.

No physician shall be on staff otherwise such a facility will be considered medial office use under the Building Zone Regulations;

4. Shall not be characterized by providing patients with long-term follow-up medical care. (11/7/2007)

(38.7) Porch shall mean a deck or patio with a roof. It may or may not be enclosed. (11/7/2007)

(39) Premises shall mean and include lot and buildings.

(40) Professional Person shall mean an architect, professional engineer or lawyer. (2/8/94)

(40.1) Rear Lot shall mean a lot whose frontage on a street is as defined in Sec. 6-131. (5/4/2005)

(40.2) Recreational Facility: shall mean a commercial establishment or use where indoor or outdoor passive or active recreation activity is conducted including but not limited to batting cages, miniature golf, skate parks, ice-skating rinks, swimming pools, golf courses, bowling alleys, tennis and other sports facilities.. (9/28/2010, 9/20/2013)

(41) Resident Medical Professional Office shall mean one office in a one family dwelling of one medical professional (defined as a physician, surgeon, dentist, chiropractor, psychiatrist, or other licensed medical professional approved by the Planning and Zoning Commission) that is the principal residence of such medical professional and that has no hospital facilities or a medical laboratory. Such use must be clearly incidental and secondary to the use of the dwelling for residential purposes and not change the character or appearance thereof. (2/8/94)

(42) Restaurant shall mean an establishment containing a kitchen and seats for more than twelve patrons whose principal business is the preparation and selling of beverages and unpackaged food to the patron in a ready-to consume state, with non-disposable dishes, containers and utensils, and where the patron consumes these foods while seated at tables or counters located within the building, except where the establishment has been granted an outdoor dining permit. Such establishments may not provide drive-thru services. (5/4/2005)

(42.1) Retail Food Establishment shall mean a business that sells both packaged and prepared foods and beverages primarily for consumption off the premises, but which may have seating for on-site consumption for up to twelve patrons. The definition shall also include food service providers (caterers) who prepare and deliver and/or serve food off premises, and may also include drive-thru services. (5/4/2005)

(42.2) Retail Stores shall mean sales establishments whose primary purpose is to display and office for sale commodities or goods directly to the consumer, reserving a substantial amount of floor space and window space for display of goods. Retail stores also offer incidental services. (9/15/86)

(43) Rooming House shall mean a dwelling in which rooms for living purposes are rented for compensation to five (5) or more persons other than the members of the family of the proprietor.

(43.1) Satellite Earth Station Antenna shall mean a parabolic dish and appurtenant tower or other antenna, tower or device the purpose of which is to receive, distribute or transmit a variety of electronic signals in the form of microwaves to or from orbiting satellites or other extra-terrestrial or terrestrial sources. (10/7/85)

(43.2) Service and Social Club shall mean a non-profit club or association of members organized for the purpose of providing services to the community, and engaging in charitable activities, and providing a meeting place for social interaction of its members, provided that no part of the net earnings of such club or association inures to the benefit of any private individual. (4/29/91)

(44) Sign shall mean any structure or any natural object such as a tree, rock, bush, or the ground itself, or part thereof or device attached thereto or painted or represented

thereon that shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, figure, character, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction or advertisement, including windows, or permanently installed behind windows within three (3) feet thereof and visible outside the building, provided however, for the purposes of Sections 6-163 and 6-164 the word "sign" does not include (i) temporary holiday decorations and (ii) the flag, pennant or insignia of any nation, state, city or political unit; or (iii) the official flag of any political, educational, charitable, philanthropic, civic, professional, or religious institution or of a company whose executive or division offices are located on the premises as the primary occupant of a building. No such flag shall be more than 60 square feet and flown from a pole not more than 40 feet in height. For the purpose of this Chapter signs shall be considered to include and be further classified as follows: (7/3/93)

- A) Free-standing sign shall mean a sign on supports placed on or anchored in the ground and not attached to any building or other structure. (7/3/93)
- B) Nameplate shall mean a sign giving the name or address of a property and/or the occupant or a building marker containing such information and dates and details of construction. (7/3/93)
- C) Portable shall mean a sign, not permanently anchored to the ground or other permanent structure, designed to be transported, including without limitation, a sign designed to be on wheels, a menu or sandwich board sign, and a sign attached to or printed on a vehicle parked and visible from the right of way unless the vehicle is regularly used in the normal day-to-day operations of the business. (7/3/93)
- D) Projecting shall mean a wall sign attached in such a manner that its leading edge extends more than fifteen inches beyond the face of the wall. (7/3/93)
- E) Real Estate shall mean a sign used to advertise the sale, lease, rental, availability or location of real estate or a real estate development. (7/3/93)
- F) Temporary shall mean a sign that is not permanently mounted and is intended for a limited period of display. (7/3/93)
- G) Wall shall mean a sign printed on or attached to a building wall. (7/3/93)
- H) Window shall mean a sign consisting of lettering or designs inside a window or upon the pane visible from the exterior of a window. Window shall include the entire glassed area within the frame. (7/3/93)

(45) Story shall mean that portion of a building above the basement, except as further defined in Sec. 6-5 (45.1), included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a "story" if it is habitable floor area used for other than storage, parking or mechanical space. A "half-story" is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers as described in Section 6-5 (22.1) (A) 1 (b), does not exceed forty (40) percent of the floor area next below when measured at a plane seven feet zero inches (7'0") above the floor directly below the roof. It shall be counted as a full story if the said forty (40) percent is exceeded. See Diagram No. 4. (4/30/2002)

(45.1) Story Above Grade shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

1. More than five (5) feet above the grade plane; or

2. More than five (5) feet above the finished grade at the wall of the building for more than thirty (30) percent of the total linear measurement of the perimeter wall of the building; or
3. More than fourteen (14) feet above the finished grade at the perimeter of the building at any point. See Diagram No. 5. (4/30/2002; 9/28/2010)

(46) Street shall mean and include all public and private streets, highways, avenues, boulevards, parkways, roads, and other similar ways.

(47) Street Curb Line shall mean a line defined by the face of an existing or proposed curb or the edge of the street pavement.

(48) Street Frontage shall mean the distance between property lines measured along the street or streets.

(49) Structure shall mean a building or anything constructed or erected that requires location on the ground or attached to anything having location on the ground including but not limited to swimming pools, more than thirty-six (36) inches deep or having a surface area more than two hundred and fifty (250) square feet, fallout shelters, uncovered porches, satellite earth station antennas (both receivers and transmitters), towers, sports courts larger than 1,000 sq. ft. and all appurtenances thereto, fences, walls or mechanical equipment (including vehicle parking lifts) over six-feet in height. (4/19/2006)

(49.1) Substantial Improvement shall mean any combination of repairs, reconstruction, alterations, addition, or improvements to a structure in which the cumulative cost equals or exceeds seventy-five (75) percent of the replacement cost of the structure. The replacement shall be the appraised value of the structure as defined in Sec. 6-139.1. The cumulative cost of these improvements will include the cost of the proposed improvements and all other improvements made to the structure within the preceding thirty-six (36) months. The date of permit issuance for prior-building permits extending back thirty-six (36) months from the date of submission of the building permit application for the latest proposed improvement will be used to determine the improvements to be included in the replacement cost calculations.

Separate conditions govern any alteration of a structure eligible or listed on the National Register or Historical Places or the State Inventory of Historical Places. This definition shall not apply to structures located in Flood Hazard Areas that are subject to Section 6-139.1. (4/19/2006)

(49.2) Supermarket shall mean a food store over 4,000 square feet in floor area offering food for sale primarily for preparing off the premises. Non-food items such as household supplies, toiletries and other miscellaneous items may be offered, but the supply of such items is secondary to the primary purpose of a supermarket to sell basic food products directly to the consumer. (4/19/2006)

(50) Temporary Structure shall mean a structure which by its type and materials of construction is erected to remain for not more than six (6) months in any year. Such structures shall include tents, air supported structures, fabric shelters, portable bandstands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other structures of a similar character.

(51) Terrace (Definition deleted 4/19/2006)

(52) Walk-in Medical Clinic, also known as Convenient Medical Care Center and by other similar terms, shall mean a facility which functions without an appointment system to provide on-the-spot medical aid to persons who present non-life-threatening problems but who need or want the convenience of immediate medical attention. (1/12/2000) A walk-in medical clinic is characterized by having limited facilities and personnel. Such a facility may be open 24 hours a day and shall be so located as to serve a non-

overlapping geographic area having a population of 30,000 people. No walk-in medical clinic shall be located within 4 miles of a similar facility. A walk-in medical clinic is not characterized by providing patients with long-term follow-up medical care, and is not designed to handle life-threatening emergencies. (7/25/1988)

- (52.1) Water-dependent uses means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland. (5/11/1987)
- (52.2) Wet bar shall mean an area equipped with running water, a sink of not more than 250 square inches and a bar or serving counter, and may also include an under counter or counter top refrigerator. The wet bar shall not include facilities for cooking. (10/3/2001)
- (53) Wildlife Reservation shall mean an area set aside for the preservation of undomesticated animals and birds in their native habitat.
- (54) Yard, Front shall mean an open space across the full width of the lot between the front wall of the principal building and the front lot line. See Diagrams 7 and 9 (4/30/2002)
- (55) Yard, Rear shall mean an open space across the full width of the lot between the rear lot line and the rear wall of the principal building. Where the lot is irregular or triangular in shape, the rear lot line shall be a line entirely within the lot not less than ten (10) feet in length and parallel to and most distant from the front lot line. See Diagrams 7 and 9 (4/30/2002)
- (56) Yard, Side shall mean an open space, extending from front yard to rear yard between the side lot line and the principal building. See Diagrams 7 and 9 (4/30/2002)
- (56.1) Yard, Required or Minimum Yard shall mean an open space between a lot line and the yard depth for rear and front yards and the yard width for side yards as stated for a zone in Sec. 6-205 in which no structure shall be located except as specifically permitted by these regulations. All lots shall contain the minimum dimensions as called for in Section 6-205. All yard minimums shall be contiguous to form an unbroken open space around the perimeter of a lot. The single side yard, and where applicable, combined side yards required dimensions for each of the residential zones are as follows: RA-4 single side yards shall not be less than 50 ft.; RA-2 single side yard shall not be less than 35 ft.; RA-1 single side yard shall not be less than 25 ft.; R-20 single side yard shall not be less than 15 ft. with the sum of the combined side yards not less than 35 ft.; R-12 single side yard shall not be less than 10 ft. with the sum of the combined side yards not less than 25 ft.; R-7 single side yard shall not be less than 5 ft. with the sum of the combined side yards not less than 15 ft.; R-6 single side yard shall not be less than 5 ft. with the sum of the combined yards not less than 15 ft. for single and two-family dwellings and single side yard shall not be less than 25 ft. for residential buildings subject to special permit approval; R-MF single side yard shall not be less than 15 ft. for single and two-family dwellings and single side yard shall not be less than 50 ft. for residential buildings subject to special permit approval. (4/30/2002)
- (57) Zoning Lot Area shall mean an area containing the minimum frontage, yard requirements, and area of the zone in which located.

(b) The words "occupied" and "used" shall include the words "designed", "arranged" or "intended to be occupied or used".

## **Sec. 6-6. INTERPRETATION OF ARTICLE.**

In interpretation and application this Article shall be held to be the minimum requirement for the promotion of the public health, safety, convenience and general welfare. Where this Article imposes a

greater restriction on the use of buildings or land or on the height of buildings or requires larger yards, courts or other open spaces, or a greater percentage of lot to be un-built upon, or imposes other higher standards than are imposed by the provisions of any law, ordinance, regulation or private agreement, this Article shall control. When greater restrictions are imposed by any law, ordinance, regulation, or private agreement than are required by this Article, such greater restrictions shall not be affected by this Article.

### **Sec. 6-7. OUTSTANDING BUILDING PERMIT.**

Any building permit issued before the adoption of these regulations or the date of any amendment thereto, under which fabrication has not been commenced prior to such date shall be void unless the action to be taken under such permit is in accordance with this Article and any such amendment. In the case of a structure requiring a foundation, fabrication shall be deemed to have commenced when the footing course of such foundation has been completed.

### **Sec. 6-8. ENFORCEMENT OF ARTICLE. (10/26/2010)**

- (a) This Article shall be enforced by the Zoning Enforcement Officer (ZEO) or other official designated by the Planning and Zoning Commission pursuant to CT State Statutes. Said official (ZEO) shall report to the Director of Planning and Zoning/Zoning Enforcement Coordinator and shall consult with and report to the Commission on matters of interpretation of subdivision and zoning regulations. The ZEO shall serve as staff to the Planning and Zoning Board of Appeals and shall administer and enforce the zoning regulations according to State Statutes and policies and procedures established by the Commission as per Section 8-3(e) of Title 8 of Chapter 124 of CGS. Said official shall be authorized to inspect or cause the inspection of any building, place, premises or use to be inspected, and to order in writing the remedying of any condition found to exist in violation of this Article. (3/85; 10/26/2010)
- (b) If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been or currently is being used, in violation of any provision of this article, any official having jurisdiction in addition to other remedies may institute an action or proceeding, including but not limited to filing a notice on Greenwich Land Records of a violation, to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violations or to prevent the occupancy of such building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises. (11/6/89)

### **Sec. 6-9. ZONING REGULATIONS AFFECT ALL STRUCTURES AND USES.**

- (a) No building or land shall be used and no building or part thereof shall be erected or relocated except in conformity with this Article, except that lots appearing of record in the Greenwich Land Records and made non-conforming in respect of area, lot shape or frontage by the adoption of or any amendment to this Article or the Building Zone Regulation Map or by the taking or conveyance of land by or to the Federal government, the State, the County, or the Town for public purposes, or by the erosion of land adjoining a river or other waters may be used for residence purposes and accessory buildings or for permitted non-residential purposes, provided the owner of any such lot did not own sufficient adjoining land at the time such lot became non-conforming to conform with this Article and has not subsequently

acquired such adjoining land other than by descent or demise as the result of the death of the adjoining owner. Buildings on such a lot in a residence zone may be so designed and erected as to conform to the provisions of this Article as to required yards for the zone immediately below the zone in which such lot is situated as listed in Sections 6-2 and 6-3. (10/10/1978, 12/13/2013)

(b) Medical Marijuana Dispensaries and Producers. For an extended period of twelve (12) months, commencing from the effective date of this section, no applications will be accepted, considered or approved and no zoning permits will be issued to permit the establishment of Medical Marijuana Dispensaries and/or Producers within any zoning district within the Town of Greenwich. For the purposes of this section Dispensary, Licensed Dispensary, Producer and Licensed Producer are defined in Public Act #12-55. The expiration date of this Moratorium shall be 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission. (11/25/2014)

#### **Sec. 6-10. ZONING PERMIT APPLICATIONS; PLANS; CONTENTS; SURVEY. (4/24/2013)**

(a) All applications for zoning permits shall be accompanied by plans in duplicate drawn to scale. The plans shall show (4/24/2013):

- (1) The actual shape and dimensions of the lot to be built upon. Whenever a lot has been created by the division of a larger parcel the plan shall show the actual shape and dimension of the larger parcel; the exact size, area and location of existing principal and accessory structures on the larger parcel; and the F.A.R. of all existing and proposed structures on any lot resulting from this property division for the purpose of determining that the F.A.R. is not exceeded on any lot. In the event there are structures on the proposed new lot, after review and determination by the Planning and Zoning Board of Appeals of their appropriateness, the exact F.A.R. shall also be calculated and not exceed that allowed by the zone. (7/27/1985)
- (2) The exact size, area and location of the lot and of the principal and accessory structures (4/24/2013);
- (3) The minimum yard setbacks within which the building or structure is to be erected or altered as well as the dimensions of structures from the nearest property line. (5/4/2005, 4/24/2013)
- (4) The existing and intended use of each building or part of a building;
- (5) The number of families or housekeeping units the building is designed to accommodate;
- (6) The subdivision title and a copy of the Planning and Zoning approved and signed record sheet of the subdivision which contains the subject lot. (4/24/2013)
- (7) Location of the property in relation to the nearest existing street intersection;
- (8) Lot Coverage, Building Coverage, and Green Area as required; (4/24/2013)
- (9) The width of the street upon which the lot has frontage, and for properties on streets with deficient rights-of-way, the dimensions of the setbacks as required in Sec. 6-203(b); (5/4/2005)
- (10) Such other information as may be necessary to determine and provide for the enforcement of this Article.

(b) One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Building Official or Zoning Enforcement Officer. All dimensions shown in these plans, relating to the location of buildings and structures on the lot, and the location and size of the lot to be built upon shall be based on an actual survey by a duly licensed surveyor in the State of Connecticut, if the building permit sought is for a structure. (4/24/2013)

(c) All applications for zoning permit that require review by the Zoning Enforcement Officer shall include calculations and drawings acceptable to that Officer that show clearly how the following were derived:

1. Gross Floor Area
2. Floor Area Ratio
3. Attic Area and Story Calculations
4. Grade Plane
5. Building Height
6. Story Above Grade (4/30/2002)
7. Green Area (4/24/2013)

**Sec. 6-11. ZONING PERMIT REQUIRED; ISSUANCE; TERM. (4/24/2013)**

- (a) No person shall commence construction or alteration of any building or excavation for any building or structure or use, until the application and plans required in this Article have been approved by the Zoning Enforcement Officer and/or Building Official and a written permit has been issued as required. (4/24/2013)
- (b) Any zoning permit issued by the Zoning Enforcement Officer under the provisions of this Article, but under which no work is commenced within one (1) year from the time of issuance, shall expire by limitation. Any such permit under which work is commenced and subsequently abandoned shall expire one (1) year after the date of abandonment. (4/24/2013)
- (c) Any zoning permit issued by the Zoning Enforcement Officer may be revoked if work proceeds contrary to the approved plan and is not corrected upon notification that there is a deviation from said plan. (10/27/83, 4/24/2013)

**Sec. 6-12. LIMITATIONS ON ZONING PERMIT ISSUANCE.**

- (a) Whenever a zoning permit is issued for a building or an addition to an existing structure to be located within three (3) feet of any required yard, the Zoning Enforcement Officer shall make the permit conditional upon the submission of proof after the foundation of the building has been completed that the location of the foundation and the building to be placed thereon is not in violation of these regulations. (11/8/83, 4/24/2013)
- (b) Whenever a Zoning permit application is submitted for a structure(s) that utilizes ninety (90) percent or more of the allowable floor area ratio, the applicant shall provide detailed dimensioned floor plans, per the FAR Worksheet that clearly illustrate the floor areas and floor area calculations for the proposed construction and any other existing structure on the same lot. (4/30/2002, 4/24/2013)
- (c) Whenever a structure that has been approved and that utilizes ninety (90) percent or more of the allowable floor area ratio is constructed, detailed dimensioned floor plans signed and sealed by a Connecticut registered architect attesting that the plans depict the building as constructed shall be submitted prior to zoning compliance issuance for a certificate of occupancy. (4/30/2002, 4/24/2013)
- (d) Provide an as built property improvement and topographic survey prepared by a Connecticut Licensed Land Surveyor that provides proof of compliance with the standards of Sec. 6-10. (4/30/2002, 4/24/2013)
- (e) No zoning permit for any non-residential building or multi-family building shall be issued and no parking area shall be constructed, resurfaced, extended or altered as to layout for use with an existing non-residential use or multi-family use except in accordance with a Site Plan approved by the Planning & Zoning Commission or Director Planning and Zoning/Zoning

Enforcement Coordinator/Town Planner in accordance with Sec. 6-15. (2/7/2001; 4/30/2002, 4/24/2013)

**Sec. 6-13. SITE PLAN APPROVAL REQUIRED BY PLANNING AND ZONING COMMISSION.**

- (a) Site Plan approval by the Planning and Zoning Commission shall be required in the event that the building permit or other permit application is for construction or enlargement or alteration of a building, or a change of use involving any of the uses or activities listed below. In deciding on a site plan the Commission may approve, deny or modify the plan:
  - (1) A residential use involving the housing of three (3) or more families on one lot.
  - (2) Any non-residential use, or group of uses.
  - (3) Any building constructed or altered in such a manner as to require additional off-street parking or access from the street to the premises.
  - (4) Any change from residential to non-residential use.
  - (5) Construction, or alteration of the exterior of any multi-family structure or group of structures with five or more dwelling units or any non-residential structure or any structure containing a mix of residential and non-residential uses. Exterior alterations shall include but not be limited to replacement of doors or windows or signs involving a substantial change in design, material or color as well as to removal or alterations of roof top mechanical structures and other integral parts of the structure.
  - (6) Any building or portion of a building housing an athletic facility that occupies more than 1,200 square feet of floor area.
  - (7) Any use requiring a Special Permit. Site Plan Approval for any use requiring Special Permit shall be initiated as part of special permit procedure. (6/17/83)
  - (8) Municipal Improvements submitted for Commission approval.
  - (9) An increase in non-residential usable floor area as a result of enlargement of a building, or conversion of accessory storage space, or interior alterations.
- (b) The Town Planner may waive full Commission review of small-scale projects, but may require the approval of the Architectural Review Committee.
- (c) In deciding on a site plan, the Commission may approve, deny, or require modification of the plan according to the standards set forth in Sec. 6-15. (5/4/2005)
- (d) Administrative site plan approval for tents for commercial purposes shall be subject to the approval of the Town Planner or his or her designee when the event involves the erection of a tent(s) for non-residential use that meets one or more of the following criteria.
  - 1. Is more than 350 sq. ft. in total area with no seating, or if used for seating that will seat 50 or more people, or
  - 2. Regardless of size is located in an area designated for parking or drives.
  - 3. Administrative site plan approval for tents by Town Planner shall be limited to fourteen (14) days. Longer durations require approval by the Planning and Zoning Commission and may be re-approved annually by the Town Planner or his or her designee. (5/4/2005)

**Sec. 6-14. PROCEDURE. APPLICATIONS FOR SITE PLAN REVIEW**

- (a) Preliminary and Final Approval (4/24/2013)  
Applications for preliminary or final site plan approval shall be made on forms provided by the Planning Staff. In order to be submitted by the Planning Staff to the Commission, applications for preliminary or final site plan approval must be complete including all of the following

documents. If the Planning Staff finds any of the below requirements not applicable for small-scale projects, such items may be waived.

- (1) A copy of all materials (plans, studies, documents, images and the like) submitted for review by the Planning and Zoning Commission shall be provided on a disc (CD, or DVD), or discs as necessary, in .pdf format at the time of application submission. (4/24/2013)
- (2) Fifteen copies of a survey folded to 9"x12" showing existing conditions including (4/24/2013):
  - A) Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.
  - B) Existing contours at no more than a two-foot vertical interval, unless waived by the commission Staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of the subject property.
  - C) The location of all existing watercourses, intermittent streams Wetlands as required by IWWA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops, or a note indicating that none exist, with the sources of information listed.
  - D) The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.
  - E) The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.
  - F) Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.
  - G) Traffic lights and controls, public trees, catch basins, hydrants, and power and telephone lines in adjacent streets.
  - H) Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations. (5/4/2005)
- (3) Fifteen sets of a detailed site development plan at a readable scale, folded to 9"x12", prepared in accordance with all applicable Town standards, including the Roadway Design and Drainage Design Manuals and signed by a professional architect, land surveyor or engineer licensed in the State of Connecticut, showing (4/24/2013):
  - A) Location, dimension, and elevation of all proposed buildings, structures, walls, and fences.
  - B) Location, dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.
  - C) Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.
  - D) Note specifying source of water supply and method of sewage disposal.
  - E) Existing and proposed contours at units of no more than a two foot interval unless waived by the Commission's staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.
  - F) Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
  - G) Any other similar information determined by the Commission staff in order to provide for the proper enforcement of the Building Zone Regulations.

- H) Zoning statistics including: Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking Provided, Building Height, Building Footprint, and Area Devoted to Surface Parking, Building and Drives.
- I) Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.
- J) Coastal Area Management Application for projects within the Coastal Overlay Zone.

(4) Eight sets of architectural plans not less than 1/8" in scale, signed and sealed by an architect registered in the State of Connecticut, of all floors, all exterior elevations showing existing and proposed grade conditions. Elevations are to detail architectural elements by labeling materials, color and dimensions. Each architectural elevation shall show the building height as well as building height for zoning purposes. All HVAC facilities are to be shown on architectural elevations. (4/24/2013)

(5) Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission staff for required format. (3 Copies) (4/24/2013)

(6) Three copies of "building coverage" computation sheets. (4/24/2013)

(7) Three sets of Volume Calculations per Sec. 6-101. (4/24/2013)

(8) Three copies of "Green Area: worksheets. (4/24/2013)

(9) Five copies of sight distance certification reports when required by a preliminary site plan review or when advised by the commission staff pursuant to item 2(g) of this checklist. (4/24/2013)

(10) Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report shall be required if found necessary by the traffic impact evaluation.

(11) Ten copies of completed application form, signed by applicant or authorized agent, owners and contract purchasers, as applicable. (4/24/2013)

(12) Ten copies of completed Special Permit form, if required by Building Zone Regulations. (4/24/2013)

(13) Fifteen copies of detailed, inclusive narrative description of the proposed project. For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendment(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing 1/400 scale needs to be provided for affected area(s). (4/24/2013)

(14) Eight copies of reductions in 11x17 size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.

(15) A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a)(5), signed by the Aquarion Water Company.

(16) An affidavit certifying that all abutting property owners have been notified by mail as evidenced by a certificate of mailings or certified or registered mail receipts, about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects, which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant two weeks prior to any scheduled hearing date by the Conservation Commission. (4/19/2006)

(17) Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).

- (18) A separate schematic plan at a scale no larger than 1" – 100" indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.
- (19) Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWWA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of a drainage exemption form. (4/24/2013)
- (20) In accordance with Sec. 6-183.1 to 6-183.0 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.
- (21) All applications for final site plan shall be in the form of a survey prepared by a registered Connecticut land surveyor having metes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown thereon are the same as the approved architectural plans. Architectural and drainage plans are to be references by title, date(s) and sheet numbers.
- (22) Fee submitted at time of application based on latest application fee schedule. (5/4/2005)

(b) Final Approval

Application for final site approval shall include all of the documents required under (a) above with the additional requirement that all recommendations of Engineering, Sewer, Health, Traffic, Building, Fire and Planning shall be incorporated into a final development plan, unless the applicant states in writing that he appeals any of said recommendations to the Commission. In the event that such appeal is denied, applicant shall incorporate the appealed recommendation in his final document. (10/27/83)

(c) If a preliminary or final site plan application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45 inclusive the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on such preliminary or final site plan application until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision. (2/7/2001)

#### **Sec. 6-14.1. COMMISSION REVIEW OF SITE PLAN APPLICATIONS.**

(a) Upon receipt of a complete application for preliminary site plan approval, the Planning Staff shall date the receipt of the application and assign a Site Plan number. Action by the Planning and Zoning Commission shall be taken and a decision as to approval, disapproval or approval with modifications rendered, within sixty-five (65) days after receipt of a complete application. For purposes of this section the day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following submission of the complete application, or thirty-five (35) days after such submission, whichever is sooner. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day periods, or may withdraw such plan unless a special permit has been submitted. When reviewing special

permits, the period of review for the site plan shall be in accordance with Section 8-7d, as may be amended from time to time, of the Connecticut General Statutes. (5/4/2005, 4/24/2013)

(b) Application for final Site Plan approval shall normally be filed after the Commission has taken action on the application for preliminary site plan approval. Where a preliminary application is not filed, applicant shall comply with all the requirements of Sec. 6-14(2)(b).

(c) Upon receipt of a complete application for final approval, the Planning Staff shall date the receipt of the application and assign a Site Plan number. Action by the Planning and Zoning Commission shall be taken and a decision as to approval, disapproval or approval with modifications rendered, within sixty-five (65) days after receipt of a complete application. For purposes of this section the day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following submission of the complete application, or thirty-five (35) days after such submission whichever is sooner. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day periods, or may withdraw such plan. When reviewing special permits, the period of review for the site plan shall be in accordance with Section 8-7d, as may be amended from time to time, of the General Statutes. (5/4/2005)

(d) The Commission may on its own motion call for a Public Hearing on the Site Plan. Public notice and hearing shall be in the same manner as required by law for zoning amendments. In the event of a Public Hearing, the time for action by the Commission shall be extended thirty (30) days after the date of the hearing.

(e) Any site plan approval granted by the Commission, on which materially significant construction has not started within three years of such Commission approval, and is thereafter continued, shall become null and void. All construction must be completed within five years of such approval. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such site plan. (2/7/2001)

(f) Upon final approval of any site plan, a notice, signed by the Secretary or Chairman of the Planning and Zoning Commission, shall be recorded on the land records of the Town. Such notice shall contain a description of the premises to which it relates, the nature of the construction approved, the name of the record owner, the site plan number and a statement that the site plan is on file in the office of the Planning and Zoning Commission of the Town of Greenwich. The notice shall be prepared by the Commission and the record owner shall pay for the recording. (6/11/86)

## Sec. 6-15. STANDARDS.

(a) The Planning and Zoning Commission may approve applications for preliminary site plans or deny applications for preliminary site plans according to the standards set forth in this Regulation. Alternatively, as a condition of approval, the Commission may require such modifications of the proposed plans as it deems necessary to comply with Regulations. In determining whether to approve application for preliminary site plans, deny such applications, or approve such application with modifications, the Planning and Zoning Commission shall take into consideration the public health, safety and general welfare and the comfort and convenience of the general public, taking into account whether the applicant has satisfied the following specific objectives: (5/4/2005)

- (1) Conformity of all proposals with the Plan of Development.
- (2) Evaluate the information from a traffic impact study which it may require be prepared to insure safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. In determining whether this condition has been satisfied, the Commission may consider all relevant information including, but not limited to,

information from the Town's traffic engineer or the applicant's traffic impact study where required and/or other consultants. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard: (5/4/2005)

- (a) The effect of the proposed development on traffic conditions on abutting streets;
- (b) The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways;
- (c) The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street;
- (d) The location, arrangement and adequacy of off-street parking facilities;
- (e) Interconnection of parking areas via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation;
- (f) The location, arrangement and adequacy of truck loading and unloading facilities;
- (g) Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system;
- (h) The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs, and reserved fifteen (15) foot wide parking spaces;
- (i) The location, arrangement and adequacy of landscaping within and bordering parking and loading facilities.

(3) The protection of environmental quality and the preservation and enhancement of property values. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:

- (a) Adequacy of open spaces, screening and buffering between similar and dissimilar uses to assure light, air, privacy and freedom from nuisance or other disturbance. (6/16/1986)
- (b) The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features, all in conformity with the requirements of Section 6-176 of the Building Zone Regulations;
- (c) The prevention of dust and erosion through the planting of ground cover or installation of other surfaces;
- (d) The preservation of natural attributes and major features of the site such as wetlands, highly erodible areas, historic structures, major trees and scenic views both from the site and onto or over the site;
- (e) The conformity of exterior lighting to the requirements of Section 6-151 to 6-153 of the Building Zone Regulations;
- (f) The design and arrangement of buildings and accessory facilities and the installation of proper shielding so as to minimize noise levels at the property boundary;
- (g) The provision of adequate storm and surface water drainage facilities to properly drain the site while minimizing downstream flooding, yet not adversely affect water quality as defined by the State Department of Environmental Protection. (5/4/2005)

(4) A high quality of building design, neighborhood appearance, and overall site design. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:

- (a) A design in harmony with existing and/or proposed neighborhood appearance, as shown by the exterior appearance of the buildings, their location on the site, and their relationship to the natural terrain and vegetation and to other buildings in the immediate area. (6/16/86)

- (b) In multi-family developments, the adequacy of usable outdoor living space.
- (5) A showing that an adequate source of potable water is available to satisfy the needs of the proposed development. (6/18/81)
- (b) In acting upon any site plan, the Commission may take into consideration the recommendations of the Director, Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and staff, the Zoning Enforcement Officer, the Public Works Department, the Fire Department, the Parks and Trees Department, the Health Department, and any other Town agencies or outside specialists with which it consults. (4/24/2013, 5/1/2013)

## **Sec. 6-16. SITE PLAN CHANGES.**

- (a) No building permit or certificate of occupancy shall be issued by the Building Official if the Site Plan is changed after approval of the Commission unless said change is approved by the Commission. (2/7/2001)
- (b) No changes may be made on an approved Site Plan without a re-approval of the Plan as per Sections 6-14 and 6-15. Such changes include but are not limited to changes in height of a building, changes in accessible or usable floor areas, changes in surface of parking facilities, and changes affecting the onsite drainage or grading. (2/7/2001)

## **Sec. 6-16.1. ACCEPTANCE OF SITE PLAN CONSTRUCTION.**

- (a) At the same time that application is made for a Building Permit, the architect of record/design professional will submit to the Division of Building certification that the site work and building construction will be supervised and completed in accordance with plans submitted and as approved by the Planning and Zoning Commission and that no unauthorized changes in the plans have been made since approval. (6/11/86)
- (b) Prior to request for a Certificate of Occupancy the Architect of record/design professional will submit an affidavit that the building and site have been completed in accordance with plans submitted and as approved by the Planning and Zoning Commission and that no exterior alterations and no interior alterations resulting in additional useable floor area were made without prior approval of the Planning and Zoning Commission. The Certificate of Occupancy will not be issued unless work is completed as certified, as evidenced by submission to Planning & Zoning and Building Department of an Improvement Location Survey prepared to Class A2 Standards of Accuracy, and if requested by Planning & Zoning, a Topographical Survey prepared to T2 standards of accuracy. (2/7/2001)
- (c) No certificate of occupancy shall be issued by the Building Official until all approved Site Plan construction has been completed or until a substantial amount of work has been completed and the balance of the work bonded in the full amount of its construction cost, all as approved by the Building Official, except that on-site and off-site improvements deemed necessary to protect the health, safety and welfare of the public may not be delayed and bonded for future completion. (4/24/2013)

## **Sec. 6-17. AUTHORIZATION OF USE BY SPECIAL PERMIT.**

- (a) In authorizing uses by special permit in addition to the standards of Subsection (d), the Planning and Zoning Commission shall determine that the proposed use conforms with the overall intent of these regulations and the purposes of each zone, where defined.

(b) Procedure

- (1) Submission requirements for special permits shall be the same as for site plans (See Sec. 6-14).
- (2) When reviewing site plans and special permits together, the period of review of the site plan shall be in accordance with Section 8-3c of the General Statutes.
- (3) A special permit granted for a particular use shall not constitute a special permit for any other use either within or without the use group in which the said particular use is found. For example in Sec. 6-100 Business Zones, Use Group 8, NOTE A Uses: a change from any one of the following uses to another use would require a new special permit: bank, supermarket, jobbing establishments, service stations, restaurant. (1/12/2000)
- (4) Any material intensification of the use allowed by a special permit shall constitute a change of use requiring a new application for a special permit to be submitted to the Commission. (1/12/2000)
- (5) If a Special Permit application involves an activity regulated pursuant to CGS sections 22a-36 to 22a-45 inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on such a special permit application until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision.

(c) All determinations of the Commission shall be made after public notice and hearing in accordance with Sec. 8-3c of the General Statutes and subject to appropriate conditions and safeguards.

(d) Standards

In reviewing special permits, the Planning and Zoning Commission shall consider all the standards contained in Sec. 6-15(a). In granting any special permit the Commission shall consider in each case whether the proposed use will:

- (1) Be in accordance with the Plan of Development.
- (2) Not prevent or inhibit the orderly growth of the retail business development of the area.
- (3) Not adversely affect storm drainage, sewerage disposal or other municipal facilities. (6/11/86)
- (4) Not materially adversely affect adjacent areas located within the closest proximity to the use.
- (5) Not materially obstruct significant views which are important elements in maintaining the character of the Town for the purpose of promoting the general welfare and conserving the value of buildings.
- (6) Preserve or enhance important open space and other features of the natural environment and protect against deterioration of the quality of the environment, as related to the public health, safety and welfare. (6/11/86)
- (7) Not interfere with pedestrian circulation, most particularly as related to retail shopping patterns.
- (8) Not adversely affect safety in the streets nor increase traffic congestion in the area so as to be inconsistent with an acceptable level of service nor interfere with the pattern of highway circulation. (6/11/86)
- (9) Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.
- (10) Preserve land, structures or features having special historical, cultural, or architectural merit. (3/1/82)
- (11) Will not materially adversely affect residential uses, nor be detrimental to a neighborhood or its residents, nor alter a neighborhood's essential characteristics. (6/13/84)

- (12) Preserve where possible existing housing stock so as to maintain and contribute to a diversity of housing opportunities within the Town. (6/11/86)
- (e) In connection with Subsection (d) above, the Commission may require applicants for special permit to prepare and submit any additional data and studies as necessary to allow the Commission to arrive at its determinations.
- (f) Any special permit granted by the Commission and not exercised within a period of three (3) years from date of decision shall become null and void.
- (g) At such time as the Commission takes action on a Special Permit Application, it shall also take

**Sec. 6-17.1. EXEMPTIONS – Deleted (2/7/2001)**

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**Sec. 6-17.2. PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS.**

- (a) Where the Planning and Zoning Commission has granted site plan approval or special permit approval for a mixed use development or a residential or non-residential single use development, and where the owner or developer wishes to create separate condominium, then a division of the approved tract into two parcels or lots for the purpose of sale or building development may be permitted by the Commission after the filing of an amended site plan and a certified map to be filed in the Town Clerk's Office showing such division, referring to the site plan number and containing a notation that the property shown thereon is subject to the site plan approved for said property. Any conveyance relating to said approval or any portion thereof shall make reference to said certified map.

The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review.

Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity.

For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)

- (b) A division into two or more parcels or lots may only be effected by the procedures set forth in the subdivision regulations. (4/24/2013)

**Sec. 6-18. CERTIFICATE OF OCCUPANCY; PROCEDURE.**

- (a) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose for which such building or land may be designed, arranged, intended or maintained, until a certificate of occupancy shall have been issued by the Building Inspector, stating that the premises or building complies with all the provisions of this Article. Such a certificate is also required for any change, extension or alteration in a use. A certificate of occupancy shall be applied for at the same time that the building permit is applied for and if approved by the Building Inspector shall be issued within ten (10) days after notification from the permittee that the premises are ready for occupancy.
- (b) Temporary certificates of occupancy may be issued where the alteration does not require the vacating of the premises or where parts of the premises may be ready for occupancy before the completion of the entire structure or before the completion of the alteration; except that no

temporary certificate of occupancy may be issued until completion of on-site and off-site improvements deemed necessary to protect the health, safety and welfare of the public.

(c) No certificate of occupancy shall be issued for any business building, for any multi-family dwelling, for any structure containing a mix of residential and non-residential uses, or for any dwelling group on a lot until any improvements to the lot required by this Article have been completed or a bond or certified check in an amount sufficient to cover the cost thereof, has been filed with the Building Inspector with a surety company thereon and conditioned to complete the items within a time deemed reasonable by the Building Inspector; except that on-site and off-site improvements deemed necessary to protect the health, safety and welfare of the public may not be delayed and bonded for future completion. (10/27/83)

(d) A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest on payment of a fee of seventy-five cents (\$.75) for each copy.

**Sec. 6-19. PLANNING AND ZONING BOARD OF APPEALS; POWERS AND DUTIES.**

(a) The Planning and Zoning Board of Appeals, referred to in this Article as the Board of Appeals, shall have the following powers and duties as authorized by the General Statutes and Special Acts as amended:

- (1) Adopt such rules and regulations as may be deemed necessary to carry out this Article.
- (2) Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Enforcement Officer. (1/15/90)
- (3) Authorize upon appeal in specific cases variances from the terms of this Article where by reason of exceptional shape, size, or topography of the lot or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this Article. Before any variance is granted, the Board must make a written finding in its minutes as part of the record in the case:
  - A) That special circumstances, described in detail, attach to the property which do not generally apply to other property in the neighborhood and constitute the hardship;
  - B) That relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.
- (4) Decide requests for special exceptions in the following cases:
  - A) For certain specified uses in residential zones in accordance with Division 9, Subdivision 1, for uses enumerated in Sec 6-100 Use Group 5; and wherever special exception is authorized in these regulations;
  - B) For the establishment of horticultural and wildlife reservations and natural park areas acquired or controlled by a Connecticut non-profit corporation or organization provided that such reservation or area is open to the public, subject to reasonable regulation, and the Board of Appeals finds that the establishment of such reservation or area is in the interest of the Town for educational, scientific and recreational reasons, having in mind the size, character and location of such premises and availability of similar uses in the vicinity. (6/27/79)
- (5) To hear variance requests involving proposed lots in subdivisions that have received preliminary approval by the Planning and Zoning Commission. (6/27/79)

**Sec. 6-20. BOARD OF APPEALS; PROCEDURES**

- (a) Every application for variance from the use regulations as distinguished from the height and area regulations, shall on receipt thereof by the Zoning Enforcement Officer, be transmitted to the Planning and Zoning Commission and the Planning and Zoning Board of Appeals, and at or before Public Hearing held by the Board of Appeals on any such application, the Planning and Zoning Commission may make a report thereon. (5/1/2013)
- (b) Every application for any use in accordance with Section 6-100 Use Group 5, and whenever special exception is applied for, shall on receipt thereof by the Zoning Enforcement Officer, be transmitted to the Planning and Zoning Commission and the Planning and Zoning Board of Appeals, and at or before public hearing held by the Board of Appeals on any such application, the Planning and Zoning Commission may make a report there on. (7/31/80, 5/1/2013)
- (c) All determinations of the Board of Appeals shall be made after public notice and hearing and subject to appropriate conditions and safeguards in accordance with the public interest and the comprehensive plan set forth in this Article, and in harmony with the purpose and intent expressed in Section 6-1. The Board shall grant all applications for special exceptions, subject to the aforesaid conditions and safeguards, provided that the particular requirements specified in this Article are met, and provided further that the Board shall find in each case that the proposed building or structures or proposed use of land:
  - (1) Be in accordance with the Plan of Conservation and Development. (2/07/2001)
  - (2) Will not create a traffic hazard or congestion due to type or amount of vehicles required or hamper the Town pattern of highway circulation.
  - (3) Will not create a physical hazard due to fire, explosion, or any other similar cause.
  - (4) Will not create or aggravate a nuisance or result in the dissemination of odors, smoke, dust, gas, fumes, or other atmospheric pollutant, noise, light, heat, glare, vibration or radiation, electro-magnetic or other interference with radio or television reception beyond the boundaries of the lot on which the use is located.
  - (5) Will not discharge harmful waste material on or under land or into a sewer or drain.
  - (6) Will not be detrimental to the neighborhood or its residents or alter the neighborhood's essential characteristics.
  - (7) That a proposed business or industry is light in nature having consideration for the size and arrangement of the plant, the number and skills of the employees, the industrial process employed, and plans for future expansion. No business or industry shall be considered light in nature if the Board of Appeals finds by reason of its being so large in size it will interfere with the diversification and balance of industry and business within the Town, having consideration for the probable effect of failure or removal of such industry or business on the economic welfare of the Town.
- (d) A special exception granted for a particular use shall not constitute a special exception for any other use either within or without the use group in which the said particular use is found. (1/12/2000)
- (e) Any material intensification of the use allowed by a special exception shall constitute a change of use requiring a new application for a special exception to be submitted to the Board of Appeals. (1/12/2000)

**Sec. 6-21. TIME LIMIT ON VARIANCE OR EXCEPTION.**

Any variance or special exception granted by the Board of Appeals not exercised within a period of three (3) years from date of decision shall become null and void.

**Sec. 6-22. ZONING AMENDMENTS.**

The Planning and Zoning Commission on its own motion, or on petition of the Board of Appeals, or on petition of one (1) or more property owners may amend the zoning text or the Zoning Map in accordance with the provisions of Title 8 of the General Statutes of 1958.

## **LAND USE**

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**DIVISION 3. CONSERVATION ZONES.<sup>3</sup>****Sec. 6-23. CONSERVATION ZONES; PURPOSE.**

- (a) The intent of this Division is to provide alternatives to residential development permitted under other sections of these Regulations when such alternatives will more appropriately assure the conservation of land in the manner prescribed in this Division.
- (b) The Planning and Zoning Commission, upon application in the manner prescribed herein, after a public hearing and considerations of the recommendations of the Conservation Commission, may permit at existing or lower densities residential development conforming to the standards and requirements of the appropriate Conservation Zone described herein when the Commission finds that such rezoning will best conserve and preserve land to assure that its development will best maintain or enhance the appearance, character and natural beauty of an area and when one (1) or more of the following purposes are accomplished:
  - (1) To preserve land for park and recreation purposes;
  - (2) To preserve and protect particular areas and terrain which have qualities of natural beauty or historic interest;
  - (3) To protect streams, rivers, and ponds as natural resources and to avoid flooding, erosion and water pollution;
  - (4) To preserve wetlands, marshlands, tidelands, marine and wildlife habitats and other natural environments of value to the Town;
  - (5) To preserve natural features along roadways so as to maintain existing character.

(2/18/82)
- (c) The Planning and Zoning Commission upon application in the manner prescribed herein, after a public hearing and consideration of the recommendations of the Conservation Commission, may grant a Conservation Zone consisting of less than ten (10) acres in R-7, R-12 and R-20 zones and less than 20 acres in RA-4, RA-2 and RA-1 zones when the Planning and Zoning Commission finds that such rezoning will preserve and protect particular areas and terrain which have qualities of natural beauty or value, and will accomplish one or more of the following purposes: (1/6/88)
  - (1) To preserve and maintain the existing character and setting of a site and to preserve vistas and streetscapes.
  - (2) To preserve parkland and passive recreation areas.
  - (3) To preserve and protect areas and terrain which have historic interest including the setting and landscaping of historic buildings, as may be determined by the Planning and Zoning Commission after consultation with the Historic District Commission.
  - (4) To preserve desirable features along roadways such as, but not limited to, stone fences, geological formations, and significant vegetation. (6/17/83)
- (d) The Planning and Zoning Commission, upon application in the manner prescribed herein, after a public hearing and consideration of the recommendations of the Conservation Commission, may permit at existing or lower densities residential development conforming to the standards and requirements of the appropriate Conservation Cluster Zone described herein when the Commission finds that such rezoning is consistent with Sec. 6-23(b) and will best conserve and preserve land and natural resources to assure that development will: (1/6/88)
  - (1) protect inland wetlands and watercourses from disruption by filling, grading or other alteration, or (1/6/88)

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<sup>3</sup> State law reference: As to authority to create conservation zones, see C.G.S. §8-2.

(1/6/88)

- (2) protect areas of significant vegetation and wildlife habitat, including rare or endangered plants and animals or specimen trees or significant stands of trees, or (1/6/88)
- (3) protect areas with slopes greater than 15% in grade to prevent the chronic erosion of soils, the substantial alteration of topography, the loss of significant vegetation and trees, and the alteration of drainage patterns including the increase in stormwater runoff, or (1/6/88)
- (4) protect streams, rivers, ponds and wetlands from flooding, sedimentation and erosion, and pollution from septic systems, road runoff and other chemicals or (1/6/88)
- (5) protect natural features along roadways and protect areas and terrain which have historic interest and value including the setting and landscaping of historic buildings, or (1/6/88)
- (6) protect and preserve existing open spaces for active and passive recreation purposes. (1/6/88)

**Sec. 6-24. PLANNING AND ZONING COMMISSION APPROVAL.**

- (a) Conservation Zones are each subject to approval by the Planning and Zoning Commission.
- (b) The Planning and Zoning Commission on its own motion, on the petition of the Conservation Commission, or on the petition of one or more property owners, upon a finding that a Conservation Zone will more effectively accomplish the purposes of Sec. 6-23 than the corresponding residential zone, may establish a Conservation Zone.

Where attached housing is proposed, or where cluster development without lot division lines is proposed, the Commission shall find that the Conservation Zone is appropriate to the neighborhood having consideration for the number and proximity of single family detached dwellings; for the visible impact on the streetscape and single family neighborhoods; for the number, character and proximity of other uses; for the amount and location of undeveloped land in the vicinity and the relationship of proposed conservation land to the pattern of existing open space in the area; for the proximity of other zones either more or less restrictive; and other standards provided in this article and the standards contained in Sec. 6-15 and 6-17. (1/6/88)

**Sec. 6-25. CLASSES OF CONSERVATION ZONES.**

A Conservation Zone may only be applied to land within the existing corresponding residential zone as follows:

RA-C4	4-Acre Residential Conservation Zone corresponding only to RA-4
RA-CC4	4- Acre Residential Conservation Cluster Zone corresponding only to RA-4 (1/6/88)
RA-C2	2-Acre Residential Conservation Zone corresponding only to RA-2
RA-CC2	2- Acre Residential Conservation Cluster Zone corresponding only to RA-2 (1/6/88)
RA-C1	1-Acre Residential Conservation Zone corresponding only to RA-1
R-C20	20,000 sq. ft. Residential Conservation Zone corresponding only to R-20
R-C12	12,000 sq. ft. Residential Conservation Zone corresponding only to R-12
R-C7	7,500 sq. ft. Residential Conservation Zone corresponding only to R-7

(1/6/88)

**Sec. 6-26. SIZE OF ZONE.**

The total acreage for any RA-C4, RA-C2, and RA-C1 Conservation Zone shall consist of not less than twenty (20) acres unless the Commission, pursuant to Sec. 6-23(c), finds a smaller area to be appropriate and for any R-C20, R-C12 and R-C7 Conservation Zone not less than ten (10) acres unless the Commission, pursuant to Sec. 6-23(c), finds a smaller area to be appropriate. (4/26/85)

The total acreage for any RA-CC4 and RA-CC2 Conservation Cluster Zone shall be not less than 50 acres. (1/6/88)

**Sec. 6-27. USE REGULATIONS.**

- (a) The principal permitted uses shall be:

RA-C4, RA-C2 and RA-C1: Same as corresponding zones and not more than two attached single family houses per building as the result of conversion of a structure which was existing and listed with the Tax Assessor as of Dec. 1, 1981.

In the RA-CC4 and RA-CC2 zones, cluster development shall be permitted allowing development up to the applicable density of the underlying zone without the necessity of lot division lines and as hereinafter provided. No attached housing shall be permitted except as provided for in RA-C4 and RA-C2 zones. (1/6/88)

R-C20 and R-C12: Same as corresponding zones, and not more than four attached single family houses, singly or in groups of buildings.

R-C7: Same as permitted in R-7 and not more than six attached single family houses, singly or in groups of buildings. (2/18/82)

- (b) The regulations of accessory uses shall be the same as in the corresponding residential zone except that recreational facilities such as tennis courts, swimming pools and bath houses shall be used solely by the residents of the particular conservation zone and their guests. Clubs not operated for commercial profit shall be permitted when authorized by the Board of Appeals as a special exception.
- (c) The parking regulation shall be:  
Same as Section 6-154 or Section 6-155 as applicable.

**Sec. 6-28. NUMBER OF DWELLING UNITS.**

The number of dwelling units permitted in the Conservation Zone shall not exceed the number obtained by dividing the total acreage by the minimum lot size permitted in the existing corresponding zone. (11/13/2014)

**Sec. 6-29. FLOOR AREA RATIO AND HEIGHT REQUIREMENTS. (5/17/2000)**

- A) The maximum floor area ratio and front, rear and side yard setbacks for lots in a Conservation Zone shall be the same as those of the existing underlying zone in accord with Section 205 (a)(i.e. RAC-4 = underlying RA-4 zone FAR).

(5/17/2000)

For detached housing in the RA-C4 and RA-C2 zones only, a 25% increase in F.A.R. is permitted above the maximum F.A.R. for the Conservation zone lots in the underlying existing zones. (1/15/2003)

For detached housing in the RA-C1 and R-C20, R-C12, and R-C7 zones only, a 15% increase in F.A.R. for the Conservation Zone lots is permitted above the maximum F.A.R. for the underlying existing zones. These percentage increases result in the following Floor Area Ratios:

RA-C4:	.0781
RA-C2:	.1125
RA-C1:	.155
R-C20:	.259
R-C12:	.362
R-C7:	.41

(1/15/2003)

- B) For attached housing in the R-C20, R-C12 and R-C7 zones only, a 25% increase in F.A.R. is permitted above the maximum FAR for the underlying existing zone. This increase is not applicable to Conservation Cluster zones or single family residences and lots in a Conservation zone. For attached housing, the area of the deed restricted conservation land within the conservation zone is not to be used for FAR calculations.
- C) The height, lot area, lot shape and frontage requirements for lots in a Conservation zone shall be the same as those of the next lower zone in accord with the schedule of Sec. 6-205 (a) and 6-30(a) as noted in Sec. 6-205. (5/17/2000)

### Sec. 6-30. LOT AND BUILDING REQUIREMENTS.

- (a) The setback from the zone boundary shall be of such size and character as to be compatible with surrounding zoning and uses, but in no case shall the setback be less than the required front yard of the underlying existing residential zone or 40 feet, whichever is greater. In the RA-CC4 and RA-CC2 zones there shall be a 100-foot setback from any zone boundary line.
- (b) For attached housing, setbacks from conservation land within the conservation zone shall equal the minimum side yard setbacks for the existing underlying zone; however, in no case shall the setback be less than 15 feet. (5/17/2000)
- (c) Lots in a conservation zone shall conform to other requirements of Sec. 6-29, and 6-30, Divisions 12 and 21 of this Article, and where required to conform to the standards of the next lower zone, to the schedule of Sec. 6-205(a) and as follows:

- RA-C4 same as RA-2
- RA-C2 same as RA-1
- RA-C1 same as RA-20
- R-C20 same as R-12
- R-C12 same as R-7
- R-C7 same as R-7

- (d) Attached single family houses are permitted as follows:  
RA-C4, RA-C2 and RA-C1: Not more than two attached single family houses per building as the result of conversion of a structure which was existing and listed with the Tax Assessor as of Dec. 1, 1981.  
RA-CC4 and RA-CC2: Same as RA-C4 and RA-C2. (1/6/88)

(1/15/2003)

R-C20 and R-C12: Not more than four attached single family houses, singly or in groups of buildings.

R-C7: Not more than six attached single family houses, singly or in groups of buildings.

- (e) For attached housing the minimum distance in feet between two principal buildings within a Conservation Zone shall be equal to the sum of the number of stories of the two buildings multiplied by eight; for cluster housing permitted hereunder, the minimum distance between two principal buildings shall be the sum of the number of stories multiplied by 12 in the RA-CC4 zone, and multiplied by 10 in the RA-CC2 zone. (1/6/88)
- (f) Parking and patios or decks if located in setbacks shall be placed so as to minimize encroachment upon areas and terrain which have qualities of natural beauty. There shall be an adequate buffer area between the conservation land boundary and structures, parking areas or patios or decks so as to minimize encroachment on land designated for conservation. (4/19/2006)
- (g) Notwithstanding the provisions of Sec. 6-30 (a) (b) and (c), the Commission, upon application for Special Permit and upon a finding that the purposes of Sec. 6-23 would be so served, may authorize any of the following:
  - (1) Setbacks not less than the requirements of the corresponding zone;
  - (2) A greater number of attached single family houses per building in the R-C20, R-C12 or R-C7 zones; but not to exceed the number permitted in Sec. 6-28.
  - (3) In case of a building existing as of December 1, 1981, the division of said building into a number of separate dwelling units not to exceed the number permitted by Sec. 6-28 above;
  - (4) A lesser distance between principal buildings. (2/18/82)

### **Sec. 6-31. CONSERVATION LAND REQUIREMENTS.**

- (a) The Conservation land in any Conservation Zone shall be located entirely within the Conservation Zone and shall be in one contiguous piece except that where the Commission finds that the purposes of Sec. 6-23 would be more effectively served by separated parcels. The Conservation land shall have suitable access from a street and shall have shape, dimension, character and location to promote the conservation purposes specified in Sec. 6-23, and shall be marked on site by monuments. (2/18/82)
- (b) The use of such conservation land shall be consistent with the purposes specified in Section 6-23.
- (c) The area of the Conservation land in a Conservation zone shall not be less than forty percent (40%) of the total tract for single family detached housing development and for conversions of existing houses from detached to attached single family units, or fifty percent (50%) of the total tract for single family attached housing development unless the Commission finds a smaller area to be appropriate. (2/18/82)  
The area of Conservation land in RA-CC4 and RA-CC2 Conservation Cluster Zones shall be not less than sixty (60%) percent unless the Planning and Zoning Commission finds that a smaller area, but not less than fifty (50%), is more appropriate. (1/6/88)
- (d) The conservation land shall be preserved and maintained solely for the purposes specified in Section 6-23 in such manner as shall be approved by the Commission.
- (e) Subject to the approval of the Commission the method for effectuating such preservation and maintenance of the Conservation Land shall be:
  - (1) The establishment of a neighborhood association made up of all owners in the Conservation Zone each of whom shall have an undivided interest in the conservation land; said association shall have the power to assess the members for all necessary costs; or

- (2) The conveyance of said Conservation Land to the Nature Conservancy, to a local land Trust, to the Greenwich Audubon Society or to the Town of Greenwich when the Commission deems such conveyance appropriate. Conveyance of land to the Town is subject to acceptance by the Representative Town Meeting; or (1/29/81)
- (3) The conveyance of said Conservation Land to such non-profit entity as shall be approved by the Commission upon a finding that the preservation and maintenance of the Conservation Land and any buildings or structures thereon, if any, can appropriately be effectuated by such non-profit entity. (1/21/90)

**Sec. 6-32. TRUST, EASEMENT OR COVENANT FOR CONSERVATION LAND, FILING.**

- (a) Under the method prescribed in Section 6-31(e)(1) and (3), the Commission shall require the owner of the conservation land and any building or structures thereon, if any, to execute, acknowledge and file with Land Records of the Town such maps and documents, as in the opinion of the Town Attorney, will effectively create a trust, easement or covenant running with the land, for the benefit of the adjoining land owners and of the Town, which: (8/13/90)
  - (1) Will be binding on all future owners of the conservation land;
  - (2) Will not be affected by any change in zoning or land use;
  - (3) May be enforced by adjoining property owners or the Town by appropriate action in court for damage or equitable relief;
  - (4) Will be perpetual;
  - (5) Will assure appropriate maintenance of the conservation land and any buildings or structures thereon, if any, to the satisfaction of the Planning and Zoning Commission; (8/13/90)
  - (6) Shall provide that such trust, easement or covenant may not be modified, altered, amended or changed without the written approval of the Town acting jointly by its Planning and Zoning Commission, Board of Selectmen and Representative Town Meeting, or such municipal officers or agencies as may have succeeded them and with the unanimous approval of all the property owners in the Conservation Zone; and,
  - (7) Shall provide that if maintenance, preservation and/or use of the conservation area and any buildings or structures thereon, if any, no longer complies with the provisions of the trust, easement or covenant, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes. (8/13/90)
- (b) Under the method prescribed in Section 6-31(e)(2), the recipient of the conservation land shall be required to give assurances satisfactory to the Commission that the conservation land shall be preserved and maintained solely for the purposes specified in Section 6-23 and shall execute, acknowledge and file in the Land Records of the Town such maps and documents as the Commission shall deem appropriate for such purpose.

**Sec. 6-33. APPLICATION FOR ZONE APPROVAL.**

- (a) Application by petition of one or more property owners for the inclusion of a specific area in the appropriate Conservation Zone shall be submitted in writing in such form as the Commission may require and shall include the following:
  - (1) Of the land proposed for rezoning, a statement describing conservation purposes to be accomplished and an environmental assessment by a person qualified to perform same, the plan for accomplishing said purposes and evidence to establish that a Conservation Zone will better serve the purposes of Sec. 6-23 than a conventional zone, and further,

that a Conservation Cluster Zone will better serve the purposes of Sec. 6-23 than a standard Conservation Zone. In the case of a Conservation Zone of less than 10 acres or 10 lots the Town Planner or his/her designee may waive the requirement for an environmental assessment after consultation with the Conservation Commission. (1/6/88)

- (2) A subdivision map meeting all of the requirements for approval of a subdivision under the Subdivision Regulations of the Town showing the proposed subdivision of the land in accordance with the appropriate Conservation Zone requirements as herein specified; and
- (3) A Special Permit application and all documents required for Site Plan approval under Sec. 6-14 for attached housing development and for development of cluster housing without lot division lines. (1/6/88)
- (4) Such additional information as the Commission may deem necessary to make a reasonable decision on the application.

(b) The Commission may on its own motion or on petition of Conservation Commission whether or not an application has been made for a conventional subdivision, propose rezoning to a Conservation Zone. The procedure followed shall be the same as by petition, except that no subdivision map or site plan shall be required. Procedure on petition of Conservation Commission shall be the same as with the Planning and Zoning Commission. (1/6/88)

(c) No conservation zone shall be established unless the Planning and Zoning Commission finds that the establishment of the zone will be of sufficient benefit to the public in that it accomplished one or more of the purposes of Sec. 6-23 and will be of greater benefit to the town than a conventional subdivision. No conservation cluster zone shall be established without an affirmative showing that conservation purposes are better served by a clustered rather than a standard conservation zone development. (1/6/88)

#### **Sec. 6-34. ZONE APPROVAL PROCEDURE.**

- (a) The Commission shall pursue the following procedure in acting upon a Conservation Zone application:
  - (1) The Commission shall hold a public hearing within sixty (60) days after submission of application as required by Section 6-33 preceded by the same notice required for hearings on zoning applications. Recommendations of the Conservation Commission and all other municipal agencies may be made at such Public Hearing or within fifteen (15) days after such hearing.
  - (2) Within sixty (60) days after conclusion of the Public Hearing on the proposed Conservation Zone Plan, the Commission may grant the Conservation Zone and may approve the application if the Commission make findings pursuant to Sec. 6-23.
  - (3) If the Conservation Zone is granted on the motion of the Commission, or on petition of Conservation Commission, a subdivision plan or any required site plan consistent with the approved zone must be submitted subject to the approval of the Planning and Zoning Commission.
  - (4) No building permit or certificate of occupancy shall be issued by the Building Official, nor shall the Town accept any street, should the Conservation Plan, Subdivision Plan or Site Plan be changed in any way without the approval of the Commission. (2/18/82, 4/24/13)

## **LAND USE**

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**DIVISION 4. RESIDENTIAL-PLANNED HOUSING DESIGN-ELDERLY ZONE.<sup>4</sup>****Sec. 6-35. RESIDENTIAL-PLANNED HOUSING DESIGN-ELDERLY ZONE (R-PHD-E): PURPOSE.**

- (a) The intent of this Division is to provide under specific conditions indicated herein a type of planned housing development zone that is designed to accommodate those housing needs of present elderly Town residents not now provided for under existing zoning. An elderly person, for the purposes of this regulation shall be as defined in Section 8-113a of the General Statutes.
- (b) The Planning and Zoning Commission, upon application by the Housing Authority of the Town, or a non-profit sponsor, in the manner prescribed herein, after a public hearing may permit residential development for the elderly to conform to the standards and requirements described herein when all of the following purposes are to be accomplished:
  - (1) To maintain the Town's predominantly residential character;
  - (2) To provide decent, attractive housing for present elderly Town residents; and
  - (3) To permit the construction of residential units for the elderly that would be eligible for State and/or Federal financial assistance and which would be owned and/or managed by the Housing Authority of the Town or a non-profit sponsor.

(3/15/81)

**Sec. 6-36. LOCATION OF ZONE.**

R-PHD-E Zone may be located in any existing R-6, R-MF, LB, CGB, GB, and GBO zone. However, a R-PHD-E zone must be at least one thousand (1,000) feet distant measured at the closest point from another R-PHD-E zone, unless to accommodate one (1) or more of the purposes specified in Section 6-35 the Commission may specify a lesser distance.

**Sec. 6-37. SIZE OF ZONE.**

No R-PHD-E Zone may be designed to house more than two hundred twenty-five (225) persons.

**Sec. 6-38. USE REGULATIONS.**

- (a) The principal permitted uses shall be:  
Multi-family dwellings; congregate housing. (6/17/83)
- (b) The accessory uses permitted shall be:  
Parking - one (1) parking space for each three (3) units except that the Commission in order to accomplish the purpose of this Division may alter this requirement. Non-Residential Common Uses, limited and essential for the exclusive use and needs of the occupants, such as recreation rooms, housing management office when contained within a principal building, maintenance, storage space and central laundry facilities. Such uses shall comply with the area requirements/limitations as adopted by the Department of Housing and Urban Development or the Department of Housing and as amended from time to time. (1/17/95)

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<sup>4</sup> State law reference: as to authority to zone so as to preserve the character of the areas, see C.G.S. §8-2.

(1/17/95)

- (c) Housing management office when contained within a principal building, provided such office space does not exceed two percent (2%) of the gross floor area of any one such building.

**Sec. 6-39. NUMBER OF UNITS.**

The total number of units per acre shall be determined by requiring one thousand (1,000) square feet of land area for each unit. For congregate housing, after considering the availability of community services, the Commission may allocate a lesser amount of land per unit upon a finding that the modified density will better serve the purposes of this Division. (6/17/83)

**Sec. 6-40. FLOOR AREA RATIO AND HEIGHT REGULATION.**

- (a) The total floor area used for dwelling purposes shall not exceed nine-tenths (0.9) of the gross lot area.
- (b) The maximum height regulation shall be no more than four (4) stories or forty (40) feet.

**Sec. 6-41. YARD REQUIREMENTS.**

The front, side and rear yards shall be not less than ten (10) feet per story, but in no event less than twenty (20) feet.

**Sec. 6-42. APPLICATION FOR ZONE APPROVAL.**

- (a) Application by the Housing Authority or a non-profit sponsor for the inclusion of a specific area in an R-6, R-MF, LB, CGB, GB, or GBO zone to be changed to an R-PHD-E zone designation shall be submitted in writing in such form as the Commission may require. It shall include the following:
  - (1) The application shall describe the purposes to be accomplished;
  - (2) Architectural drawings including building elevation, site and landscape plans; and
  - (3) Such additional information as the Commission may deem necessary to make a reasonable decision on the application. (3/15/81)

**Sec. 6-43. ZONE APPROVAL PROCEDURE.**

- (a) The Commission shall pursue the following procedure in acting upon a Residential-Planned Housing Design-E Zone application:
  - (1) The Commission shall hold a public hearing within sixty (60) days after submission of application as required by Section 6-42, preceded by the same notice required for hearing on zoning applications.
  - (2) Within sixty (60) days after conclusion of the Public Hearing on the proposed Planned Housing Design-E Zone Plan, the Commission may approve the application and final Planned Housing Design-E Plan if the Commission finds that the purposes specified herein are met and that the Planned Housing Design-E Plan will not be detrimental to the health, safety, property values and residential character of the neighborhood.

(6/17/83)

(3) No building permit or certificate of occupancy shall be issued by the Building Official, nor shall the Town accept any street, should the Planned Housing Design-E Plan be changed in any way without the approval of the Commission. (4/24/2013)

**Sec. 6-43.1. SPECIAL PERMIT – ZONING RIGHTS.**

For Congregate Housing, the Commission may authorize a Special Permit pursuant to Sec. 6-17 of these regulations for the modification of the maximum FAR, density, coverage, height, number of stories, setbacks and parking provided that the Commission finds said modifications further the purposes of Section 6-35 of these regulations. (6/17/83, 12/10/2013)

## **LAND USE**

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**DIVISION 5. PLANNED RESIDENTIAL .<sup>5</sup>****Sec. 6-44. PLANNED RESIDENTIAL ZONE (R-PR); PURPOSES.**

- (a) The intent of this Division is to provide possible residential alternatives to residential development presently permitted under existing zoning when such alternatives in the judgment of the Commission will insure the conservation of vacant land for private use in the manner prescribed herein and the preservation of land necessary to the general welfare of the Town and the particular neighborhood in which such land is located in the manner prescribed herein.
- (b) The Commission, upon application in the manner prescribed herein, after a public hearing, and consideration of the recommendation of all relevant Town agencies may permit development to conform to the standards and requirements as described herein when the following purposes are to be accomplished:
  - (1) To conserve and preserve land to assure that its development will best maintain and enhance the appearance, character and natural beauty of an area;
  - (2) To preserve and protect areas having conservation values, particularly those areas and terrain which have qualities of natural beauty, ecological significance or historic interest;
  - (3) To preserve where applicable, wetlands, marshlands, tidelands, marine and wildlife habitats and other areas having conservation values;
  - (4) To allow land dedication for or access to the general public to park, recreation, open space or cultural facilities when it has been determined by the Commission that such land is necessary to the general welfare of the particular neighborhood and is consistent with the established development policies for the Town adopted by the Commission and approved by the Representative Town Meeting;
  - (5) To reflect changes in the technology of land development, such as but not limited to modular construction;
  - (6) To maintain the Town's predominantly residential character.

**Sec. 6-45. PLANNING AND ZONING COMMISSION APPROVAL.**

The standards and requirements set forth in this Division shall be subject to the approval of the Planning and Zoning Commission.

**Sec. 6-46. SIZE OF ZONE.**

The total acreage for any such zone shall consist of at least one hundred (100) contiguous acres. For the purposes of calculating acreage and density, existing public streets may not be included. Existing public and private streets shall not be considered as affecting contiguity.

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<sup>5</sup> State law reference: As to authority to create residential zones, see C.G.S. §8-2.

**Sec. 6-47. LOCATION OF ZONE.**

- (a) An R-PR Zone may be located only in those areas of the Town either:
  - (1) Where in the aggregate there exists less than ten (10) acres of land dedicated to park, recreation and/or open space within one (1) mile radius per one thousand (1,000) of existing and potential population under present zoning;
  - (2) Planned by the Commission for additional park, recreation and/or open space to accommodate neighborhood and Town development requirements.

**Sec. 6-48. DENSITY.**

- (a) The number of dwelling units permissible in any planned residential zone shall be determined by the Commission to assure compliance with other requirements in this Division. Under no circumstances, however, may the total number of dwelling units permitted by the Commission exceed the maximum possible by either of the following:
  - (1) The number obtained by dividing the total R-PR Zone acreage by the minimum lot size permitted in the zone(s) existing at the time of the R-PR Zone change request; or
  - (2) An average of no more than four-tenths (0.4) dwelling units per acre within the R-PR Zone.

**Sec. 6-49. UTILITY AND ROAD REQUIREMENTS.**

- (a) There shall be provided within the Planned Residential Zone a sanitary sewage disposal system which shall be of sufficient size and design to collect and dispose of all sewage from all present and probable structures to be constructed within that zone, and shall be otherwise built and maintained in conformity with Board of Health standards and other applicable Town ordinances and regulations, except that in no event shall individual sewage systems, such as but not restricted to, septic systems be permitted.
- (b) There shall be provided within the Planned Residential Zone a storm drainage system which shall be of sufficient size and design as will in the opinion of the Department of Public Works collect, carry off and dispose of all predictable surface water run-off within that zone and shall be so constructed as to conform with all applicable Town ordinances and regulations.
- (c) There shall be provided within the Planned Residential Zone that all the utility facilities be placed underground.
- (d) There shall be provided within the Planned Residential Zone a potable water system which shall be of sufficient size and design to supply potable water to all the structures to be constructed in that zone. There shall be provided a fire hydrant where required by the Commission, of a type and in a manner prescribed by the regulations of the Town department having jurisdiction.
- (e) The dimensions and construction of roads, alleys and parking areas within the Planned Residential Zone, whether or not dedication to the Town is contemplated shall conform with all applicable Town ordinances and regulations.

**Sec. 6-50. USE REGULATIONS.**

- (a) The following principal uses are permitted. All business and other principal uses are expressly excluded:
  - (1) Single family detached, and attached dwellings;
  - (2) Public or private park or recreation areas which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink and other similar recreational uses suitable to the particular zone but which may not include any use or activity which produces noise, glare, odor, air pollution, fire hazards or other safety hazards, smoke, fumes, or other things detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
- (b) The accessory uses permitted shall be:
  - (1) Customary uses incident to the principal uses indicated above including:  
Parking same as Section 6-154.

**Sec. 6-51. LOT SIZE AND YARD REQUIREMENTS.**

There shall be no minimum lot size, no minimum yard requirements, and no minimum floor area ratio. However, every dwelling shall have direct access to a public or private street, or pedestrian way. Further, no principal building shall be erected within twenty-five (25) feet of any other principal building.

**Sec. 6-52. HEIGHT REQUIREMENTS.**

The height of any residential structure within such zone shall not exceed thirty-five (35) feet and the height of other structures shall not exceed forty-five (45) feet.

**Sec. 6-53. NUMBER OF UNITS PER BUILDING.**

No building may contain more than eight (8) dwelling units.

**Sec. 6-54. LOCATION OF STRUCTURES.**

No structure shall be closer than one hundred (100) feet from the Planned Residential Zone boundary line. In no event shall the location and arrangement of structures be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

**Sec. 6-55. AREA OF RESIDENTIAL DEVELOPMENT.**

The area of residential development, including roads and other rights-of-way to directly serve residential development, may not exceed forty percent (40%) of the total land area within the R-PR Zone.

**Sec. 6-56. CONSERVATION LAND REQUIREMENTS.**

- (a) As indicated under Section 6-31, except that the requirement concerning area of conservation land shall be as follows:
  - (1) The area of conservation land in a Planned Residential Zone shall equal at least thirty percent (30%) of the total acreage within the Planned Residential Zone.

**Sec. 6-57. RECREATIONAL LAND REQUIREMENTS.**

- (a) The land for recreation use shall be located entirely within the Planned Residential Zone, shall meet in whole or part the particular recreation use requirements existing previous to the Planned Residential Zone in that neighborhood as determined by the Planning and Zoning Commission and such land shall have shape, dimension, character and location suitable to assure its intended recreation use to the maximum enjoyment of all residents of the neighborhood.
- (b) The area of the recreation land in a Planned Residential Zone shall equal at least thirty percent (30%) of the total acreage within the Planned Residential Zone.
- (c) Only upon acceptance by the Representative Town Meeting of the recreation land subject to the standards indicated herein shall the Planned Residential Zone become effective.

**Sec. 6-58. APPLICATION FOR ZONE APPROVAL.**

- (a) The Commission shall pursue the procedure set out in this Section and Sections 6-59, 6-60 in acting upon a Planned Residential Zone application.
- (b) Application for a request for a zone change of a specific area on the Building Zone Regulation Map to Planned Residential Zone shall be submitted in writing in such form as the Commission may require and shall include the following:
  - (1) A written statement describing the conservation and other public purposes to be accomplished and the proposed method of assuring the preservation of the Conservation area of the Planned Residential Zone as open space and the maintenance thereof, and disposition of any public use land;
  - (2) An overall plan of development of the land. For this purpose the developer shall submit to the Commission a plan prepared by a recognized land planner, a registered architect, or registered civil engineer, which shall:
    - (A) Define the location of the areas to be devoted to residential, conservation and recreation uses;
    - (B) State the acreages to be devoted to each specific use;
    - (C) Set forth the proposed density of dwelling units;
    - (D) Include a major thoroughfare plan and utility plan; and
    - (E) Include a separate plan showing the location of private and/or public conservation and recreation areas.
  - (3) Such additional information as the Commission may deem necessary to make a reasonable decision on the application.

**Sec. 6-59. PUBLIC HEARING.**

The Commission shall hold a public hearing within sixty (60) days after submission of application as required by Section 6-58, preceded by the same notice required for hearings on zoning applications. Recommendations of the Conservation Commission and all other Town agencies may be made at such public hearing or within fifteen (15) days after such hearing.

**Sec. 6-60. ZONING PLAN APPROVAL.**

Within sixty (60) days after conclusion of the public hearing on the proposed Planned Residential Zone the Commission may approve the application and final Planned Residential Zone if the Commission finds that the Town's predominantly residential character is maintained and all the purposes specified herein are met and that the Planned Residential Zone will not be detrimental to the health, safety, property values and residential character of the neighborhood.

**Sec. 6-61. REVIEW OF SITE PLANS; LAPSED APPROVAL.**

- (a) If the Commission changes a specific area of the Building Zone Regulation Map to a Planned Residential Zone, the developer shall thereafter submit a site plan in accordance with Sections 6-13 to 6-16.1 inclusive, prior to the development of any section of the R-PR zone except that any lots for single family detached dwellings shown on the original plan submitted with the rezoning application approved by the Commission under the Subdivision Regulations shall not be required to have site plan approval. The Commission shall review the site plan and layout to determine that it complies with the Planned Residential Zone requirement, with the overall plan originally submitted, upon which the zone change was granted, criteria and standards of Sections 6-13 to 6-16.1 inclusive, and all other relevant Town regulations.
- (b) No building permit shall be issued by the Building Official until after approval of the site plan and layout for the section in which the proposed structure(s) is/are located. (4/24/2013).
- (c) Approval of a site plan and layout shall lapse unless construction of streets and other improvements shown on the site plan and layout is started in that section within one (1) year of the effective date of the Commission's approval.

## **LAND USE**

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**DIVISION 6. RESIDENTIAL-PLANNED HOUSING DESIGN-SMALL UNIT ZONE .<sup>6</sup>****Sec. 6-62. RESIDENTIAL-PLANNED HOUSING DESIGN-SMALL UNIT ZONE (R-PHD-SU); PURPOSES.**

- (a) The intent of this Article concerning residential development is to encourage attractive, safe, decent and sanitary housing for all Town residents or employees, present and future, without regard to race, color, creed, national origin or economic status.
- (b) The intent of this Article, in addition to the above, is to permit under specific conditions indicated herein, a type of residential development that will serve the housing needs of those Town residents and employees who seek small residential units at reasonable cost.
- (c) The Planning and Zoning Commission, upon application in the manner prescribed herein, after a public hearing, may permit residential development that conforms to the standards and requirements described herein when all of the following purposes are to be accomplished:
  - (1) To implement the letter and intent of the Town Plan of Development;
  - (2) To maintain and reinforce the Town's predominantly residential character;
  - (3) To conserve and preserve land to assure that its development will best maintain and enhance the appearance, character and natural beauty of an area;
  - (4) To provide attractive, decent and suitable housing at reasonable cost for those who live or work in Town;
  - (5) To permit the construction of residential units that may be subsidized by public and/or private funds.

**Sec. 6-63. LOCATION OF ZONE.**

An R-PHD-SU Zone may be located only in those areas shown on the Town's Plan of Development for Planned Housing Design as adopted by the Commission and approved by the Representative Town Meeting.

**Sec. 6-64. TYPE AND NUMBER OF UNITS.**

- (a) The Commission may vary the floor area requirements for each type of unit in order to better accomplish one (1) or more of the purposes specified under Section 6-62. In any event the requirements of Section 6-65 shall apply.
- (b) The Commission shall determine the number and type of rooms in each dwelling unit, to assure that alcoves, dining areas and similar spaces are not actually additional bedrooms.

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<sup>6</sup> State law reference: As to authority to create residential zones, see C.G.S. §8-2.

(c) Type and number of units are as follows:

Type of Unit Permitted	Average Floor Area Permitted for each Type of Unit	Minimum Lot Area Required for each Type of Unit	
1 Room-Efficiency	450 sq. ft.	1800 sq. ft.	(6/77)
1 Bedroom Unit	650 sq. ft.	1800 sq. ft.	
2 Bedroom Unit	850 sq. ft.	3000 sq. ft.	

### **Sec. 6-65. MAXIMUM BUILDING AREA.**

The total building area of all buildings used primarily for dwelling purposes shall occupy no more than twenty percent (20%) of the gross lot area. In no event shall any building or structure have a horizontal dimension greater than two hundred (200) feet or exceed twelve thousand (12,000) sq. ft. at ground level.

### **Sec. 6-66. BUILDING HEIGHT.**

(a) The maximum height of any building used primarily for dwelling purposes shall be no more than four (4) stories or forty (40) feet.

### **Sec. 6-67. FLOOR AREA RATIO.**

The total floor area used for dwelling purposes shall not exceed one-half (1/2) the gross lot area. Floor area used for dwelling purposes is all the enclosed space capable of habitation, including service areas such as hallways, stairs, closets and storage space, but for the purposes of this Article shall not include areas below grade.

### **Sec. 6-68. YARD REQUIREMENTS.**

Front, side and rear yards shall be not less than ten (10) feet per story, but in no event less than twenty (20) feet, except that all buildings and structures shall be at least fifty (50) feet distant from the property line of land zoned for single family residential development. When the R-PHD-SU Zone abuts the R-6 Zone, the abutting yard shall be not less than twenty (20) feet.

### **Sec. 6-69. DISTANCE BETWEEN BUILDING AND/OR STRUCTURES.**

No building and/or structure in a R-PHD-SU Zone shall be closer than fifty (50) feet to another building and/or structure in the R-PHD-SU Zone.

**Sec. 6-70. USE REGULATIONS.**

- (a) The principal permitted use shall be:
  - (1) Multi-family dwellings only.
- (b) Parking requirements are as specified in Sec. 6-155.

**Sec. 6-71. APPLICATION FOR ZONE APPROVAL.**

- (a) Application to the Commission for a zone map change to limit development in conformance with the requirements indicated herein of a specific area shown on the amended Plan of Development shall include the following:
  - (1) The purpose to be accomplished and method(s) of effectuation;
  - (2) Architectural drawings, including building elevation, site and landscape plans as required by Section 6-13 to 6-16.1 inclusive;
  - (3) Such additional information and assurance as the Commission may deem necessary to make a reasonable decision on the application.

**Section 6-71.1 APPLICATION FOR AFFORDABLE HOUSING UNITS (See Note Below)**

It is a priority of the 1998 Plan of Conservation and Development to increase affordable entry level housing. In order to address this priority and encourage the construction of affordable housing units in the town, the following modifications to the R-PHD-SU zoning regulations shall be permitted. These modifications shall only apply to affordable housing applications submitted pursuant to Sec. 8-30g of the Connecticut General Statutes as amended.

**A. Type and Number of Units**

<b>Type of Unit Permitted</b>	<b>Minimum Lot Area Required For Each Type of Unit</b>
1 Room Efficiency	1,350 square feet
1 Bedroom Unit	1,350 square feet
2 Bedroom Unit	2,250 square feet

**B. Floor Area Ratio**

The total floor area used for dwelling purposes shall not exceed 62.5% of the gross lot area.

**C. Yard Requirements**

Front, side and rear yards shall be not less than 7.5 feet per story, but in no event less than twenty (20) feet.

\* Note: This amendment was approved pursuant to the State of Connecticut Superior Court Memorandum of Decision dated January 28, 2002 in the matter of Smith-Groh Inc (aka Pemberwick Commons) vs. Planning and Zoning Commission. (Adopted: 10/1/02, Effective Date: 10/9/02)

**Sec. 6-72. ZONE APPROVAL PROCEDURE.**

- (a) Upon the filing of such an application the Commission shall:
  - (1) Hold a public hearing within sixty (60) days preceded by the same notice required for hearings on zoning applications; and,
  - (2) Within sixty (60) days after conclusion of such public hearing on the proposed Planned Housing Design-SU Zone Plan, the Commission may approve or disapprove the application and final Planned Housing Design-SU Plan. Any approval is based upon findings by the Commission that the purposes specified herein will be met and that the Plan will not be detrimental to the health, safety, property values and residential character of the neighborhood nor materially adversely affect single family residential areas.

**Sec. 6-73. ISSUANCE OF BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY.**

No building permit or certificate of occupancy shall be issued by the Building Official, nor shall the Town accept any street, should the Planned Housing Design-SU be changed in any way without the approval of the Commission. (4/24/2013)

**Sec. 6-74. LIMITATION OF TIME.**

Failure to comply with any time limit established by the Commission as a condition for its approval shall render the zone change null and void. The zone district existing on the tract prior to the establishment of the PHD-SU Zone shall then be in effect. Such time limit may be extended upon application to the Commission provided the Commission shall find the extension to be in the public interest.

**DIVISION 7. RESIDENTIAL-PLANNED HOUSING DESIGN-TOWN HOUSE ZONE .****Sec. 6-74.1. RESIDENTIAL-PLANNED HOUSING DESIGN-TOWN HOUSE ZONE (R-PHD-TH); PURPOSES.**

- (a) The intent of this Article concerning residential development is to encourage attractive, safe, decent and sanitary housing for all Town residents or employees, present and future, without regard to race, color, creed, national origin or economic status.
- (b) The intent of this Division, in addition to the above, is to permit under specific conditions indicated herein a type of residential development that will serve the housing needs of those Town residents who desire housing with the conveniences and advantages of multi-family units and the amenities associated with single family detached units.
- (c) The Planning and Zoning Commission, upon application in the manner prescribed herein, after a public hearing, may permit residential development that conforms to the standards and requirements described herein, when all of the following purposes are to be accomplished:
  - (1) To implement the letter and intent of the Town Plan of Development;
  - (2) To maintain and reinforce the Town's predominantly residential character;
  - (3) To conserve and preserve land to assure that its development will best maintain and enhance the appearance, character and natural beauty of an area; and
  - (4) To provide attractive, decent and suitable housing for those who live or work in Town.

**Sec. 6-75. LOCATION OF ZONE.**

An R-PHD-TH Zone may be located only in those areas shown on the Town's Plan of Development for Planned Housing Design as adopted by the Commission and approved by the Representative Town Meeting.

**Sec. 6-76. NUMBER OF FAMILIES; LOT AREA; TERRACE AREA.**

- (a) No more than one (1) family may occupy each Town House.
- (b) There shall be at least five thousand (5,000) sq. ft. of lot area per Town House.
- (c) There shall be for each Town House at least five hundred (500) sq. ft. of patio or deck area adjacent to and with direct access from the Town House. No dimension of the patio or deck area may be less than twenty (20) feet. (4/19/2006)

**Sec. 6-77. BUILDING COVERAGE AND HEIGHT.**

- (a) The total ground floor area of all buildings and structures shall occupy no more than twenty percent (20%) of the gross lot area. In no event shall any building or structure have a horizontal dimension greater than two hundred (200) feet or exceed ten thousand (10,000) sq. ft. at ground level.
- (b) The maximum building height of any building or structure may not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

**Sec. 6-78. YARD REQUIREMENTS.**

Front, side and rear yard shall not be less than thirty (30) feet, except that all buildings and structures shall be at least fifty (50) feet distant from the property line of land zoned for single family residential development.

**Sec. 6-79. NUMBER OF TOWN HOUSES PER BUILDING.**

There shall be no more than eight (8) Town House units in any building.

**Sec. 6-80. DISTANCE BETWEEN BUILDINGS AND/OR STRUCTURES.**

No building and/or structure in an R-PHD-TH Zone shall be closer than fifty (50) feet to another building and/or structure in the R-PHD-TH Zone.

**Sec. 6-81. USE REGULATIONS.**

- (a) The principal permitted use shall be:
  - (1) Town Houses only.
- (b) The accessory uses permitted shall be:
  - (1) Parking – required garage space: 1 space for each town house; required outdoor space: 1 space for each Town House.

**Sec. 6-82. APPLICATION FOR ZONE APPROVAL.**

- (a) Application to the Commission for a zone map change to limit development in conformance with the requirements indicated herein of a specific area shown on the amended Plan of Development shall include the following:
  - (1) The purposes to be accomplished and method(s) of effectuation;
  - (2) Architectural drawings including building elevation, site and landscape plans; and
  - (3) Such additional information and assurances as the Commission may deem necessary to make a reasonable decision on the application.

**Sec. 6-83. ZONE PLAN APPROVAL PROCEDURE.**

- (a) Upon the filing of such an application the Commission shall:
  - (1) Hold a public hearing within sixty (60) days preceded by the same notice required for hearings on zoning applications; and
  - (2) Within sixty (60) days after conclusion of such public hearing on the proposed Planned Housing Design – TH Zone Plan, the Commission may approve or disapprove the application and final Planned Housing Design – TH Plan. Any approval is based upon findings by the Commission that the purposes specified herein will be met and that the Plan will not be detrimental to the health, safety, property values and residential character of the neighborhood nor materially adversely affect single family residential areas.

**Sec. 6-84. ISSUANCE OF BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY.**

No building permit or certificate of occupancy shall be issued by the Building Official, nor shall the Town accept any street, should the Planned Housing Design – TH Plan be changed in any way without the approval of the Commission. (4/24/2013)

**Sec. 6-85. LIMITATION OF TIME.**

Failure to comply with any time limit established by the Commission as a condition of its approval shall render the zone change null and void. The zone district existing on the tract prior to the establishment of the PHD-TH Zone shall then be in effect. Such time limit may be extended upon application to the Commission provided the Commission shall find the extension to be in the public interest.

**LAND USE**

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**DIVISION 8. RESIDENTIAL-PLANNED HOUSING DESIGN-NEIGHBORHOOD ZONE.<sup>7</sup>****Sec. 6-86. RESIDENTIAL-PLANNED HOUSING DESIGN-NEIGHBORHOOD ZONE (R-PHD-D); INTENT.**

The intent of this Division is to encourage the construction of residential units in an environment consistent with the Town's residential character which will alleviate a shortage in housing available to residents and employees of the Town and essential non-governmental agencies who are of moderate income as may be defined from time to time by the Housing Authority.

**Sec. 6-87. PURPOSE OF ZONE.**

- (a) No land shall be classified as a PHD-N Zone unless such classification will:
  - (1) Promote the construction of residential units by:
    - (A) The Housing Authority;
    - (B) A community housing development corporation designated by the Board of Selectmen pursuant to Section 8-217 of the General Statutes; or
    - (C) A privately owned corporation or other organization approved by the Housing Authority;
  - (2) Conserve and preserve land to insure that its residential development will best maintain and enhance the appearance, character and natural beauty of an area; and
  - (3) Insure that proposed residential development will be in harmony with the existing neighborhood.

**Sec. 6-88. LOCATION OF ZONE.**

- (a) A PHD-N Zone may be located only in an area which has the following characteristics:
  - (1) Is served by, or is in the process of receiving, public water supply and public sewerage facilities of sufficient capacity to serve the proposed development;
  - (2) Public transportation, schools, recreation and other Town facilities and services which are adequate to accommodate additional population that may result from the mapping of this Zone; and
  - (3) Is at least one thousand (1,000) feet distant from any other land in this same zone classification.

**Sec. 6-89. DENSITY.**

- (a) Subject to the requirements of Section 6-90, the total number of dwelling units permitted per acre shall be determined by requiring one thousand two hundred (1,200) square feet of land area for the first bedroom in any dwelling unit and six hundred (600) square feet of land area for each additional bedroom.

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<sup>7</sup> State law reference: As to authority to regulate housing design, see C.G.S. §8-2.

- (b) No PHD-N Zone shall be designed to accommodate more than three hundred and sixty (360) inhabitants. For the purpose of calculating such designed population it shall be assumed that two (2) such inhabitants will occupy the first bedroom and one (1) such inhabitant will occupy each additional bedroom.
- (c) As used in this Article, a bedroom shall be considered any room in a dwelling unit other than a kitchen, dining room, living room, bathroom or closet and shall include all extra rooms, such as, but not limited to dens, recreation rooms and family rooms.

**Sec. 6-90. YARD REQUIREMENTS; HEIGHT AND BULK OF BUILDINGS.**

- (a) Notwithstanding the provisions of Divisions 12 and 21 of this Article, the following shall govern open spaces and height and bulk of buildings:
  - (1) **Yard Requirements:** Every front, side and rear yard shall have a minimum length equal to twice (2x) the required minimum front yard of the zone in which the land is classified at the time that any application is filed requesting a change to this classification.
  - (2) **Maximum Bulk of Buildings:**
    - (A) No building shall have an area at ground level in excess of ten thousand (10,000) square feet.
    - (B) No building shall have a horizontal dimension greater than two hundred (200) feet.
    - (C) The total area of all floors of all buildings located in the zone shall not exceed fifty-five percent (55%) of the zone area.
    - (D) No building shall have a height in excess of two and one-half (2-1/2) stories and thirty-five (35) feet.
    - (E) Each building whether principal or accessory shall be at least forty (40) feet distant from any other building.

**Sec. 6-91. USE REGULATIONS.**

- (a) The following principal uses are permitted and all other principal uses are expressly excluded:
  - (1) Single family attached dwellings;
  - (2) Single family detached dwellings.
- (b) The only accessory use is parking as required under Section 6-155 of these regulations for public housing.

**Sec. 6-92. ZONE CHANGE PROCEDURE.**

- (a) In addition to all other requirements relating to an application for a change of zone, as indicated in Section 6-22 and the applicable General Statutes, any application for change of zone filed under this Division shall include the following:
  - (1) A written statement describing specifically the manner in which the policy set forth in Section 6-86 will be served and the purposes set forth in Section 6-87 will be accomplished and maintained;

- (2) A proposal in form and substance acceptable to the Town Attorney which will effectively empower the Housing Authority to set rental and/or sales prices annually of all housing that may be constructed in the proposed PHD-N Zone, which rental and/or sales prices shall be consistent with the Housing Authority's definition of housing for moderate income households;
- (3) Plans showing the location of all existing buildings and structures situated on all land within one hundred (100) feet of the perimeter of the land proposed for rezoning, and beyond where necessary to describe the existing neighborhood;
- (4) Plans showing the proposed location of all buildings and structures within the perimeter of the land proposed for rezoning;
- (5) Schematic drawings or representations adequate to show building locations and elevations and general site and landscape plans in relation to the neighborhood; and
- (6) Such additional information as the Commission may deem reasonably necessary to make a decision on the application.

## **LAND USE**

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**DIVISION 9. USE REGULATIONS.<sup>8</sup>****SUBDIVISION 1. RA-4, RA-2, RA-1, RA-20 and R-12 Zones.****Sec. 6-93. PERMITTED USES IN RA-4, RA-2, RA-1, R-20 AND R-12 Zones.**

- (a) The following principal uses are permitted in RA-4, RA-2, RA-1, R-20 and R-12 Zones and all other principal uses are expressly excluded:
  - (1) Detached single family dwellings, one (1) per lot.
  - (2) Streets, parks, playgrounds, public school grounds and Town buildings and uses.

**Sec. 6-94. PERMITTED USE BY SPECIAL EXCEPTION OR SPECIAL PERMIT AS INDICATED BELOW.**

- (a) The following uses shall be permitted in RA-4, RA-2, RA-1, R-20 and R-12 Zones when authorized by the Board of Appeals as special exceptions:
  - (1) Horticultural and wildlife reservations and natural park areas.
  - (2) Clubs, recreational areas and fall-out shelters not open to the general public and not operated for commercial profit, and community centers operated by civic associations.
  - (3) Commercial agricultural uses including commercial nurseries and greenhouses, livestock and poultry raising, dairy farming, and kennels, provided that any building or structure designed for such use including the storage of manure or soil fertilizer shall be located not less than one hundred (100) feet from any street or lot line, provided further that any poultry or livestock shall be kept in approved enclosures and shall not be allowed to roam at large, provided further that commercial slaughtering, fertilizer manufacture or any commercial reduction of animal matter shall not be permitted.
  - (4) Cemeteries, provided that no location shall be approved any part of which is less than five hundred (500) feet from a residence.
  - (5) Churches, educational institutions not operated for commercial profit.
  - (6) Public utility uses not including incidental service and storage yards.
  - (7) Radio and television stations and towers; satellite earth station towers except those transmitting or distributing microwaves which are subject to Sec. 6-140.1. (10/7/85)
  - (8) The keeping of more than six (6) horses (not including their young under the age of six (6) months) provided there shall be at least twenty thousand (20,000) sq. ft. of gross lot area for each horse age six (6) months or older, except when consistent with the purpose of this Article a smaller area may be permitted by the Zoning Board of Appeals. Any facility for the care and raising of horses, including shelter, land area and fencing, shall conform to reasonable conditions or limitations prescribed by the Board of Appeals.
  - (9) Repealed (5/31/81) (7/16/86)
  - (9) Construction and use of accessory structures involved in the operation of a public underground utility when located in or abutting the street right-of-way and not exceeding one (1) story or thirty-five (35) feet in height.
  - (10) Emergency youth shelter. (1/8/77)
  - (11) Museums (10/12/2010)

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<sup>8</sup> State law reference: As to authority to adopt use regulations, see C.G.S. §7-194(37).

(b) The following uses shall be permitted in RA-4, RA-2, RA-1, R-20 and R-12 zones and R-7 zone (by the cross reference in Section 6-97 (b) (1) to RA-4 zones permitted uses) and R-6 zone (by the cross reference in Section 6-98 (b) (1) to R-7 zones permitted uses) when authorized by the Planning and Zoning Commission by Special Permit issued pursuant to Sec. 6-17: (2/8/94)

(1) Hospitals; clinics; nursing homes; homes for the aged; sanitariums; convalescent homes, or other health care facilities for the elderly; philanthropic or charitable institutions not of a penal or correctional nature nor for the care of insane or feeble-minded patients; provided that any building so permitted shall be located not less than one hundred (100) feet from any street or lot line unless the Commission finds in consideration of the particular use and its specific location that a lesser distance will protect adjacent property owners from adverse impacts. (3/28/92)

(2) Group Living Facility for the Elderly; Special Requirements: (2/25/88)

- (a) It is the intent of these regulations to prevent a concentration of facilities and uses which could alter a neighborhood's essential character or contribute to the creation of an institutional atmosphere. No Group Living Facility shall be closer than 2000 feet to another such facility or residential institutional use unless, under Special Permit procedures, the Commission finds a lesser distance is compatible with stated goals and intent. (6/11/90)
- (b) In residential zones a Group Living Facility may be located only in structures which were existing and listed with the Tax Assessor's office as of January 1, 1988.
- (c) In residential zones there shall be a minimum lot area of 1200 s.f. per person including staff in residence; in no case shall a facility house more than 12 residents plus live-in staff.
- (d) There shall be a minimum gross floor area requirement of 400 s.f. per resident, including live-in staff.
- (e) Each facility shall provide on-site parking as follows: One space per live-in staff member; enough additional parking to accommodate the passenger cars used by residents, but not less than one space for every three residents.
- (f) In residential zones each facility shall have side yard setbacks equal to those of the next more restrictive zone unless the Commission finds that due to location or other circumstances the standard zone setback is sufficient to provide adequate light, air and privacy for residents of the proposed facility and residents in adjacent dwellings. In no case shall the minimum side yard setback be less than 10 feet. In business zones the standards of the R-12 zone shall be used for calculating the side yard setbacks.
- (g) Each facility shall have adequate indoor and outdoor common space.
- (h) In residential zones there shall be no exterior features to distinguish buildings, as viewed from the street, from other homes in the area. Any exterior changes proposed shall be subject to review by the A.R.C. as part of the Site Plan Review Procedure. The exterior of facilities and the site shall be maintained in good condition and appearance, in conformity with the neighborhood.
- (i) Any property located on a septic system or served by well water shall be required to prove the efficiency and capacity of the septic system, and the yield and quality of well water, all in accordance with standards of the Department of Health.
- (j) Each facility shall be accessible to some form of public or private transportation so that non-driving residents are not isolated from community activities and services.

- (k) No Group Living Facility serving persons other than the elderly shall be permitted under this section. Any change of ownership of a Group Living Facility for the Elderly shall require a revised Special Permit.
- (l) Each Group Living Facility for the Elderly shall be subject to all standards of Sec. 6-15 and 6-17 of the Building Zone Regulations, and the requirements of the zone in which the facility is located except where modified by the standards contained herein.
- (m) Expansion of a Group Living Facility structure shall be subject to Site Plan Review. If the expansion increases the gross floor area by 25%, a revised Special Permit shall be required.
- (n) No Certificate of Occupancy shall be issued until the Planning and Zoning Commission has determined that all requirements for establishing a Group Living Facility have been met, including the following.
  - (1) A designated Responsible Agent, which may be an owner-operator or other person or entity, shall have filed with the Board of Health the following standard agreements which are available in the Commission Office:
    - A. An agreement which specifies the right of the Board of Health and other Town Agencies having jurisdiction to inspect the facility annually or as necessary.
    - B. A statement of the obligation of the Responsible Agent to sign a contract with each prospective resident before he or she takes occupancy.
    - C. A copy of the proposed contract between the Responsible Agent and residents which incorporates, as a minimum, the standard agreement referred to in (1) above. The contract shall specify rights and responsibilities, services offered, and conditions for admission and termination of residency.
  - (2) The designated Responsible Agent shall file proof of incorporation in the State of Connecticut and a copy of the by-laws of the incorporated entity with the Board of Health.
  - (3) A Board of Directors which shall include representation from the facility's residents and the community-at-large, and the Responsible Agent, shall have been designated. Said Board shall oversee the facility's operation, help establish policies, and certify annually to the Board of Health that each resident of the Group Living Facility has signed the required contract with the Responsible Agent.
- (3) Group Day Care Homes – Special Requirements: (10/2/89)
  - (a) It is the intent of these regulations to allow care and protection for young children in a home-like atmosphere by allowing an accessory use to a Resident-occupied single family home for operating under State of Connecticut licensing, a Group Day Care Home. It is also the intent of these regulations to prevent the intrusion of commercial uses in a residential zone, in accordance with the guidelines of the Town's Land Use Plan, by establishing the use as accessory to resident occupied use; and to prevent a concentration of facilities and uses which could adversely impact a neighborhood's character, property values or increase or contribute to the creation of an institutional, or more traffic intensive atmosphere; and to promote the health, safety and general welfare of the community.
  - (b) Each Group Day Care Home shall meet the following requirements:
    - (1) Compliance with all state licensing requirements for Group Day Care Homes;
    - (2) One (1) on-site parking space exclusively for residential use;

- (3) Two (2) on-site parking spaces for non-resident staff members;
- (4) No exterior features of the Group Day Care Home shall distinguish it from other single-family dwellings in the area;
- (5) There shall be no more than two (2) non-resident employees on the premises at any one time;
- (6) Use of the dwelling as a Group Day Care Home shall be subordinate and incident to the use of the dwelling as a single-family residence;
- (7) No Group Day Care Home shall be located within two thousand (2,000) feet of another Group Day Care Home.
- (8) Any Group Day Care Home serviced by a septic system and/or well shall prove the efficiency and capacity of the septic system, and the yield and quality of well water, all in accordance with standards of the Department of Health;
- (9) The Group Day Care Home shall not operate more than twelve (12) hours during each twenty-four (24) hour period, and no overnight accommodations for children or staff shall be permitted.
- (10) Application for Special Permit and Site Plan in accordance with Sections 6-13, 6-15 and 6-17 shall be required and standards of Sec. 6-15 and 6-17 shall be met. (10/2/89)

(4) Resident Medical Professional Office (2/8/94)

- (a) The purpose of this amendment is to recognize that the office of a resident medical professional is not a low impact use that can blend harmoniously into all residential neighborhoods. This use involves high traffic generation and parking demand, delivery of specialized supplies and materials, and creation of wastes requiring unique handling and disposal. It has historically been allowed as an accessory use in residential neighborhoods to bring an essential service close to where people live but significant changes in medical practice make it necessary to be selective about the location of the use to protect neighborhoods from adverse impacts that detract from their residential character. The Special Permit allows the Commission to ensure compatibility of a resident medical professional office with a neighborhood and protection of the public's health, safety, and welfare and the value of property.
- (b) A Resident Medical Professional Office with not more than two (2) non-resident support personnel, such as a secretary, receptionist, aide or nurse provided that:
  - (1) Such use shall only be permitted on a lot in the RA-1 zone that is at least one and one-half times the minimum required lot size and on a lot in the R-20 zone or in the R-12 Zone that is at least twice the minimum required lot size and on a lot in the R-7 or R-6 zone that is at least two and one-half times the minimum required lot size;
  - (2) No such office shall occupy more than 700 square feet or 25% of the gross floor area in the premises, whichever is smaller;
  - (3) Parking shall be governed by Section 6-158 (as amended) but shall not be permitted in the front yard;
  - (4) There shall be screening in accordance with the schedule set forth in Section 6-180; and
  - (5) There shall be no other accessory use that might otherwise be permitted under any section of these Regulations.

**Sec. 6-95. PERMITTED ACCESSORY USES.**

(a) Customary uses incident to the principal uses in Sections 6-93 shall be permitted in RA-4, RA-2, RA-1, R-20 and R-12 zones and R-7 zone (by the cross reference in Section 6-97 (b) (1) to RA-4 zones permitted uses) and R-6 zone (by the cross reference in Section 6-98 (b) (1) to R-7 zones permitted uses). They shall include: (2/8/94)

- (1) The office of a resident professional person (other than a resident medical professional) or the studio of an artist in which not more than two (2) persons not residents of the premises are employed in connection therewith.
- (2) (A) Private garages, barns, sheds, shelters, silos and other structures customarily accessory to residential estates, farms, or resident uses provided no accessory building shall exceed the gross floor area established below, unless authorized by the Board of Appeals as a special exception:

RA-4 and RA-2 zones:	1,200 square feet
RA-1 and R-20 zones:	800 square feet
R-12, R-7, R-6 and RMF zones:	600 square feet

In granting a Special Exception, in addition to considering all the standards of Sec. 6-20(c), and Standards of Sec. 6-17(d)(4), (5), (6), (9), the Board of Appeals shall find in residential zones that the accessory structure by virtue of its scale, design, size or location on the site is compatible with its zone and individually or in combination with other accessory structures, maintains the appearance of being subordinate to the principal structure. (1/1/87)

(B) In the case of buildings which meet the standards of Sec. 6-109, 1(3)(a) of the Building Zone Regulations, as recommended by the Historic District Commission, the Board of Appeals may waive the provisions of Sec. 6-147 (b) and 6-95(a)(2)(A) above. (1/1/87)

- (3) Roadside stands for the display and sale of natural products grown on the premises under conditional requirements of location, design, parking and length of operation and any other conditions the Board of Appeals may deem necessary to carry out the purpose of this Article as expressed in Section 6-1.
- (4) The keeping of not more than two (2) roomers or boarders by a resident family only in a detached single family dwelling, exclusive of employees on the premises.
- (5) The rental and use for residential purposes of dwelling units in accessory buildings, provided the same dwelling units were in lawful existence prior to September 30, 1947.
- (6) Retail sale of alcoholic liquor to be consumed on the premises by a club not open to the general public and not operated for commercial profit under a club permit issued by the Liquor Control Commission in accordance with the provision of the Liquor Control Act and the regulation adopted thereunder.
- (7) The keeping of not more than six (6) horses (not including their young under the age of six (6) months) provided there shall be at least twenty thousand (20,000) sq. ft. of gross lot area for each horse age six (6) months or older.
- (8) Indoor athletic uses occupying more than 1,200 square feet of floor area when authorized by the Board of Appeals as special exceptions.
- (9) Family Day Care as defined in Sec. 6-5(a)(21.1). (7/31/80)

(b) HOME OFFICE (2/8/94)

- (1) The purpose of this regulation is to take into account the changing nature and location of the workplace because of technological advancements, including the development of new computer-based home businesses and increased use of telecommuting, resulting in

a growing number of people doing office work in their homes. This regulation allows for the changing character and type of work performed in the home provided there is no impact on the residential character of the community by prohibiting change in the character and appearance of the dwelling, minimizing traffic and parking on residential streets, avoiding noise normally associated with business operations, and maintaining public health, safety and welfare and the value of property. Any use that becomes more intensive than permitted by standards established for residential zones shall be permitted only in the appropriate business zone.

- (2) A home office shall be permitted as an accessory use incident to the principal uses in Section 6-93 in RA-4, RA-2, RA-1, R-20 and R-12 zones and R-7 zone (by the cross reference in Section 6-97(b)(1) to RA-4 zones permitted uses) and R-6 zone (by the cross reference in Section 6-98(b)(1) to R-7 zone permitted uses), provided all of the following requirements are met at all times:
  - (A) No non-resident person shall be employed or otherwise associated with the business in the home office;
  - (B) The business shall be primarily conducted by telecommunications, mail or courier deliveries;
  - (C) There shall be no more than three business visitors daily to the home office, provided, however, that there shall be adequate off-street parking as provided in Section 6-158 for both business visitors and residential use;
  - (D) There shall be no sign on the premises advertising the home office, notwithstanding Section 6-163;
  - (E) There shall be no change in the exterior of the dwelling or addition of parking space in the front yard, no outdoor display or storage of materials, supplies, equipment or waste, and no exterior visible evidence of such use;
  - (F) There shall be no noise, odor or electrical interference caused by such home office use;
  - (G) There shall be no stock of merchandise for sale or equipment that is customarily employed in sales on the premises;
  - (H) There shall be only one home office in the dwelling and no other accessory use on the premises that might otherwise be permitted under any section of these Regulations;
  - (I) No home office shall occupy more than 700 square feet or 25% of the gross floor area in the premises, whichever is smaller.

#### **Sec. 6-96. PROHIBITED ACCESSORY USES.**

The following accessory uses shall be prohibited in RA-4, RA-2, RA-1, R-20 and R-12 zones:

- (1) Separate servants' quarters having housekeeping facilities or accessory dwelling units within or attached to private dwellings except for Elderly Conversions. (See Sec. 6-99)
- (2) Any business or industrial uses other than those permitted in Section 6-95. (2/8/94)

#### **SUBDIVISION 2. R-7, R-6, R-MF ZONES, ACCESSORY HOUSING CONVERSIONS.**

#### **Sec. 6-97. USE REGULATIONS FOR R-7 ZONES.**

- (a) The following principal uses shall be permitted and all other principal uses are expressly excluded in R-7 zones:

- (1) All uses permitted in RA-4 zones and uses permitted under Sec. 6-94. (10/27/83)
- (b) The following accessory uses shall be permitted in R-7 zones:
  - (1) The same accessory uses as in RA-4 zones except roadside stands and structures customarily incident to farms.
  - (2) Customary home occupations, provided that each such occupation shall be engaged in only by residents of the premises and by not more than two (2) non-resident employees, that no accessory building shall be used and that no display of products or signs advertising such products shall be visible from the street.
  - (3) The keeping of not more than two (2) roomers or boarders by a resident family only in a detached single family dwelling, inclusive of employees on the premises.
- (c) The following accessory uses shall be prohibited in R-7 zones:
  - (1) Same as in RA-4 zones and as provided in Subsection (b)(1) of this section.

**Sec. 6-98. USE REGULATIONS FOR R-6 MULTI-FAMILY AND RMF ZONES.**

- (a) The following principal uses are permitted and all other principal uses are expressly excluded in R-6, R-6 MULTI-FAMILY, and RMF zones: (3/2/2012)
  - (1) All uses permitted in R-7 zones. (4/14/2010)
  - (2) The following uses are permitted as Special Permit uses when the Planning and Zoning Commission determines that such uses are appropriate to the neighborhood, having consideration for the number and proximity of single family dwellings and two-family dwellings, for the number, character, and proximity of other uses, for the amount and location of undeveloped land in the vicinity and the relationship of such land to the pattern of open space in the neighborhood development scheme, and for the proximity to other zones, either more or less restrictive and other standards provided in this Article and the Standards contained in Sections 6-15 and 6-17. (6/16/87; 3/2/2012)
    - (A) The building of a two family dwelling, conversion from a single family to a two-family dwelling, addition or alteration to a single family dwelling to create a two-family dwelling, additions to an existing (2) two-family residence, addition or alteration to one or more multi-family dwellings or a combination of single family, two-family and/or multi-family dwellings on a lot. The building of two single family dwellings on a lot shall not be permitted, except as follows: the conversion of an existing accessory building to a single-family dwelling provided both the accessory structure and the single-family home located on the lot are at least 50 years old. Additions and alterations made to change the use of the existing accessory structure may not add more than 15% to the gross floor area of the structure. In addition, the lot on which such a conversion is approved shall comply with the minimum lot area of the R-6 or RMF zone in which the property is located and may not be diminished in size now or in the future. (4/14/2010; 9/28/2010; 3/2/2012)
    - (B) Boarding and Rooming Houses.
    - (C) In the R-6 MULTI-FAMILY (three or more dwelling units) and R-MF ZONES the total ground floor area of all buildings and structures shall occupy not more than 30% of the gross lot area. The total lot coverage shall not exceed 50% of the gross lot area. (2/9/2000; 9/28/2010; 3/2/2012)
    - (D) In the R-6 MULTI-FAMILY (two dwelling units) the minimum Green Area Requirement is 35% and the total ground floor area of all building area and structures shall occupy no more than 30% of the gross lot area. (3/2/2012)
    - (E) In the R-6 (one dwelling unit) the minimum Green Area Requirement is 35%. (3/2/2012)
- (b) The following accessory uses shall be permitted in R-6 and RMF zones:

- (1) Same as in R-7 zones.
- (2) For Housing Authority of the Town of Greenwich (HATG) residential developments, community space and service such as day care, job training and occasional medical check-up facilities, in accordance with Federal and State guidelines, may be located within HATG developments provided the total square footage of such accessory uses does not exceed 5% of gross square footage of all buildings on site and such services are limited to residents and families assisted through HATG. (12/24/91)
- (c) The following accessory uses shall be prohibited in R-6 and RMF zones: Same as in R-7 zones.
- (d) Special Requirements. A definitive site plan conforming to Sec. 6-14 of these regulations shall be presented to the Commission with application for Special Permit which plan shall not be changed without the consent of the Commission. (12/27/78)

**(Sec. 6-99. Repealed 6/10/94 – Conversion To Additional Dwelling-Elderly Housing)**

## ACCESSORY HOUSING

### **6-99. CONVERSION TO ACCESSORY HOUSING. (6/10/94 effective date)**

- (a) Accessory Housing – General
  - (1) Purpose – This section is intended to aid the general welfare of the Town by (i) benefiting elderly persons by promoting the availability and maintenance of housing; (ii) benefiting persons of moderate income by increasing the supply of affordable rental housing in the Town; and (iii) helping to preserve older houses that give the Town much of its attractive character.
  - (2) Conversion – A Dwelling, One Family, constructed within lawful setbacks, or an accessory building thereto constructed within such setbacks as are required for the primary building, located in the RA-4, RA-2, RA-1, R-20, R-12, or R-7 zone, and which was listed with the Tax Assessor as of May 12, 2009, may be converted into a Dwelling, One Family, containing an accessory apartment, or an additional living unit by conversion of an accessory building, subject to, and upon compliance with, the standards and procedures set forth below. For the purposes of this Section only, the term “converted unit” shall refer to the new living unit resulting from conversion and the term “primary unit” shall refer to the remaining living unit in the Dwelling, One Family, after conversion. (4/24/2013)
  - (3) Standards, General – Also see subsections (b) (1) and (c) (1) below:
    - (A) The conversion is intended to create an accessory apartment that is clearly incidental and secondary to the primary unit so as to preserve the appearance of the Dwelling and the single family character of the Dwelling and of its neighborhood. Accordingly there shall be no exterior evidence of the accessory use that is visible from the street and no additional parking space may be created in the front yard.
    - (B) The floor area of the converted unit shall not exceed 700 square feet (however the Planning and Zoning Commission or designee may approve a floor area of the converted unit of up to 800 square feet upon good cause shown), but in no event

shall the floor area of the converted unit occupy more than 35% of the gross floor area of the original Dwelling.

(C) A converted unit in an accessory building in the RA-1, R-20, R-12 or R-7 zone shall only be permitted on a lot having at least twice the minimum lot size required by the zone and in the RA-4 or RA-2 zone on a lot having at least one and one-half times the required minimum lot size.

(D) There shall be no other accessory use on the premises that might otherwise be permitted under any section of these Regulations except a use permitted under Sec. 6-95(a) subsections (2); (3); (7); and (8).

(E) No ground floor garage space in a Dwelling or in an accessory building may be converted to living space to accommodate an accessory apartment.

(4) Procedures, General – Also see subsection (c) (2) below.

(A) No conversion contemplated by this Section shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued, until the owner of the building to be converted has received approval from the Planning and Zoning Commission or designee. Applicant shall first submit to the Town Planner or designee the required supporting data, including an Affidavit in the form prescribed by the Planning and Zoning Commission containing the certifications required by this Section. Any proposed conversion inconsistent with any of the standards of this Section or Section 15 shall be referred to the Planning and Zoning Commission for a formal site plan review.

(B) The owner shall file with the Zoning Enforcement Officer on or before July 1 of each year an Affidavit in the form prescribed by the Planning and Zoning Commission certifying that the primary and converted units are in compliance with the occupancy standards and the other requirements of this Section. (5/4/2005)

(5) Duration – Any approval for a dwelling conversion issued hereunder shall be subject to automatic revocation upon:

(A) The failure of the Owner of the converted building to file timely with the Zoning Enforcement Officer the annual Affidavit required by this Section; or

(B) Notwithstanding the filing of such Affidavit, a finding by the Zoning Enforcement Officer that the units do not in fact comply with said occupancy standards or other requirements.

(b) Elderly Accessory Apartment

(1) Additional Standards – Either the primary or converted unit shall be occupied by the owner and one of the units shall be occupied by a person 62 years of age or older.

(c) Affordable Accessory Apartment

(1) Additional Standards – The primary unit shall only be occupied by the owner and the converted unit shall be rented as affordable housing pursuant to the standards of this Section. The Town Planner after consultation with the Town of Greenwich Community Development Office shall annually publish a notice of (i) the maximum rents that may be charged for converted units (including common charges, if any, and heat and utility costs, which may be by a reasonable estimate, and excluding telephone and cable television) and (ii) the maximum allowed tenant income, 80% of the area median income adjusted for family size as determined by the United States Department of Housing and Urban Development for the Stamford Statistical Metropolitan Area (SMSA).

The owner at the time that any new tenant takes occupancy shall sign and file with the Planning and Zoning Commission an Affidavit in the form prescribed by the Commission certifying that (i) the primary unit is occupied by the owner; (ii) the Affidavit or annexed lease accurately sets forth the rent to be charged and paid and such rent does not exceed the maximum allowable rent published by the Town Planner; and (iii) the tenant

has certified under penalty of false statement either in the lease or otherwise to the owner that tenant's family income does not exceed the maximum allowed tenant income.

It shall not be a violation of this Section that a tenant's income exceeds 80% of the area median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the Stamford Statistical Metropolitan Area, after initial occupancy provided that the tenant meets all requirements at the time of initial occupancy.

- (2) Additional Procedures –
  - (A) No conversion contemplated by this subsection (c) shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued, until the owner of the building to be so converted has received approval from the Planning and Zoning Commission or designee under subsection (a) (4) above and has recorded a Declaration of Deed Restriction in the form prescribed by the Planning and Zoning Commission in the Greenwich Land Records.
  - (B) The Affidavits in Sec. (a) (4) (A) and (B) shall specifically contain a certification that (i) the primary unit continues to be owner-occupied, and (ii) the rent does not exceed the maximum allowable rent in effect as of January 1 of that year as published by the Town Planner.
- (d) Conversion of an Elderly Accessory Apartment to an Affordable Accessory Apartment – When the owner of a dwelling with an elderly accessory apartment wishes to change its status to an affordable accessory apartment or the apartment is for any reason no longer in compliance with the occupancy standards and requirements in this Section for such use, the owner of such dwelling may register it as a dwelling with an affordable accessory apartment upon compliance with all the standards and requirements therefore in this Section, review and approval by the Planning and Zoning Commission or designee and the recording of a Declaration of Restrictions.
- (e) Conversion of an Affordable Accessory Apartment to an Elderly Accessory Apartment – When the owner of a dwelling with an affordable accessory apartment wishes to change its status to an elderly accessory apartment or the apartment is for any reason no longer in compliance with the occupancy standards and requirements in this Section for such use, the owner of such dwelling may register it as a dwelling with an elderly accessory apartment upon compliance with all the standards and requirements therefore in this Section and upon review and approval by the Planning and Zoning Commission or designee. The Planning and Zoning Commission or designee shall then record a Release of the Declaration of Restrictions on the Land Records.
- (f) Removal of Accessory Apartment – When an owner wishes to eliminate the accessory apartment (and, in the case of an affordable accessory apartment, release the Declaration of Restrictions on the Land Records) proof of the removal of the second kitchen and the restoration to its status before the conversion shall be submitted to the satisfaction of the Zoning Enforcement Officer. The Planning and Zoning Commission or designee shall record a Release of any Declaration of Restrictions on the Land Records after inspection and confirmation by the Zoning Enforcement Officer.

### **SUBDIVISION 3. BUSINESS ZONES.**

#### **Sec. 6-100. USE GROUPS FOR BUSINESS ZONES.**

In order to carry out the purposes and provisions of these regulations, the uses of all non-residential buildings and structures have been classified into Use Groups.

Any use not specifically listed in the following Use Groups shall be prohibited, unless allowed under Use Group 5 by Special Exception. (9/15/86).

#### **USE GROUP 1 (9/28/2010)**

Assembling, processing or any light mechanical operation clearly incidental to the conduct of a retail business or personal service shop provided that such use is not larger than 750 square feet gross floor area, and, in the opinion of the Zoning Enforcement Officer, is not offensive or obnoxious or detrimental to the neighborhood by reason of emission of odor, dust, smoke, fumes or noise. (9/15/86)

Banks (including drive-ins) when authorized by special permit (4/14/2010)

Dry cleaning establishments, subject to the following:

Dry cleaning establishment using non-inflammable solvents and employing not more than ten persons, provided that the local Fire Marshall shall have approved that solvent to be used as non-inflammable under the State Rules and Regulations concerning Dry Cleaning and Dry Dyeing, and also shall have approved the location and installation of the equipment, and provided that the Commissioner of Public Works shall have approved the method of disposal of waste materials from the cleaning process; and provided that odors and fumes from the establishment are sufficiently dissipated so that they are not offensive or detrimental to neighboring property.

Emergency Youth Shelters

Fitness Clubs (Note D) (9/28/2010, 9/20/2013)

Group Fitness Centers (Note D) (9/28/2010, 9/20/2013)

Gyms (Note D) (9/20/2013)

Group Living Facility for the Elderly, permitted by Special Permit pursuant to Sec. 6-17. (see Sec. 6-94(b)(2) for standards and requirements) (2/25/88)

Indoor theaters, of minimum 200 seats

Libraries, museums and art galleries

Municipal uses

Non-profit, multi-service, social work agency

Outdoor dining facilities, ancillary and contiguous to an eating establishment (restaurant, or retail food establishment), operating on a seasonal (seven month) basis starting on April 1st and concluding on November 1st in any calendar year and subject to the following: (11/25/2008, 3/25/2014)

- (1) Proof of the availability of adequate parking shall be submitted at the time of application for final site plan approval guaranteeing said availability for the period the use is to function.
- (2) Proof of adequate liability insurance shall be provided. Outdoor dining areas located on Town sidewalk(s) will be required to carry additional liability insurance and/or policies in such an amount as determined by the Town's Risk Management Office. Proof of liability insurance shall be disclosed on an Acord form entitled, "Certificate of Liability Insurance", and be in the amount as required by the Town's Risk Management Office. The Town of Greenwich shall be named as an additional insured. If alcohol is being served, the Certificate of Liability Insurance certificate must disclose that liquor liability insurance is in place for the same amounts of the required general and umbrella liability policies and the applicant will be

required to carry further liability insurance and/or policies. The owner/operator shall sign an agreement indemnifying the Town from liability on adjacent Town property resulting from the operation of said use prior to the issuance of Building and Zoning permits. (4/9/2014)

- (3) When the seasonal use ceases at the end of the approved period, all evidence of such use shall be removed from the premises. (4/9/2014)
- (4) If said use is to be re-established the applicant must reapply, annually, and again meet all conditions and standards of this subsection.
- (5) Dining facilities use must be entirely on property owned or leased by the applicant. Public property may not be used for dining facilities purposes unless a properly executed lease agreement has been obtained and all insurances as approved by the Town. (4/9/2014)
- (6) Building and Zoning permits must be obtained prior to the start of dining facilities use regardless of the amount of construction involved. (11/17/97, 4/9/2014)
- (7) In the case of small-scale projects (3 tables or less, on private property) site plan approval by the Planning and Zoning Commission will not be necessary. The Town Planner shall review and approve said projects after assurance that the conditions of this subsection have been met and any requisite insurance is provided as mandated by the Town. (4/9/2014)
- (8) Will not interfere with public, state or municipal use of any public street, sidewalk or property, will not create a disturbance or hazard to pedestrians or traffic and will not interfere with the safe and free flow of pedestrians or traffic. (7/24/83)

Package stores, subject to the provisions of Sec. 6-194

Parks and Playgrounds

Personal service establishments

Pharmacy

Post offices

Recreational Facilities (permitted by Special Permit) (Note D) (9/28/2010, 9/20/2013)

Restaurants, other than drive-ins, including expansion by new construction, alteration or conversion, when authorized by Special Permit pursuant to Sec. 6-17 of these Regulations and subject to the provisions of Sec. 6-194. No special permit is necessary for properties between the front and rear building lines. (6/17/83) Public areas of a restaurant in the CGBR zone are restricted to the ground floor of the building. (11/17/97; 9/28/2010)

Retail stores

Sales agencies of real estate, employment, insurance or travel firms

Service and Social Clubs, provide that in the LB, LBR and CGBR Zones: (1) no more than 25% of the ground floor of a building shall be used for this purpose, (including accessways) and (2) other than access, no floor area dedicated to such use shall be located along any ground floor street frontage. (4/29/91 & 9/28/2010)

Supermarkets including expansion, when authorized by Special Permit. (9/15/86)

## USE GROUP 2. OFFICE USES

All office space, including without limitation, sales agencies of real estate, employment, insurance or travel firms, and non-profit, multi-service, social work agencies, shall be included in computing the gross floor area of office space. Any bank space on other than the ground floor shall also be included in computing the gross floor area of office space. (2/6/90)

### USE GROUP 2a

Office space not exceeding 7,000 square feet gross floor area per lot.

**USE GROUP 2b**

Office space exceeding 7,000 square feet gross floor area, but not exceeding 20,000 square feet gross floor area per lot.

**USE GROUP 2c**

Offices exceeding 20,000 square feet gross floor area per lot.

**USE GROUP 3**

Dwelling units conforming to the provisions of Sec. 6-110.

**USE GROUP 4 (4/29/91; 9/28/2010)**

Animal grooming establishments  
Community centers  
Drive-in banks when authorized by Special Permit (4/14/2010)  
Financial Services (including banks) (9/28/2010)  
Fitness Clubs (Note D) (9/28/2010, 9/20/2013)  
Funeral parlors  
Group Fitness Centers (Note D) (9/28/2010, 9/20/2013)  
Gyms (Note D) (9/20/2013)  
Health centers, hospitals, walk-in medical clinics (9/15/86), homes for the aged,  
sanitariums or convalescent homes  
Indoor places of assembly  
Places of worship  
Printing shops, newspaper establishments  
Radio and television stations (excluding transmitting facilities)  
Recreation uses (excluding billiard and pool rooms, merry-go-rounds, shooting  
galleries, freak shows and similar attractions and amusement devices)  
Recreational Facilities (permitted by Special Permit) (Note D) (9/28/2010, 9/20/2013)  
Schools, both profit and non-profit, day care centers

**USE GROUP 5**

The following uses when and to the extent authorized by the Board of Appeals, subject to the provisions of Sec. 6-19 to 6-21 inclusive provided that the Board of Appeals finds that the use is compatible with the neighborhood and its uses:

Any business or industry not otherwise covered by these Use Groups:  
Auto detailing (5/4/2005)  
Car washes  
Gasoline filling stations or service stations  
Motor vehicle repair  
Motor vehicle sales and service (9/15/86)  
Motor vehicle storage  
Radio and television transmitting facilities  
Veterinary establishments and kennels  
Warehousing and storage  
Wholesale establishments

Satellite earth station towers except those transmitting or distributing microwaves which are subject to Sec. 6-140.1 (10/7/85)

## USE GROUP 6

Hotels  
Motels

## USE GROUP 7

### USE GROUP 7a Water Dependent Uses (5/11/87)

Boat and marine engine rental and sales (5/11/87)

Boat yards and/or buildings devoted to boat building, repairs, service and dry storage on both the ground and in boat storage racks\*; engine repairs, service and storage; the retail sales and dispensing of fuel and lubricants at dockside for marine purposes only but expressly excluding the bulk storage of fuel. Assembling, processing or any light mechanical operation clearly accessory and related to the conduct of a water dependent use shall be permitted provided that such accessory use is not larger than 750 square feet gross floor area; and, in the opinion of the Zoning Enforcement Officer, is not offensive or obnoxious or detrimental to the neighborhood by reason of emission of odor, dust, smoke, fumes, or noise. (7/19/2006)

Recreational and commercial fishing and boating facilities. (5/11/87)

Processing of seafood provided that such use is not larger than 750 square feet gross floor area, and in the opinion of the Zoning Enforcement Officer is not offensive or obnoxious or detrimental to the neighborhood by reason of emission of odor, dust, smoke, fumes or noise. (5/11/87)

Public or private marinas (5/11/87)

Water-based recreation uses (5/11/87)

Dock and port facilities. (5/11/87)

\*Boat storage racks along with the boats placed on them are limited in aggregate height to a maximum 30 feet above the grade and must meet accessory setbacks. Height shall be measured from the grade beneath the rack to the highest point of the uppermost boat stored on the rack. (7/19/2006)

**USE GROUP 7b** Special Permit Required. Prior to the approval of an application for a Special Permit the Planning and Zoning Commission shall find that the proposed activities are accessory or subordinate or provide supportive services to a water-dependent use. (5/11/87)

Beach Clubs, including pools, cabanas and lockers. (5/11/87)

Outdoor dining facilities, ancillary and contiguous to an eating establishment (restaurant, or retail food establishment), operating on a seasonal (seven month) basis starting on April 1st and concluding on November 1st in any calendar year and subject to the standards and conditions listed (1) through (8) under Section 6-100 Use Group 1. (11/25/2008, 3/25/2014)

Public or private yacht clubs (5/11/87)

Streets, parks and playgrounds (5/11/87)

Sale of marine and fishing supplies and provisions (5/11/87)

Food service, other than drive-ins, having no more than 750 square feet gross floor area, when subordinate and clearly incidental to a water dependent use and as subject to Sec. 6-194 to Sec. 6-199 inclusive of the Building Zone Regulations. (5/11/87)

Marine-related retail and service establishments. (5/11/87)

Marine research laboratories for the study of oceanography, marine environment, ecology and coastal resources. (5/11/87)

**USE GROUP 8** (September 15, 1986; 9/28/2010)

Animal grooming establishments (11/27/90)

Assembling, processing or any light mechanical operation clearly incidental to the conduct of a retail business or personal service shop provided that such use is not larger than 750 square feet gross floor area, and, in the opinion of the Zoning Enforcement Officer, is not offensive or obnoxious or detrimental to neighborhood by reason of: (a) emission of odor, dust, smoke, fumes or noise; (b) use of property for outside storage of equipment, appliances, or parts (either derelict or stored for use).

Banks (including drive-in banks) are considered Financial Services (Note C) (4/14/2010; 9/28/2010)

Dry-cleaning establishments, subject to the following:

Dry cleaning establishments using non-flammable solvents and employing not more than ten persons, provided that the local Fire Marshal shall have approved that solvent to be used as non-inflammable under the State Rules and Regulations concerning Dry Cleaning and Dry Dyeing, and also shall have approved the location and installation of the equipment, and provided that the Commissioner of Public Works shall have approved the method of disposal of waste materials from the cleaning process; and provided that odors and fumes from the establishment are sufficiently dissipated so that they are not offensive or detrimental to neighboring property.

Financial Services and establishments (including banks, etc.) sales agencies of real estate, employment, insurance or travel firms shall be permitted only above floors having other uses within Use Group 8. (9/28/2010)

Gasoline filling stations or service stations (Note A) (Note B)

Jobbing establishments, provided such uses do not occupy street storefront space; do not exceed 750 square feet gross floor area; do not have outdoor storage of equipment, supplies or vehicles; and are located behind other uses permitted in Use Group 8. (Note A)

Libraries

Municipal Uses

Outdoor dining facilities, ancillary and contiguous to an eating establishment (restaurant, or retail food establishment), operating on a seasonal (seven month) basis starting on April 1st and concluding on November 1st in any calendar year and, subject to standards and conditions listed (1) through (8) under Section 6-100 Use Group 1. (11/17/97, 3/25/2014)

Package stores, subject to the provisions of Sec. 6-194

Personal service establishments

Parks and Playgrounds

Pharmacy

Post Offices

Restaurants, other than drive-ins, including expansion by new construction, alteration or conversion, when authorized by Special Permit pursuant to Sec. 6-17 of these regulations and subject to the provisions of Sec. 6-194. (Note A) (11/17/97)

Retail stores

Sales agencies of real estate, employment, insurance, or travel firms. (Note C)

Supermarkets (Note A)

Note A. Ground floor uses by Special Permit only, pursuant to Sec. 6-17, for the purpose of assuring adequate ground floor street front space for the display and sale of merchandise in retail establishments and for the purpose of encouraging a concentration in uninterrupted shopping patterns of personal service and retail establishments. The Special Permit uses shall be

judged, in addition to the standards of Sec. 6-17, by the extent to which they are consistent with the purposes of the zone and the standards cited above, they maintain a variety of uses complementary to retail uses, and they avoid contributing to a proliferation of similar or non-retail uses. Expansions of "Note A" uses shall also require a Special Permit. "Note A" uses on floors above the ground floor are subject to site plan standards of Sec. 6-15, but are exempt from the Special Permit Procedure applicable to ground floor uses, except for restaurants. (9/15/86)

Note B. Existing gas stations are made conforming as to use existing as of April 30, 1986, and are limited to hours of operation in effect as of that date, or no later than 11 p.m. and no earlier than 6 a.m., whichever is less restrictive. A change to a schedule less restrictive than existed on April 30, 1986 shall be considered an intensification of use requiring a Special Permit pursuant to Sec. 6-17. (9/15/86)

Note C. Uses permitted only above the ground floor. Expansion of uses made non-conforming due to location on the ground floor shall be by Special Permit. (9/15/86)

Note D. Accessory uses which include the preparation and serving of food and/or the sale of equipment related to the activity on the premises are permitted. Accessory uses shall be limited to a maximum of 10 percent of the usable space of the principal use. (9/20/2013)

## USE GROUP 9 (3/21/2000)

The Following uses are permitted by Special Permit Only:

Car Washes

Gasoline filling stations or service stations

Jobbing Establishments, provided such uses do not occupy street storefront space; do not exceed 750 square feet gross floor area; do not have outdoor storage of equipment, supplies or vehicles; and are located behind Use Groups 1 or 4 or other uses of Use Group 9.

Veterinary Establishments and Kennels

### Sec. 6-100.1. EMPLOYEE DENSITY.

In no case shall the number of employees of Use Groups 2a, 2b, and 2c, and offices associated with other uses exceed 1.2 times the actual number of parking spaces provided for that use in conformance with these Regulations.

### Sec. 6-101. SPECIAL PERMIT REQUIRED FOR BUSINESS ZONES AND RESIDENTIAL ZONES.

(a) No new construction for any use or uses including uses for which special exception has been granted pursuant to Sec. 6-19 to 6-21 inclusive which would result in a structure or group of structures which individually or together would total in excess of 40,000 cubic feet in volume above established grade in the underlying zones of the mapped Central Greenwich Impact Overlay Zone or the mapped Post Road Impact Overlay Zone or in the Waterfront Business (WB) Zone or in the Local Business (LB) Zone or the Local Business Retail (LBR) Zones, or in excess of 150,000 cubic feet in volume above established grade in all other zones, shall be permitted except when authorized by special permit by the Commission pursuant to Sec. 6-17 of these Regulations. Upon application for said special permit, the Commission may authorize the measurement of building height and number of stories from a landscaped deck which is

the roof of a parking structure, provided said parking structure is found by the Commission to be substantially below the surrounding grade, and is so landscaped and designed as to meet the standards of Sections 6-15 and 6-17. When height measurement is so authorized by the Commission, the area of such parking structure shall not be included in lot coverage. (7/25/96)

- (b) No conversions of existing structures which exceed the size limit provided in this Section shall be permitted except in conformance with the provisions of (a) above;
- (c) The Commission may require a performance bond for any or all improvements deemed to be essential in meeting the standards of Sec. 6-15 and Sec. 6-17.
- (d) In all residential zones a special permit shall be required for two (2) or more dwelling units on a lot. (7/16/91, 4/24/2013)

#### **Sec. 6-102. STATEMENT OF PURPOSES – ALL BUSINESS ZONES.**

These business zone regulations are made in accordance with the Town's Plan of Development/Land Use Plan, adopted in 1985, and are designed to implement the policies as contained therein and the purposes set forth in the General Statutes of the State of Connecticut. Specifically, it is the intent of these regulations: (6/11/86)

- (a) To guide and control the type, amount, location and quality of business development in the Town so that it will be in harmony with Greenwich's predominantly residential character.
- (b) To concentrate business activities in existing commercial areas and assure that there will continue to be available adequate land and building capacity to meet the retail and business needs of the Town's present and ultimate future population; to assure that commercial areas outside the central business district provide for the particular needs of the areas and neighborhoods they are intended to serve. (6/11/86)
- (c) To assure that the limited areas of the Town which have been found to be suitable in terms of location, facilities and utilities to serve Greenwich's retail and service business needs are reserved for this purpose and are not pre-empted for uses which do not serve a local function or which can be more appropriately located elsewhere.
- (d) To control the type, amount and location of business development, tying it closely to ultimate population growth and the capacity of the Town's infra-structure; to encourage the most economic use of existing and planned community services and facilities such as, but not limited to, road network, water supply, storm drains, sewage disposal. (6/11/86)
- (e) To provide greater shopping convenience and encourage pedestrian circulation by concentrating local retail and business uses in uninterrupted shopping patterns in the Town's existing business centers; to support the viability of the retail function within shopping districts by assuring adequate ground floor storefront space for retail sales purposes. (6/11/86)
- (f) To prevent business land uses from encroaching upon or otherwise disturbing areas planned for residential use.
- (g) To encourage in appropriate areas mixed residential and commercial uses. (6/11/86)
- (h) To preserve the cultural heritage of the community, and to preserve the Town's historic resources in conformance with Sec. 8-2 of the State Statutes. (4/5/82)
- (i) To retain and enhance the environmental quality of business zones so as to sustain property values and the viability of businesses. (6/11/86)
- (j) To encourage preservation of existing housing stock in commercial areas and if dwellings are displaced by conversion or new construction to encourage replacement; to encourage protection and provision of below-market-rate housing. (6/11/86)

**Sec. 6-103. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR ALL LBR ZONES. (9/15/86; 9/28/2010)****(A) Purposes.**

In addition to the purposes stated in Sec. 6-102, the goal of the LBR zones is to protect and encourage neighborhood-oriented retail development. These zones provide central but limited concentration of complementary retail goods and personal services in convenient locations to meet the frequent recurring needs of nearby residents.

The regulations are intended to provide a system of controls which are tailored to the needs of the neighborhoods and give priority to neighborhood-serving activities; to control the distribution and concentration of uses so as to avoid a proliferation of ground-floor non-retail uses which may threaten the balance and variety of activities and the viability of the areas' retail function; to discourage a significant reduction in the total number of available storefront businesses or a break in storefront continuity, within a neighborhood commercial district. An additional goal is to encourage housing, where appropriate, so as to meet the diverse housing needs of the Town's residents as well as to provide a daytime market that supports and strengthens the business community.

LBR zones do not depend on areas substantially larger than the neighborhood districts they are designed to serve and they do not attract a significant part of their clientele from beyond the surrounding neighborhood. The scale, design, character and uses of commercial buildings in the zones are intended to be compatible with the scale, character and density of surrounding residential areas and to supply desired goods and services, with particular emphasis on reserving an adequate amount of ground-floor storefront space for retail businesses which display and stock goods for sale to consumers.

The LBR zone is divided into sub-categories. Most shopping areas can provide comparison goods and services on a generalized or specialized basis to a neighborhood market area and in general are more dependent upon pedestrian traffic and storefront exposure. A few shopping areas have less potential for comparison goods and services, are less dependent on pedestrian traffic, and are designed to provide a limited variety of convenience retail and personal services to the nearby community.

**(B) Parking.**

Notwithstanding other provisions in these regulations, no above-grade parking structure shall be permitted. Subject to (C) below, underground parking may be permitted by Special Permit provided that parking spaces required for Use Group 8 uses are surface spaces on the same level as street-level businesses and are located to the rear of the structure, and provided that there is no access to underground parking so as to break the continuity of storefront businesses, and no loss of municipal or private surface parking presently existing within the district. In considering approval of underground parking, the Commission shall consider the character of the area including existing uses, buildings and open spaces; the relationship of the proposal in all its aspects including bulk and mass to the existing character and purposes of the business district; the convenience to shoppers; and the impact on continuity of shopping patterns.

**(C) Height Limitations.**

Notwithstanding other provisions in these regulations, the height of any structure shall not exceed thirty-five feet as measured from the grade plane to the highest point of the building. Subject to Special Permit, the elements and structures regulated under Sec. 6-127 may be permitted to exceed the height established in this sub-section 6-103(C). (5/4/2005)

**(D) Floor Area Ratio (FAR)**

See Table, Sec. 6-205(b).

(E) Ground Floor Uses

Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Group 8, except for banks (including drive-up, or drive thru), financial services facilities, Sales Agencies of real estate, employment, insurance or travel firms which are not permitted on first floor of the LBR zones. ATM machines and access entrances to 2<sup>nd</sup> floor banks are not considered financial services and may be located on the first floor in the LBR zones. These uses are considered office uses and not retail uses. Other Group 8 uses shall occupy not less than 75% of the floor area of the largest floor of the building. For the purposes of this provision, the ground floor shall be considered a floor within 18 inches of mean curb elevation; if no floor occurs within this elevation, the Zoning Enforcement Officer shall determine which floor of the building shall be treated as the ground floor. Exceptions to ground floor Use Regulations are noted in (G) below. (4/14/2010; 9/28/2010)

(F) Upper Floor Uses

Uses permitted above the second floor shall be uses other than Use Group 2a or 8, but may include storage incidental to first and second floor uses.

(G) Permitted Uses

Subject to (E) and (F) above the following uses are permitted:

Use Group 2a.

Use Group 3.

Use Group 8.

Sales Agencies of real estate, employment, insurance or travel firms shall be permitted only above floors having other uses of Use Group 8.

(H) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required parking area. (9/28/2010)

**Sec. 6-103.1. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR CGBR ZONE (9/15/86; 9/28/2010)**

(A) Purposes.

In addition to the purposes stated in Sec. 6-102, the goal of the Central Greenwich Business-Retail Zone is to serve as the prime retail and service area of the Town by accommodating shopping and business needs in a greater variety and concentration than the neighborhood and local business zones. The CGBR zone serves several functions: it provides convenience goods and services to all residential areas of the Town, both the outlying sections and the close-in more densely built neighborhoods; it provides comparison shopping goods and services on a generalized or specialized basis to the town-wide and sub-regional market area; and it provides office uses to complement and support the business uses.

The emphasis of the CGBR zone is upon protection of ground floor space for compatible retail uses, and avoidance of a break in storefront continuity. Consequently, businesses in the zone are

generally dependent upon pedestrian traffic and storefront exposure. In addition to retail uses, a wide variety of services and community functions is included to suit the broad and longer-term needs of residents and customers.

An important goal of the CGBR zone is to provide for housing to meet the diverse needs of the Town's residents, as well as to provide a night-time presence and a daytime market that supports and strengthens the business community.

(B) Ground Floor Uses.

Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Group 1 except for banks and financial services, (including drive up and drive thru) and sales agencies of real estate, employment insurance or travel firms which are not permitted on the first floor of the CGBR zone. These uses are only allowed on the upper floors if parking is provided on site since these uses are considered office uses and not retail uses. ATM machines and bank entrances to the 2nd floor are not considered financial services and may be located on the first floor in the CGBR zone. Recreational facilities, fitness clubs, gyms and group fitness centers are not permitted on the first floor or basement of the CGBR zone and only on the upper floors if adequate parking is provided on site per Section 6-158 of the BZR. Other Use Group 1 uses shall occupy not less than 75% of the floor area of the largest floor of the building. For the purposes of this provision, the ground floor shall be considered a floor within 18 inches of mean curb elevation; if no floor occurs within this elevation, the Zoning Enforcement Officer shall determine which floor of the building shall be treated as the ground floor. Public areas of a restaurant in the CGBR zone are restricted to the ground floor (basement or second floor) may be used for food preparation and accessory non-public restaurant uses. For the purposes of this section, a floor shall be considered the ground floor if it is located within 18" above or below mean curb elevation. (4/14/2010; 9/28/2010, 9/20/2013)

(C) Permitted Uses.

Subject to (B) above, the following uses are permitted:

Use Group 1 – Allowed on ground and second floor only, except that below grade floor area (basement) may be used provided that the number of floors of a building devoted to Use

Group 1 shall not exceed two, and the number of usable or habitable floors shall not be more than three (3). (6/27/95)

Use Group 2a and 2b – Allowed on second floor only. (6/27/95)

Use Group 3 – Allowed above ground floor. (6/27/95)

(D) Parking.

Above ground parking shall not be permitted within 60 feet of the street line of Greenwich Avenue or Putnam Avenue.

All parking required in accordance with Section 6-158 shall meet the standards of Division 15 and Division 18. (2/6/90)

The parking and loading requirements of Division 15 shall not be applicable to uses in Use Group 1 or Use Group 3 for any lot where the following conditions are met:

The lot shall have a rear building line as indicated by any map listed in the Schedule of Rear Building Lines at the end of these regulations; and

The total floor area of the building or buildings on said lot shall not exceed 15,000 square feet of floor area.

Division 15 shall be applicable to all other buildings except that for Use Groups 1 and 3 the Planning and Zoning Commission, upon application for Special Permit, may grant Special Permit authorizing a lesser number of parking and loading spaces after consideration of the following:

- (1) Any past reduction in the size of the subject lot resulting from the conveyance of land behind a rear building line to the Town of Greenwich;
- (2) Provision of off-site parking by way of contract or lease;
- (3) Maintaining of existing buildings contributing to continuity of retail frontages;
- (4) The standards of Sec. 6-15 and 6-17.

For purposes of this section gross floor area which is located on other than the ground floor and is occupied or utilized by the following Use Group 1 uses shall be calculated as Use Group 2: banks; sales agencies of real estate, employment, insurance or travel firms; non-profit, multi-service social work agencies. (2/6/90)

(E) Below Grade Floor.

In the CGBR zone below grade (basement) usable or habitable floor area accessible to the public shall be counted as a story of the building. In such building the number of usable or habitable floors shall not be more than three (3). (6/27/95)

(F) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required parking area. (9/28/2010)

**Sec. 6-104. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR LB ZONE. (3/21/2000)**

(A) Purposes.

In addition to the purposes stated in Sec. 6-102, the goal of the LB zone is to provide for greater variety of retail, service, community and business needs. The zone supplies merchandise and services for the nearby residential and business areas, and it serves local consumers from beyond the immediate neighborhood because of its central location and its greater flexibility and multiplicity of uses. The LB zone is less dependent upon pedestrian traffic and storefront exposure. While the zone serves both the surrounding neighborhoods and the community at large, for the most part it does not seek to attract its clientele from beyond the Town. The scale and uses of structures are intended to be compatible with the character and density of surrounding areas.

This is a multi-functional zone whose primary goals are to protect and encourage neighborhood and locally-oriented retail and personal service development so as to meet the frequent recurring needs of nearby residents and businesses, to provide comparison goods and services, and to meet needs for a broader variety of business and community services.

The LB zone is designed also to provide for diversity of housing opportunities. (3/21/2000)

(B) Parking

Subject to (C) below, underground parking may be permitted by Special Permit provided that parking spaces required for Use Group 1 uses are surface spaces on the same level as street-level businesses and are not permitted within the required front yard unless screened as provided for below. In considering approval of underground parking, the Commission shall consider the character of the area including existing uses, buildings and open spaces; the relationship of the proposal in all its aspects, including bulk and mass, to the existing character and purposes of the business district; and the convenience to shoppers.

Notwithstanding other provisions of these regulations, no above-grade parking structures shall be permitted except in accordance with Special Permit procedures and standards pursuant to Sec. 6-17. In considering the appropriateness of the parking structure the Commission shall apply, in addition, the standards established above for underground parking; furthermore, the Commission shall find that the unique nature of the associated principal use and site warrants such a structure, that adequate screening from streets and adjoining properties can be provided by topography, landscaping or other means, and that the standards of Sec. 6-15 have been met.

Except for below ground covered parking, parking shall not be permitted within the required front yard unless, after application for Site Plan Approval pursuant to Sec. 6-13 to 6-16.1 inclusive of these regulations, the Commission finds that said parking is adequately screened from all streets by virtue of landscaping or substantial changes of topography. Where a lot fronts on more than one street, the front yard for the purposes of this provision shall be that adjacent to the street determined by the Zoning Enforcement Officer to be the primary street.

(C) Height Limitations.

Notwithstanding other provisions in these regulations, the height of any structure shall not exceed thirty-five feet as measured from the grade plane. Subject to Special Permit, the elements and structures regulated under Sec. 6-127 and uses of Use Group 3 as regulated elsewhere in these regulations may be permitted to exceed the height established in this sub-section 6-103(C). (5/4/2005)

(D) Floor Area Ratio (FAR).

See Table, Sec. 6-205(b)

(E) Ground Floor Uses.

Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Groups 1, 4, and 9, which uses shall occupy not less than 75% of the floor area of the largest floor of the building. For the purposes of this provision, the ground floor shall be considered a floor within 18 inches of mean curb elevation; if no floor occurs within this elevation, the Zoning Enforcement Officer shall determine which floor of the building shall be treated as the ground floor. Exceptions to ground floor use regulations are noted in (G) below. (4/4/87)

(F) Upper Floor Uses.

Uses permitted above the second floor shall be uses other than Use Groups 1, 2a, 4 or 9, but may include storage incidental to first and second floor uses.

(G) Permitted Uses. (3/21/2000)

Subject to (E) and (F) above the following uses are permitted:

Use Group 1

Use Group 2a, except that any such use in the LB Zone shall be permitted only above floors having uses of Use Groups 1, 3, 4, or 9, which uses must occupy not less than 75% of the floor area of the largest floor of the building.

Use Group 3. Use Group 3 may be permitted on the ground floor of a structure provided the standards and requirements of Sec. 6-110(g) are met. (4/4/87)

Use Group 4

Use Group 9, when authorized by Special Permit pursuant to Sec. 6-17.

(H) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required front yard or in the required parking area. (5/4/2005)

#### **Sec. 6-104.1 USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE CGB ZONE (9/15/86)**

(A) Purposes.

In addition to the purposes stated in Sec. 6-102, the goal of the Central Greenwich Business Zone is to provide for a greater variety of Town-oriented retail, service, business, community and residential needs. The CGB zone is a mixed-use moderate density transition zone within Central Business District separating the high intensity commercial uses of the Town's prime retail and business area (the CGBR zone) from the medium density residential and business zones that ring the Central Business District. The CGB zone is characterized by diversity, including small office uses, residential uses, public uses, and a wide variety of businesses offering goods and services to suit the broad, long-term needs of customers and residents. The area encompassed by the zone also includes significant historic buildings and streetscapes, important resources which foster a sense of history and preserve the Town's architectural and cultural heritage. The zone serves a town-wide market, attracting people from outlying sections as well as from close-in more densely developed neighborhoods, and is less dependent upon pedestrian traffic and storefront exposure.

It is an additional goal of CGB zone to provide increased housing opportunities in view of the transitional nature of the area.

(B) Permitted Uses.

Use Group 1

Use Group 2a

Use Group 3

Use Group 4

(5/4/2005)

(C) Parking.

Except for below ground covered parking, parking shall not be permitted within the required front yard unless, after application for Site Plan Approval pursuant to Sec. 6-13 to 6-16.1 inclusive of these regulations, the Commission finds that said parking is adequately screened from all streets by virtue of landscaping or substantial changes of topography. Where a lot fronts on more than one street, the front yard for the purposes of this provision shall be that adjacent to the street determined by the Zoning Enforcement Officer to be the primary street.

(D) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required front yard or in the required parking area. (5/4/2005)

#### **Sec. 6-105. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE GB ZONE.**

(a) Permitted Uses

Use Group 1  
Use Group 2a  
Use Group 3  
Use Group 4

Use Group 5, provided that a special exception is obtained from the Board of Appeals pursuant to Section 6-19 to 6-21 inclusive of these Regulations.

Use Group 6

(b) Parking

Except for below ground covered parking, parking shall not be permitted within the required front yard unless, after application for a Special Permit pursuant to Sec. 6-17 of these regulations, the Planning and Zoning Commission finds that said parking is adequately screened from all streets by virtue of substantial changes of topography.

Not more than 15% of required parking may be located above ground between any building and required front yard.

Where a lot fronts on more than one street, the front yard for the purposes of the above provisions shall be that adjacent to the street determined by the Zoning Enforcement Officer to be the primary street.

(c) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required front yard or in the required parking area. (5/4/2005)

**Sec. 6-106. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE GBO ZONE.**

(a) Permitted Uses:

Use Group 1  
Use Group 2a, 2b, 2c  
Use Group 3  
Use Group 4

Use Group 5, provided that a special exception is obtained from the Board of Appeals pursuant to Section 6-19 to 6-21 inclusive of these Regulations.

Use Group 6

(b) Parking:

Parking shall not be permitted within the required front yard unless, after application for a special permit pursuant to Sec. 6-17 of these regulations, the Planning and Zoning Commission finds that said parking is adequately screened from all streets by virtue of substantial changes of topography.

Not more than 15% of required parking may be located between any building and the required front yard.

Where a lot fronts on more than one street, the front yard for the purposes of the above provisions shall be that adjacent to the street determined by the Zoning Enforcement Officer to be the primary street.

(c) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required front yard or in the required parking area. (5/4/2005)

**Sec. 6-107. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR WATERFRONT BUSINESS ZONE.**

(a) Statement of Policy and Purposes (5/11/87)

Waterfront properties in the Town of Greenwich are an extraordinary and limited resource. It is therefore the policy of the Planning and Zoning Commission to control the uses and intensity of development in the Waterfront Business Zone so as to enhance the value of waterfront land for the intended purpose of retaining and encouraging commercial uses which depend on a waterfront location while protecting natural resources. (5/11/87)

The purpose of these zoning regulations is to regulate the type and size of development in business zoned waterfront properties in order to: (5/11/87)

- (1) Implement the goals of the Connecticut Coastal Area Management Act and Sec. 6-111 of the Building Zone Regulations – The Coastal Overlay Zone; (5/11/87)
- (2) Preserve scenic vistas by permitting development of a height and mass which will be compatible with the public enjoyment of waterfront views; (5/11/87)
- (3) To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters; (5/11/87)
- (4) To capitalize on the waterfront's unique attributes as a recreational resource accessible either through publicly owned land or commercial water dependent establishments; and to assure that these limited waterfront areas are reserved for the uses they are uniquely suited for and are not pre-empted by uses which can be more appropriately located elsewhere. (5/11/87)

(b) Permitted Uses:

Use Group 7 (5/11/87)

(c) Special Requirements:

- (1) No change in use of existing structures exceeding 40,000 cubic feet in volume above established grade from one Use Group 7B use to another use from that category shall be permitted without a special permit. (5/11/87)
- (2) No new construction for any use or uses which would result in a structure or group of structures which individually or together would total in excess of 40,000 cubic feet in volume above established grade shall be permitted except when authorized by special permit by the Commission pursuant to Sec. 6-17 of these regulations. (5/11/87)
- (3) All applications in the WB Zone shall be reviewed for compliance with the Building Zone Regulations including but not limited to Sec. 6-111, Sec. 6-15 and Sec. 6-17. (5/11/87)
- (4) No construction or change of use of land or water shall adversely impact existing or potential water-dependent activities or development opportunities. (5/11/87)
- (5) In addition to the standards and requirements of Sec. 6-141(b)(1) conversion of a non-conforming use of land or buildings to another non-conforming use, shall be permitted only upon a finding by the Planning and Zoning Commission that, in consideration of the nature

of the waterfront property, including the land, the water immediately adjacent and the existing structures, the purposes and requirements of the WB Zone are met. (5/11/87)

(6) No land in the WB Zone shall be divided so as to create lots without a common boundary with the water. Any division shall be consistent with the standards and requirements in (7) below. (5/11/87)

(7) Lot shape, size and location, the location and size of the buildings, and the arrangement of parking and drives shall be consistent with maximum utilization of the property for the purposes of the zone. The mix of slip space, upland storage, support facilities and parking shall be such that it assures the viability of water-dependent uses. (5/11/87)

(8) No building shall be located less than 30' from mean high water unless the Commission finds that the special function, use or design of the structure or its relationship to the lot makes placement closer to the waterfront more consistent with the purposes of the zone. (5/11/87)

(9) Illuminated signs, as regulated in Sec. 6-168 shall not be visible from the water. (5/11/87)

**Sec. 6-108. USE REGULATIONS FOR BEX-50 ZONE.**

(a) Statement of Purpose.

The purpose of the BEX-50 Zone is to provide an area for low density, business executive office use in the triangle of land in northwest Greenwich which is separated from and denied access to the remainder of the Town by Interstate 684. It is the additional purpose of this zone to encourage a campus-like landscaped setting which is protective of open space and environmental values, and produces a traffic impact commensurate with the capability of the road system to satisfactorily absorb it.

(b) Permitted Uses.

- (1) Executive offices, subject to the standards and requirements as set forth in item (e) below and other standards in these regulations.
- (2) Horticultural and wildlife reservations and natural park areas.
- (3) Cemeteries, provided that no location shall be approved any part of which is less than five hundred (500) feet from a residence.

(c) Permitted Uses by Special Exception of the Board of Appeals.

- (1) Churches, educational institutions not operated for commercial profit.
- (2) Public utility uses not including incidental service and storage yards.
- (3) Radio or TV stations and towers.

(d) Permitted Accessory Uses.

- (1) Customary uses incidental to the permitted principal use.
- (2) On lots developed for executive office use, lodgings for the temporary accommodations of employees and visitors and living quarters for custodians and caretakers, provided that such lodgings and living quarters shall be limited to no more than twenty-five (25) persons; personal service facilities limited to the use of employees; and employee recreation facilities.

(e) Standards and Requirements.

The specific standards and requirements set forth below shall be applicable to all executive office uses established in the BEX-50 Zone;

- (1) The executive office occupancy per lot shall be governed by the following;

- (a) The minimum lot size in BEX-50 zone shall be fifty (50) acres. Subject to (b) below executive office occupancy shall be limited in use to a maximum number of employees (as hereinafter defined), determined by the size of such lot measured in acres or fractions thereof, multiplied by a figure of 18 employees per acre. Support personnel such as maintenance, security and

cafeteria personnel may be in addition to the 18 employees per acre provided the combined maximum number of employees does not exceed 20 employees per acre. (4/1/91)

(b) For purposes hereof, the term "Employee" shall mean each individual who (i) regularly performs work or services (including part-time and temporary work or services) at such lot on behalf on an Occupant of such lot and (ii) is either (a) on the payroll of an occupant of a lot or (b) for tax, liability or other reasons, is engaged as an independent contractor or "leased" from a different employer off the lot while nevertheless performing work or services at a lot which would otherwise be undertaken by regular employees (e.g. secretaries engaged on a regular or part-time basis through a temporary employment agency, "contract" employees, etc.). Employees shall include support personnel employed by an Occupant of a lot (such as maintenance, security, and cafeteria personnel); but employees shall not include guests or invitees, or servicemen or repairmen performing work or services for an Occupant of a lot. In order to prevent double counting of individuals comprising employees, an allowance shall be made where an individual is substituting for another individual employee who is absent from the premises, so that such substitute shall be counted only as one employee during the period of substitution and the employee substituted for will not counted during the period of substitution. For the purposes of the foregoing provision, "Occupant" shall mean the owner of a lot in the BEX-50 Zone, or any tenant, subtenant, licensee, concessionaire, condominium unit owner, cooperative shareholder or other party legally entitled to use and occupy all or a portion of such lot. (4/1/91)

(c) On or before January 31 of each year, the owner of any such lot referred to in (a) above shall file or cause to be filed with the Zoning Enforcement Officer an affidavit certifying for each executive office occupancy as to the number of permanent and temporary full or part-time employees including support personnel actually occupying all buildings on such lot and that such occupancy complies with the provisions of this section. The failure of such owner to so file or cause to be filed any affidavit required hereunder in a timely manner shall be deemed to be evidence of such owner's non-compliance with the employee limitation provisions of this Section 6-108(e)(1). The penalty provisions of Sec. 6-202 of the Greenwich Building Zone Regulations and Sec. 8-12 of the Connecticut General Statutes shall be invoked for non-compliance. (4/20/91)

(d) The Planning and Zoning Commission may, at its option, require each owner of a lot within the BEX-50 Zone to prepare, or cause to be prepared, and submit a detailed traffic analysis and a traffic management plan for such property which will address, but not be limited to, the following: (4/1/91)

- (1) Institution of staggered work hours
- (2) Institution of flex-time programs
- (3) Institution of ride-sharing programs
- (4) Institution of incentives to alter journey to work travel patterns

If property is held in condominium or co-operative form of ownership, the condominium owners or cooperative shareholders shall direct their respective associations to provide a single traffic management plan to the Planning and Zoning Commission.

The purpose of the analysis and traffic management plan is to assist the Commission in its efforts to evaluate the need to control vehicular traffic generated by the lot on the roads of the Town and to provide recommendations to: (4/1/91)

- (1) Ameliorate traffic conditions adversely affected by vehicles attributable to uses in the BEX-50 Zone.
- (2) Mitigate peak hour level of service.
- (3) Minimize use of roads such as King Street which function as local access routes to residential neighborhoods.
- (4) Alleviate any other traffic problems attributable to uses in the BEX-50 zone which the analysis may reveal to exist. (4/1/91)

Such a traffic analysis and management plan shall be required not more than once every other year, unless otherwise required by the Commission in connection with any special permit application made with respect to such lot, and shall be evaluated by the Town Traffic Engineer and the Planning and Zoning Commission to assure continued effort to achieve the goals established above. (4/1/91)

- (e) In order to mitigate against traffic to and from every lot covered by this Section 6-108 overburdening roads in the Town during lunch hour, each lot developed for executive office use in the BEX-50 Zone shall contain on each such lot cafeteria facilities reasonably sufficient to provide lunches to all day-time employees of all users of executive office space on such lot. The cafeteria facilities shall offer food, including hot meals, during ordinary lunch hours, which shall consist of at least 2 consecutive hours between 11:00 a.m. and 2:00 p.m. on every business day between Monday and Friday. The cafeteria facilities shall have seating capacity sufficient to serve lunch to all day-time employees of all users of executive office space on such lot during the lunch hour period. It is the intent and purpose hereof that each employee of all such users, shall be able to purchase and eat lunch in at least one full service food facility on the lot. Vending machines, while not prohibited, shall not satisfy the full service requirement herein. For purposes of this subparagraph, the terms "cafeteria" and "cafeteria facilities" shall include all food service facilities on the site, and to the extent that more than one of the executive office users operates a cafeteria on a lot, there shall be an aggregation of all such cafeterias to determine compliance with this subparagraph. (4/1/91)
- (f) Space in any building devoted to non-office purposes, and existing as such as of January 1, 1991, shall not thereafter be converted to use as office space except upon special permit application, unless such non-office space is replaced with an equal area of space and number of dining seats to comply with (e) above, devoted to the same non-office use within the same building. Any group of buildings which were physically connected as of January 1, 1991 shall be deemed a single building for the purpose of this provision. For purposes of this provision "non-office purposes" shall refer solely to the following uses: cafeteria, dining, kitchen, vehicle parking, mechanical rooms and loading dock. (4/1/91)
- (2) Any construction or expansion adding in excess of 20,000 gross sq. ft. of non-residential floor space shall not be permitted unless a determination is made by the Planning and Zoning Commission, acting on the advice of a qualified traffic engineer, that the result of such construction and occupancy will not create a traffic hazard or congestion due to the type or amount of vehicle trips, or hamper the Town's plan for highway circulation. (4/1/91)

- (3) Parking spaces shall be provided on the lot to accommodate all employees, visitors and guests, with at least three (3) spaces for every four (4) employees for which the building(s) on the lot are designed, but in no case less than 3.5 spaces per 1,000 square feet of gross floor area. Where the Commission determines that all of the required parking spaces may not be needed to serve the actual demands on a particular lot due to the unique nature of the proposed use or structure, the Commission may permit fewer spaces provided a suitable agreement, in form acceptable to the Town Attorney, is prepared and filed. Such agreement shall indicate that the property owner will improve such spaces or the portion of them required by the Commission within six (6) months of the date that they are determined necessary by the Commission and the property owner is notified in writing. (4/1/91)
- (4) Surface parking area shall be set back at least fifty (50) feet from any lot boundary. The exposed side or sides or any underground parking structure shall be set back from any lot boundary at least fifty (50) feet for each level of parking so exposed.
- (5) All surface parking lots and any exposed sides of partially above-ground parking structures shall be screened for a depth of at least fifty (50) feet from any residential zone by the planting and maintenance of closely spaced evergreen trees, shrubs or hedges, or by fences or walls, or a combination thereof, all as approved by the Planning and Zoning Commission. All other surface parking areas shall also be suitably screened.
- (6) Within each surface parking lot there shall be evenly distributed landscaped areas with at least one (1) shade tree of not less than four (4) inches caliper, and other low plantings, for every ten (10) parking spaces.
- (7) Exterior illumination shall be provided as necessary for safety lighting of buildings, walks, parking areas and drives, but such illumination must be directed downward, no source of light may be visible from an neighboring street or residential property, and all other applicable regulations shall be complied with.
- (8) Interior illumination shall be limited to the extent necessary for the use of the buildings, including servicing of buildings, and shall be controlled by design or screening in such manner as to prevent excessive intrusion of illumination into surrounding areas zoned for residential use.
- (9) The on-site treatment of sewage generated by all present and proposed uses on the site, and the disposal of effluent therefrom, will be designed in such a way as to avoid a detrimental impact on surface and ground water quality. Further, the sewage system shall be built and maintained in conformance with all applicable standards and requirements of the Town of Greenwich and State of Connecticut. (4/1/91)
- (10) There shall be an adequate and continuous potable water supply on-site to permanently meet the needs of all existing and proposed uses on the lot in accordance with the applicable standards and requirements of the Town of Greenwich and the State of Connecticut. Furthermore, there shall be an adequate supply of water available for fire fighting purposes, in accordance with the requirements of fire department. (4/1/91)
- (11) Any portion of the lot having significant open space, environmental or conservation values and which is planned and approved as a part of the proposed site development for such purposes, shall be permanently restricted to such in a manner satisfactory to the Town Attorney and the Planning and Zoning Commission. (4/1/91)

**Sec. 6-109. HRO ZONE STANDARDS AND REQUIREMENTS.**

## (a) Purpose

The purpose of this regulation is to encourage restoration and preservation of existing buildings of historical value. Such preservation promotes the general health and welfare by protecting property values, fostering a sense of history and civic pride, preserving architectural heritage and protecting community amenities. This zone does not imply or result in the establishment of an historic district as detailed in Section 7-147a-1 of the General Statutes.

## (b) Location

A Property in any residential zone may be eligible for designation in the HRO Zone if said property is not more than 1,000 feet from a business zone boundary line.

## (c) Permitted Principal Uses

- (1) All uses permitted by right or special exception for the most restrictive contiguous residential zone.
- (2) Upon receipt of a special permit from the Commission according to Sec. 6-17 of the Regulations, the following may be permitted:
  - (A) Professional Offices
  - (B) Executive Offices
  - (C) Real Estate Sales Office

## (d) Permitted Accessory Uses

All uses as permitted by right for the most restrictive contiguous residential zone except Sec. 6-95(a)(1).

## (e) Lot Size and Yard Requirements

The same lot size and yard requirements as the zone in which the property lay prior to the application for rezoning.

## (f) Parking

Parking requirements shall be as detailed in Division 15 of the Regulations. Parking in a front yard shall be discouraged.

## (g) Height and Floor Area Ratio

Height and Floor Area Ratio shall be the same as for the pre-existing residential zone. No more than 60% of the site shall be occupied by building, parking and drives.

## (h) Procedure for HRO zone

The following procedure shall be followed in acting upon a HRO application.

- (1) Application for a request for a zone change, special permit and site plan for a specific area on the Building Zone Regulation Map to HRO zone shall be submitted in such

form as the Commission may require and shall include the following in addition to regulations of Sec. 6-14.1 of these regulations:

- (A) A written statement as to the historic significance of the proposed property for rezoning and the rationale as to why the application should be granted.
- (B) Information as to the type of use and proposed population occupying said property.
- (C) Specific architectural and landscape plans as to how the building or buildings on said property will be restored. No Certificate of Occupancy will be issued until the architectural and landscape plans have been satisfactorily completed.
- (2) Upon receipt of a combined application for rezoning, special permit and site plan by the Commission, the applicant shall submit the necessary information for site plan review as stated in Section 6-13 to 6-16.1 of these Regulations. In acting upon any rezoning special permit and site plan, the Commission may take into consideration the recommendations of any Town agencies or outside specialists with which it consults, such as but not limited to the Architectural Review Committee, Historic District Commission, and Greenwich Historical Society.
- (3) Within sixty days after the conclusion of the Public Hearing on the HRO zone, the Commission may approve the application for rezoning, special permit and site plan review if the Commission finds that Sec. 6-13 to 6-17 of these Regulations are met.
- (4) No alteration of the exterior from that shown in the architectural plans (Sec. 6-14) or addition resulting in an increase in floor area will be permitted unless reapplication for a special permit and site plan review is made.
- (5) If the principal building on property zoned HRO is destroyed, the HRO zone designation shall become null and void and the property shall revert to the zone in which it was classified prior to said zone change, or if said zone no longer exists, to the most restrictive contiguous residential zone.

### **Sec. 6-109.1 HISTORIC OVERLAY ZONE (HO)**

#### **(1) Purposes**

An Historic Overlay Zone ("HO") is hereby established for the purposes of encouraging the protection, enhancement, perpetuation and use of buildings and structures (hereinafter called "structures") and appurtenant vistas having special historical or aesthetic value which represent or reflect elements of the Town's cultural, social, economic, political and architectural history.

#### **(2) Procedure**

Application for HO Zone, as well as Special Permit as hereinafter mentioned, may be made by the Owner of the structure and its site by filing same with the Planning and Zoning Commission. Application for HO Zone may also be made by the Planning and Zoning Commission on its own motion. All applications shall be referred to Historic District Commission and any other consultants the Planning and Zoning Commission may choose for evaluation and recommendations. The Planning and Zoning Commission shall hold a public hearing upon all rezoning applications within sixty (60) days of their respective filing dates. (1/6/88)

#### **(3) Standards**

- (a) The Commission may grant an HO zone to a site where it finds that the structure or structures on the site are not less than 40 years old and are architecturally or historically notable in accordance with any or all of the following standards: (1/6/88)

- (1) The uniqueness of the structure or structures. (1/6/88)
- (2) The historical significance of the structure or structures. (1/6/88)
- (3) The distinctiveness of the architectural character of the structure or structures. (1/6/88)
- (4) The placement and/or treatment of unusual and/or historic structures on a site constitutes a unique estate setting significant to the Town's history and worthy of preservation. (1/6/88)
- (b) If the Commission finds that the standards of 3a above are met but additionally finds, after evidence duly presented by the Owner, that there would be no reasonable use to which the property in question could be adapted under the HO Zone, it shall deny HO zoning.
- (4) Site Designation and Applicable Controls

A site rezoned by the Commission to HO shall continue to bear its original zone designation with the initials HO appended to indicate the Historic Overlay Zone.

All zoning regulations and controls applying to the underlying zone shall continue to govern the HO site except as amended by this section 6-109.1.

(5) Special Permit – Use and Zoning Rights

Upon application for Special Permit and submission of a site plan pursuant to Sections 6-15 and 6-17 and upon a finding that the standards of Section 3 are met: (1/6/88)

- (a) For structures on sites in the business zone, the Commission may authorize any use presently permitted in any of the business zones for the entire structure and may further authorize modifications of the maximum FAR for office use, coverage, setbacks, parking, and screening for the underlying zone in question; said Special Permit shall not authorize any addition to the structure which will cause the maximum FAR to be exceeded.
- (b) For structures on sites in the Residential Zones, the Commission may authorize the use of the existing buildings or structures for several dwelling units provided the total number of units shall not exceed the density determined by dividing the total lot area by the minimum lot size for the underlying zone, and multiplying the result, excluding fractions, by 1.20. The Commission may then consider any fraction of a unit as a complete unit. The difference between density permitted in the underlying zone and density permitted in the HO zone is the number of bonus units; bonus units shall be permitted only in the existing structures which caused the site to be designated an HO zone. No increase in the floor area or coverage of the existing structure shall be permitted under this subsection. (1/6/88)
- (c) For religious institutions existing as of the effective date of this amendment, which religious institutions are located in the CGIO Zone and which religious institutions additionally have been granted Historic Overlay Zone status by the Planning and Zoning Commission, an FAR not to exceed 1.0 may be authorized by the Planning and Zoning Commission. Further the Commission may allow the number of stories not to exceed four (excluding basements) and a building height not to exceed 50 feet, subject to Special Permit application and standards under Sec. 6-15 and Sec. 6-17. (8/21/2002)

In granting approvals pursuant to Sec. (5)(b), the Commission shall assure that: (1/6/88)

- (1) The significant structures or features of the site which caused the HO designation to be granted shall be permanently protected by a setting of suitable size, shape and treatment, as delineated on the approved site plan. (1/6/88)

(2) Any new construction (additional dwelling structures), which may be allowed on an HO zoned site as a result of a combined Historic Overlay/Conservation Zone, shall be reviewed by consultants of the Commission's choosing to assure that the design, location and size of the new structures are compatible with and protective of the site's significant existing structures, features or natural resources, including those identified in any Environmental Assessment. (1/6/88)

As a condition to the obtaining of a Special Permit pursuant to subsection 5a or b above, the Owner shall grant a perpetual preservation easement pursuant to Connecticut General Statutes Section 47-42 a-c, enforceable by both the Historic District Commission and the Town of Greenwich, which shall provide for, among other things, the right of the holder of the easement to perform repairs and charge the cost thereof to the Owner upon the Owner's failure to keep the exterior of the structure in good repair. New construction shall be subject to controls established for "associated buildings" in the Town's Model Easement and Declaration of Preservation Restrictions. (1/6/88)

(6) Special Permit – Alterations and Additions.

(a) No reconstruction, alteration, demolition, or addition shall be made to the exterior of any existing structure nor shall any additional structure be constructed upon a site in the HO zone, unless there shall have been received a special permit upon application thereof from the Commission pursuant to Section 6-17. In issuing such special permit the Commission shall consider the effects of the proposed work upon the protection, enhancement, perpetuation and use of the structure(s) which cause it to meet the standards set forth in Section 3 herein above. Ordinary maintenance and repair for which no building permit is required by the Building Code of the State of Connecticut shall be excepted from this requirement. (1/6/88)

(b) Minor work which is limited to a change in, addition to, or removal from the parts, elements or materials of the exterior of a structure, shall be excepted from the Special Permit requirement of Sec. 6a provided that a certificate of appropriateness is issued by the Historic District Commission.

(c) This requirement of Section 6 shall not apply to any case where the Department of Buildings, the Fire Department, or the Department of Health shall direct that work be done to remedy conditions dangerous to life, health, or property. Where such condition is not of imminent danger, notice of not less than 8 days shall be sent to the Planning and Zoning Commission and the Historic District Commission prior to directing such work.

(7) Removal, Alteration, Modification or Addition Without a Special Permit.

If any structure or building is removed, altered, modified or added to after the granting of a HO zone or during the pendency of any application for HO zone before the Planning and Zoning Commission, all zoning rights as defined below applicable to said site shall be reduced by 50% except that this shall not apply if the Commission has thereafter denied the HO zone for the site or if the Commission has granted Special Permit for the removal, alteration, modification or addition and further provided that, in the case of less than total removal of the building or structure, upon application for Special Permit pursuant to Section 6-17, the Commission may grant zoning rights between 50% and 100% of those specified for the underlying zone by these regulations. Zoning rights as used above shall include the following:

(a) the maximum floor area authorized

- (b) the maximum building area authorized
- (c) the maximum area covered by building, parking and drives
- (d) the maximum number of dwelling units authorized by Section 6-110
- (e) on a residentially zoned lot, the maximum number of dwelling units obtained by dividing the total lot area by the lot size specified in Section 6-205. (7/1/79)

(8) Special Permit Authorizations for HO sites of 20 or more acres.

When an Historic Overlay Zone has been granted to a site of 20 or more acres, if the Commission finds that additional authorizations modifying certain sections of these regulations will further the purposes enumerated in Subsection 6-109.1 (1) above, and upon submission of a detailed site plan generally indicating the information called for in Section 6-15, the Commission may grant any or all of the following authorizations:

- (a) The transfer of permitted dwelling units from a residential zone to a business zone where the site is in more than a single zone.
- (b) Uses of Use Group 2b or 2c in proposed new construction in business zones provided that the area of such 2b or 2c use shall not be greater than the floor area used for otherwise permitted uses in the historic structure or structures on which the HO zone was based.
- (c) Inclusion of the area of a privately owned road as part of lot area.
- (d) Treatment as a single lot for parcels that would be contiguous but for the separation by a privately owned road. (8/15/79)

**Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.**

(a) Number of dwelling units

The allowable number of dwelling units on any lot shall be computed as follows:

<u>ZONE</u>	<u>REQUIRED LOT AREA FOR EACH DWELLING UNIT CONTAINING NOT MORE THAN ONE BEDROOM</u>	<u>ADDITIONAL LOT AREA REQUIRED PER UNIT FOR EACH BEDROOM IN EXCESS OF ONE</u>
CGBR**	1500	400
LBR	2000	400
CGB	2000	400
GB*, GBO*	2000	400
LB*	3000	500

\*See Section 6-110(g) (4/4/87)

In all zones, except for lots between a front and rear building line in the CGBR zone, the lot area used for determining the number of permitted units shall be the actual lot area reduced by the amount of floor area devoted to uses other than dwelling units. Upon application for Special Permit pursuant to Sec. 6-17 the Commission may authorize computation of permitted units based upon actual lot area reduced by one-half the floor area devoted to uses other than dwelling units provided the maximum FAR of the zone is not exceeded. (5/11/87)

\*\*For lots between a front and rear building line in the CGBR zone, the Commission may reduce the required lot area for each dwelling unit containing not more than one bedroom to 1,000 sq. ft. and reduce the additional lot area required per unit for each bedroom in excess of one to 200 sq. ft. if the use of all floor area above the ground floor is limited to dwelling units (Use Group 3) or if 20% of all

dwelling units are deed restricted as moderate income dwellings in accordance with all provisions of Section 6-110(g)4 and 6-111(g)5. The Commission may consider a fraction to be a whole number to meet the requirements that not less than 20% of all units are moderate income dwellings. (9/3/90)

(b) Distance Requirements.

An adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. Where minimum side yards are required in Sec. 6-205(b), the Planning and Zoning Commission may find lesser side yards adequate for residential uses. (6/11/86)

In all zones other than CGBR the minimum distance in feet between a building containing dwelling units and any other building on the same lot shall be equal to the sum of the number of stories of the two buildings multiplied by eight, unless the Commission finds a lesser distance consistent with the purposes of this sub-section (b). (6/11/86)

(c) Special Requirements for CGBR and LBR zones.

Dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group 3.

(d) Special Permit Required.

A Special Permit shall be required for any development with five or more dwelling units. (9/1/84)

(e) The Commission, when it deems appropriate, may require outdoor recreation space of suitable size, shape and location to serve the recreational needs of the residents. Such areas may include balconies, roof areas designated for recreation, lawn areas, and the like. (4/19/2006)

(f) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3 uses, dwelling units in business zones, may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and Site Plan approvals have been granted in accordance with the standards and requirements of Sec. 6-15 and 6-17 of these regulations. (8/13/90)

(g) Moderate Income Dwelling Units. (4/4/87)

(i.) For the purpose of promoting the inclusion of below-market-rate housing units, hereafter referred to as moderate income dwelling units, within private sector residential development so as to increase the diversity of the Town's housing stock, in accordance with the objectives of the 1985 Plan of Development/Land Use Plan; and for the purpose of mitigating the shortage of housing units that can meet the housing needs particularly but not exclusively of those employed by the Town and by non-governmental Health, Education and Human Services Agencies and others who are classified as moderate-income families as defined in (5) below, the Planning and Zoning Commission may allow modifications of these regulations, as indicated below, for new construction in the LB, GB and GBO zones and for existing buildings in all business zones where dwelling units are permitted pursuant to Sec. 6-110(a), provided the Commission makes a finding that the purposes and requirements of this section

are met and the proposal complies with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations. For the purposes of this section, an existing building shall be listed with the Tax Assessor as of January 1, 1990. (9/3/90)

- (ii.) All modifications of these regulations as indicated below may be allowed for conversion of space in an existing building provided no more than 10% of existing floor area is added to the building and said additional floor area is necessary to meet the Town Building and Fire Code for construction of the Moderate Income Dwelling Units. (9/3/90)
- (iii.) An existing building for which additional floor area is proposed in excess of that required to meet the Building Code for the Moderate Income Dwelling Units (Use Group 3) shall not be eligible for modifications described in subsections 2A, 2D, 2E, and 2F. (9/3/90)

(1) Procedure:

The housing development proposal shall be subject to Special Permit procedures and standards pursuant to Sec. 6-17.

(2) Incentives:

To provide incentives to include below-market-rate housing units for moderate-income families within private-sector development, the Commission may allow the following modifications of the Building Zone Regulations, subject to (3) below:

- (A) A Floor Area Bonus: An increase in Floor Area Ratio up to .75;
- (B) A waiver of non-residential ground floor use, as may be required pursuant to other sections of these regulations;
- (C) A density bonus: an increase in the allowable number of dwelling units per lot as follows:
  - 1) The maximum allowable number of dwelling units and the density bonus shall be determined by calculating the number of one-bedroom dwellings possible under the provisions of Sec. 6-110 (a) and increasing the resulting number of dwellings (excluding fractions) by 50% in the LB zone and by 30% in all other business zones except the CGBR zone; for residential density calculations and required number of moderate income dwelling units in the CGBR zone (see Section 6-110(a)). The larger figure is the maximum allowable number of dwelling units; the difference is the density bonus of which 50% must be constructed and offered as moderate-income dwelling units. (9/3/90)

Such units shall have not less than one-bedroom and shall contain, on the average, the same number of bedrooms as the market rate units in the development, unless the Commission finds a different allocation of bedrooms per dwelling to be more responsive to current housing needs. The total number of bedrooms on site shall not exceed two (2) times the maximum allowable number of dwelling units approved for the site.

- 2) The requirement for subtraction of floor area devoted to uses other than dwelling units, for the purposes of computing the number of units, may be modified by the Commission.
- (D) An increase in the number of stories by one (1) story only over the number of stories otherwise allowed in the underlying business zone; and (6/19/2013)

- 1) For the GB and the GBO business zones only, and provided the number of moderate-income units is twice the number otherwise required under Section 6-110(g)(2)(C)(1) and Section 6-110(g)(3) above, an increase in the height of a building up to 45 feet; all as measured according to the requirements of the particular underlying business zone; and (6/19/2013)
- 2) For all other business zones an increase in the height of a building up to 40 feet, all as measured according to the requirements of the particular underlying business zone. (6/19/2013)

(E) A waiver of maximum coverage standards provided the scale of proposed structures is compatible with surrounding uses and open spaces; and provided sufficient landscaping, screening and decorative planting is provided to enhance the residential quality of the development and to screen refuse, transformer, storage and parking areas.

(F) A modification of requirements, if any, of the underlying zone that all parking spaces for Use Group 1 be surface spaces on the same level as street level businesses. The Commission may allow up to one-third of the required spaces for Use Group 1 to be located in an on-site underground parking level provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening and decorative planting. The total number of on-site parking spaces shall be determined in accordance with Division 15 of these regulations. (10/2/87)

(3) Required Number of Moderate Income Dwelling Units:

Any of the above modifications of the Building Zone Regulations may be permitted by the Commission subject to the following:

(A) The applicant shall construct and maintain a least 50% of the gross floor area in residential use except in existing buildings as defined above where existing or new floor area is to be devoted to moderate income dwelling units. Regardless of the total number of dwellings, applicant shall assure that dwelling units equal in number to 50% of the density bonus are offered and maintained as moderate income dwelling units, in accordance with the provisions of (4) below. (9/3/90)

(B) In calculating the required number of moderate income dwelling units, taking into consideration the modifications requested under (2) above, the Commission may require a fraction to be considered a whole number in order to meet the intent of the bonus incentives.

(4) Criteria and Requirements of moderate income dwelling units:

(A) General Requirements:

- 1) Moderate income dwellings shall be offered for sale, resale or continuing rental to moderate income families as defined in (5) below; or to a Commission-approved Agency which may be a non-profit agency, a municipal agency, or other organization, which shall offer the dwellings to moderate income families as set forth herein.
- 2) Such units shall be physically integrated into the design of the development in a manner satisfactory to the Commission.

- 3) Parking shall be provided in accordance with the standards of Sec. 6-155 for multi-family dwellings.

(B) Priority List

Eligible moderate income families applying for moderate income dwellings shall be selected on the basis of the following categories of priority:

- 1) Full-time Town of Greenwich Municipal and Board of Education employees and full-time employees of not-for-profit health, education and human services agencies and other not-for-profit agencies located in the Town of Greenwich that provide essential services to the Greenwich Community. (8/13/90)
- 2) Other residents of the Town of Greenwich.
- 3) Other persons employed in the Town of Greenwich.
- 4) All others

(C) Guidelines for maximum rent and sales price.

For moderate income dwelling units in each housing development, a range of sales prices and/or monthly rentals may be established, subject to the following:

- 1) The average monthly rent for moderate income dwelling units excluding common charges and utilities (gas, oil and electricity), shall not exceed 2.0% of the median annual Town paid wages for all full-time municipal employees and teachers during the preceding fiscal year.
- 2) The first time the units are sold, the average sales price to moderate income families shall not exceed four times the median annual Town paid wages of all full-time municipal employees and teachers during the preceding fiscal year. There shall be no extra up-front charge for minimum required facilities such as, but not limited to, parking and recreational facilities, at time of purchase or for one year after any condominium association has been established. Each unit owner, however, shall pay his fair share of common charges, expenses and assessments as provided in the Common Interest Ownership Act of the State of Connecticut.
- 3) The developer of housing provided in accordance with this section 6-110(g) shall receive, on average, the maximum sales price and/or rent established in C.1 and C.2 above for the moderate income dwelling units.

(D) Resale Restrictions

For moderate income dwelling units, the title to said property shall be restricted so as to maintain the unit in the moderate income category over the life of the unit. Said restrictions shall provide that in the event of any resale by the owner or any successor, the resale price shall not exceed the original purchase price increased at the rate of 0.5% per month, non-compounded.

(E) Declaration of Restrictions

The developer/owner of moderate income dwelling units shall submit to the Planning and Zoning Commission a Declaration of Restrictions as to the ownership, use and occupancy of such moderate income dwelling units. This declaration of restrictions shall be binding upon such developer and all succeeding owners of the moderate income dwelling units and shall incorporate the provisions of this section therein by reference hereto. Final site plan approval shall be given by the Commission only after it has been satisfied that the Declaration of Restrictions binds the developer and all succeeding owners of the moderate income dwelling units and duly restricts the ownership, use and occupancy thereof, and requires adherence to established sales and rental guidelines and administrative procedures, all in accordance with the provisions of

this Section 6-110(g). The Commission may cause any such Declaration of Restrictions to be reviewed by the Town Attorney.

(F) Administration

- 1) The Greenwich Community Development Office shall maintain a list of eligible moderate income families in accordance with the priority list set forth in B above. Where the number of those eligible in the same category of priority exceeds the number of available moderate income housing units, the applicant shall be selected by lottery. The selected moderate income family must reside in the moderate income housing unit.
- 2) At the time of Site Plan approval for each housing development the Planning and Zoning Commission shall approve the designation of an administrative agency to monitor and administer guidelines for the rent, sale or resale of moderate income dwellings. Such administrative agency, which may buy the dwellings for the purpose of rental or resale to moderate income families, may be a non-profit corporation, an agency of the Town, a Community Housing Development Corporation pursuant to Sec. 8-217 of the General Statutes, a privately-owned corporation, or other approved organization. Such agency may maintain and submit an eligibility list to the Community Development Office, but the choice of families for available apartments even if owned by the designated agency shall be in accordance with (4)(B) and (F) above.
- 3) The designated agency shall establish the sale price, resale price or annual rental of the individual dwelling in accordance with the guidelines and requirements of (4) C and D above and with the approval of the Greenwich Community Development Office.
- 4) The designated agency shall set up such procedures as may be necessary to receive annual certification or other information from owners and or tenants which confirms continuing compliance with the guidelines and requirements of this section and which notifies of any conversion in the form of ownership.

This information shall be submitted to the Greenwich Community Development Office.

5) Definitions

Moderate income families – families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of certification, (but excluding the earnings of working minors attending school full-time) averaged for the preceding two years, shall not exceed the following multiple of median annual Town paid wages of all full-time employees and teachers of the Town of Greenwich during the preceding fiscal year. (3/2/88)

1 person family	1.2
2-3 person family	1.5
4-5 person family	1.8
6 person family	1.9

**Sec. 6-111. COASTAL OVERLAY ZONE.****(a) Purposes**

A Coastal Overlay Zone is hereby established in accordance with the authorization of Sections 22a-90 to 22a-96 of the General Statutes as amended by Public Act 79-535, The Connecticut Coastal Management Act. The purposes of the zone shall include the following: (1/1/87)

- (1) To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support such development, preservation or use without significantly disrupting the natural environment;
- (2) To preserve and enhance coastal resources;
- (3) To give high priority and preferences to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters;
- (4) To limit the immediate shorefront properties to the following principal uses: Residential, water dependent and Use Group 7 uses;
- (5) To limit the potential impact of coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and to reduce the necessity of public expenditure to protect future development from such hazards;
- (6) To encourage public access to the waters of Long Island Sound in both a physical and visual manner;
- (7) To encourage the development of recreational facilities in the coastal area as outlined in the Plan of Development/Land Use Plan of the Town; (1/1/87)
- (8) To encourage fishing and recreational boating harbor space, and the related uses and facilities which support those activities. (1/1/87)

**(b) Zone Boundary**

The area subject to these regulations shall include all portions of Greenwich within the Coastal Overlay Zone as delineated on map on file in offices of the Planning and Zoning Commission and the Town Clerk and as prescribed in Section 22a-94 of the Connecticut Coastal Management Act. (1/1/87)

**(c) Coastal Site Plan Review, Approval, and Exemptions.**

- A. Coastal Site Plan review and approval by the Planning and Zoning Commission and, as applicable, by the Planning and Zoning Board of Appeals shall be required for all projects and activities as defined in Section 22a-105(b) of the Connecticut Coastal Management Act fully or partially within the Coastal Overlay Zone. These activities shall include but not limited to all applications for building permits, subdivisions, rezoning, special permits, special exceptions, variances, and Municipal Improvements. Gardening, grazing and harvesting of crops and interior modifications to buildings shall be exempt from all coastal site plan review requirements. The following activities may be exempt from coastal site plan review. (1/1/87)
  - (1) Minor additions to or minor modifications of existing buildings or detached accessory buildings (1/1/87)
  - (2) Construction of new or modification of walks, decks, patios, driveways, swimming pools, tennis courts, docks and detached accessory buildings or other structures incidental to the enjoyment and maintenance of residential property. (4/19/2006)

- (3) Construction of new or modification of existing on premise structures including fences, walls, pedestrian walks and other impervious surfaces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach. (4/19/2006)
- (4) Construction of an individual single family residential structure, except when such structure is located on an island not connected to the mainland by an existing road bridge or causeway or except when such structure is in or within one hundred feet of the following coastal resource areas: tidal wetlands, coastal bluffs and escarpments, beaches and dunes. (1/1/87)
- (5) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources.

B. Administrative Review

- (1) All activities as indicated in 1 through 5 above shall be subject to an Administrative Review by the Town Planner or his designee prior to the issuance of a building permit in order to determine their consistency with the standards enumerated in Sec. 6-111(c)D. An activity determined to be potentially inconsistent with any of these standards shall have a formal review by the Commission. An activity determined to be consistent with all of the aforementioned standards shall be exempt from coastal site plan review requirements.
- (2) An affidavit certifying that all abutting property owners have been notified about the application as provided in Sec. 6-14 (a)(16) shall be submitted with any application for Administrative Review. (2/7/2001)

C. Procedure

In addition to the requirements as specified in Sec. 6-13 through Sec. 6-16.1 of the "Building Zone Regulations", a coastal site plan shall include the following information as required in Sections 22a-105(c) and 22a-106(c) of the Connecticut Coastal Management Act: (1/1/87)

- (1) A plan showing the location and spatial relationship of coastal resources on and contiguous to the site.
- (2) A description of the entire project with appropriate plans, indicating project location, design, timing and methods of construction.
- (3) An assessment of the capability of the resources to accommodate the proposed use.
- (4) An assessment of the suitability of the project for the proposed site.
- (5) An evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources.
- (6) A demonstration that the adverse impacts of the proposed activity upon coastal resources and future water dependent development activities are acceptable.
- (7) A demonstration that the proposed activity is consistent with the goals and policies as enumerated in Section 22a-92 of the Connecticut General Statutes.

#### D. Standards

In addition to the standards of Sec. 6-15 of the "Building Zone Regulations" the Planning and Zoning Commission, in reviewing coastal site plans, may take into consideration the recommendations of any Town agencies or outside specialists with which it consults, such as but not limited to the Conservation Commission, Inland Wetlands and Watercourses Agency, Department of Health and the Department of Parks and Recreation in determining whether the proposed activity:

- (1) Is in accordance with the Plan of Development/Land Use Plan. (1/1/87)
- (2) Preserves important open space and other features of the natural environment.
- (3) Does not materially obstruct significant waterfront views.
- (4) Does not unreasonably adversely affect storm drainage, sewerage disposal or other municipal services.
- (5) Is consistent with all the above purposes as authorized by the State Coastal Management Act.
- (6) Potential adverse impacts as enumerated in Sec. 22a-93(15) and 22a-93(17) of the State Coastal Management Act on both coastal resources and future water dependent development activities may be acceptable upon a Commission finding that the benefits of the proposed activity to the public are greater than the adverse impacts. In determining the acceptability of the above, the Commission shall consider: (1/1/87)
  - (a) The characteristics of the site, including the location and condition of any of the coastal resources.
  - (b) The potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water dependent opportunities. (7/31/80)

### **Sec. 6-112. INDUSTRIAL RE-USE OVERLAY ZONE (IND-RE) (11/2/86)**

#### (1) Purpose

The purpose of this regulation is to encourage flexible and creative approaches to the re-use of land and buildings formerly designated for a factory, manufacturing or industrial use where the continuation of such use would not be appropriate to or compatible with the uses of and character of the surrounding neighborhood; and where other options, not provided for under existing zoning regulations, would be more appropriate.

#### (2) Location

An IND-RE Overlay Zone may be located only on lots which meet all of the following criteria:

- (a) The property shall be classified as a business zone, except that it may not be located in a WB (Waterfront Business) zone;
- (b) The property shall have been wholly designated for "Manufacturing" use on the 1964 Land Use Map, and wholly designated for "Commercial" use on the 1985 Land Use Map;
- (c) The property shall have been used as a factory, manufacturing or industrial site and shall not have abandoned such use, or have been redeveloped for other uses.

#### (3) Procedure

An application requesting (i) designation of a site as an IND-RE zone, and (ii) issuance of the Special Permit hereinafter described, may be made by the owner of the site by filing the same with the Planning and Zoning Commission. Any such application shall be filed simultaneously with the applicant's preliminary site plan application pursuant to Sec. 6-14. The Planning and Zoning

Commission shall hold a public hearing and act on the application in accordance with the schedule requirements of Sec. 6-14.1 of the Building Zone Regulations.

(4) **Standards**

The Commission may grant an IND-RE zone designation to a site where it finds that:

- (a) At the time of the adoption of the 1964 Land Use Plan and Map and the 1985 Land Use Plan and Map, the site was wholly used for a factory, manufacturing or industrial use, including uses accessory thereto;
- (b) The proposed use of the site would be more compatible with the character and uses of the surrounding neighborhood, and more appropriate than the existing use;
- (c) The proposed uses meet the standards and requirements of Sec. 6-15 and Sec. 6-17 of the Building Zone Regulations, and all of the standards of this Sec. 6-112;
- (d) The proposed uses will enhance the living environment of the surrounding area and will result in an overall benefit to the public welfare;
- (e) The proposed uses are in accordance with the Town's 1985 Plan of Development/Land Use Plan.

(5) **Site Designation**

A site rezoned by the Commission to IND-RE shall continue to bear the zone designation in effect prior to re-zoning with the initials IND-RE appended to indicate the Industrial Re-Use Overlay Zone. All zoning regulations and controls applying to the underlying zone shall continue to govern the IND-RE site except as modified pursuant to the Special Permit issued in accordance with Sec. (6) below.

(6) **Use and Zoning Rights**

- (a) **Special Permit:** Any proposed use within an IND-RE zone, and any modification of the standards and requirements of the underlying zone as may be authorized in this subsection 6-112(6), shall require a Special Permit. An IND-RE Special Permit may be granted upon a finding by the Planning and Zoning Commission that the requirements of Sec. 6-15 and 6-17 of the Building Zone Regulations as well as the standards and requirements of this Sec. 6-112 are met. Upon issuance of an IND-RE Special Permit, the uses, buildings and structures so approved shall constitute conforming uses and buildings under the IND-RE zone.
- (b) **Use:** The Commission may authorize the use of existing or new structures for any use or uses permitted in any business zone, subject to all conditions and standards of this Sec. 6-112.
- (c) **Floor Area:**
  - 1) The Maximum Floor Area for Use Group 2 shall not exceed a .25 Floor Area Ratio except that the Planning and Zoning Commission may allow the floor area to be increased by 5% of the total proposed Use Group 2 Floor Area to provide such accessory facilities as a cafeteria or recreation area solely for the use of those occupying the site.
  - 2) The Maximum Floor Area for all uses on the site shall not exceed the Maximum Floor Area Ratio of the underlying zone; however, in consideration of providing for Use Group 3 and accessory recreational facilities serving that use, the Commission may allow a Floor Area Ratio up to .75, provided that the proposed floor area, if exceeding the maximum FAR permitted in the underlying zone is not more than the floor area of all principal structures which existed on the site at the time of the IND-RE application.

- (d) Residential Density: The number of dwelling units permitted in a IND-RE zone shall not exceed the maximum number possible in the underlying zone under the provisions of Sec. 6-110 of the Building Zone Regulations.
- (e) Recreational Amenities: On-site active or passive recreational facilities may be required by the Commission to serve the needs of those living on the site, in consideration of the residential density, and the proximity and adequacy of municipal recreation facilities.
- (f) Modification of Zoning Requirements: All other requirements of the Building Zone Regulations relative to the underlying zone shall be applicable except that the Planning and Zoning Commission may authorize modifications to the requirements as follows:
  - 1) Lot and Building Coverage: The Commission may authorize modifications of the maximum lot and building coverage provided that the resulting increase in coverage is commensurate with any increased Floor Area Ratio allowed in accordance with (c)(2) above.
  - 2) Yard Requirements: The Commission may authorize modifications of the minimum yard requirements provided that the yards are not less than existed on the lot at the time of the IND-RE zone application and further provided that said modifications result from the adaptive re-use of existing non-accessory structures on the site, or the provision of on-site recreation facilities.
  - 3) Height and Story Requirements: The Commission may authorize modifications of the maximum height and stories of the underlying zone provided that (i) the resulting height is not greater than the greatest height established by the existing principal buildings located on the lot at the time of the IND-RE zone application, and (ii) the number of stories can be located within the maximum permitted height established in (i) above. Notwithstanding anything to the contrary within the Building Zone Regulations, an atrium or skylight may extend beyond the maximum height permitted by the underlying zone, and may not be required to be set back from the roof area and does not extend more than seventeen (17) feet above the roof level.

**Sec. 6-113. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR HOSPITAL ZONES (H-1 AND H-2) (Originally adopted 6/8/90, amended 7/8/95)**

- (a) The intent and purpose of the Hospital Zones are to:
  - (1) Provide for the development of hospital facilities to meet the Town of Greenwich's major medical needs;
  - (2) Provide a method for a Hospital within the Town of Greenwich to develop adequate space within the zone to meet future needs;
  - (3) Promote comprehensive planning of a major hospital in conjunction with supporting facilities;
  - (4) Ensure compatibility of a hospital with surrounding land uses and zoning and the Town's "Plan of Development."
- (b) The following principal uses are permitted in the Hospital Zones, H-1 and H-2:
  - (1) Emergency services, general surgery, acute, chronic and intensive care, and outpatient clinics for general medical and specialized medical care including alcohol and psychiatric services. (7/8/95)
  - (2) Hospitals and general medical and specialized medical clinics, not of a penal or correctional nature nor for the permanent or long term residence of the insane; but nothing in the foregoing shall be deemed to preclude the rendition of psychiatric

treatment to patients on a day to day basis and/or on a temporary basis for medical observation and evaluation.

(3) Facilities that provide medical, technical, and professional health care support to the hospital in connection with its rendition of medical services, including, but not limited to, medical laboratories and diagnostic testing centers, physical therapy facilities, and storage facilities for medical equipment and supplies; and,

(4) Professional offices for physicians who are directly involved with the medical administration of the hospital, or who provide services on behalf of the hospital to patients of the hospital and are compensated directly by the hospital in respect of such services, or whose practices require the extensive use of specialized medical equipment available only at the hospital. (7/8/95)

(c) The following accessory uses shall be permitted in the Hospital Zones, H-1 and H-2, provided they are designed and intended to be used exclusively by hospital patients, visitors and staff: (7/8/95)

(1) Food service, pharmacy, laundry, engineering and maintenance, social service, pastoral care, accounting, nurses registry, administration, volunteer and auxiliary services, housekeeping, materials management, medical library, banking, gift shops, and other retail services and recreation facilities normally incorporated within health and hospital facilities;

(2) Medical education facilities for physicians, nurses, medical technicians and other health care providers engaged in the rendition of medical services within the Hospital Zone, and medical education and public health awareness facilities for other members of the medical community and the general public on a temporary basis;

(3) Overnight facilities for hospital personnel including, but not limited to, nurses, interns and residents during their terms as such;

(4) Emergency transportation (other than air transportation);

(5) Hospital communication facilities, including, but not limited to, telecommunication centers, radio communication centers, and radio antennas and dishes and microwave towers or dishes that are approved as provided in subsection (d) below; and

(6) The hospital parking garage facility as approved by the Commission on June 6, 1989.

(d) The following accessory uses shall be permitted subject to the issuance of a special Permit by the Commission pursuant to Sec. 6-17 of these Regulations:

(1) On grade off-street parking lots and above ground parking structures;

(2) Offices for physicians and surgeons, for no more than five (5%) percent of the gross floor area in all buildings excluding parking garages within the Hospital Zones, H-1 and H-2;

(3) Microwave towers and dishes; and

(4) Buildings, or mixed use buildings, that provide long-term health care facilities for dependent persons other than insane persons, including nursing and convalescent homes.

(e) Approval Process (7/8/95)

1. (a) Any exterior enlargement or exterior alteration of a building, or new construction that would exceed 2,000 square feet or interior alteration of a building or a change of use affecting more than 10,000 square feet will require site plan approval from the Commission.
- (b) Site plan approval also must be obtained from the Commission for any exterior enlargement or exterior alteration of a building or new construction, that together with any new construction, within the prior two (2) years, would exceed 2,000 square feet or interior alterations of a building or a change of use affecting more than 10,000 square feet within the prior two years.

- (c) However, in either case, the Commission may waive full Commission site plan review.
- 2. (a) Any exterior enlargement or exterior alteration of a building or new construction that would exceed 4,000 square feet or interior alteration of a building or a change of use affecting more than 20,000 square feet will require special permit approval from the Commission.
  - (b) Special permit approval also must be obtained from the Commission for an exterior enlargement or exterior alteration of a building, or new construction, that, together with any new construction within the prior two years, would exceed 4,000 square feet or interior alterations of a building or a change of use affecting more than 20,000 square feet within the prior two years.
- (f) **Yard Requirements (7/8/95)**  
For existing or approved structures at the time a property is rezoned to a Hospital Zone the existing front, side, and rear yards shall be deemed to be permitted and not legally non-conforming. See Table, Sec. 6-205(c), for H-1 and H-2 Zones yard requirements. A canopy entrance of the main building may extend into the required front yard upon special permit approval from the Commission.
- (g) **Parking and Loading Facilities (7/8/95)**  
Required parking spaces for new or expanded uses and adequate exits and entrances thereto shall be determined by the Commission. In making the determination the Commission shall consider the adequacy of the then available parking to meet the demands of the current uses as well as material additional anticipated requirements of the new or expanded uses.
- (h) **Height (7/8/95)**  
For existing structures at June 8, 1990 the existing building heights shall be deemed to be permitted and not legally non-conforming. For new structures or 23 additions erected after June 8, 1990, the height shall not exceed three (3) stories or 65 feet above the average established grade. The average established grade for buildings on Perryridge Road shall be the average grade along the curb-line of Perryridge Road in front of or adjacent to the main building. The average established grade for buildings on Lake Avenue shall be the average grade along the curb line of Lake Avenue in front of or adjacent to structures along Lake Avenue. The height requirements of this section shall be subject to special exception as provided in Sec. 6-127 of these regulations.
- (i) **Floor Area Ratio (FAR) and Lot Coverage (7/8/95)**  
See Table, Sec. 6-205(c)
- (j) **Screening and Planting**  
Screening and planting requirements shall be as they currently exist in connection with pre-existing structures or for any building footprint addition of 2,000 square feet or less. However such a building footprint addition (less than 2,000 s.f.) shall be reviewed and approved along with a screening/planting plan by Planning and Zoning staff, Zoning Enforcement Officer, Town Tree Warden and ARC (for elevation changes); provided, however, such determination shall be reasonably related to the furtherance of the purpose set forth in Sec. 6-176 of these Regulations. Any new structures and/or external enlargements or external alterations to existing buildings that would exceed 2,000 square feet or more shall require screening and planting as approved by the Commission through its site-plan review procedure. (7/8/95)
- (k) **Buildings attached or connected to other buildings accessways and passageways**
  - (1) Buildings within a Hospital Zone may be attached or connected to each other by covered passageways for pedestrian traffic. Buildings connected by accessways or passageways shall not be treated as one building or structure for the purpose of this Section. This section should not be construed to allow on-grade covered walkways which would cover public streets or ways. (7/8/95)

(2) Above-ground passageways, or skyways, for pedestrian traffic between two buildings shall be permitted subject to special permit approval by the Commission, but shall not cross public streets or ways.

**Sec. 6-114. CONTINUING CARE RETIREMENT COMMUNITY OVERLAY ZONE (CCRC) (4/2/91)**

A Continuing Care Retirement Community (“CCRC”), as defined in Section 6-5(a) (11.2), shall be permitted in the RA-4, RA-2, RA-1 and R-20 residential zones and the GB and GBO business zones when authorized by the Planning and Zoning Commission pursuant to the following special requirements.

(1) Purpose  
It is the purpose of these regulations to provide for a housing and health care alternative for town residents sixty-two (62) years of age or older, in the form of congregate housing communities that maintain a program of continuing health care, and provide ancillary support areas and services designed to maximize the independence of residents as their age advances. Health services should range from health monitoring for the well-elderly, to assisted living in independent living units, to nursing home care on the same site. Said CCRC should provide living and health care accommodations and supporting facilities (social and recreational) which are consistent with the special needs of an elderly population.

(2) Procedure  
(A) An application will be filed with the Planning and Zoning Commission requesting designation of a site as a CCRC Overlay Zone and issuance of a Special Permit. Any such rezoning request shall be filed simultaneously with a Site Plan application pursuant to Sec. 6-13, 6-14 and 6-15. The Planning and Zoning Commission shall hold a public hearing and act on the application in accordance with the schedule requirements of Sec. 6-14.1 of the Building Zone Regulations. The Commission shall review the application for conformity with standards and provisions of this section together with the standards of Sec. 6-15 and Sec. 6-17 of the Building Zone Regulations. A site rezoned by the Commission for CCRC use shall continue to bear the zone designation in effect prior to rezoning with the initials CCRC appended to indicate the CCRC zone.  
(B) A CCRC shall be authorized by the Commission only after a finding by the Commission that the CCRC meets the purposes and standards of the CCRC Zone and will:

- serve a public purpose by broadening the range of housing and health care options for the town's increasing elderly population;
- be compatible with the neighborhood in which it is located and not adversely impact said neighborhood;
- have site features designed with consideration for the needs and capabilities of elderly citizens
- including security, safety, lighting, slopes and grade, protected walkways, and transportation;
- protect sensitive resources of the natural environment;
- be in accordance with the Land Use Plan of the Plan of Development.

  
(C) The Commission shall refer all applications made under these regulations to the Greenwich Commission on Aging for review and comment.

(3) Standards  
Notwithstanding other provisions of the Building Zone Regulations, the following parameters and controls shall govern the CCRC site:  
(A) Lot Size  
There shall be no minimum lot area except in the RA-2 and RA-4 Zones where the minimum lot size is 50 acres. Applications for a CCRC in the RA-2 and RA-4 zones shall require that

an environmental assessment be prepared and submitted simultaneously with the application for zone change, special permit and site plan.

(B) F.A.R.

- 1) The maximum FAR in residential zones is limited to that of the underlying zone except for the RA-4 and RA-2 zones which are restricted to a .09 FAR, and except that in R-20 and RA-1 zones an increase of 25% of gross floor area over that allowed in the underlying zone can be applied for. In the R-20 and RA-1 zones, floor area of residential units may not exceed the F.A.R. of the underlying zone.
- 2) The maximum FAR in the GB and GBO zones shall be .75 FAR provided applicant can demonstrate that the FAR in excess of that permitted in the underlying zone allows for the provision of floor area for non-residential health-related or support services that are essential elements of the CCRC.

(C) Density

The maximum number of dwelling units in residential zones shall be 10 per acre in the R-20 zone, 5 per acre in the RA-1 zone, and 1.6 per acre in the RA-2 and RA-4 zones. In the GB and GBO business zones the maximum number of dwelling units shall be 30 per acre.

(D) Height and Stories

The maximum height of any principal building shall not exceed the maximum number of feet and stories permitted in the underlying residential zones; for business zones the maximum permitted height in a CCRC zone shall not exceed 3 ½ stories and 40 feet.

(E) Setbacks

The minimum yard requirements for buildings within the CCRC shall be the same as the standard setbacks for the underlying zone, except that there shall be no setback required along an interior zone line in the case of multiple underlying zones and except that no building shall be located less than one hundred (100) feet from any residential street or adjacent property within a residential zone unless the Commission finds in consideration of the particular use and its specific location that a lesser distance will be consistent with protection of adjacent property from adverse impacts. To compensate for any modification of a structure's setback from residential streets or adjacent property within a residential zone, the Commission may require landscaping and buffer strips of sufficient height and depth to screen the structures and mitigate visual impacts on adjoining properties.

(F) Coverage

In the R-20 and RA-1 zones the building coverage of all buildings in a CCRC zone shall not exceed 20% of the lot area, and the total area devoted to surface parking, buildings, and drives shall not exceed 40% of the lot area. In the RA-2 and RA-4 zones the building coverage of all buildings in a CCRC zone shall not exceed 10% of the lot area and the total area devoted to surface parking, buildings and drives shall not exceed 20% of the lot area. In business zones the Commission may waive maximum building coverage standards for structures to provide ancillary and support services, but the total area devoted to surface parking, buildings and drives shall not exceed 60%.

(G) Nursing Home Beds

The CCRC's nursing home shall contain at least one (1) bed but not more than 3 beds for every five (5) dwelling units.

(H) Parking Spaces

The CCRC shall contain one parking space per dwelling unit, plus enough additional spaces, at the discretion of the Commission, to accommodate the passenger cars of the staff members, visitors and guests, and medical and other service providers.

(I) Open Space

In Residential zones, buildings shall be clustered to ensure that 20% of the lot is one contiguous parcel having meaningful shape, character, and location to provide useable active or passive recreation areas for the benefit and enjoyment of residents.

(J) Age Requirements

Each resident of a dwelling unit within the CCRC shall be a person sixty-two (62) years of age or older. The simultaneous occupancy of a dwelling unit by a person administering personal or medical care to the qualified residents of the unit also is permitted.

(K) Permitted Uses

- 1) A Continuing Care Retirement Community (CCRC) which includes living quarters with or without kitchens, single family, two family or multi-family structures are permitted. A nursing home in a CCRC is considered an ancillary use in support of the congregate residential community.
- 2) Accessory uses and buildings which shall be for the exclusive use of residents and their guests and are clearly incidental and subordinate to the CCRC. Accessory uses and buildings may include but are not limited to health and other service facilities; food services; garages; social, religious and recreational facilities; administrative offices; maintenance buildings; guard houses; limited convenience stores. The size and height of Accessory structures shall be in conformance with Sec. 6-95 and Division 12 of the Building Zone Regulations except that in a CCRC located in a residential zone an accessory structure shall be subject to the setback requirements of Section (E) above.
- 3) Uses permitted in the underlying zone restricted to the standards of that zone, except as prohibited in (L) below.

(L) Prohibited Uses

Resident Professional Uses & Home Occupation uses; commercial uses and business activities (other than those permitted as accessory uses as defined in (K)2. above in common areas) shall be prohibited.

(M) Landscape

Screening and Planting Requirements shall be in accord with Sec. 6-180 and 6-181 of the Building Zone Regulations and as may be additionally required by the Planning and Zoning Commission to provide adequate screening and buffer areas along adjoining residential properties and streets.

(4) The applicant for the CCRC shall submit to the P & Z Commission for review and approval a perpetual Declaration of Restrictions as to the ownership, use and occupancy of the CCRC. The Declaration of Restrictions shall be binding upon the applicant and succeeding owners of the CCRC including dwelling unit owners, the Unit Owners Association and the owner of the nursing home. The Declaration of Restrictions shall incorporate the provisions of these regulations and the provisions of such other and further governmental regulations and laws including but not limited to State and Federal laws and regulations governing Continuing Care Communities that are applicable to the ownership, use, operation and management of the CCRC. The Declaration of Restrictions shall be enforceable by the Town by appropriate action in court for damages or equitable relief. The Declaration of Restrictions shall bind the applicant and all succeeding unit and association owners of the land and improvements comprising the CCRC and to duly restrict the ownership, use, operation and management of the CCRC, including the nursing home, to strict compliance with these regulations and such other and further governmental regulations and laws that are applicable thereto. Since a specific purpose of these regulations is to provide for and accommodate health care needs of persons sixty-two (62) years of age or older, the Declarations of Restrictions shall contain specific provisions which provide each resident of a CCRC Dwelling unit with the continued right to have his or her long-term health care needs met within the CCRC, including the right of priority admission to the nursing home within the CCRC. The Declaration of Restrictions also shall provide that it may not be modified, altered, amended or changed without the written approval of the Planning and Zoning Commission.

- (5) Each CCRC shall have appropriate and adequate indoor common facilities which shall include a community dining room with food service, an auditorium and recreation areas. The CCRC also shall have adequate outdoor common space designed to provide permanent useable recreation/open space areas which meet the needs, capabilities and desires of the residents.
- (6) Any CCRC site located on a septic system shall be required to prove the efficiency and capability of the septic system, all in accordance with the standards of the Department of Health. The on-site treatment of sewage generated by all present and proposed uses on the site, and the disposal of effluent therefrom, will be designed in such a way as to avoid a detrimental impact on surface and ground water quality. Further, the sewerage system shall be built and maintained in conformance with all applicable standards and requirements of the Town of Greenwich and the State of Connecticut.
- (7) For any CCRC site served by well water there shall be an adequate and continuous potable water supply of good yield and quality on-site to permanently meet the needs of all existing and proposed uses on the lot in accordance with the applicable standards and requirements of the Town of Greenwich and the State of Connecticut. Furthermore, there shall be an adequate supply of water available for fire fighting purposes, in accordance with the requirements of the fire department.
- (8) Each CCRC shall provide, or be serviced directly by or accessible to some form of public or private transportation so that non-driving residents are able to participate in those community activities or services of their choice.
- (9) Each CCRC shall be subject to all standards of Sec. 6-15 and Sec. 6-17 of the Building Zone Regulations, and requirements of the zone or zones in which the facility is located, except where modified by the standards contained herein.
- (10) The CCRC shall be operated and managed in accordance with the provisions of Public Act 86-252, an Act concerning management of Continuing Care Facilities (Connecticut General Statutes Sec. 17-535 et seq.), as amended including, without limitation, the establishment of escrow accounts and the delivery of disclosure statements including a contract to all residents prior to their execution of any agreements to reside within the CCRC. Said contract shall cover agreement about ambulatory health care, nursing home and resident services, and include information about fees, financial obligations and rights. Copies of all documents required to be filed with the State Department on Aging under said Act shall be filed simultaneously with the Planning and Zoning Commission and the Town's Commission on Aging.
- (11) No Building permit will be issued until the Commission has determined that all requirements for establishing a CCRC have been met, including the following:
  - (A) The CCRC applicant shall have filed with the Planning and Zoning Commission and the Commission on Aging a disclosure statement containing the information and exhibits required under C.G.S. Sec. 17-537.
  - (B) The CCRC applicant shall have filed with the Board of Health an agreement which specifies the right of the Board of Health and other Town Agencies having jurisdiction to inspect the facility annually or as necessary.
  - (C) The CCRC applicant shall have submitted to the Connecticut Department on Aging the information and documents required to be filed under C.G.S. Sec. 17-536, and the applicant shall have submitted to the Planning and Zoning Commission a written acknowledgment from the Department on Aging confirming such filing and confirming that the facility is subject to the requirements of C.G.S. Sec. 17-535 et seq.
  - (D) Applicant shall have filed with the Planning and Zoning a copy of the Certificate of Need for the Nursing Home issued by the State of Connecticut's Commission on Hospitals and Health Care.
  - (E) A review by the Law Department to assess that the Declaration of Restrictions is in proper form to accomplish its intent and binds the applicant as per Sec. 6-114. (4) through (12).

(12) The CCRC shall provide each resident of a CCRC Dwelling Unit with the continued right to have his or her long term health care needs met within the CCRC, including the right of priority admission to the nursing home within the CCRC.

(13) **Limitation Of Time**  
Failure to comply with the time limits established in Sec. 6-14.1(e) shall render the overlay zone change null and void, unless the Planning and Zoning Commission grants a re-approval of the site plan. If such approval is not granted the zone classification on the tract prior to the establishment of the CCRC overlay zone shall then be in effect.

#### **SUBDIVISION 4. P-ZONE.**

##### **Sec. 6-117. PURPOSE OF P-ZONE.**

The purpose of the P-Zone is to provide for needed off-street parking space in limited areas adjoining business zones, without permitting the extension of non-residential buildings or non-residential activities into residential areas. The off-street parking would be subject to conditions and safeguards designed to protect the residential character of the Town. (8/14/96)

##### **Sec. 6-118. USE REGULATIONS IN P-ZONES.**

(a) The following uses shall be principal permitted uses in P-Zones:

- (1) Any permitted use in the most restrictive adjoining residential zone as permitted therein.
- (2) Off-street parking of the private passenger vehicles of customers, patrons, guests, employees, proprietors, or persons giving day to day personal attention to the conduct of one or more permitted uses in the adjoining business zone subject to Sec. 6-14 and 6-15 and, in addition, to the following standards (4/5/82):
  - (A) The parking area shall adjoin the boundary line of a lot in a business zone for a distance of at least one hundred (100) feet and have pedestrian access to the lot and shall not extend more than two hundred (200) feet from the adjoining boundary line of the lot in the business zone.
  - (B) There shall be no access to or exit from the parking area at a distance of more than one hundred (100) feet from the boundary of the business zone, and such access shall be limited to a street on which the adjoining business zone abuts or when business zoning or public use is located on the opposite side of the street.
  - (C) A 5 foot screening strip shall be provided between the parking area and the street. Loading and unloading space shall not be permitted within the P-zone. Where any lot in a P-Zone abuts upon any residence zone, there shall be no access drive or parking spaces within 15 feet from such residence zone, and the intervening space shall be suitably planted to screen the non-residential uses from the residence zone. (8/14/96)

(b) The following accessory uses shall be permitted in P-zones:  
Same as permitted in the most restrictive adjoining zone.

(c) The following accessory uses shall be prohibited in P-zones:  
Same as prohibited in the most restrictive adjoining zone.

(d) The area of a lot in a P-zone may not be added to the area of a lot in a business zone so as to give rights to bulk or coverage for non-residential uses greater than that permitted excluding the P-zone area. The area of a P-zone lot may be added to the area of an adjoining business-zoned lot for the purpose of computing floor area ratio when dwelling

units are to be combined with non-residential uses in a mixed-use development. In no case shall the non-residential uses exceed the maximum FAR permitted for the business-zoned lot. The maximum allowable floor area of combined uses shall be computed by adding the allowable floor area of the business-zoned lot to the allowable floor area of the residential zone underlying the P-zone lot. (8/14/96)

- (e) A P-zone may not be used to meet parking requirements set forth in Sec. 158 for non-residential uses or in Sec. 6-155 for Residential uses in adjoining business zone lots. (8/14/96)
- (f) No structure shall be built in the P-zone. All parking provided under this section must be on grade and not underground or in a structure. (9/23/96)

#### **SUBDIVISION 5. RAILROAD RIGHTS-OF-WAY.**

##### **Sec. 6-118.1 USE REGULATIONS IN RAILROAD RIGHTS-OF-WAY.**

Transportation-oriented uses shall be permitted when authorized by special permit by the Commission pursuant to Sec. 6-17 of these regulations provided the proposed uses are found to be primarily for the service and convenience of passengers such as news-stands, limousine, bus and taxi stands, limited food concessions, vending machines, passenger parking, overhead bridges and accommodations necessary for the operation of the railroad (side tracks, signal towers, etc.)

**DIVISION 10. SUPPLEMENTARY AREA AND HEIGHT REGULATIONS.****Sec. 6-119. RESTORATION OF UNSAFE BUILDINGS.**

Nothing in this Article shall prevent the strengthening of or restoring to a safe condition, any part of any building or structure declared unsafe by the Building Official or any other duly authorized person. (4/24/2013)

**Sec. 6-120. REDUCTION OR DUPLICATION OF REQUIRED YARD.**

- (a) No lot area shall be reduced or diminished so that the area, yards or other open spaces shall be smaller than prescribed by this Article, except that this Section shall not apply when land or an interest therein is acquired by the Federal Government, the State, the Country or by the Town for public purpose, or by a Connecticut non-profit corporation or organization for use as a horticultural and wildlife reservation or natural park area.
- (b) No yard or other open spaces or portion thereof provided about any building or structure shall be used as the required yard, or other space or portion thereof for another building or structure, except in the case of group housing as authorized in Section 6-98.

**Sec. 6-121. YARD REQUIREMENTS ON THROUGH LOTS.**

The front yard requirements of the particular zone shall apply on each street front so that no building or structure may be closer to a street line than the front yard requirement of the particular zone.

**Sec. 6-122. LIGHT AND VENTILATION.**

Except as otherwise provided in this Article, every room in which persons live, sleep, work or congregate, shall have adequate light and ventilation.

**Sec. 6-123. REAR YARD REQUIRED.**

- (a) Except as provided in Section 6-132(c), a rear yard of at least ten percent (10%) of the lot depth shall be required in business zones on every lot more than fifty-five (55) feet deep, provided that where any lot adjoins a railroad right of way or municipally owned parking area no rear yard shall be required along the line held in common with the railroad or municipality.
- (b) If a rear yard is provided where not required, it shall not be less than three and one-half (3 ½) feet. No rear yard shall be required in respect to lots to which a rear building line is applicable as provided in Section 6-130.
- (c) Notwithstanding any other provisions of these Regulations to the contrary, for lots in business zones which adjoin the right of way of the Connecticut Turnpike, the Planning and Zoning Commission, upon application for a Special Permit pursuant to the provisions of Section 6-17, shall have the authority to reduce the rear yard otherwise required by these Regulations along the line of said lot which adjoins said right of way, provided that the Commission finds that granting any such reduction will result in a development which meets

the standards set forth in Sections 6-15 and 6-17 of these Regulations, and further provided that consideration has been given to the safety of nearest adjoining residences and other adjoining buildings by way of man made or topographic features.

#### Sec. 6-124. MINIMUM STREET WIDTH.

- (a) No plot shall be subdivided into lots and no lot shall be improved with one (1) or more buildings unless all such lots shall front upon a street having a minimum width of fifty (50) feet.
- (b) This limitation however shall not apply where the maximum width of the street in front of a given plot or lot on February 1, 1926 is less than fifty (50) feet.

#### Sec. 6-125. YARD REQUIREMENTS ALONG ZONE BOUNDARY LINE.

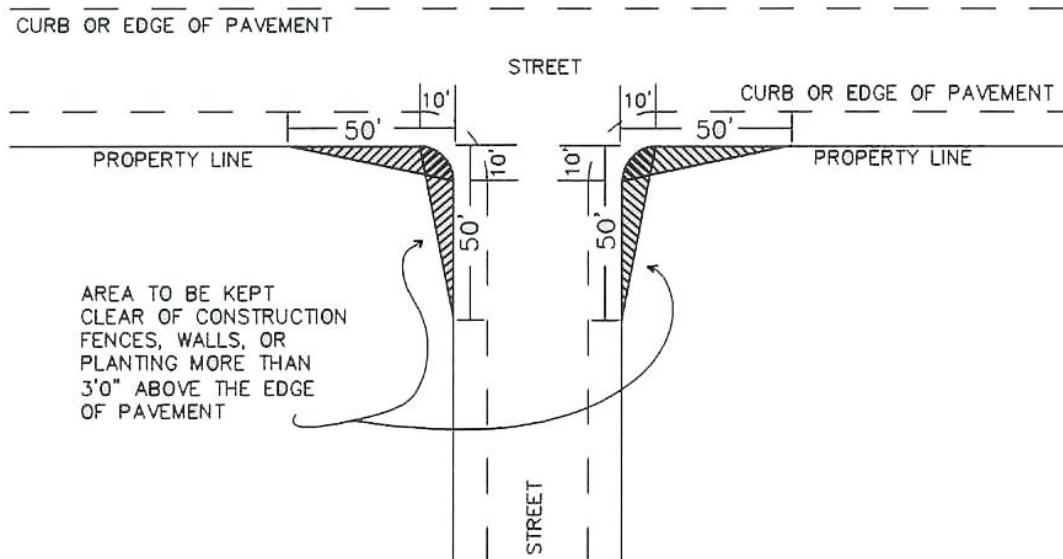
Where a lot adjoins a lot in a more restricted zone, any adjoining side yard of such lot shall have a width at least equal to the required minimum side yard in the more restricted zone. Any adjoining front yard shall have a depth at least equal to the minimum required depth of the front yard in the more restricted zone.

#### Sec. 6-126. VISIBILITY AT INTERSECTIONS.

On a corner lot in any residential zone, no planting, fence, wall, tree or obstruction to vision shall be placed or maintained if it does not conform to the vehicle sight distance requirement as illustrated below and is considered in the judgment of the Traffic Engineer and Highway Superintendent to be hazardous to vehicular and or pedestrian safety. Prior to removal or reduction of any tree or landscaped plantings blocking said vision, a review and recommendation by the Town Tree Warden is required. (5/4/2005)

##### Illustration

PROPERTY LINE



**Sec. 6-127. HEIGHT EXCEPTIONS.**

The building height limitations of this Article shall not apply to church spires, belfries, radio towers, cupolas, domes, monuments, water towers, chimneys, flues, or flag poles; to a parapet wall extending not more than four (4) feet above the limiting height of the buildings on which it rests, provided, however, that the Planning and Zoning Commission, or their designee, after giving due consideration to the Standards of Sec. 6-15 and 6-17 and after consultation with the Architectural Review Committee, may authorize an increase in the height of any such parapet wall in the event such increase is desirable in order to make mechanical equipment less visible and make the proposed building architecturally more compatible with surrounding buildings or the surrounding streetscape; to ventilators, skylights, air conditioning equipment, water tanks, bulkheads, roof-mounted satellite earth stations subject to provisions of Sec. 6-140.1., necessary mechanical appurtenances and similar features not used for human occupancy and usually extended above the roof level, provided that the total area covered by all such features shall, with the exception of bulkheads for stair towers, be enclosed in a single structure not exceeding twenty-five percent (25%) of the roof area, height of such structure shall not be more than seventeen (17) feet above the roof level, and the structure shall be set back one (1) foot for each one (1) foot of height above roof level on those sides of the building having street frontage. (10/07/85)

**Sec. 6-128. PROJECTIONS IN REQUIRED YARDS.**

- (a) Decks, and patios when located in a rear or side yard and constructed not more than three (3) feet above existing grades shall not be permitted within five (5) feet of any side or rear lot line in the R-6, R-7 and R-12 zones, within ten feet (10) feet of any side or rear lot line in the R-20 and RA-1 zones and within twenty-five (25) feet of any side or rear lot line in the RA-2 and RA-4 zones. Uncovered stairs may be erected in any required front or rear yard, but in the case of a side yard, uncovered stairs may not be erected within five (5) feet of the property line. (6/15/00) (Revised 7/19/2006)
- (b) Decks, and patios when located in the rear or side yard and constructed more than three (3) feet above existing grades shall be considered part of a principal structure and shall not be permitted in a required rear or side yard setback of a principal structure. (Revised 7/19/2006)
- (c) Decks, and patios built at or above existing grade, located in a front yard, shall not be permitted in the required front yard, or side yard setback of a principal structure. (7/19/2006)
- (d) Any bay window, oriel, entrance, vestibule, chimney, balcony or window or stair well, or similar projection that is not more than ten (10) feet in width, and any cornice, balcony, eave, or similar projection may project or extend two (2) feet into any required yard or court. Such projection may have a connection to the ground beneath. No projection except for an eave and minor architectural features including sill, leader, gutter, belt course, water table less than 6" shall be permitted within five (5) feet of any property line. The wall from which a projection extends must comply with the required yard. If such projection, as described above, connects to the ground it shall count towards lot coverage and shall not be permitted in any Green Area Requirement (7/19/2006, 3/2/12)
- (e) Mechanical equipment, new or replacement, shall not be allowed in any required yard. (4/30/2002, 5/10/2011)

**Sec. 6-129. FRONT AND STREET SIDE YARD REQUIREMENTS.**

- (a) In all business zones if three (3) or more principal buildings which are non-conforming in respect to front yard and street side yard exist within the same block and within the same

business zone as a lot in question, the average setback line of all existing principal buildings within the block and the zone may be followed in locating a new building or in reconstructing or altering an existing building on such lot. If both the block and the zone have the length of more than one thousand (1,000) feet between intersecting streets, for the purpose of this Section the block shall be deemed to be that portion thereof within the zone and extending up to two hundred (200) feet on each side of the lot in question.

(b) The provisions of this Section shall, however, in no case be applied so as to keep the street wall, walls or covered porches of the buildings further back from the street line than the minimum depth of the front yard indicated in the "Schedule of Required Open Space, Height and Bulk of Buildings" for the zone in which such building is located.

#### **Sec. 6-130. BUILDING LINES.**

(a) No building or addition thereto, either above or below grade, shall be constructed nearer to a street or proposed street than any front building line established for such street, as shown on maps referred to in Section 6-205.1 or any portion of a lot, to which a rear building line is applicable as shown on a map in Section 6-205.1 which extends beyond the rear building line applicable to the lot.

(b) No portion of any lot extending to the rear of the rear building line applicable to the lot, may be used in computing parking area credit under Section 6-158 for any other lot. In ascertaining such portion of a lot extending to the rear of a rear building line applicable to the lot, the boundaries of the portion existing as of the date of the establishment of the rear building line applicable to the lot shall be determinative and controlling. Notwithstanding any front yard requirements of this Article, or any building line heretofore established for the Town and former Borough of Greenwich, a building or addition thereto either above or below grade may be constructed on that portion of any lot extending from the front building line to the rear building line applicable to the lot.

#### **Sec. 6-131. MINIMUM FRONTAGE EXCEPTIONS.**

(a) A rear lot not fronting on a street, whether or not in separate ownership and whether or not the rear or front lots are presently built upon, may be improved in accordance with requirements of the particular zone provided that:

- 1) Such lot has access to a street by means of an unobstructed access way held in the same fee simple ownership as the rear lot;
- 2) That such access way shall be at least 20 feet wide and no greater than 35 feet shall continue undiminished for at least the depth of the front yard setback of the zone. (5/4/2005)
- 3) Within the lines of such access way there shall be constructed a graveled or other paved way at least 12 feet wide and of sufficient thickness to support fire apparatus and other mobile equipment;
- 4) At no point shall the driveway exceed a vertical rise of 15%;
- 5) The area of access way shall be excluded from lot area calculation for Zoning Lot Area (as defined in Section 6-5(a)(57) and FAR. Zoning Lot Area is determined to begin at a point where the lot shape requirement of the zone can be demonstrated (either circle or rectangle). The area of access way and any improvements or green area within it shall also be excluded from calculations pertaining to lot coverage and/or Greenwich Area Requirements; (5/4/2005, 3/2/2012)

- 6) The access way is considered to end at that point where the front lot line width and the lot shape requirements of the zone are satisfied. (2/7/2001)
- 7) Such access way shall not be included for the purpose of meeting the area required by Section 6-205 of the rear lot.
- 8) Such access way does not adjoin any other access way to a rear lot.
- (b) In the case of two rear lots not fronting on a street, whether or not in separate ownership and whether or not the rear or front lots are presently built upon, said lots may be improved in accordance with requirements of the particular zone provided that:
  - 1) Each such lot have access to a street by means of adjoining 20 ft. wide unobstructed access ways held in the same fee simple ownership as the rear lot;
  - 2) That each such access way shall be at least 20 feet wide and no greater than 35 feet and shall continue undiminished for at least the depth of the front yard setback of the zone; (5/4/2005)
  - 3) Within the lines of such combined access ways there shall be constructed a single graveled or other paved way at least 16 feet wide;
  - 4) There shall be a 2 foot wide strip on either side of the paved way which shall be clear of obstructions and shall be of sufficient thickness to support fire apparatus and other mobile equipment;
  - 5) At no point shall the 16 foot paved way and two foot shoulders exceed a vertical rise of 15%;
  - 6) The area of access way is excluded from lot area calculation for Zoning Lot Area and FAR. Zoning Lot Area (as defined in Section 6-5(a)(57) is determined to begin at a point where the lot shape requirement of the zone can be demonstrated (either circle or rectangle). The area of access way and any improvements or green area within it shall also be excluded from calculations pertaining to lot coverage and/or green area requirements; (5/17/00, 3/2/2012)
  - 7) Such access way does not adjoin any other access way to a rear lot. The use of a rear lot for other than a single family or two-family house shall not be permitted unless, upon application for Special Permit, the Commission finds the standards of Section 6-17 are met;
- (c) Before the right to use such paved way is terminated by legal instrument or by operation of law, such access ways shall be required to conform to the provisions of Subsection (a) or (b) of this Section whichever is applicable.
- (d) Before a Certificate of Occupancy may be issued proof of location of the graveled or paved surface within the lines of the access way shall be submitted for approval. (2/14/79)
- (e) The owner of a rear lot shall have the privilege of electing any lot line as the front line. (5/2/79)

#### **Sec. 6-132. YARD REQUIREMENTS ON CORNER LOTS.**

- (a) In the case of a corner lot, the owner shall, for the purpose of this Article, have the privilege of electing any street line as the front lot line, regardless of where any entrance doorways may be located in a building on such corner lot, provided that such choice, in the opinion of the Zoning Enforcement Officer, will not be injurious to the development of adjoining properties. (5/1/2013)
- (b) On any corner lot in a residence zone, the least width of any side yard along the street lot line shall not be less than one half (1/2) of the sum of the minimum side and front yards required of the lot abutting the rear lot line of such corner lot.
- (c) In the case of a corner lot in a business zone, the rear yard of which abuts a lot in a residence zone, the minimum depth of said rear yard shall not be less than ten (10) feet. No

rear yard shall be required in respect to lots to which a rear building line is applicable as provided in Section 6-130.

- (d) On any corner lot in a business zone, which lot does not adjoin a residence zone, no rear yard shall be required on that portion thereof within sixty-five (65) feet of the street side lot line.
- (e) On any corner lot in a business zone, the minimum width of the side yard on the street side shall be ten (10) feet. On lots located in the CGBR Zone, the Planning and Zoning Commission may waive this requirement in whole or in part after a finding pursuant to a Special Permit application. (7/7/98)

### **Sec. 6-133. SEPARATION REQUIRED IN PROXIMITY OF HIGH PRESSURE GAS TRANSMISSION LINES.**

No building shall be permitted within forty (40) feet of gas transmission pipe lines which are operated at a maximum service pressure in excess of two hundred (200) p.s.i.g. (Pounds per square inch gauge), except that tennis courts, platform tennis courts and similar recreational facilities and their appurtenances, without roofs, shall be permitted.

### **Sec. 6-134. MEASUREMENTS.**

- (a) All measurements specified in this Article involving distances between similar uses or between a use and a zone boundary line shall be measured along the center line of the adjacent and intervening street or streets with terminal points located as follows:
  - (1) In the case of a gasoline filling or service station, the nearest edge of the premises at street frontage extended at right angles to the center line of the street.
  - (2) In the case of all other uses, the inside face of the building wall surrounding the use extended at right angles to the center line of the street.
  - (3) In the case of a zone boundary line, the point where the boundary line intersects with the center line of the street along which the measurement is taken.
- (b) When determining Grade Plane if fill is retained by a retaining wall, the height of the retaining wall above the next outward level shall not be greater than five (5) feet. Multiple retaining walls shall be spaced so that a minimum five (5) foot wide horizontal strip is provided between the face of each wall and the face of the next wall. (4/19/2006)

### **Sec. 6-135. SCREENING REQUIREMENT ALONG BOUNDARY LINE.**

The buildings and parking areas on each lot developed for a non-residential use or special exception use shall be screened from adjacent residential zones, schools or parks by trees or shrubs, except where such screening is accomplished by the natural topography.

**Sec. 6-136. AWNINGS.**

No awning, canopy, or similar weather shielding device, projecting beyond the property line of any lot into the sidewalk portion of a public street shall be erected or maintained on any building or structure unless such awning be at all points at least seven (7) feet six (6) inches above the level of the sidewalk, nor may any such awning project beyond said property line a distance greater than six (6) feet. Any such awning shall be firmly affixed to the building and not support other than that provided by the building shall be allowed.

**Sec. 6-137. BUSINESS ACCESS.**

No entrance to or exit from a business or industrial use shall be located on any street frontage opposite a residence zone where the lot containing the business or industrial use has frontage in a business zone. No lot in a business zone shall be decreased in area, or otherwise subdivided, so that any part of it would have frontage only opposite a residence zone.

**Sec. 6-138. LAND UNDER WATER.**

Underwater lands that extend beyond the mean high water line as determined in the most recent Tidal Epoch published by the National Oceanic and Atmospheric Administration shall, whether owned by the State of Connecticut or claimed by an adjoining property owner to be held in fee, shall not be considered in determining compliance with the minimum lot size, setback and bulk controls of these regulations. (4/19/2006)

**Sec. 6-139. BUSINESS ZONE SETBACK MEASUREMENTS.**

Except for those instances where specific setback lines have been established in a particular business zone, no building may be closer to a street (measured as a straight line from the closest point of the building to the nearest point of the street) than the minimum front, rear, or street side yard depth requirement of the particular zone, regardless of the number of separate properties between the building and the street.

**Sec. 6-139.1 FLOOD HAZARD OVERLAY ZONE.**

Application for review and certification of projects in regards to the FHO zone standards shall be initiated through the office of the Building Official/Zoning Enforcement Officer. Permits are required for all proposed development in any area of special flood hazard. Applications may also be reviewed by Planning and Zoning simultaneously with the ZEO review if a Coastal Site Plan application is involved. (4/7/99, 4/24/2013)

**(a) Purpose**

The FHO zone is intended to add additional safeguards to those areas of Greenwich subject to riverine and coastal flooding as shown on the Flood Insurance Rate Maps and Flood Insurance Study of the Town of Greenwich effective August 19, 1986, revised June 18, 2010, and July 8,

2013, and as amended from time to time. The zone is not intended to remove existing permitted uses as stated in these Regulations. It is the purpose of this section to: (6/18/2010, 7/4/2013)

- (1) Promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (3) Require that uses and structures vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (4) Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
- (5) Control filling, grading, dredging and other development which may increase erosion or flood damage.
- (6) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

### **(b) Objectives**

The objectives of this section are to:

- (1) Protect human life and health.
- (2) Minimize the expenditures of public money for costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains.
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
- (7) Insure that potential home buyers are notified that property is in a flood hazard area.

### **(c) Definitions**

The following definitions are for use in this section only, except as they may apply to Section 6-111 and Section 6-119.

- (1) Addition to an Existing Building - means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load - bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered new construction.
- (2) Administrator - means the Federal Insurance Administrator, to whom the Federal Emergency Management Agency has delegated the administration of the National Flood Insurance Program, (NFIP).
- (3) Appeal - means a request for a review of the Zoning Enforcement Officer's interpretation of any provision of this section or a request for a variance.
- (4) Area of Special Flood Hazard - is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. On the Flood Insurance Rate Map (FIRM), the flood zones are delineated as zones A, AE and VE. The determination of flood hazard areas shall be based on the flood elevation shown on the FIRM map in conjunction with an up-to-date and accurate topographical survey of the site prepared by a Connecticut Licensed Land Surveyor.

Special Flood Hazard Zones shall also include areas where the land surface elevation is lower than the base flood elevations as shown in the Flood Insurance Study, and the area is not protected from flooding by a natural or man-made feature. In no case shall the regulated area be closer to the source of flooding than that shown on the FEMA maps without revising or amending the maps in accordance with FEMA procedures. (6/18/2010)

- (5) Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year.
- (6) Base Flood Elevation (BFE) – means the elevation reached by the base flood, a flood having a one percent chance of being equaled or exceeded in a given year, also known as the 100-year flood event, referred to the vertical datum of the community's Flood Insurance Rate Map. (6/18/2010)
- (7) Basement - means that portion of a building having its floor subgrade (below ground level) on all sides.
- (8) Breakaway Wall - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
- (9) Building - means any structure build for support, shelter or enclosure for any occupancy or storage.
- (10) Coastal High Hazard Area - means the area of special flood hazard subject to high velocity waters caused by, but not limited to, storms and hurricane wave wash. The area is designated on a FIRM as Zone VE. (6/18/2010)
- (11) Development - means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. (6/18/2010)
- (12) Elevated Building - means a building without a basement built to have the lowest floor elevated the above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shearwalls, or breakaway walls, as allowed under applicable standards.
- (13) Existing Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, August 19, 1986, of the floodplain management ordinance adopted by the community. (6/18/2010)
- (14) Expansion to an Existing Manufactured Home Park or Subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (6/18/2010)
- (15) Federal Emergency Management Agency (FEMA) - is the federal agency that administers the National Flood Insurance Program (NFIP). (6/18/2010)
- (16) Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas due to the overflow of inland or tidal water and/or the unusual and rapid accumulation or runoff of surface waters from any source.

- (17) Flood Insurance Rate Map - means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the applicable risk premium zones.
- (18) Flood Insurance Study (FIS) - is the official report (dated June 18, 2010 and July 8, 2013) by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Insurance Rate Map (FIRM) and the water surface elevation of the base flood. (6/18/2010, 7/4/2013)
- (19) Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (20) Floor - means the top surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.
- (21) Functionally Dependent Facility - means a facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities. (6/18/2010)
- (22) Free Board - the distance from the water surface to the top of the facility. It provides a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.
- (22.1) Grade Plane, Flood Zone – A reference plane from which to measure the number of stories, height, and floor area of dwelling units in residential zones within the Flood Hazard Overlay Zone. The flood zone grade plane shall be measured from two feet (2') below the Base Flood Elevation, or the grade plane as defined under Section 6-5(a)(26), whichever is higher. If the structure complies with Section 6-139.1(f)(11)(A and D), the floor area below the flood zone grade plane shall be excluded. The area below the flood zone grade plane shall not count as a story provided there is no more than 7' from the flood zone grade plane to the top of the finished floor. (6/17/2014)
- (23) Historic Structure - means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Is part of a Local Historic District or Historic Overlay Zone; (c) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. (6/18/2010)
- (24) Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable, solely for parking of vehicles, building access or storage, in an area other than a basement area is not

considered a building's lowest floor. In Special Flood Hazard areas, these areas must be designed in accordance with Section 6-139.19 (f) (11) (D) of these regulations and with the definition of elevated Buildings and Section 31 of these regulations.

- (25) Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel and recreational trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. (6/18/2010)
- (26) Manufactured Home Park or Subdivision - means a parcel, or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.
- (27) Market Value - means the market value of the structure shall be determined by the appraised value of the structure using the cost approach to value method prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. (6/18/2010)
- (28) Mean Sea Level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the community's Flood Insurance Rate Map are referenced. (6/18/2010)
- (29) National Geodetic Vertical Datum (NGVD) - National Geodetic Vertical Datum of 1929 (NGVD 29) – an obsolete vertical datum, superseded by the North American Vertical Datum of 1988 (NAVD 88), shall only be used when base flood elevations shown on the community's Flood Insurance Rate Map are referenced thereto. (6/18/2010)
- (30) New Construction - means structure for which the "start of construction" commenced on or after the effective date of this section. (8/19/986)
- (31) New Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, August 19, 1986, of the floodplain management regulation adopted by the community. (6/18/2010)
- (32) Recreational Vehicle - means a vehicle which is: a) built on a single chassis, b) 400 square feet or less when measured at the largest horizontal projection, c) designed to be self-propelled or permanently towable by a light duty truck; and, d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping travel, or seasonal use.
- (33) Regulatory Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (34) Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (35) Sand Dunes - means naturally occurring accumulations of sand ridges or mounds landward of the beach.
- (36) Special Flood Hazard Areas - the determination of flood hazard areas shall be based on the flood elevation shown on the FIRM map in conjunction with an up-to-date and accurate topographical survey of the site prepared by a Connecticut Licensed Professional Land Surveyor. Special Flood Hazard areas shall also include areas where the land surface elevation is lower than the base flood elevations as shown in the Flood Insurance Study, and the area is not protected from flooding by a natural or man made feature. In no case shall the regulated area be closer to the source of

flooding than that shown on the FEMA maps without revising or amending the maps in accordance with FEMA procedures.

(37) Start of Construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparations, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure. (6/18/2010)

(38) Structure - means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(39) Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

(40) Substantial Improvement - means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative costs equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure (using the cost approach to value) prior to the start of construction of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed.

The start date for cumulative costs is the effective date of the Flood Insurance Rate Map (FIRM) that rendered the structure non-compliant, meaning either the 8/19/1986, 2/22/1999, or the 7/8/2013 FIRM. For purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration, after being rendered non-compliant, of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the extended dimensions of the structure.

The term, Substantial Improvement, does not however, include any improvement project required to comply with existing health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions. Separate conditions govern any alteration of a historic structure listed on the National Register of Historical Places or the State Inventory of Historic Places. (4/24/2013, 6/24/2014)

- (41) Variance - is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
- (42) Violation – means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided. (6/18/2010)
- (43) Water Surface Elevation - means the height of various magnitudes and frequencies in the flood plains of coastal or riverine areas, with respect to the vertical datum to which the community's Flood Insurance Rate Map is referenced. (6/18/2010)

**(d) General Provisions**

- (1) This section shall apply to all areas of special flood hazard within the jurisdiction or the Town of Greenwich.
- (2) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated, July 8, 2013 and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (panels 09001C0493G, 09001C0494G, 0900ICO511G, 0900ICO512G, 0900ICO513G, 0900ICO514G, 09001C0516G, 09001C0518G, 09001C0606G, 09001C0607G, 09001C0626G) and June 18, 2010 (Panels 09001C0343F, 09001C0344F, 09001C0363F, 09001C0476F, 09001C0477F, 09001C0478F, 09001C0479F, 09001C0481F, 09001C0482F, 09001C0483F, 09001C0484F, 09001C0491F, 09001C0492F, 0900ICO501F, 09001C0503F, and 0900ICO504F), and other special flood hazard areas as defined in Sections (c)4 and (c)36, and other supporting data applicable to the Town of Greenwich, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The determination of areas of special flood hazard shall be based on the flood elevations shown on the FIRM and published in the FIS in conjunction with an up-to-date and accurate topographical survey of the site prepared by a Connecticut Licensed Land Surveyor. Areas of special flood hazard shall also include areas where the land surface elevation is lower than the base flood elevations as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. In no case shall the regulated area be closer to the source of flooding than that shown on the FEMA maps without revising or amending the maps in accordance with FEMA procedures. (6/18/2010, 4/24/13)
- (3) Establishment of a floodplain development permit. A development permit shall be required by the ZEO and/or Planning and Zoning in conformance with the provisions of this section prior to the commencement of any development activities.

- (4) No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this regulation and other applicable regulations.
- (5) This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another conflict or overlap, which imposes the more stringent restrictions shall prevail.
- (6) In the interpretation and application of this regulation all provisions shall be:
  - a) Considered as minimum requirements,
  - b) Liberally construed in favor of the governing body, and
  - c) Deemed neither to limit nor repeal any powers granted to the Town.
- (7) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Longer floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Greenwich or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- (8) Portion of Structure in Flood Zone - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, sunrooms, or any other structure attached to the main structure. (6/18/2010)
- (9) Structures in Two Flood Zones - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, sunrooms, or any other structure attached to the main structure. (6/18/2010)
- (10) Severability - If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable. (6/18/2010)

**(e) Administration**

- (1) The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this regulation.
- (2) Where required under this regulation, a registered professional engineer or architect shall certify that design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Zoning Enforcement Officer.
- (3) Prior to any development activities, application for any development and/or Zoning and/or Building Permit shall be made to Planning & Zoning and to the Zoning Enforcement Officer on forms furnished by him or her. Such application shall be accompanied by four sets of plans, done by a Connecticut Licensed Professional Engineer in accordance with State Statutes, drawn to scale showing, at a minimum, the property lines and location of the parcel; existing and proposed contours; existing or proposed structures, fill, storage of materials or equipment, drainage facilities and

the location of the foregoing. This following information shall also be submitted to the Planning & Zoning Office and to the Zoning Enforcement Officer. (6/18/2010)

- A) Application Stage: Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures, [Sec. (f) (11) and (f) (12) (B)].
- B) Elevation in relation to mean sea level to which any non-residential structure will be flood proofed. [Sec. (f) (11) (c)].
- C) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- D) A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition, [Sec. (c) (34)].
- E) A statement as to whether there will be dry access to the structure during the 100-year storm event.
- F) Certification as to flood proofing, as required by [Sec. (f) (11) (C)].
- G) Certification as to the provisions of [Sec. (f) (11) (d)] governing fully enclosed areas below base flood elevation, if the minimum design criteria in [Sec. (f) (11) (d) - (f) (11) (d) (i- v)] is not used.
- H) Certification as to floodway heights, as required by [Sec. (f) (10) (A) and (f) (11) (E) and (f) (11) (F)].
- I) Certification as to breakaway walls. If the design criteria stated in [Sec. (f) (12) (H)] is not utilized then the design and construction methods must be certified as explained in [Sec. (f) (12) (H) (I) and (f) (12) (H) (ii)].
- J) Certification as to the structural anchoring provisions of [Sec. (f) (12) (c) and (f) (12) (D)].
- K) Construction Stage: Upon completion of the applicable portion of construction, the applicant shall provide the Zoning Enforcement Officer with verification by a Connecticut Licensed Land Surveyor of the as-built lowest floor elevation, defined as follows:
  - i) In the A zone: The top of the lowest floor (including basement) [Sec. (f) (11) (A) and Sec. (f) (11) (B)];
  - ii) In the V zone: The lowest point of the lowest supporting horizontal member (excluding pilings or columns) [Sec. (f) (12) (B)]; and
  - iii) Floodproofed structures: The elevation to which the flood proofing is effective [Sec. (f) (11) (c)].
  - iv) Compliance: Deficiencies in the lowest floor elevations shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit an acceptable survey or failure to make corrections required hereby shall be cause for issuance of a stop-work order. Final as-built plans of the finished project will be certified by a Connecticut Licensed Engineer or Architect of Record as appropriate in addition to the confirmation of lowest floor elevation by a Connecticut Licensed Land Surveyor.
- L) The Zoning Enforcement Officer, in the Administration of this regulation shall perform the following duties, among others:
  - i) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
  - ii) Review all development permits to assure that the requirements of this regulation have been satisfied.
  - iii) Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the Zoning

Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Coastal Area Management Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.

- iv) Notify the regional planning agency and the affected municipality at least 35 days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.
- v) Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Management Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- vi) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- vii) Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with [Sec. (f) (11) (A), (f) (11) (B) and (f) (12) (B)].
- viii) Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with [Sec. (f) (11) (C)].
- ix) Obtain and maintain all certificates required under this regulation and assure that they meet the standards of [Sec. (e) (2)].
- x) Make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- xi) Obtain review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of [Sec. (f) (11)], when base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B.
- xii) Maintain all records pertaining to the provisions of this section.
- xiii) Review plans for adequacy of breakaway walls in Coastal High Hazard Areas in accordance with [Sec. (f) (12)].

(4) Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy, necessary as-built surveys (prepared by a Connecticut Licensed Professional Engineer per Connecticut State Statutes) and engineering or architectural certifications shall be provided to ZEO and Planning & Zoning demonstrating compliance with the approved plans and standards set forth by [Sec. (e)(3)]. (6/18/2010)

**(f) Provisions for Flood Hazard Reduction:**

General Standards: In all areas of special flood hazard the following provisions shall apply:

- (1) New construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) New construction and substantial improvements shall be constructed with materials resistant to flood damage.

- (3) New construction or substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;
- (6) New and replacement sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding of a frequency determined by the State and Local Department of Health.
- (8) In any portion of a watercourse which is altered or relocated the flood carrying capacity shall be maintained;
- (9) Manufactured Homes: All manufactured homes including those located outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, (including recreational vehicles placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be: (6/18/2010)
  - (A) Elevated so that the lowest floor is one foot above the base flood elevation, in accordance with this regulation. (6/18/2010)
  - (B) Placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist floatation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but is not limited to, the use of over-the-top or frame ties to ground anchors.
  - (C) Installed using methods and practices which minimize flood damage. Elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcement for piers more than six feet above ground level. Work within a Special Flood Hazard Area, but outside the Floodway must not result in an increase in the Base Flood Elevation of more than 0.1 foot.
  - (D) Adequate access and drainage should be provided.
  - (E) Meet all the construction standards for Zones A and AE as per Section 6-139.1 (f) (11). (6/18/2010)
  - (F) Recreational vehicles shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standard of Sec. 6-139.1 (f) (1)-(8) and the elevation and anchoring requirement of Sec. 6-139.1 (f) (9) (A)-(D). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (6/18/2010)
- (10) Standards for Streams without Established Base Flood Elevations and/or Flooding: The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source,

including data developed pursuant to [Sec. (g) (4)] of this regulation, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on Greenwich's FIRM meet the standards in [Sec. (f) (11)].

(B) Should data be requested and/or provided, the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

(11) Specific Standards: In all areas of special flood hazard A and AE where base flood elevation data has been provided the following provision shall apply: (6/18/2010)

(A) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least to one (1) foot above the base flood elevation.

(B) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure located in A and AE Zones shall have the lowest floor including basement, elevated at least to one (1) foot above the level of the base flood elevation. (6/18/2010)

(C) Non-Residential Structures located in all A and AE Zones may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this sub-section. Such certification shall be provided to the Zoning Enforcement Officer as set forth in [Sec. (e) (3) (F)]. (6/18/2010)

(D) Fully Enclosed Areas Below Base Flood Elevation. New construction or substantial improvements of Non-Residential buildings not flood proofed per Section (f) (11) (c) and all Residential Buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect and meet the following minimum criteria: (2/9/2000)

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. Openings shall be on at least two sides of the enclosed area; alternatively, an International Code Council Evaluation Service, (ICC-ES) certification must be submitted to document that the design of the openings will allow for the automatic equalization of hydrostatic flood forces on exterior walls, providing the equivalency of 1 square inch per 1 square foot of enclosed area. The specific provisions that are addressed in the certification must include:

a. A statement certifying that the openings are designed to automatically equalize hydrostatic flood loads on exterior walls by allowing the automatic entry and exit of floodwaters in accordance with the Engineered openings, design requirements below;

- b. Description of the range of flood characteristics tested or computed for which the certification is valid, such as rates of rise and fall of floodwaters; and
  - c. Description of the installation requirements or limitations that, if not followed, will void the certification. (7/2/2014)
- (ii) The bottom of all openings shall be located at, or no higher than one foot above, the exterior or interior grade immediately below the opening, whichever is higher. (6/17/2014)
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Non-supporting breakaway wall, lattice work on mesh screening may be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which it is to be used and provided the following design specifications are met:
  - Design safe loading resistance of each wall shall not be less than 10 nor more than 20 pounds per square foot; or
    - If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval). (6/17/14)
- (iv) Mechanical equipment including but not limited to electrical and plumbing equipment, HVAC ducts, generators, and air conditioning units must be located one foot above the base flood elevation and all utility connections below the BFE such as into sewer lines or underground electrical conduits must be floodproofed both indoors and outdoors. Duct systems and other service equipment is permitted below the elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. (6/18/2010, 6/17/2014)
- (v) Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(E) **Floodways:** Located within areas of special flood hazard established in Sec. (d) (2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data), by a registered professional engineer is provided demonstrating, through hydrologic and

hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. (6/18/2010)

(F) Work within a Special Flood Hazard Area, but outside the floodway must not result in an increase in the Base Flood Elevation of more than 0.1 foot.

(12) Coastal High Hazard Areas (VE Zone). Located within the areas of special flood hazard established in Sec. (d) (2) are areas designated as Coastal High Hazard Areas (Zone VE). Since these areas have special flood hazards associated with high velocity waters, including hurricane wave wash, the following provisions shall apply: (6/18/2010)

(A) All new construction or substantial improvement shall be located landward of the reach of the mean high tide;

(B) All new construction or substantial improvement shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than one (1) foot above the base flood elevation level, with all space below the lowest supporting member so as not to impede the flow of water; Mechanical equipment including but not limited to electrical and plumbing equipment, HVAC ducts, generators, and air conditioning units must be located one foot above the base flood elevation and all utility connections below the BFE such as into sewer lines or underground electrical conduits must be floodproofed both indoors and outdoors; Duct systems and other service equipment is permitted below the elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. (6/18/2010, 6/17/2014)

(C) All new construction or substantial improvement shall be securely anchored on pilings or columns.

(D) All pilings and columns and the attached structures shall be anchored to resist floatation collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year mean recurrence interval (one percent annual chance floods and winds);

(E) A registered professional engineer or architect shall review and/or develop structural design specifications and plans for construction and shall certify that the design specifications and methods of construction are in accordance with acceptable standards of practice for meeting the provisions contained in Sec. (f) (12) (B) - (f) (12) (D) of this section;

(F) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection.

The Zoning Enforcement Officer shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered.

(i) Particle composition of fill material does not have a tendency for excessive natural compaction;

- (ii) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
- (iii) Slope of fill will not cause wave run-up or ramping.
- (G) There shall be no alteration of sand dunes which would increase potential flood damage;
- (H) Non-supporting breakaway wall, lattice work or mesh screening may be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which it is to be used and provided the following design specifications are met.
  - (i) Design safe loading resistance of each wall shall not be less than 10 nor more than 20 pounds per square foot; or
  - (ii) If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have a one percent (1%) chance of being equaled or exceeded in any given year (100-year recurrence interval).
- (J) Prior to construction, plans for any structures that will have breakaway walls, lattice work or screening must be submitted to the Zoning Enforcement Officer for approval.
- (K) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, lattice work or screening as provided for in [Sec. (f) (12) (H) - (f) (12) (I)].
- (L) The placement of manufactured homes or recreational vehicles is prohibited.

**(g) Standards for Subdivision Proposals:**

In all special flood hazard areas the following requirements shall apply:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for all subdivision proposals and other proposed development which are five acres or fifty lots, whichever occurs first, and are located in Zone A.

**(h) Variance Procedures:**

- (1) The Planning and Zoning Board of Appeals as established by these regulations shall hear and decide appeals and requests for variances from the requirements of this section of the regulations.
- (2) The Planning and Zoning Board of Appeals shall hear and decide appeals when it is alleged this is an error in any requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement or administration of this regulation.

(3) Any person aggrieved by the decision of the Planning and Zoning Board of Appeals or any person owning land which abuts or is within a radius of (100) one hundred feet of the land in question may appeal within 15 days after such decision to the State of Connecticut Superior Court as provided in Section 8-8 of the General Statutes.

(4) Specific Situation Variances:

(A) Buildings on Historic Register. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places on the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for [Sec. (h) (6) (A-D)] and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical character.

(B) Pre-existing, Small Lot Location. Variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size which is contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with [Sec. (h) (6) (A-D)].

(C) Functionally Dependent Uses. Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets the requirements of [Sec. (h) (6) (A-D)].

(D) Floodway Prohibition. Variances shall not be issued within any designated floodway if any increase in flood levels during discharge would result.

(5) Consideration for Variances. In passing upon such applications the Planning and Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation; and

(A) The danger that materials may be swept into other lands to the injury of others;

(B) The danger to life and property due to flooding or erosion damage;

(C) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

(F) The availability of alternative locations which are not subject to flooding or erosion damage for the proposed use;

(G) The compatibility of the proposed use with existing and anticipated development;

(H) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(I) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(J) The expected heights, velocity, direction, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(K) The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(L) Upon consideration of the factors listed above and the purpose of this ordinance, the Planning and Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this regulation.

## (6) Conditions for Variances

- (A) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.
- (B) Variances shall only be issued upon:
  - (i) A showing of good and sufficient cause.
  - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
  - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extra-ordinary public expense, creation of a nuisance, cause fraud on or victimization of the public or conflict with existing local laws or regulations.
- (C) Any applicant to whom a variance is granted shall be given written notice specifying the difference between base flood elevation and the elevation to which the structure is to be built and stating that the cost of the flood insurance will commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
- (D) The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
  - (i) Penalties for Violation. Violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250.00 per day if proven done willfully and \$100.00 per day if not, or imprisoned for not more than 10 days for each day of violation, or both, and in addition, shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Greenwich from taking such other lawful action as is necessary to prevent or remedy any violation.

**Sec. 6-140. AIRCRAFT LANDING – TAKEOFF FACILITIES.**

No aircraft landings, takeoffs and/or facilities or any related activities shall be permitted as a principal or accessory use in any business or residential zone. (11/14/84)

**Sec. 6-140.1 TELECOMMUNICATION FACILITIES AND SITES.** (Sec. 6-140.1 Telecommunication Facilities and Sites replaced former Sec. 6-140.1 Satellite Earth Stations (SES) 12/19/2001)

1. **Statement of Purpose:** In accord with the Federal Telecommunications Act of 1996, this section of the regulations is intended to accommodate the needs of residents, businesses and the general public, while protecting the public safety and general welfare of the Town, and minimizing any adverse visual and operational effects of towers or wireless communication facilities through careful analysis, design, siting and screening. The Planning and Zoning Commission recognizes that it is in the public interest to permit the siting of wireless communication towers and antennas within the Town's boundaries. This regulation establishes standards and requirements for telecommunication facilities and sites.

These regulations are also meant to meet the spirit and intent of Sec. 16-50 L (e) of the CGS for projects that are subject to the approval of the Connecticut State Siting Council by which municipalities are afforded the right of pre-filed technical information and consultation with applicants for telecommunication towers and facilities 60 days before an application is filed with the Connecticut State Siting Council. The purposes are to regulate placement of antennas, towers, and other related facilities in a manner that will protect the town's visual quality; and safeguard the community by having the following objectives:

**OBJECTIVES:**

- to obtain information necessary to evaluate a proposed facility;
- to minimize locations in residential zones, seek locations in business zones;
- to limit the number and/or height of telecommunication towers throughout the community, especially by requiring multiple-user sharing of telecommunication facilities wherever possible (co-location);
- to establish locations least disruptive to the public safety and welfare of the Town of Greenwich and are consistent with the Town Plan of Conservation and Development;
- to minimize the number of towers needed to serve the community both now and in the future by maximizing the use of existing and approved suitable facilities (including existing towers, buildings and other facilities) to accommodate new wireless telecommunications antennas;
- to minimize adverse visual effects through proper design, siting and screening in keeping with the Town's character;
- to minimize negative effect on adjoining property values;
- to protect scenic roads and historic resources as identified in the Town Plan of Conservation and Development from encroachment by inappropriate structures;
- to avoid injury and potential damage to adjacent properties from tower failure through high structural standards of engineering and careful siting of tower structures and setback requirements;

- to enhance the ability of providers of telecommunication services to provide such services to the community effectively and efficiently;
- to provide for the orderly removal of antennas and towers;
- to assure that these regulations are consistent with federal law, specifically the Telecommunications Act of 1996 by making sure the regulations:
  - (a) Do not prohibit or have the effect of prohibiting Personal Wireless Service as defined in the Telecommunication Act of 1996.
  - (b) Are not intended to be used to unreasonably discriminate among providers of functionally equivalent services.
  - (c) Do not regulate Personal Wireless Services on the basis of the environmental effects of radio frequency emission, as long as the regulated services and facilities comply with the FCC's regulations concerning such emissions.

2. Definitions: When used in this section, the following words or phrases shall have the meaning defined below:

Adequate Capacity: Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.01 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question. The GOS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the landline or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where Adequate Capacity must be determined prior to the installation of the Personal Wireless Services Facility in question, Adequate Capacity shall be determined on the basis of the busiest hour of the surrounding existing cell sites.

Adequate Coverage: Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmittal signal is greater than or equal to - 85dbm for at least 95% of the intended coverage area. It is acceptable for there to be "holes" within the area of Adequate Coverage where the signal is less than -85dbm, as long as the signal regains its strength to greater than or equal to -85dbm farther away from the Base Station within the cell. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than or equal to -85dbm.

Alternative Tower Structure: Includes such things as man-made trees, clock towers, flag poles, bell steeples and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: A device used to collect, transmit and/or receive electromagnetic telecommunication or radio signals. Examples include panels, satellite dish antennas, parabolic (microwave) dishes and single pole devices.

Base Station: the primary sending and receiving site in a wireless telecommunication network.

Camouflaged: A wireless communication facility that is significantly disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure is considered "camouflaged." Flush mounted antennas painted to match a structure will be considered camouflaged as part of an existing or proposed structure as well as rooftop equipment cabinets that appear similar to other rooftop equipment units.

Carrier: A company that provides wireless services.

Co-Location: The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

Commission: The Planning and Zoning Commission of the Town of Greenwich.

dbm: a measure of radio frequency signal power referenced to 1 milliwatt that indicates the relative loudness in relationship to the reference. For example, the level of 30 dbm is 30 db above 1 milliwatt which is 1 watt.

Elevation: The elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of a wireless service facility shall be given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The maximum elevation of the wireless service facility is AGL plus AMSL.

Environmental Assessment (EA): An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

Equipment Shelter: An enclosed structure, cabinet, shed or box where the batteries and electrical equipment are housed.

Fall Zone: The area on the ground within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Grid System: A network of wireless communications facilities comprising the geographic service region of a wireless provider.

Licensed Carrier: A company authorized by the FCC to construct and operate a wireless communication facility.

Mount: The structure or surface upon which antennas are mounted, including the following four types of mounts: Roof mounted - on the roof of a building. Side mounted - on the side of a building. Ground mounted Tower - mounted on the ground (see Tower), and Structure mounted - mounted on a structure other than a building.

Monopole: A freestanding tubular tower.

Omni-directional (Whip) Antenna: A thin rod that beams and receives a signal in all directions. These antennas shall not exceed 20 feet in height or 7" in diameter unless otherwise permitted by the Commission.

Panel Antenna: A flat surface antenna usually developed in multiples. A directional or panel antenna shall not exceed 6 feet in height or 2 feet in width unless otherwise permitted by the Commission.

Personal Wireless Services: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communication services (PCS), specialized mobile radio services, and paging services.

Radio Frequency Engineer: An engineer specializing in electrical or microwave engineering, especially the study of radio-frequencies.

Radio Frequency Radiation (RFR): The emissions from a wireless telecommunications service facility.

Regulated Facility, Service and/or Site: The equipment, towers, mount, antennas and other telecommunication structures subject to local zoning regulation. This includes all telecommunication services not exempt from local regulation under the provisions of the Connecticut General Statutes and the authority of the Connecticut Siting Council or not exempt from local regulation pursuant to the Telecommunication Act of 1996 or such other federal legislation or a federal authority.

Repeater: A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas that are not able to receive adequate coverage directly from a base station.

Satellite Earth Station Antenna: A parabolic dish and appurtenant tower or other antenna, tower or device the purpose of which is to receive, distribute or transmit a variety of signals in the form of microwaves to or from orbiting satellites or other extra-terrestrial or terrestrial sources.

Satellite and Microwave Dish Antennas: Shall not exceed 2 meters, (6.56 feet) in diameter. Building or rooftop mounted antennas shall be located so as not to be visible from abutting public streets or adjoining residences.

Security Barrier: A security system which may include a locked, impenetrable wall, or fence that is designed to secure an area.

Separation: The distance between one carrier's array of antennas and another carrier's array.

Temporary Personal Wireless Communication Facility: A facility that is to be placed in use for a limited amount of time, is not deployed in a permanent manner, and does not have a permanent foundation. The temporary facility must meet the FCC guidelines for RFR levels. Temporary facilities for less than 30 days shall be permitted with a letter from the applicant. For facilities to be installed for more than 30 days, a fuller explanation of the need for the temporary facility shall be included in the applicant's letter.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting and/or acting as one or more antennas for telephone, radio, television, paging and similar communication purposes. This term includes but is not limited to:

Guyed Tower: A monopole tower or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice Tower: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

**Monopole Tower:** The type of mount that is self-supporting with a single shaft of wood, steel, fiberglass, concrete or other material and a platform (or racks) for panel antennas arrayed at the top.

3. **Use Regulations:**

- a. Exemptions. The following shall be exempt from this regulation, but may be subject to a Building Permit issuance:
  - (1) Repair of towers and antennas, provided no changes in design, height or appearance occur.
  - (2) Antenna with no tower used solely for residential household television and radio, including amateur radio, reception if they are 18" in diameter or less, or no higher than 6 feet in height.
  - (3) Satellite Antennas measuring 2 meters (6.56 feet) or less in diameter and located in commercial districts on screened rooftops and satellite antenna 1 meter (3.28 feet) or less in diameter regardless of location. Larger Satellite Antennas shall be considered Regulated Facilities allowed as a Permitted Use under these regulations subject to site plan approval by the Commission and/ or the Town Planner's administrative approval as well as subject to the following special provision unless it is demonstrated that an adequate signal cannot be received:
    - In residential zones ground mounted antennas shall be confined to the rear yard and not visible from a street.
    - In residential zones, a roof-mounted antenna may be allowed if:
      - It is not visible from a street.
      - Its visibility from adjacent properties is minimized.
      - Any proposed screening is reviewed by the Architectural Review Committee for compatibility with the design of the principal structure.
      - It is consistent with the purposes and standards of Sec. 6-15.
    - In residential zones where placed in a rear yard or in a side yard, if a side yard location is required, antennas shall be set back from rear and side lot lines a minimum distance of ten (10) feet for R-6, R-7 and R-12 zones, fifteen (15) feet for the R-20 zone.
  - (4) Amateur radio antennas subject to the following provisions:
    - Any ground mounted amateur radio tower shall be located in the rear yard only.
    - Any tower and antenna less than 40 feet in total height, that is owned and operated by an amateur radio operator licensed by the FCC shall not be erected nearer to any property line than a distance equal to the vertical height of the tower.

- A tower or antenna affixed to a residential structure shall be located on the rear of the structure.
  - For the purposes of safety where there is no existing fence with a locked gate at a height to restrict unauthorized access, a fence or locked gate is to be installed surrounding the base of an amateur radio tower. The fence and locked gate must be at a height to be sufficient to restrict unauthorized access.
- b. Regulated Facilities are allowed as a Permitted Use in all districts subject to Site Plan review by Planning & Zoning Commission and/or Town Planner administrative approval shall be acted on within 65 days of the day of receipt unless an applicant requests an extension or extensions up to a maximum of 65 days. Regulated Facilities include:
  - (1) A Regulated Facility proposed on or in an existing structure as within a stealth flagpole, steeple, chimney, or similar structure that meets zoning requirements.
  - (2) A Regulated Facility proposed on an existing structure including but not limited to a guyed, lattice, or monopole tower, or water tower, provided the installation does not increase the height of the existing structure.
  - (3) An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure, provided there is no more than an increase of twenty feet in the height of the existing structure as a result of the installation. No increase in height shall be permitted on a utility structure located within historic districts designated by the Greenwich Historic District Commission or within 150 feet of the pavement of any Town road or State highway designated as a Town Scenic Road or State Scenic Highway.
  - (4) Antenna(s), either on the roof or side mounted, provided such facility does not project more than ten feet above the building or height limit of the zoning district within which the facility is located whichever is lower. However, such mount may be located on a building or structure that is legally non-conforming with respect to height, provided it does not project above the existing building or structure height.
  - (5) A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A tower may be erected as a Permitted Use for these purposes unless it is to be shared by a commercial wireless service carrier, which shall require a Special Permit.
- c. Regulated Facilities allowed, as a Special Permit Use subject to Site Plan approval shall include:
  - (1) Any regulated facility that does not qualify as a Permitted Use as set forth in 3.b above.
  - (2) All proposed Ground Mounted Towers except in the WB (Waterfront Business) Zone, where towers are prohibited.

(3) Any device designated for over-the-air reception of television broadcast signals, multi-channel distribution service or direct broadcast satellite service shall be in accordance with Section 207 of the Telecommunication Act of 1996.

4. General Standards and Requirements for All Permitted and Special Permit Uses:

- a. If feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, flag pole existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for regulated activities. Where co-location is not proposed, the Commission in making a decision on the application may request information from the applicant to demonstrate that co-location is not feasible.
- b. A licensed carrier shall be either an applicant or co-applicant and documentation of qualifications as a licensed carrier shall be provided. Where the application includes a facility regulated by the Connecticut Siting Council, the applicant shall document submission of an application to the Siting Council.
- c. In the case of an existing facility, a copy of the current FCC license and the application for modification shall be provided. In the case of a proposed facility, a copy of the application for State or Federal approvals to construct a facility shall be submitted.
- d. A structural analysis signed by a Professional Engineer licensed in the State of Connecticut indicating that the tower, structure and foundation meets all applicable building codes for all proposed antennas with  $\frac{1}{2}$ " radial ice. Any changes to an existing structure requires a new structural analysis indicating that the original design requirements have not been compromised. This does apply to towers and antennas on or adjacent to private residences for amateur and direct broadcast video services.
- e. All submittals supplied in accordance with any standards and/or guidelines shall be in accordance with those in effect at the time of filing.
- f. Provide a statement from the applicant's engineer indicating that the proposed facility will not cause any interference to public safety radio systems.
- g. All towers shall be protected against unauthorized climbing.
- h. All new towers shall be designed to provide co-location of additional antenna systems.
- i. The applicant shall submit documentation, in the form of a letter from the property owner of the facility on which the antenna is proposed to be located that the owner has reviewed the applicant's submittal and is aware of its implications. This letter should also acknowledge the property owner's legal right to install an antenna and use an existing structure at the time of application for a Site Plan approval and/or Special Permit approval.
- j. Where an antenna or mount is proposed on an existing structure:
  - For a Permitted Use the Fall Zone shall be shown on the site plan and shall not pose a safety threat to surrounding property.

- For Site Plan and Special Permit Use the Fall Zone shall be shown on the site plan, shall be contained within the property lines and shall not pose a safety threat to surrounding property.
- k. Ground-mounted, roof-mounted or side-mounted equipment for Regulated Facilities shall be consistent with the noise standards as stated in the Town of Greenwich Noise Ordinance, Chapter 6B of the Town of Greenwich Code.

5. General Standards and Requirements - Ground Mounted Tower Special Permit:

- a. Where a ground-mounted tower is proposed, the applicant shall have the burden of proving that there are no feasible and available existing structures upon which to locate as an alternative to the proposed ground mounted tower, and there are no other locations in a business zone. If 50% or more of the service area of a site is in another municipality, additional justification is required as to why the site chosen for the tower is in Greenwich.

If the applicant demonstrates that it is not feasible to locate on an existing structure, the ground mounted tower shall be designed to be camouflaged to the greatest extent possible, including but not limited to use of compatible building materials and colors, screening, landscaping and placement within trees.

In all cases where the Commission determines that an expert/peer review of the applicant's application, service area, tower sharing, alternative location or other technical issues is reasonably warranted, the applicant shall be required to reimburse the Town for the cost of performing such expert/peer review.

- b. Towers shall be located to minimize adverse impacts upon:

- (1) Historic Places, Districts and Scenic Roadways: Where possible, towers shall be sited to have the least detrimental visual impact to designated scenic roads and historic districts, ridge lines, areas within National Historic Districts within the Town, properties listed in the State or Federal Register of Historic Places, and designated historic overlay zones in the Town's Building Zone Regulations.
- (2) Minimize impacts on Residential Property Values: To the extent possible, the facility shall not be seen from residential properties or adversely impact residential property values because of a tower's proximity to residences.
- (3) Structural Safety: Structural failure, danger to buildings and attractive nuisance. Towers shall, when possible, not be sited in Flood Plain Zones or Special Flood Hazard Areas.
- (4) Electromagnetic Safety: Emissions from the tower or Personal Wireless Service Facility shall not exceed the FCC guidelines.
- (5) Environmental Degradation:
  - a. A detailed description of technical alternatives for any proposed tower and their environmental impacts and mitigation measures shall be submitted.

- b. Towers shall be sited to avoid affecting rare or endangered flora and fauna in areas shown on the Connecticut DEP and Federal Listed Species and Natural Communities Map. They should also be sited, when possible, away from wetlands. All new towers shall be monopole unless adequate engineering reasons acceptable to the Commission justify an alternative type of construction.
- c. In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted regulated facility to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the facility/mount, including any antennas or other appurtenances.
- d. In reviewing a Special Permit application for a ground-mounted facility, the Commission will be guided by the following preferred locations: a) totally enclosed within existing structures, b) on existing utility structures, c) on institutional structures, d) on existing approved towers, poles, etc., e) in commercial zones, and along major transportation routes.

The Commission may allow an encroachment within the setback on the applicant's property if it finds that a substantially better design will result from such reduction. In making such a finding, the Commission shall consider both the visual and safety impacts of the proposed facility. Monopoles shall be the preferred type of such ground-mounted facility under this provision. Service providers shall submit full information establishing that they have exhausted all technically feasible alternatives for minimizing size and visual impacts of the proposed installation and for sharing space or using an existing facility or structure before any permit for a new tower shall be granted.

6. Special Permit Application Requirements: All applications for a Special Permit shall be filed with the Commission and shall include:

- a. Topographic - Location Map. The applicant shall provide a topographic location map at a scale of 1" = 2,000' showing:
  - (1) The antenna or tower location.
  - (2) Existing and proposed facilities in and within a three mile radius of the site outside the Town that would connect or be interconnected with, or "hand off" to the proposed facility.
  - (3) The boundaries of the tower view shed i.e., the area within which the Tower can be seen based upon an assessment of the topography surrounding the site.
  - (4) The applicant shall provide coverage parameters used in their analysis and the following coverage maps indicating adequate coverage for:
    - (a) Proposed site
    - (b) All existing facilities that would connect or be interconnected with or "hand off" to the proposed facility (composite map).
    - (c) All existing facilities, and the proposed facility that would connect to or be interconnected with, or "hand off" to the proposed facility (composite map).

- (d) All rejected sites.
- b. The applicant shall provide adequate information to justify that the site is needed to provide adequate capacity and/or coverage.
- c. For ground-mounted towers the applicant shall provide an evaluation of the visual effect of the proposed tower location both within the Town and adjacent municipalities. Areas of special concern to be addressed in this evaluation shall include, but not be limited to:
  - (1) The areas identified as existing or proposed open space or preservation areas in the Town Plan of Conservation and Development, especially land lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the State DEP Natural Resources Center and on file in the Town Hall.
  - (2) Areas within National Historic Districts within the Town which include but are not limited to: the Putnam Hill; Round Hill; Fourth Ward; Strickland Road; Greenwich Avenue; and the Municipal Designed District Historic Districts; properties that appear on the National Register of Historic Places; and any present or future historic districts, historic overlay zones, ridge lines and scenic roads that have been or will be designated by the Planning and Zoning Commission.
  - (3) The applicant shall provide an additional copy or copies of the application for municipalities located within 3 miles of the proposed site. The Commission shall submit this copy to adjacent municipalities for review and comment.

7. Site Plan Requirements:

The Site Plan shall meet the requirements of the Site Plan Sec. 6- 14 of these Regulations. In addition, the following information shall be provided on the Site Plan. The Commission may waive one or more of the following items at the request of the applicant where the Commission or its designated representative determines that such is not necessary to determine compliance with these Regulations.

- a. Property lines within 300 feet.
- b. Significant tree cover for trees of 12inches (dbh) or greater by dominant species and average height on the subject property and within 300 feet, where permission to survey trees is granted by the property owner. Trees to remain and to be removed shall be noted on the plans.
- c. Outline of all existing buildings, including description of use (e.g. residential, etc) on the subject property and all adjacent property within 300 feet where permission to enter an adjoining property is granted by the property owners.
- d. Proposed location of antennas, mount and equipment shelter.
- e. Proposed security barrier, indicating type and extent as well as point of controlled entry.

- f. Location of all roads, including driveways to serve the facility, public and private, on the property and all adjacent properties within 300 feet, where permission to enter an adjoining property is granted by the property owner.
- g. Distances, at grade, from the proposed facility to each building within 300', including those on adjoining property, where permission to enter an adjoining property is granted by the property owner, on a vicinity plan.
- h. Contours at two-feet intervals based upon AMSL (see "elevation" in definitions section) for the subject property and adjacent property, where permission to enter an adjoining property is granted by the property owner, within 300 feet.
- i. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads or driveways, drainage facilities existing and proposed. A drainage report shall be submitted if grading, driveways or roads are proposed.
- j. Illustrations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas, and any other construction or development attendant to the facility.

8. Special Permit applications with Site plans shall also provide the following information regarding sight lines and elevations of the proposed facility where the Commission determines that such is necessary to determine compliance with these Regulations:

- a. Sight line representation. A sight line representation shall be drawn from any public road and/or building within 300 feet and if beyond the property on adjoining property where permission to enter an adjoining property is granted by the property owner, to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet horizontal, and one-inch to 10 feet vertical scale. The profiles shall show all intervening trees and buildings.
- b. Existing (before condition) photos. Each sight line shall be illustrated by one four inch by six inch color photo of the existing conditions seen from any public road within 300 feet.
- c. Proposed (after condition) photos. Each of the existing condition photos shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed facility is built.
- d. Site elevations, or views at grade from the north, south, east and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one-foot scale and show the following:
  - (1) Antennas, mounts and equipment shelters with total elevation dimensions and AGL of the highest point.
  - (2) Security barrier. If the security barrier will block views of the facility, the barrier drawing shall be cut away to show the view behind the barrier.
  - (3) Any and all structures on the subject property.

- (4) Existing significant trees of 12 inches (dbh) or greater at current height and proposed trees and shrubs at proposed height at time of installation with approximate elevations dimensioned.
- (5) Existing and proposed grades using two foot contours above mean sea level.
- e. Specifications by a Connecticut Licensed Engineer to certify that the pole or tower can sustain winds based on the current building code standards of the State of Connecticut.

9. Other Special Permit/Use Requirements: The following reports and requirements shall be addressed as part of the Special Permit application for new tower locations.

- a. Report on Adequate Coverage, Adequate Capacity and Justification of Need for Ground Mounted Tower. A written report prepared by an RF engineer shall address the following: General Requirements and Standards:
  - (1) A description of the service area for each communication system on the tower including a map showing the location of the planned facility and the extent of the proposed service area.
  - (2) A statement setting forth the rationale and justification for the proposed antenna or tower in the proposed location.
  - (3) A statement of the signal strength service objectives for each proposed wireless service on the tower.
  - (4) An analysis for each proposed use demonstrating that the proposed location will provide the required level of service and that other potential co-location sites in the service area will not provide equal or better service.
  - (5) Documentation that for each proposed use of the tower the proposed antenna height is the minimum necessary to provide Adequate Coverage.
  - (6) Demonstration that the service proposed can not be provided with equipment added to an existing or other proposed antennas or tower.
  - (7) Alternative locations explored and why not chosen.
  - (8) Submit a statement that the site does or does not require lighting per the FAA regulations. If the lighting is required an explanation shall be provided as to the type of lights to be used and what will be done to minimize the effects to the surrounding area and migrating birds.
  - (9) A map of sufficient detail to indicate the area where the FCC RFR exposure standard are calculated to be exceeded for the general public. Sufficient detail power density calculations shall be provided by the applicant to support the map.

Specific Requirements:

- (1) The applicant shall provide written documentation of all Facility Sites in Greenwich and any Facility Sites outside of Greenwich that are within 3 miles of the proposed

site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such Facility Site, it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential by adjusting the Site, to provide Adequate Coverage and/or Adequate Capacity to the Town of Greenwich.

The documentation shall include, for each Facility Site listed, the exact location in latitude and longitude, in degrees, minutes and seconds, ground elevation, height of tower or structure, type of Antennas, Antenna gain, height of Antennas on tower or structure, output frequency, number of channels, power input and proposed maximum power output per channel. Potential adjustments to these existing Facility Sites, including changes in Antenna type, orientation, gain, height or power output shall be specified. Radial Plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application.

- (2) Distance from existing tower: the applicant must certify that existing Towers within 1000' of the proposed new tower do not meet the applicant's structural specifications or technical requirements or that a co-location agreement could not be obtained at reasonable terms and conditions, including price.
- (3) The applicant shall demonstrate with written documentation that it has analyzed the feasibility of Repeaters in conjunction with all Facility Sites listed in compliance with subsections 1 & 2 (above) to provide Adequate Coverage and/or Adequate Capacity to the Town of Greenwich. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites shall also be provided as part of the application.

- b. A soil report complying with Appendix 1: Geo-technical Investigations, ANSI/EIA-222-E manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.
- c. An Environmental Impact and Evaluation of the Site Emissions Report assessing the impact of the proposed tower and site construction and operation, assessing its impact on:
  - (1) Areas designated as conservation or preservation areas in the Town's Plan of Conservation and Development and Open Space Plan, and in the State Plan of Conservation and Development. The following areas on, or adjacent to the site, shall be shown on the Site Plan and discussed in the Environmental Report.
    - Protected areas.
    - Areas for proposed septic and wells.
    - All inland wetlands and watercourses.
    - Critical habitats for plants and animals.
    - Historic structures or sites, unusual features, buildings, monuments, or areas.
    - Permanently protected lands, such as Town Park and forestlands, and land protected by a non-profit conservation organization.

(2) Site emissions and RFR filing requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

- Existing or ambient: the measurements of existing RFR.
- Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.
- Certification, signed by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the Radio frequency Radiation Standards sub-section of this regulation.

d. Landscape and Screening Requirements: If the site is not already adequately screened by virtue of its location or natural topography as viewed from public roads or existing residences, the Commission may require a landscape plan and in addition, for a new tower, a fence with a minimum height of 6 feet shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible. A planting plan shall be provided to screen building(s), equipment shelters, fuel tanks, other man-made structures and as much of the tower as possible. The plan shall show an evergreen screen surrounding the site. This shall be a row of evergreen trees (planted 10 feet on center maximum). Evergreens shall have a minimum height of 6 feet at planting and be a type that grows to a minimum of 15 feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls, up to a maximum of six feet, or other features that meet or exceed the above evergreen screen requirement. The applicant and operator shall be responsible for continual maintenance of plantings and ensure continued effectiveness.

e. A Construction Plan: A preliminary construction plan prepared by a Connecticut licensed engineer showing construction and drainage details, including the access road and construction or drainage improvements, including above-ground wires, cables, ducts, utility and signal cables, guying and guy-anchor details.

f. Monitoring and Maintenance.

(1) The applicant shall provide within 90 days after the facility is operational and on an annual basis from the granting of the permit, a report showing the actual field measurements at the site taken in accordance with the proper procedure to indicate the level of compliance with the RFR standards as established in the FCC guidelines. A RF engineer shall sign this report. If the site is not in compliance, the applicant shall take the corrective action within 30 days to bring the site into compliance. The applicant will provide a second field measurement to verify site compliance. The applicant as the owner of the tower will be responsible to ensure that all users are within compliance and take the necessary actions to maintain compliance. The report shall also indicate that the current signs and fencing are adequate or indicate changes that will be made.

(2) The Commission may require as a condition of the Special Permit that after the facility is operational, the applicant shall submit, within 90 days of beginning

operations, and at annual intervals from the date of issuance of the Special Permit, existing measurement of noise from the facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of the Town of Greenwich Health Department.

- (3) Tower owner(s) shall pay for an independent consultant (a licensed professional structural engineer), hired by the Town, to conduct inspections of the tower's structural integrity and safety every ten years or when directed by the Town. A report of the inspection results shall be prepared by the Independent consultant and submitted to the Planning and Zoning Commission, the Commissioner of Public Works, and the Building Official. Any major modification of an existing facility, which includes changes to tower dimensions or antenna numbers or type, shall require a new structural inspection.
- (4) Should the inspection of any tower reveal any structural defects that in the opinion of the independent consultant renders the tower unsafe, the following action shall be taken. Within 10 business days of notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan, and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a violation of the special permit and subject the owner(s) to penalties and fines.
- (5) A contact person or corporate department shall be designated in writing by the applicant as the person to contact regarding any matters concerning the proposed facility if and when constructed. The designation shall include at least the name, address and telephone number of the designated contact person and shall be included with the application and shall also be displayed on a sign mounted at the entrance to the facility. The purpose of this is to designate the person to whom should be reported any electro-magnetic interference with receptor devices on adjoining or nearby properties, with emergency services communications, any violations of these regulations, or any public safety and/or emergency conditions existing at the site. The contact person shall reply in writing within 2 business days to the person making the contact with a copy to the Zoning Enforcement Officer of the Town and shall take prompt action appropriate to the nature of the reported condition.

g. A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least eight feet, at the proposed ground mounted Tower site and to the proposed Tower height. Such balloon shall be raised and kept in place for at least three days prior to the date of the public hearing scheduled on the application. A legal notice of the scheduled balloon raising shall be published in a local newspaper. Proof of such publication shall be submitted with the application.

h. A list of all federal, State, regional, district, and municipal agencies, which have conducted or will conduct a review of the proposed tower together with a copy of any of the issued position/decision/recommendation of such agency or board with respect to the proposed facility.

1. Federal Environmental Filing Requirement Information to be Supplied. Since the National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities applications will need to be accompanied by the information

that will be provided to satisfy the NEPA requirement where applicable . NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1307 et seq. (47 CFR Ch.1). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communications facility proposed in or involving any of the following:

- (1) Wilderness areas
- (2) Wildlife preserves
- (3) Endangered species habitat
- (4) Historical site.
- (5) Indian religious site
- (6) Flood plain
- (7) Wetlands
- (8) High intensity white lights in residential neighborhoods
- (9) Excessive radio frequency radiation exposure

At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each Regulated Facility Site that requires such an environmental assessment to be submitted to the FCC. For all Special Permit uses the applicant shall identify and assess the impact of the proposed facility on areas recommended for conservation as presented in the Town Plan and State Plan of Conservation and Development. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local governments.

i. Other Requirements.

- (1) Commercial advertising shall not be allowed on an antenna or Tower.
- (2) Signal lights shall not be permitted unless required by the FCC or FAA.
- (3) All other uses not clearly necessary to the operation/maintenance of the antenna or tower and associated equipment are prohibited, unless expressly approved as a condition of the permit. Applications shall describe in detail all associated equipment to be maintained or stored on the site.
- (4) Only unmanned facilities, including buildings are permitted and not more than one unmanned equipment shelter and/or storage building of a maximum of 400 square feet for each carrier may be permitted on a site provided the total area of such buildings and/or shelter contains no more than 1600 square feet of gross floor area and is not more than 12 feet in height.
- (5) Equipment shelters and buildings shall be designed to be in harmony with the surrounding neighboring properties and with due consideration for the impact that the tower will have on these properties, i.e., buildings in residential districts must have characteristics such as roof lines, siding, fenestration, etc., that are compatible with residential structures in the immediate area as determined by the Commission. The Commission may impose conditions that foster a compatible design of the antenna tower with the site and the surrounding environment.

- (6) Wireless telecommunication facilities shall be insured by the owner(s) of the poles, towers and antennas providers against damage to person or property. The owner(s) shall provide a Certificate of Insurance to the Commission on an annual basis in which the Town of Greenwich shall be an additionally named insured.
- (7) An "As-Built" plan certified by a Connecticut licensed land surveyor/engineer.
- (8) All utilities serving the Regulated Facility must be underground.

j. Fees: A schedule of fees for Towers and Personal Wireless Facilities permitting and renewal, any monitoring or emissions and inspection of structures, and any other fees shall be established by the Commission as provided by State Statutes or required to defray costs, and shall be amended from time-to-time as necessary.

k. Abandonment: Immediate notification of discontinuance of use shall be made to the Town. The following shall apply to the removal of abandoned towers and related appurtenances:

- (1) A pole, tower, or transmitting facility not in use for more than one year shall be removed by the service facility owner or its agents. This removal shall be completed within 90 days after the one-year period. Upon removal, the site shall be restored to its previous appearance. All cabling, antennas and mounting must also be removed.
- (2) The Commission may require the posting of a bond or other security to the satisfaction of the Town Comptroller to secure compliance with the approved installation of all antenna towers and antenna(s) and to ensure the timely and proper removal of said tower and/or antenna and its supporting base to a depth of not less than two feet below the grade. Upon removal, the site shall be restored to its previous appearance.

l. Severability: If a court of competent jurisdiction adjudges any part, sentence paragraph, section or clause of this Section unconstitutional the remainder of these regulations shall not be affected thereby.

## **Sec. 6-140.2 FENCES AND WALLS.**

- (a) Zoning approval shall be required for all walls, fences or combinations thereof that are solid or substantially obstruct light, air or ventilation and are over six feet six inches (6'6") in height. Height shall be determined by a measurement taken from the side having the lower existing grade. Existing grade shall mean the elevation of the ground adjacent to the proposed fence, or wall, or combination thereof prior to any regarding, fill, excavation or berthing and concurrent with or subsequent to the erection of the fence or wall.
- (b) Fences or walls or a combination thereof when located in the required yard may not have additional materials attached which would together exceed six feet six inches (6'6") in height.
- (c) A fence post may exceed the maximum permitted fence height by up to six (6) inches.
- (d) Building permits shall be required for any type of fencing constructed as an appurtenance to a sports court larger than 1,000 sq. ft. or any other recreational facility.

- (e) Fences, and walls located ten (10) feet or less from a front or street side lot line may not exceed three (3) feet in height as measured from the existing grade within ten (10) feet on both sides of a driveway. No fence or wall or plantings may impede the minimum sight distance set forth in the Department of Public Works Roadway Design Manual. (7/19/2006)

## **LAND USE**

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**DIVISION 11. NON-CONFORMING USES.****Sec. 6-141. NON-CONFORMING BUILDING AND USE: RESTRICTIONS.**

- (a) In addition to a building becoming legally non-conforming pursuant to Sec. 8-13a of Connecticut General Statutes, any building, lot or use, lawfully existing on February 1, 1926 or on the effective date of any amendment thereafter to these Regulations, may be continued and its non-conforming status shall be deemed lawful, provided that with respect to use the non-conforming use must be actual and not discontinued for any period in excess of one year and maintained within the same structure as existed on February 1, 1926 or on the date that said use conformed to these Regulations.
- (b) A non-conforming building, lot or use, or the building in which a non-conforming use occurs, may not be changed, altered or added to except in accordance with the following:
  - (1) Change  
A non-conforming building, lot or use, or the building in which a non-conforming use occurs may be changed to another non-conforming use only if after application for Special Permit, the Commission finds that said change meets the standards of Sections 6-15 and 6-17 and also finds said changed use is not more detrimental to the neighborhood than the existing use.
  - (2) Alteration or Addition
    - (A) A non-conforming building (other than single family or two family) may be altered or permitted to expand provided that such alteration or addition meets the standards for site plan review under Sec. 6-15, and further provided that such alteration or expansion shall not increase the degree of non-conformity. The addition of floor area which either (i) causes the floor area ratio or building coverage permitted in the zone to be exceeded, or (ii) results in a site plan for all uses on the site which does not provide parking in accordance with the standards of Division 15, shall be deemed to increase the degree of non-conformity and shall not be permitted. (10/13/92)
    - (B) A Dwelling or an accessory building in residential zones that has one or more legally non-conforming yards, may be added to, provided that: (10/13/92)
      - i. The addition does not further encroach into the required yard(s); (10/13/92)
      - ii. Any addition extending horizontally beyond the limits of the building will have a width not more than half the total width of the non-conforming portion of the building being added to. Only one non-conforming addition may be made under this provision; construction permitted by a variance of yard requirements may not be counted in the width calculations described above.  
No part of such addition shall at any point exceed the height and number of stories of the existing building at the point of juncture; (10/13/92)
      - iii. No more than one vertical addition, alteration, or reconstruction shall be permitted to increase the height at any point of any portion of the building located within the required yard provided the addition does not increase the height to more than 75 percent of the maximum height limitation for the zone in which the property is located nor increase the floor area of the affected floor (story) by more than 15 percent of the entire floor and provided there is a minimum distance of at least 10 feet between the proposed addition and the closest adjoining building. (4/19/2006)

(C) i. When a building in any residential zone is razed and rebuilt in one or more steps utilizing an existing foundation, the new structure shall be constructed only on that portion of foundation existing within lawful setbacks. (10/13/92)

ii. When a building that is less than 50 years old or is otherwise not eligible to qualify for placement on the National Register of Historic Places in a residential zone is substantially improved as defined in Sec. 6-5(a)(49.1), that building must conform to current provisions of the Building Zone Regulations pertaining to required yards, height, number of stories and floor area ratio. (7/19/2006)

iii. When a building that is non-conforming as to required yards is enlarged by an addition(s) that complies with current required yards, such complying addition(s) shall not be included in the calculation of substantial improvement to the existing structure. (7/19/2006)

iv. Improvements to a non-conforming building that do not qualify as a substantial improvement are permitted provided that there shall be no increase in the degree of the existing non-conformity. (7/19/2006)

(3) A non-conforming lot may not be altered if the result would be to increase the degree non-conformity.

(4) **Damage, Destruction or Replacement**  
When a building whether conforming or non-conforming in which a non-conforming use occurs is damaged or destroyed by fire, explosion, act of God or the public enemy, it may be restored and the non-conforming use continued, provided that the restored building covers no greater area and has not greater cubic content or greater floor area and further, provided that the new structure be substantially identical in appearance to the one damaged or destroyed.  
The Planning and Zoning Commission, subject to the granting of special permit in accordance with Sec. 6-17, may permit a modified reconstruction, provided that the restored building covers no greater area and has no greater cubic content and no greater floor area.  
Properties for which Demolition Permit Applications were filed in the Building Department prior to November 27, 1984 shall be exempt from the restriction of being otherwise demolished. (12/18/84)  
Rights under this section must be exercised within one year by filing plans with the Building Department. (10/13/92)  
All site plan applications and special permit applications officially received prior to October 20, 1981 shall be exempt from the requirements of Sec. 6-141 (a) and Sec. 6-141(b)(1)(2)(3)(4). (11/20/81)

(5) Where a non-conforming use of land or structure has ceased for a period of one (1) year or more or has been changed to a conforming use, the non-conforming use shall not again be permitted.

(6) The sale of alcoholic liquor served from but not consumed at a service bar in a hotel which is non-conforming by reason of its location in a residential zone shall not be deemed to be a change in use more detrimental to the neighborhood, provided that:

(a) Such hotel contains dining facilities adequate for all occupants of its rooms, and

(b) The sale of such alcoholic liquor is made to overnight guests of the hotel, or guests using the hotel dining facilities.

(7) Where alterations or accessory buildings are otherwise permitted by this Section, non-conforming dwellings or accessory buildings in business zones may be altered or added to in conformance with the standards of the R-6 Zone in Division 12 and Division 21 of this Article. (12/27/78)

**Sec. 6-142. NON-CONFORMING BUILDING.**

Any building constructed prior to September 30<sup>th</sup>, 1947, with front, side and/or rear yards insufficient to comply with the zoning regulations then in effect shall nevertheless be deemed to be lawfully non-conforming with respect to the yards, and may be continued subject to the conditions set forth in Section 6-141.

**Sec. 6-143. NON-CONFORMING YARDS.**

Legally conforming yards made deficient in yard requirements, and legally non-conforming yards made more deficient, by the construction of a street in a subdivision pursuant to approval by the Planning and Zoning Commission may be continued as legally non-conforming.

**LAND USE**

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## DIVISION 12. ACCESSORY BUILDINGS

### Sec. 6-144. ACCESSORY BUILDINGS IN RESIDENTIAL AND COMMERCIAL ZONES. (11/25/2008; 9/28/2010)

- (a) Accessory buildings in Commercial and Residence Zones shall not exceed a height of twenty-five (25) feet and must be at least five (5) feet from another structure. (11/25/2008)
- (b) No accessory building shall be located in any required yard, except that in residence zones permitted accessory buildings, other than those specifically regulated as to location elsewhere in this Article and those which are accessory to multi-family dwellings accommodating more than eight (8) families or to dwelling groups, may be located in rear yards closer to side or rear lot lines than indicated in the "Schedule of Required Open Spaces and Limiting Heights and Bulk of Buildings" in Division 21 of this Article but not less than thirty-five (35) feet in RA-4 zones, twenty-five (25) feet in RA-2 zones, fifteen (15) feet in RA-1 zones, ten (10) feet in R-20 zones, five (5) feet in R-12 zones, or five (5) feet in R-7, R-6 and R-MF zones. (5/4/2005)
- (c) Accessory buildings shall include shipping containers and Commercial Storage Container such as PODS, which, if approved by the Town Planner, shall be permitted to be placed on a property for a maximum of 90 days in a calendar year unless otherwise approved by Commission or Town Planner. (9/28/2010)

### Sec. 6-145. ACCESSORY BUILDINGS ON CORNER LOTS.

On corner lots in residence zones, notwithstanding the provisions of Section 6-144, no accessory building shall be located closer to the street side lot line than one half of the sum of the minimum side and front yards required of the lot abutting the rear lot line of such corner lot.

### Sec. 6-146. USE OF ACCESSORY BUILDING AS RESIDENCE: GUEST HOUSES.

- (a) Any accessory building on the same lot with a main residence building shall not be used for residence purposes except in the RA-4, RA-2, RA-1, R-20 or R-12 zones for domestic employees of the occupants of the main building and who are employed on the premises. Each accessory building so used shall have one (1) zoning lot area unit for each such family housed, but in no event may any such accessory building house more than one (1) such family.
- (b) Any accessory building used for residential purposes shall observe the same yards required for the principal use and shall not be located any closer to a principal building than twice the minimum side yard required for the zone in which it is located.
- (c) Guest houses as defined in Section 6-5 shall be permitted in RA-4 and RA-2 zones only.

### Sec. 6-147. BUILDING ATTACHED TO STRUCTURE: ERECTION.

- (a) A building attached to the principal building by a covered enclosed passageway shall be considered an integral part of the principal structure and not an accessory building provided said passageway meets the following standards: (1/1/87)

(9/28/2010)

- (1) The passageway shall be a structure capable of human passage and shall not exceed one-fifth the longest side of the principal structure, nor exceed the longest side of the accessory structure to be connected, whichever is less. (1/1/87)
- (2) Only one such passageway shall be permitted, except that two such passageways shall be permitted when separately attached to different sides of the principal structure, and the total length of the two such separate passageways shall not exceed 1-1/2 times the total length permitted for a passageway in the immediately preceding subparagraph (1). (1/1/87)
- (b) No accessory structure shall be allowed without a principal structure except as authorized in 6-95(a)(2)(B). (1/1/87)
- (c) No principal structure shall be converted to accessory use except as authorized in accordance with the standards of 6-95(a)(2)(A) or (B). (1/1/87)

**Sec. 147.1. ACCESSORY BUILDINGS IN BUSINESS ZONES.**

- (a) The purpose of this section is to permit accessory buildings to be placed on commercial properties subject to Planning and Zoning Commission site plan approval procedure and standards as found in Sections 6-13 to 6-16.1. (5/4/2005)
- (b) Accessory buildings shall include shipping containers, which if approved by the Town Planner, shall be permitted to be placed on a property for a maximum of 90 days in a calendar year unless otherwise allowed by the Commission. (5/4/05)
- (c) Accessory buildings on commercial property shall be limited in height to a maximum of twenty-five (25) feet. (5/4/2005)

(5/4/2005)

### **DIVISION 13. COURTYARDS**

#### **Sec. 6-148. COURTS RESTRICTED IN THREE-STORY BUILDINGS.**

- (a) In buildings of three (3) stories and over, used exclusively for residential purposes, inner courts shall not be permitted.
- (b) No outer court shall have a width less than the average height of the surrounding walls and the depth of the court shall not exceed its width.

#### **Sec. 6-149. COURTS IN BUSINESS OR INDUSTRIAL BUILDINGS.**

In business and industrial buildings, no inner or outer court shall have a minimum dimension perpendicular to any wall of less than one-half (1/2) the average height of the surrounding walls.

#### **Sec. 6-150. COURTS IN MIXED-USE BUILDINGS.**

In buildings used partly for business and partly for residence, inner courts may be permitted, but in the parts of such buildings which are used for residence no rooms other than bathrooms or halls shall be dependent for light and air on windows or openings on such courts. Minor offsets and recesses intended for architectural effect shall not be considered courts.

**LAND USE**

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## DIVISION 14. LIGHTING REQUIREMENTS

### Sec. 6-151. PURPOSE OF ARTICLE.

The purpose of this Division shall be to reduce to reasonable limits trespass of artificial lighting except street lighting. Luminaries used for exterior lighting shall be full cutoff luminaries to reduce night sky light pollution. (5/4/2005)

### Sec. 6-152. BUSINESS ZONE REGULATIONS.

(a) Exterior lighting shall include but shall not be limited to all lights mounted on the exterior of a building as well as freestanding or ground lights.

All exterior lights shall be designed so that the filaments, light sources or lenses are shielded with opaque material in such a way that they will not be visible at property lines except as follows:

- (1) Adjacent to business uses the light source shall not be visible at a height greater than five (5) feet above ground level.
- (2) Adjacent to residential uses the light source shall not be visible at ground level or above.
- (3) Exceptions are the following types of lighting which may be used only if approved by the Building Official (4/24/2013):
  - (A) Unshielded lighting may be used if it can be shown that the type of fixture proposed is not objectionable because of the light distribution characteristics of the fixture.
  - (B) Holiday or special events lighting may be used of a period of forty (40) days per year.
  - (C) Lighting for athletic activities or activities used intermittently rather than continuously may be used.
  - (D) Marine lighting may be used if directed at or toward a body of water not visible on other land areas.
- (b) Parking structures which have unshielded perimeters shall shield fixtures in accordance with Subsection (a).
- (c) Any type of lighting directed upward at such an angle that either buildings, trees, shrubs or site surfaces are lighted, is prohibited in all zones. (9/28/2010)
- (d) Lights producing varying intensities, changing colors, moving lights or search lights are prohibited in all zones.
- (e) When all interior, exterior and sign lighting is fully lighted the intensity of lighting as measured by a light meter with a cosine corrector shall not exceed 0.5 footcandles at any point along a property line of the subject premises unless shielded by opaque fencing. Interior lighting that exceeds this standard may be reduced by installation of curtains, drapes, blinds, louvers, shields or other devices as long as the shielding device selected remains in a fixed position at all times.

### Sec. 6-153. RESIDENTIAL ZONE REGULATIONS: EXCEPTION.

(a) The lighting regulations for residential zones shall be the same as for Business Zones except that perimeter lighting as described in Section 6-152(e) must be limited to one-tenth (0.1) footcandles at any point along a property line.

- (b) The flood lights regulations shall be the same as Business Zone.
- (c) Moving lights and search lights regulations shall be the same as Business Zone.
- (d) Holiday lights or special events regulations shall be the same as Business Zone.
- (e) For the purposes of this section, all residential dwellings/structures in residential zones (single, two and multifamily) as well as tennis courts, platform tennis courts and similar recreational facilities are included. (9/28/2010)

**DIVISION 15. PARKING AND LOADING FACILITIES.<sup>9</sup>****Sec. 6-154. PARKING AND GARAGES FOR RESIDENTIAL PURPOSES. (6/11/86)**

On lots used for single-family or two (2) family residence purposes or for boarding or rooming houses sufficient garage space or outdoor parking space shall be provided to accommodate the passenger cars used by the residents of such premises.

**Sec. 6-155. PARKING AND GARAGES FOR MULTI-FAMILY RESIDENTIAL PURPOSES.**

On lots used for multi-family residential purposes garage space and outdoor parking space shall be provided in accordance with the table of requirements shown below. Garage space shall be provided within the principal building or underground or in a separate building, and the plans of such garage space must provide for convenient maneuvering of cars into or out of parking stalls, for safe and convenient entrances and exits, and for disposal of carbon monoxide fumes. Outdoor parking spaces shall be so arranged as not to encroach on the required width of any drive. In the case of existing business use to be converted to residential use in accordance with Sec. 6-110, the Commission may permit required garage parking spaces to be outdoor spaces.

Parking and parking aisles shall be prohibited within the required front yard unless the Commission finds that the parking and parking aisles are adequately screened by landscaping or substantial changes in topography. (8/17/80)

**REQUIRED PARKING FACILITIES FOR TWO AND MULTI-FAMILY DWELLINGS**  
(6/11/86; 9/28/2010)

1. Dwelling or group of dwellings to accommodate two or more families (9/28/2010).
  - (a) Dwelling with one or two bedrooms\*: one garage space for each dwelling and one outdoor space for each dwelling.
  - (b) Dwelling with three or more bedrooms\*: one garage space for each dwelling and 1.6 outdoor spaces for each dwelling.
  - (c) Studio apartments\*: one garage space for each dwelling and 0.6 outdoor spaces for each dwelling.

\* A den, study, loft or similar room shall be considered a bedroom for the purpose of determining the number of required parking spaces.
2. Public Housing projects of Housing Authority: Same formula as 1. above except all spaces may be outdoors and except as provided in Sec. 6-38 (R-PHD-E zone).
3. Dwelling units in mixed-use residential-commercial development: One space per dwelling unit unless a greater or lesser number is deemed appropriate by the Commission.

Where a combination of garaged and outdoor spaces is required, the Commission may authorize a different mix of indoor and outdoor parking.

The Planning and Zoning Commission may, at its discretion, require that bicycle racks be installed as a condition of site plan approval for multi-family housing. The guideline for determining the number of bicycle racks to be installed is one bicycle rack space for every ten parking spaces. In approving bicycle racks, the following standards shall be observed:

(9/28/2010)

<sup>9</sup> Charter reference: As to public parking, see Article 11.

(6/11/86)

- (i) Bicycle and vehicle parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by vehicles.
- (ii) Convenient access to bicycle parking facilities shall be provided. Where access is via a sidewalk or pathway, curb ramps shall be installed where appropriate.
- (iii) All bicycle parking areas shall be identified by a suitably sized sign identifying the area for bicycle parking.
- (iv) Provision of bicycle racks shall not diminish requirements for parking. (10/3/2001)

**Sec. 6-156. RESTRICTIONS ON NON-PASSENGER VEHICLES AND TRUCK PARKING.**

- (a) On lots in all residence zones the parking of a resident's non-passenger motor vehicles, except as stated in Sec. 156(b), is prohibited, except that the brief, infrequent outdoor parking of such non-passenger vehicles is permitted, and except that the garaging of any non-passenger motor vehicles used primarily on the premises shall be permitted. (5/4/2005)
- (b) The garaging of trucks personally used by residents of the premises in connection with a business elsewhere shall be permitted subject to the following limitations:
  - (1) In R-6 zones such garaging shall be limited on each lot to two (2) trucks not exceeding one and one-half (1-1/2) tons capacity each.
  - (2) In R-7 zones such garaging shall be limited on each lot to one (1) truck not exceeding one and one-half (1-1/2) tons capacity.
  - (3) In all other residence zones such garaging shall be limited on each lot to one (1) truck not exceeding three-quarter (3/4) tons capacity.

**Sec. 6-157. COMMERCIAL LOADING AREAS.**

- (a) On lots used for business, trade, industry, hotel, or institutional use there shall be provided adequate space on the lot for loading and unloading of goods and materials.
- (b) One (1) off-street loading space not smaller than fifteen (15) feet wide, twenty-five (25) feet long and fifteen (15) feet high (if covered) shall be provided for every non-residential building. One (1) additional loading space shall be provided for each twenty thousand (20,000) square feet of floor area, or part thereof, for any floor area exceeding twenty thousand (20,000) square feet.
- (c) For automotive dealers in any zone, off loading and on loading of vehicles onto car carriers and/or trucks shall be limited to the site of the automotive business itself and not on public streets. No staging of carriers and/or trucks on public roadways or Town properties shall be permitted. Off and on-loading may also take place on other commercially zoned properties owned or leased by the same dealerships. (11/25/2008)

**Sec. 6-158. CUSTOMER OR PATRON PARKING; REQUIRED SPACES.**

- (a) (1) Parking that is required for the assembling of persons or for any other use shall be available for tenants, owners, employees, visitors, and customers at least thirty minutes before and after the scheduled operating time. The parking must have adequate entrances and exits and be on the same site or on property under the same ownership as the site, with the nearest entrance within one thousand (1,000) feet of the main entrance of the building. Employees of the building's occupants shall be required to use such available parking. (9/19/96)

(11/25/2008)

(2) The Planning and Zoning Commission may, at its discretion, require that bicycle racks be installed as a condition of site plan approval. The guideline for determining the number of bicycle racks to be installed is one bicycle rack space for every ten parking spaces. In approving bicycle racks, the following standards shall be observed:

- (i) Bicycle and vehicle parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by vehicles.
- (ii) Convenient access to bicycle parking facilities shall be provided. Where access is via a sidewalk or pathway, curb ramps shall be installed where appropriate.
- (iii) All bicycle parking areas shall be identified by a suitable sized sign identifying the area for bicycle parking.
- (iv) Provision of bicycle racks shall not diminish requirements for parking. (10/3/2001)

(b) The following are standards for determining parking requirements. These standards may be modified as determined by the Planning and Zoning Commission.

(1) Required handicapped parking shall be in addition to the parking requirements as set forth in these standards as set forth below: (5/4/2005)

USE	REQUIRED PARKING SPACES
Auto dealership	1 space per 7,000 sq. ft. of outdoor display areas plus one for 250 sq. ft. of usable indoor space, plus five spaces for each service bay. (5/4/2005)
Business, Office, Laboratory (in business acreage zones)	2 per 3 employees
Car Wash, Auto Detailing	1 per employee, plus 5 reserve spaces. (5/4/2005)
Club (golf, tennis, swimming or other sport)	1 per member for max. membership or as determined by the Commission based on type of facility, and membership use pattern. (5/4/2005)
Commercial Recreation	1 space for each 4 seats or 4 person capacity or as determined by the Planning and Zoning Commission. (5/4/2005)
Community Center	1 space for 200 sq. ft. of usable floor area. (5/4/2005)
Convalescent hospital, sanitariums, homes for the aged or children	2 per 3 beds (9/15/86)
Dance and Music Schools	1 space for each staff member (5/4/2005)
Drive In/Up Establishment	One (1) per employee plus five (5) reservoir (queuing) spaces per operating window or stall. (10/24/07)

USE	REQUIRED PARKING SPACES
Fast Food Restaurant	1 per 2 persons, seated and standee dining capacity plus 14 (queuing) spaces for each drive-up window. (5/4/2005; 9/28/2010)
Fitness Club	The sum of all parking spaces required for the gym, group fitness center, recreational facility or accessory use portion of the establishment as described in this section or as determined by the Planning and Zoning Commission. (9/28/2010, 9/20/2013)
Food Service Providers (Catering Facility) (5/4/2005)	1 per 2 persons, seated and standee dining capacity, plus 1 per person for seated and standee bar capacity, plus additional parking for employees equaling 20% of required parking some of which may be exempt from dimensional requirements. Up to 25% of required parking spaces can be tandem spaces if valet parking is provided for banquet events on or offsite. (5/4/2005)
Funeral Parlors	10 parking spaces plus 1 space for every 2 employees
Group Fitness Centers	One parking space for each participant/student and instructor which may be represented by one exercise machine for each person. (10/26/2010, 9/20/2013)
Gym	One parking space per two exercise stations (9/20/2013)
Home Office	1 plus residential requirement (2/8/94)
Hotel and Motel (5/4/2005)	1 per guest room in addition to parking space required by other uses in same building or use on same lot.
Industry	2 spaces per 3 employees
Marina	1-1/2 spaces per slip, mooring or other unit accommodating a boat or vessel in the water
Medical, dental offices in all zones including resident medical professional office	5 per medical and dental personnel plus additional parking for employees equaling 25% of required parking (2/8/94)

USE	REQUIRED PARKING SPACES
Nursery School	1 space for every employee plus adequate drop-off and pick-up area as determined by the Planning and Zoning Commission. (5/4/2005)
Offices - Use Group 2a and 2b (9/23/86)	1 per 150 sq. ft. of usable floor area (9/23/86)
Offices – Use Group 2c (9/23/86)	1 per 200 sq. ft. of usable floor area (9/23/86)
Personal Services, (includes barber shop, beauty parlor, and nail salon)	2 spaces for each chair for barber shop, beauty parlor, or nail salon; one space for every two exercise stations (5/4/2005, 9/28/2010)
Place of worship	1 per 3 seats (9/15/86)
Recreational Facility	As determined by the Planning and Zoning Commission based on the type of facility (9/20/2013)
Retail unless otherwise specified herein including Use Groups 1 and 8 (9/23/86)	1 per 150 sq. ft. of usable floor area (9/23/86)
Resident professional person	4 plus residential requirement
Restaurant	<p>Required parking shall be the standard of 1 per 3 persons seated and standing dining capacity; plus 1 per 2 persons for seated and standing bar capacity based on the greater of the following:</p> <p>(a) the seating as presented on the floor plan submitted:</p> <p>or:</p> <p>(b) the maximum seating capacity based on the occupancy limits set by the fire code.</p> <p>Plus additional parking for employees equaling 20% of required parking. Parking designated for employees may have smaller dimensions than required as determined by the Planning and Zoning Commission.</p> <p>In the event the restaurant has drive-through food pick-up service, in addition to required...</p>

USE	REQUIRED PARKING SPACES
Restaurant (cont'd)	...parking, there shall be at least 10 queuing spaces per operation window. The space between the required parking spaces and queuing spaces shall be sufficient for the safe and convenient movement of all traffic on the site.
Schools: Elementary, Middle and High School	Space for up to 20% of required parking may, as determined by the Planning and Zoning Commission, be in a reserve grassed or other permeable areas that is not striped for parking. In the event such reserve parking is needed or a regular bases for parking, the area shall be paved and striped. (5/4/2005)
School for Occupational Training	Parking to be provided at an adequate level as determined by the Planning and Zoning Commission. (5/4/2005)
Service station	1 for each staff member plus 1 for each student. (5/4/2005)
Stadium, theater, auditorium, place of assembly	1 per employee and staff, plus five spaces for each service bay and 1 space per 150 sq. ft. of usable floor area of retail space. (5/4/2005)
Supermarkets (9/15/86)	1 per 2.5 seats (9/15/86)
Wholesale warehouse	1 per 150 sq. ft. of usable floor area (9/23/86)
Every other use not listed above	1 per employee
	1 per 250 sq. ft. of usable floor area. (9/15/86)
(c) The provisions of this section shall not be applicable where exception is authorized in accordance with Section 6-103.1(d). (9/15/86)	
(d) No part of a building shall be converted from residential use to business use unless parking shall be provided for such business use in accordance with the requirements of Subsections (a) and (b) hereof, and Sec. 6-159, unless exempted there from by Subsection (c) hereof.	

\* In the case of sidewalk cafes or other outdoor dining facilities operating on a temporary (seasonal) basis, temporary reserved parking may be provided within 1,000 feet of said use subject to the provisions of Sec. 6-100 Use Group 1. However, the Planning and Zoning Commission may, after giving consideration to: the proximity of the use to other parking facilities; -

- density of employment; or volume of pedestrian traffic; permit a lesser number of parking spaces. (7/24/83)

**Sec. 6-159. REQUIREMENTS FOR BELOW GRADE PARKING.**

Excluding such portion of a building or buildings devoted to residential use, any building or group of buildings on a single lot in excess of 200,000 cubic feet in volume above established grade shall be required to conceal parking from adjacent properties around the perimeter of the site in accordance with Table I. In the case of 2b and 2c and offices associated with other uses, concealment shall be in a structure the roof of which is below existing established grade. In the case of all other Use Groups other than 2b or 2c the Planning and Zoning Commission may, upon application for site plan review, accept one of the following methods of concealment in lieu of concealment below existing established grade:

- (a) The building itself
- (b) Topography
- (c) Sculptured landscaped surfaces other than structures with grades not exceeding 1 vertical to 3 horizontal
- (d) Evergreen landscaping used in conjunction with letter c above

Table I

Up to 500,000 cubic feet	50%
Above 500,000 cubic feet but less than 750,000 cubic feet	66-2/3%
Above 750,000 cubic feet	85%

**Sec. 6-160. USE OF TRACT OF LAND FOR PUBLIC PARKING.**

Whenever the Town acquires for public parking a portion of a tract of land from any owner by condemnation, negotiation, dedication or gift, the tract thus acquired shall, for purposes of determining compliance of the balance of the tract with the provisions of this Article, be deemed to be included as part of the balance of the tract, provided, however, that in the case of acquisition of any such portion of a tract by means other than condemnation, dedication or gift the Board of Selectman shall have certified to the Board of Estimate and Taxation that the consideration paid for the portion of the tract thus acquired reflected reasonable allowance for the benefit derived by the balance of the tract from the application of this Section.

**Sec. 6-161. LANDSCAPING, PAVING, AND DRAINAGE.**

Site plans with proposed parking areas containing 10 or more spaces shall provide for landscaped areas within the designated parking area. Such landscaped areas may be provided in the form of perimeter buffers between the parking lots and adjacent streets and properties, and internal landscaped islands.

Where landscaped islands and perimeter buffers are provided they shall be at least five (5) feet wide with no overhang intrusion from vehicles. Landscaped perimeter buffers and landscaped islands shall have suitable curbs of asphalt, concrete or granite.

Landscaped perimeter buffer areas and landscaped islands shall be planted with a mix of shrubs and trees as determined by the Commission with the advice of the Architectural Review Committee and Town Tree Warden.

Perimeter buffers are required to have a continuous planted screening that would adequately screen parking in all seasons with a mix of evergreen and deciduous plant materials as approved by the Architectural Review Committee and the Tree Warden.

Evergreen trees shall be a minimum of 6 feet in height and deciduous trees a minimum of 1½" caliper. Shrubs shall be either deciduous species planted at 2½ feet in height or evergreen species planted at 2½ feet in spread.

Trees and shrubs shall be placed such that they do not obstruct vehicle sight lines when fully grown.

Parking space, access drives, entrances, and exits as required by this Chapter for business buildings, for multi-family dwellings and for dwelling groups shall be adequately paved and drained. (5/4/2005)

#### **Sec. 6-162. POOLED OR GROUP PARKING FACILITIES.**

For any of the uses indicated under Section 6-158, two (2) or more distinct and separate establishments or lots may decide to pool or group their parking facilities subject to these conditions: (9/23/96)

- (1) Site Plan approval in accordance with standards established in Sec. 6-15 and Division 18 hereof; (9/23/96)
- (2) The proposed parking arrangement will reduce the number of curb cuts;
- (3) Parking area(s) is/are located behind buildings and/or well screened from the road and, where necessary, other properties;
- (4) Improve vehicular circulation;
- (5) Generally enhance the appearance of the particular area.

DIVISION 16. SIGNS.<sup>10</sup>

## Sec. 6-163. RESIDENTIAL ZONES SPECIFICATIONS.

- (a) The purpose of the regulations contained in this section is to avoid signs that are likely to create traffic hazards or otherwise be detrimental to the public health, welfare and safety; to aid in preserving and enhancing the aesthetic, environmental and historical values of the community; to protect, conserve and enhance property values; and to maintain and preserve pleasant surroundings so as to improve life for all residents of Greenwich. Prohibition of off-site commercial signs in the following subsection should significantly reduce the number of signs cluttering residential zoned areas by removing the inducement to lot owners to erect such signs and shifting commercial interests' advertising to other available traditional forms of media. Necessary and desirable communication by on-site commercial and on-site and off-site non-commercial signs is maintained but regulated by rules as to size, location and number to meet this regulations' purposes. (7/3/93)
- (b) All signs that name, advertise or direct attention to a business, product, service, or other commercial activity offered or existing elsewhere than on the premises where such sign is displayed are expressly prohibited in residential zones. (7/3/93)
- (c) All signs that are on a banner, canopy, or marquee, and all portable signs are expressly prohibited in residential zones. (7/3/93)
- (d) All projecting, wall, window and lighted signs (except nameplate signs that may be wall signs and may be illuminated) are expressly prohibited in residential zones. (7/3/93)
- (e) All other commercial and non-commercial free-standing signs that are located back of the lot line (as defined in Section 6-166) and conform to the rules provided below are permitted in residential zones. (7/3/93)

## PERMANENT SIGNS IN RESIDENTIAL ZONES

	MAXIMUM SIZE	MAXIMUM NUMBER	PERMIT REQUIRED
(1) Nameplate Signs (7/3/93)	2 sq. ft.	1 per lot	No
(2) Signs pertaining to a profession or occupation permitted as an accessory use on the lot (7/3/93)	3 sq. ft.	1 per lot	No
(3) Signs pertaining to legally non-conforming uses on premises (7/3/93)	3 sq. ft.	1 on each street frontage	Yes
(4) Signs pertaining to institutional uses permitted in residential zones: churches, schools, hospitals, nursing homes, parks and wild life reservations (7/3/93)	20 sq. ft. each sign	1 on each street frontage	Yes

<sup>10</sup> State law reference: As to authority to regulate signs, See C.G.S. § 8-14.

(7/3/93)

	MAXIMUM SIZE	MAXIMUM NUMBER	PERMIT REQUIRED
(5) Signs pertaining to other uses authorized by the Board of Appeals as special exceptions or by the Commission by special permit. (7/3/93)	8 sq. ft.	1 on each street frontage	Yes
(6) Real estate signs pertaining to the premises on which they are located. (7/13/93)	3 sq. ft.	1 on each street frontage	No
(7) All other lawful signs not specifically provided for. (7/3/93)	3 sq. ft.	1 on each street frontage	No

### TEMPORARY SIGNS IN RESIDENTIAL ZONES

- (1) Temporary civic and non-profit organization signs on or off the premises for a period of no more than 15 days before the advertised event and no more than one day after the event. (7/3/93)
- (2) All other lawful temporary signs not specifically covered for a period of no more than 15 days before the advertised event and no more than one day after the event. (7/3/93)
- (f) This regulation does not supersede any other regulation specifically governing signs. If any provision of this regulation or its application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid portions. (7/3/93)
- (g) The owner of any lot in a residential zone on which exists a sign that does not conform to the requirements of this ordinance shall without notice or action from the town forthwith remove such signs provided, however if such sign exists on July 3, 1993, the owner shall be obligated to remove such sign: (7/3/93)
  - (1) before installing any new sign on the lot;
  - (2) before any change is made in the certificate of occupancy, business or use of the premises;
  - (3) before a building permit will be issued for any construction on the premises;
  - (4) when such sign becomes insecure, unsafe or out of repair; or
  - (5) if such sign shall be reposted, altered or moved.

(7/3/93)

- (h) A sign that was constructed, installed, or maintained in conformity with a permit which has lapsed or has not been renewed shall be removed forthwith without notice or action from the town. (7/3/93)
- (i) It shall be a violation of this ordinance and shall be subject to enforcement remedies and penalties provided by the zoning ordinance and by state law to install or maintain any sign requiring a permit without such a permit or to fail to remove any sign that is in violation of this ordinance and to continue such violation.

**Sec. 6-164. BUSINESS ZONES SPECIFICATIONS.**

- (a) The following signs are permitted in business zones and all other signs are expressly prohibited.
  - (1) LBR, CGBR, LB, CGB, GB and WB Zones.

	MAXIMUM SIZE	MAXIMUM NUMBER	PERMIT REQUIRED
(A) Signs as permitted and regulated by Section 6-163 – Residential Zones above.	See Sec. 6-163	See Sec. 6-163	See Sec. 6-163
	MAXIMUM SIZE	LOCATION	PERMIT REQUIRED
(B) Any sign advertising the use of the land and building upon which displayed, for the sale of goods or services on the same premises, or the name or location of the proprietor, as follows:	(i) Total of all signs on the lot excluding window and door signs shall not exceed 2 sq. ft. for each foot of building frontage. One free standing sign which shall not exceed 25 sq. ft. in area shall be permitted, provided the area of such sign is included within the above total, and provided further, that no portion of the building is located less than 35 feet from the street curb line. When no portion of a building is located less than 65 ft. from the curb line, such free standing sign shall not exceed 40 sq. ft. in area. In the event that a building has more than one street frontage, the distance from the street curb line shall apply only to the side where a free standing sign is proposed to be located.	On exterior wall of building except free standing sign must be back of lot line	Yes

MAXIMUM SIZE	LOCATION	PERMIT REQUIRED	
(ii) In addition to the above, rear entrance signs facing parking areas shall be permitted provided they do not exceed 1 sq. ft. for each foot of building fronting on a public or a private parking area to which the owner has right of access.	On exterior wall of building except that one free standing sign is permitted back of lot line but not exceeding 6 sq. ft. in area.	Yes	
(iii) In the absence of all other signs as permitted under paragraphs (1) and (2) above, one free standing sign facing each street to which the building has access may be permitted. The total area of such sign(s) shall not exceed presently allowed maximum size. The overall height of such sign(s) shall not be more than 2½ feet above the surface of the ground to which the sign is affixed.	Back of lot line	Yes	
(C) Permanent Windows and Door Signs*	In addition to the above but not to exceed 15% of each window surface to which applied. Such sign shall be confined to lettering and insignia only.	Applied to Window	No

\* Under conditions where building design is such that the use of exterior wall sign(s) is inappropriate, as recommended by the Architectural Review Committee during the review of a comprehensive signage plan, giving consideration to street corner buildings as a special situation;

Such building is allowed larger permanent window signs, in lieu of any exterior building wall signs as follows:

- (a) letter height to be increased from 9" to 15";
- (b) percentage of window area covered increased from 15% to 20% provided that all letters are either on the window or mounted on a clear sign panel hung behind the window. (1/1/87)

	MAXIMUM SIZE	LOCATION	PERMIT REQUIRED
(D) Temporary Window Signs	In addition to the above but not to exceed 1/3 of each of no more than 2 window surfaces to which applied adjacent to the main building entrance. Not permitted on same window as permanent window sign.	Applied to Window	No
(E) Christmas holiday decorations (non-commercial wording or symbol – 40 day limit).		Back of lot line	No
(F) Temporary identifying signs for a building project on the lot for which a building permit has been issued and in effect.	24 sq. ft.	Back of lot line. 1 per each street frontage.	Yes
(G) Signs pertaining to the sale, lease, or rental of the property on which they are located.	15 sq. ft.	1 per each street frontage. Back of lot line.	Yes, if aggregate under one permit is 12 sq. ft. and over.
<b>(2) GBO Zone</b>			
(A) Signs as permitted and regulated in Section A- Residential Zones above in addition to the following:			
(B) Signs giving the Name and insignia of one or more occupants of a permitted office or laboratory.	15 sq. ft.	1 per each public entrance, 15 ft. back of lot line.	Yes

(6/25/94)

	MAXIMUM SIZE	LOCATION	PERMIT REQUIRED
(C) Christmas holiday decorations (non-commercial wording or symbol – 40 day limit).	-	Back of lot line	No
(D) Signs pertaining to the sale, lease, or rental of the property on which they are located.	15 sq. ft.	1 per each street frontage, back of lot line.	Yes, if aggregate under one permit is 12 sq. ft. and over.

	MAXIMUM SIZE	MAXIMUM NUMBER	LOCATION	PERMIT REQUIRED
(3) BEX-50 Zone				
(A) Signs as permitted and regulated in Section A- Residential Zones above in addition to the following:				
(B) Signs giving the name of the occupant of a permitted office. Office nameplate sign. (6/25/94)	32 sq. ft.	1 per entrance	15 ft. or more back of lot line	Yes
(C) Major tenant nameplate sign. (6/26/94)	100 sq. ft.	One	500 ft. from property line; not visible from roadway	Yes
(D) Other tenants nameplate signs. (6/25/94)	32 sq. ft. per tenant; 500 sq. ft. – total all other tenants	One per tenant; multiple tenants listing permitted on one sign	500 ft. from property line; not visible from roadway	Yes

(6/25/94)

	MAXIMUM SIZE	MAXIMUM NUMBER	LOCATION	PERMIT REQUIRED
(4) "P" Zone				
(A) Signs as permitted in Section A- Residential Zones, in addition to the following:				
(B) Signs identifying the parking area and any limitations of its use.	10 sq. ft.	1 per each street on which area has access located at entrance, back of lot line		Yes

#### Sec. 6-165. MEASUREMENT OF SIGN AREA.

- (a) The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols together with any background different from the building whether painted or applied when it is designed as an integral part of and obviously related to the sign, and when the sign consists of individual letters or symbols attached to, or painted on, a building wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols. (6/25/94)
- (b) In the case of a free-standing sign, or a sign that can be seen from both sides, the area shall be determined by multiplying the outside dimensions of the sign, not including the vertical, horizontal or diagonal supports which affix the sign to the ground, unless such supports are evidently designed to be part of the sign.

#### Sec. 6-166. LOCATION OF SIGN.

- (a) No sign shall be located on the roof of any building or on any exterior wall so as to project above the top of said exterior wall at the location of the sign. No business sign shall face any lot line of any immediately adjoining lot in a residence zone within a forty (40) foot distance.
- (b) All signs on the property shall be so located that they will not interfere with the vision of a driver entering or leaving the property or interfere with visibility at an intersection or traffic light.
- (c) No sign shall project more than nine (9) inches over any public traveled way.
- (d) A sign may be affixed only to that portion of a building or structure wall which encloses the use to which the sign pertains.
- (e) All signs that are on the public right of way are expressly prohibited except those signs erected by or on behalf of:

(6/25/94)

- (1) a governmental body to convey public information or direct pedestrian or vehicular traffic;
- (2) a public transit company bus stop or similar signs;
- (3) a public utility informational signs; or
- (4) (i) a hospital or educational, civic, historic, or religious institution; a neighborhood, fraternal or athletic organization; or a country club, that give directions thereto or convey public information and
- (ii) temporary non-commercial signs, under guidelines issued by the Office of the First Selectman or designee and for which a permit has been issued by the Zoning Enforcement Officer pursuant to such guidelines. All of such signs shall be no more than five square feet in area. (7/3/93)
- (f) For the purpose of enforcement of Sec. 6-163 for residential zones only the term "lot line" shall be deemed to be the line 15 feet from the edge of the adjacent road surface and the term "right of way" shall be deemed to be the area within the lot line (as so defined) and the edge of the adjacent road surface unless the lot owner or other interested person can show the true lot line or true right of way. (7/3/93)
- (g) Any sign on the public right of way that does not conform to this section shall be forfeited to the public and subject to confiscation without notice by any authorized officer. (7/3/93)
- (h) The location of flags excepted from the definition of a sign in Section 6-5(44) shall be prescribed by the Zoning Enforcement Officer. (7/3/93)

### **Sec. 6-167. HEIGHT RESTRICTIONS.**

- (a) Free-standing signs, including posts, shall not exceed a height of ten (10) feet in a residential zone, or fifteen (15) feet overall in a business zone above the surface of the ground where located. There shall be a clear space underneath a free-standing sign located within the required front or street side yard in a business zone so that the sign will not interfere with the vision of a driver approaching a street intersection. The clear space shall be at least seven (7) feet four (4) inches, measured above the center line of the intersecting street as measured in Section 6-126, to the bottom of the sign.
- (b) Window and wall signs shall not exceed four (4) feet in height.

### **Sec. 6-168. ILLUMINATED SIGNS.**

- (a) A sign may be illuminated if illumination is confined to, or directed to, the surface of the sign. Flashing, rotating, or intermittent illumination, or neon illumination or other similar exposed illumination, including unshielded incandescent, LED or fluorescent bulbs shall not be permitted. The sign shall be so designed and shielded that the light sources cannot be seen from any adjacent residential zone or from the street. (5/4/2005, 4/24/2013)
- (b) Interior illumination of a sign shall not be permitted unless such illumination is confined to letters.
- (c) The Building Official shall be guided by the opinion of the Traffic Division of the Police Department in administering this Section. (4/24/2013)
- (d) Electronic message signs which are typically programmable and have changing or scrolling messages on display screens using LED, LCD, plasma, or functionally equivalent technology are not permitted. (4/24/2013)

**Sec. 6-169. DESIGN AND LETTERING.**

Signs shall be designed in harmony with the building and established development, in accordance with recommendations of the Architectural Review Committee. Three dimensional signs shall not exceed three (3) feet (four feet in a BEX-50 zone) in any dimension. All store units in the same building or in separate buildings in an integrated shopping center shall have a uniform design and placement of signs. No more than three (3) different colors, including black and white shall be used in a sign and no more than two (2) different colors shall be used in any lettering. Lettering shall be no larger than eighteen (18) inches (four (4) feet in a BEX-50 zone) in height. Lettering of permanent window and door signs shall be no larger than nine (9) inches in height except as allowed pursuant to Sec. 6-164(a)(1)(c). (1/1/87) (6/25/94)

**Sec. 6-170. SPECIAL DEVICES.**

The exterior use of pennants, banners, spinners, streamers, moving signs, ground signs, sales signs, special promotion signs, or other eye catching devices may be allowed for a seven (7) day period not to exceed once in any twelve (12) month period under a permit issued for special events such as openings, new management, and special promotional events. No sign or device held in the air by balloon or other means and no searchlights shall be permitted.

**Sec. 6-171. SIGN REPAIRS; ALTERATIONS.**

- (a) Signs may be repaired by repainting or by replacing of lettering, wording and accompanying symbols. Such repair shall not be considered an alteration within the meaning of this Chapter provided that the outside dimensions of signs as measured above are not changed; the location, height or illumination of a sign is not changed; and no substantial change in lettering, wording or symbols is made. (7/3/93)
- (b) Nothing in this Section shall prevent a sign from being altered so as to become more conforming with the existing regulations provided that a permit where required under Section 6-175 is obtained.

**Sec. 6-172. REMOVAL OF SIGNS.**

It shall be the responsibility of the property owner to remove or cause to be removed all business signs within one (1) month from the time the premises are vacated.

**Sec. 6-173. REPLACEMENT, ALTERATION OR RELOCATION.**

No sign shall be replaced, altered or relocated without conforming to the existing requirements of this Article at the time of such replacement, alteration or relocation.

**Sec. 6-174. PROHIBITED SIGNS.**

Any sign that is the structure, building, any part thereof, or any associated structure designed to symbolize and/or identify by its shape or color a particular product, service, organization or business is prohibited.

**Sec. 6-175. PERMIT PROCEDURE.**

- (a) A permit shall be required for the erection, relocation or alteration of a sign as listed in Sections 6-163 and 6-164.
- (b) After issuance of a permit for erection of a sign with removable panels or letters for advertising programs at a theater, no new permit shall be required for rearrangement of the approved panels or letters to indicate changes in program. (5/4/2005)
- (c) All permits will expire by limitation at the end of six (6) months from date of issuance, if not used, except that permits for approved subdivision signs shall be issued for a period of one (1) year only, with the privilege of renewal by the Zoning Enforcement Officer without additional fee for only one (1) additional year. (5/4/2005, 5/1/2013)

**DIVISION 17. SCREENING AND PLANTING.****Sec. 6-176. PURPOSE OF DIVISION.**

The regulations of this Division are intended to protect and maintain property values throughout the Town and particularly in residential zones adjacent to properties used for business or special exception uses.

**Sec. 6-177. USES REQUIRING SCREENING.**

- (a) Screening in accordance with the Schedule set forth in Section 6-180 shall be required for the following uses:
  - (1) Business uses in business zones adjacent to residential zones.
  - (2) Non-residential uses in residential zones by reason of a variance granted by the Board of Appeals.
  - (3) Special exception uses granted by the Board of Appeals or original applications or as additions or alterations to such existing uses.
  - (4) Any non-residential use in a residential zone as a requisite for continuation of a legally non-conforming use status.
  - (5) Residential uses in business zones.
  - (6) Any parking area accommodating more than ten (10) cars.
  - (7) Resident Medical Professional Office in residential zones authorized by the Planning and Zoning Commission by Special Permit. (2/8/94)

**Sec. 6-178. USES REQUIRING PLANTING.**

Planting in accordance with the Schedule set forth in Section 6-180 shall be required for all non-residential uses.

**Sec. 6-179. REQUIRED SCREENING; EXCEPTIONS.**

- (a) The screening requirements for any use may be either wholly or partially abrogated where the Zoning Enforcement Officer in consultation with the Director, Planning and Zoning/Zoning Enforcement Coordinator/Town Planner makes a finding in writing that the required screening is accomplished by natural topography. (4/24/13, 5/1/2013)
- (b) The screening requirement for parking and/or loading areas on interior lot lines may be omitted by mutual consent of adjoining property owners.
- (c) The Commission in connection with any site plan review pursuant to the provisions of Sections 6-14 through 6-15 of these Regulations, may waive, in whole or in part, the screening requirements of Section 6-177(a)(6) with respect to any land located in the WB Zone, upon a determination by the Commission that such screening will interfere with normal functioning of permitted uses within said WB Zone. (11/30/88)

**Sec. 6-180. SCHEDULE OF REQUIRED SCREENING AND PLANTING.**

Screening and planting shall be required as follows:

TYPE	LOCATION	USE
A	All yards in residence R-20, R-12, R-7, and R-6; Business LBR, CGBR, LB and CGB	All
B	All yards in residence RA-4, RA-2 and RA-1; Business BEX-50, GB and GBO	All
C	Rear Yards Side Yards	Non-residential parking, loading and unloading areas, work and storage areas
D	Street Side Yards Front Yards	Non-residential parking
E	Parking Lots with 10 or more cars grouped in any general area	Parking
F	Side yards unless covered in other categories. Front Yards	Special exception and non-residential

**Sec. 6-181. PLANTING SPECIFICATIONS.**

- (a) Type "A" Planting: The desired effect of this planting is partial visual screening. Planting material shall consist of:
  - (1) Shade tree; or,
  - (2) A combination of shade trees and flowering trees, with one (1) tree for each twenty-five (25) feet of yard length (measured parallel to property line). Trees shall be located in islands of at least twenty-five (25) square feet, planted with ground cover, or in a continuous landscaped strip at least ten (10) feet in width.
- (b) Type "B" Planting: The desired effect of this planting is partial visual screening and spatial separation. Plant material shall consist of evergreens, shade trees and flowering trees with one (1) tree for each twenty-five (25) feet of yard length (measured parallel to property line). Trees may be planted in groups.
- (c) Type "C" Planting: The desired effect of this planting is complete visual screening of parking lots and loading areas. All screening shall be at least six (6) feet high and shall consist of a screening hedge, screening fence or screening wall or a combination thereof, except that a screening fence or screening wall shall not exceed six (6) feet in height when located within any required yard. The planting strip shall be at least five (5) feet wide. The screening shall be so located in the planting strip as to allow maintenance from either side.

- (d) Type "D" Planting: The desired effect of this planting is complete visual screening and spatial separation. Plant material shall consist of at least one (1) large tree for each twenty-five (25) feet of yard length (measured parallel to property line) and of a screening hedge, screening fence or screening wall having a maintained height of not less than two (2) feet nor more than three (3) feet. One half (1/2) of the trees shall be evergreens. The trees may be planted in groups, however, the space between the trees or groups of trees shall not exceed fifty (50) feet. The trees shall be planted between the property line and the screening hedge, screening fence or screening wall.
- (e) Type "E" Planting: The desired effect of this type of planting is to screen interiors of large parking lots and to provide shade for the protection of pedestrians and vehicles. Plant material shall consist of one (1) shade tree for every ten (10) cars. The trees shall be evenly distributed throughout the parking area and shall be set in squares which are flush with the pavement.
- (f) Type "F" Planting: The desired effect of this planting is landscaping of business properties. Planting shall consist of evergreens, shade trees and other plant materials with a minimum of one (1) tree for every twenty-five (25) feet of yard length. Trees may be planted in groups. Planting strips shall be at least five (5) feet in width.

**Sec. 6-182. PLANTING REGULATIONS.**

- (a) All planting materials used to carry out the intention of this Article shall be of species and varieties as approved by the Tree Warden.
- (b) Planting materials shall be shown on site plans submitted to the Building Department and shall be referred for approval to the Tree Warden.
- (c) Landscaping trees and screening plants required by this Article shall be kept in a healthy growing condition. Any landscaping, trees and screening plants in a condition that does not fulfill the intent of this Article shall be replaced by the property owner during the planting season most imminent.
- (d) Any screening fences or walls required by this Article shall be maintained by the property owner in such a condition that they fulfill the intent of this Article at all times.
- (e) All landscaping, trees and screening material contiguous to parking areas, loading areas or driveways shall be properly protected from vehicular damage.
- (f) No trees shall be required in any yard of five (5) feet or less and in any yard of ten (10) feet or less which is being used as a driveway.

**Sec. 6-183. APPROVAL OF SCREENING FOR NON-CONFORMING USES.**

To reduce adverse effects of non-conforming uses in residential zones, such uses shall comply with these screening regulations by submitting a site plan showing required screening, to be referred to the Tree Warden for approval. Such use shall conform to this plan within a period of three (3) years from the date of approval of this plan.

**LAND USE**

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**DIVISION 17.1. SOIL EROSION AND SEDIMENT CONTROL****Sec. 6-183.1. DEFINITIONS.**

- (1) "Certification" means a signed, written approval by the Planning and Zoning Commission or its designated agent which may be the Conservation Commission, Department of Public Works, Inland Wetlands and Watercourses Agency or Health Department (who may act through their respective staffs) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations. The designated agent shall be the Inland Wetlands and Watercourses Agency if the activity requires a permit from said Agency.
- (2) "Commission" means the Planning and Zoning Commission of the Town of Greenwich.
- (3) "County Soil and Water Conservation District" means the Fairfield County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.
- (4) "Development" means any construction or grading activities to improved or unimproved real estate.
- (5) "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- (6) "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- (7) "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- (8) "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- (9) "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- (10) "Soil" means any unconsolidated mineral or organic material of any origin.
- (11) "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Sec. 6-183.2. ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN.**

A soil erosion and sediment control plan shall be submitted to the Planning and Zoning Commission for any development when the disturbed area of such development is one-half acre or more. In the event that such development requires the submission of an application under site plan, special permit, subdivision or inland wetland regulations, then the soil erosion and sedimentation plan shall be submitted as part of that application.

**Sec. 6-183.3. EXEMPTIONS.**

The construction of a single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations. Development activities accessory to the construction of a single family dwelling, such as but not limited to tennis courts, swimming pools, driveways and septic systems, shall not be exempt.

**Sec. 6-183.4. EROSION AND SEDIMENT CONTROL PLAN**

- (1) To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission or its designated agent.
- (2) Said plan shall contain, but not be limited to:
  - (A) A narrative describing:
    - 1) the development;
    - 2) the schedule for grading and construction activities including:
      - a) projected start and completion dates;
      - b) sequence of grading and construction activities;
      - c) sequence for installation and/or application of soil erosion and sediment control measures;
      - d) sequence for final stabilization of the project site.
    - 3) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
    - 4) the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
    - 5) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
    - 6) the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities including the protection of trees and other significant vegetation.
  - (B) A site plan map preferably at a scale of one inch = 50 feet to show:
    - 1) the location of the proposed development and adjacent properties;
    - 2) the existing and proposed topography at five foot intervals or smaller including soil types, wetlands, watercourses and water bodies;
    - 3) the existing structures on the project site, if any;
    - 4) the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
    - 5) the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
    - 6) the sequence of grading and construction activities;
    - 7) the sequence for installation and/or application of soil erosion and sediment control measures;
    - 8) the sequence for final stabilization of the development site.
    - 9) the measures for the protection of trees and other significant vegetation.
  - (C) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent. Where it is deemed necessary by the Commission or its designated agent plans shall be prepared by a registered land surveyor or professional engineer.
  - (D) The Planning and Zoning Commission may waive any of the requirements of Sec. 183.4(2)B of small scale projects except when such small scale projects require a permit from the Inland Wetlands and Watercourses Agency.

**Sec. 6-183.5. MINIMUM ACCEPTABLE STANDARDS.**

- (1) Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- (2) The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission or its designated agent may grant exceptions when requested by the applicant if technically sound reasons are presented.
- (3) The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission or its designated agent.

**Sec. 6-183.6. ISSUANCE OR DENIAL OF CERTIFICATION.**

- (1) The Planning and Zoning Commission or its designated agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- (2) Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
- (3) Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- (4) The Commission or its designated agent may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

**Sec. 6-183.7. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL.**

- (1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission or its designated agent.
- (2) Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- (3) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- (4) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

**Sec. 6-183.8 INSPECTION.**

- (1) Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission or its designated agent may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

**Sec. 6-183.9 PENALTIES.**

- (1) The Penalties for failure to comply with these regulations are those specified in Sec. 6-202 of the Building Zone Regulations.

**Sec. 6-183.10 GENERAL PROVISIONS**

- (1) A satisfactory soil erosion and sedimentation control plan shall be reviewed and approved by the Commission prior to the issuance of a building permit.

## DIVISION 18. SITE PLANS

### Sec. 6-184. SITE PLAN CONTENTS: SPECIFICATIONS.

- (a) Site Plans shall indicate property lines of all buildings and future building locations including yard dimensions, building lines, area of building and lot, existing streets, curbs, or edge of pavement, sidewalks, traffic lights and controls, public trees, catch basins, hydrants, telephone and light poles and other existing objects that may affect the site plan: drives, walks, canopies, grades, drainage facilities and retaining walls, fences, parking layouts (including employee and customer parking), loading areas, exterior lighting, landscaping and signs as further defined in this Section.
- (b) Site Plans shall be drawn to scale, include a north arrow, adjacent streets, owner and potential user of the property, signature block, sight distance from any driveway and parking lots, and a note indicating that "detailed plans of sidewalks, curbs and ramps to be approved by the Department of Public Works."

### Sec. 6-185. SITE PLAN DIMENSIONS FOR PARKING. (11/17/97)

#### (A) - TRANSIENT PARKING SPACES ( 9 X 18) FEET FOR 3 HOURS OR LESS:

Stalls for all off-street parking spaces shall be not less than nine (9) feet wide, measured at right angles to the direction of the stall and eighteen (18) feet long, measured parallel to the direction of the stall except where such parking space is at the end of a row of parking spaces, in which case the end parking space must be ten (10) feet wide, or unless the space is a non-transient parking space as provided below or where the Commission makes a determination that a use subject to site plan approval is a use that can be considered to be non-transient parking. (4/19/2006)

#### (B) - NON-TRANSIENT PARKING SPACES (3 HOURS OR MORE) AT 8 1/2 X 18 FEET

- 1) Non-transient parking spaces are permitted only in Commuter parking lots for all day parking and for Use Group 2C - (offices over 20,000 s.f.). Non-transient spaces for office uses over 20,000 square feet may not exceed 80% non-transient (8 1/2 x 18) and 20% transient (9 x 18)
- 2) Non-transient stalls shall not be less than eight and one half feet wide, measured at right angles to the direction of the stall and eighteen feet in depth measured parallel to the direction of the stall. When a mix of non-transient and transient spaces is proposed in office parking lots, the transient spaces shall be signed for visitors.

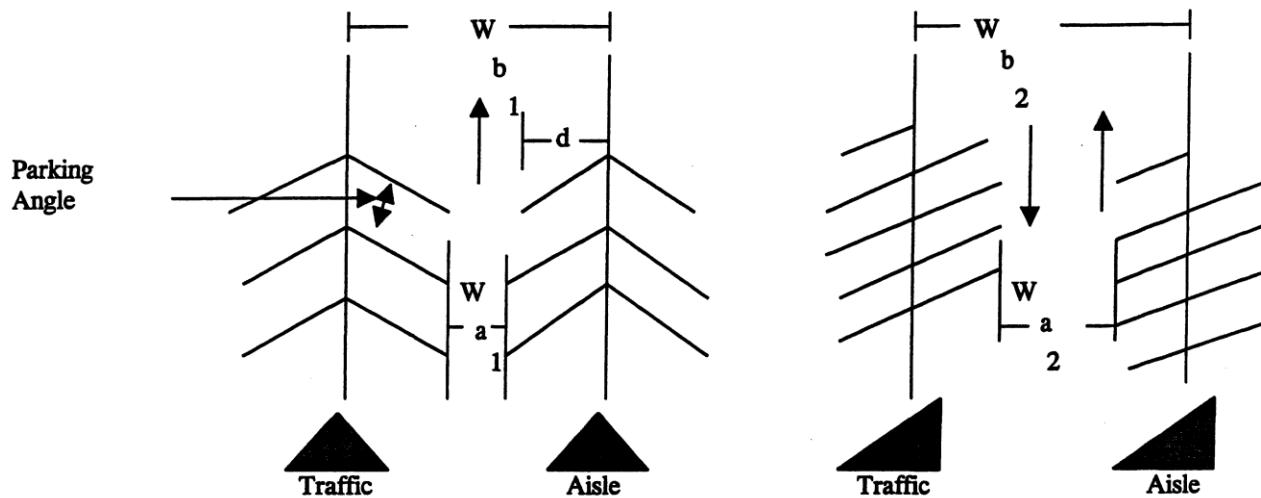
#### (C) PARKING LOT DIMENSIONS FOR TRANSIENT (9 x 18) AND NON-TRANSIENT (8 1/2 X 18)

Minimum stall depth, aisle width and bay width dimensions, in feet, for off street parking layout in relation to angle of parking, shall be in accord to the following for transient and non-transient spaces in Table 1 and Figure 1 below:

TABLE 1

Angle	Depth	One Way Flow		Two Way Flow	
		W	a1	W	a2
45	16	16		48	20
60	17	18		52	20
90	18	23		59	23
					52 54 59

(4/19/2006)

**FIGURE 1****Notes: Parking Angle**

- (a) Stalls provided for parking parallel to the direction of traffic flow shall have a maneuvering area not less than four feet long in addition to stall depth. Dimensions are minimum standards and may be increased by the Traffic Engineer.
- (b) All spaces shall be striped with white traffic pavement marking paint or a pavement marking material (i.e. thermoplastic tape) as approved by the Town Traffic Engineering.
- (D) AISLES PROVIDING FOR GENERAL CIRCULATION shall have a width of not less than twenty (20) feet for two way circulation and not less than fifteen (15) feet for one way circulation
- (E) In order to satisfy the requirements of this sub-section, any proposed restriping plan shall be submitted for approval of the Zoning Enforcement Officer in accord with the requirements of Sec. 6-10.

**Sec. 6-186. SPECIFICATIONS OF PARKING AND LOADING AREAS.**

All parking and loading areas shall be paved with an asphaltic or concrete surfacing except that a porous surface may be approved by the commission where it is deemed desirable to control water runoff problems. Wood faced guard rails shall be permanent bumper guards or wheel bumpers shall be required in those locations of the parking and loading area where a matter of safety is involved. Provision shall be made to prevent vehicles from overhanging any sidewalk area. Except for driveways and other entrances, parking and loading areas shall properly protect adjacent areas against headlight glare by means of a fence, wall or hedge having a maintained height of not less than two (2) feet nor more than three (3) feet; except that the fence, wall or hedge shall be maintained at a height of not less than six (6) feet on the side of the lot adjoining a residential zone, and the area between the property line of the lot and such fence, wall or hedge shall be planted with lawn, shrubs, or flowers and continuously maintained in good condition. (11/17/97)

(11/17/97)

**Sec. 6-187. MARKING OF PARKING AND TRAFFIC SIGNS.**

Parking stalls, directional arrows and other traffic signs shall be adequately marked and maintained on the surface of the pavement with contrasting paint for night operation. All pavement markings shall be reflective and traffic control signs shall be installed and maintained in accord with Town standards to the satisfaction of the Zoning Enforcement Officer. (11/17/97)

**Sec. 6-188. SIDEWALK SPECIFICATIONS.**

Sidewalks connecting all building entrances, exits, parking and loading areas and the public street shall be paved with an asphaltic or concrete surfacing and shall have a minimum width of at least six (6) feet, and be adequately lighted if intended for night use. Parking stalls will not be permitted directly in front of entrances or exits to buildings. These areas shall be designated as loading areas (passenger or other). Sidewalks shall be required on street frontage in business zones and shall conform to the Department of Public Works' Engineering standards in respect to location, width and construction specifications.

**Sec. 6-189. CURB CUTS; ACCESS DRIVES.**

- (a) Curb cuts shall conform to Town regulations on Town roads and any State regulations that may apply on State Highways and authorization from appropriate State or Town agencies shall be secured prior to the issuance of a building permit. Depressed curbs at access points shall be indicated.
- (b) Access drives should cross sidewalks and enter public streets at right angles. Parking areas should be designed to prevent backing across sidewalk areas along street frontage.
- (c) Any new or relocated curb cuts on private roads shall require that entity or association that owns or maintains the private road receive notice of at least 14 days prior to construction of said curb cut as per Sec. 6-14 (a) (3). (2/27/2001)

**Sec. 6-190. LANDSCAPING REQUIREMENTS.**

Landscaping and tree planting is encouraged. All street tree planting comply with regulations of the Department of Public Works and all trees indicated on the Site Plan for street tree planting shall be on the recommended species list issued by the Parks and Trees Department. Planting areas within the parking areas are to be encouraged.

**Sec. 6-191. SIGNS.**

All signs shall comply with the standards listed in Division 16 of this Article and in addition all signs on the property shall be so located that they will not interfere with the vision of a driver entering or leaving the property.

**Sec. 6-192. ENCLOSED RUBBISH AREA.**

An enclosed rubbish area shall be provided and screened from public view.

(2/27/2001)

## **LAND USE**

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**DIVISION 19. TRAILERS AND ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.****Sec. 6-193. TRAILERS PROHIBITED.**

No premises shall be used for the parking or other accommodation of any automobile trailer, house car, or trailer coach being used as living or sleeping quarters, or for the preparation of meals or any combination thereof.

**Sec. 6-194. LOCATION OF ALCOHOLIC ESTABLISHMENTS (11/17/97, 9/23/2014)**

- (a) Every part of the location of such use in a building in which alcoholic beverages are consumed on the premises shall be (1,000) feet from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit as defined by the Liquor Control Act, except for restaurants with wine and beer permits in the GB Zone or package store or grocery/beer permits. (6/17/09)
- (b) In the CGBR zone, the distance shall be at least four hundred (400) feet distant from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit except for package store or grocery/beer permits. Public areas of a tavern or restaurant selling alcoholic beverages under any permit as defined by the Liquor Control Act in the CGBR and CGIO zones are restricted to the ground floor of the building. (See Sec. 6-103.1 (B))
- (c) For definitions of tavern, restaurant, café see Liquor Control Act.
- (d) No Café Permits are permitted anywhere. No Club Liquor Licenses are permitted other than for Non-Profit Clubs.

## Former Sections

- 6-195 (RELOCATION OF ESTABLISHMENT)**
- 6-196 (RELOCATION OF ESTABLISHED BUSINESS)**
- 6-197 (RESTAURANT CONTAINING SERVICE BAR)**
- 6-198 (LOCATION OF BUSINESS OPERATING UNDER CAFE LIQUOR PERMIT) and**
- 6-199 (CLASSIFICATION OF PERMITS)** have been deleted effective November 17, 1997 and are held in reserve.

**Sec. 6-200. RESERVED.****Sec. 6-201. RESERVED.**

(6/17/2009)

## **LAND USE**

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**DIVISION 20. PENALTIES.****Sec. 6-202. PENALTIES; ABATEMENT.**

- (a) The owner, agent, lessee or tenant of either the whole or part of a building or premises, where a violation of this Article shall have been committed or shall exist, shall be guilty of a misdemeanor punishable by fine of not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00) for each such violation. Each days continuance of the violation shall be a separate offense.
- (b) Abatement may be undertaken in accordance with Sec. 6-8. (11/6/89)

**LAND USE**

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**DIVISION 21. SCHEDULE OF OPEN SPACES, HEIGHTS AND BULK OF BUILDINGS –  
SCHEDULE OF BUILDING LINES.**

**Sec. 6-203. OPEN SPACES, HEIGHT AND BULK OF BUILDINGS.**

- (a) No structure shall be erected or altered except in accordance with the provisions contained in the schedule entitled "Schedule of Required Open Spaces, and Limiting Heights and Bulk of Buildings" except as otherwise provided by this Article.
- (b) The required minimum front yard depths and street side yard widths are based on streets at least fifty (50) feet wide. For every foot less in width of a street the required depths and widths of front yards and street side yards respectively are to be increased six (6) inches.
- (c) Any existing public or semi-public use, such as a library, hospital or similar building, exceeding the maximum story or height requirement, may be added to at the same height provided authorization to do so is granted by the Board of Appeals as a special exception.
- (d) In each of the Residential Zones contained in Section 205(a) of these regulations, at least one-third (1/3) of the Building Area of the structure(s) containing the principle use of any lot appearing of record in the Greenwich Land Records after July 8, 1998 shall be located within the Lot Shape (as noted in Sec. 6-205 (a)) applicable to the zone in which the lot is located. (7/7/98)

**Sec. 6-204. EXCEPTIONS TO MAXIMUM HEIGHT AND PARKING SPACES REQUIREMENTS.**

Deleted 6/11/86.

## **LAND USE**

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## SEC. 6-205. SCHEDULE OF REQUIRED OPEN SPACES, LIMITING HEIGHTS AND BULK OF BUILDINGS.

(a) RESIDENTIAL ZONES

ZONE	MAXIMUM HEIGHT		MINIMUM LOT SIZE		LOT SHAPE	FLOOR AREA RATIO (F.A.R.) as of 05-06-02	MINIMUM PERCENT GREEN AREA REQUIREMENTS*	MINIMUM FRONT YARD (DEPTH) <sup>4</sup>	MINIMUM SIDE YARD (WIDTH)	MINIMUM REAR YARD (DEPTH)	STREET SIDE YARD (CORNER LOT) <sup>3</sup>	ACCESSORY STRUCTURES IN REAR YARDS		
	STORIES	FEET	AREA	FRONTAGE								MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM SIZE WITHOUT PZBA SPECIAL EXCEPTION
RA-4 (Single family)	3-1/2	50 ft.	4 Acres	125 ft. Lot width 200 ft. to be measured at house location	Large enough to contain a circle 300 ft. in diameter	.0625 See Note 7 Below	84%	75 ft.	50 ft.	75 ft.	62.5 ft.	35 ft.	35 ft.	1,200 sq. ft.
RA-2 (Single family)	3-1/2	47½ ft.	2 Acres	125 ft. Lot width 150 ft. to be measured at house location	Large enough to contain a circle 200 ft. in diameter	.09 See Note 7 Below	78%	75 ft.	35 ft.	75 ft.	55 ft.	25 ft.	25 ft.	1,200 sq. ft.
RA-1 (Single family)	2-1/2	40 ft.	1 Acre	125 ft.	Large enough to contain a circle 150 ft. in diameter	.135	72%	50 ft.	25 ft.	50 ft	37.5 ft.	15 ft.	15 ft.	800 sq. ft.
R-20 (Single family)	2-1/2	37½ ft.	20,000 sq. ft.	100 ft.	Large enough to contain a circle 100 ft. in diameter	.225	62%	40 ft.	15 ft. Sum of both not less than 35 ft.	40 ft.	27.5 ft.	10 ft.	10 ft.	800 sq. ft.
R-12 (Single family)	2-1/2	35 ft.	12,000 sq. ft.	80 ft.	Large enough to contain a 60' by 100' rectangle	.315	55%	35 ft.	10 ft. Sum of both not less than 25 ft.	35 ft.	22.5 ft.	5 ft.	5 ft.	600 sq. ft.
R-7 (Single family)	2-1/2	35 ft.	7,500 sq. ft.	65 ft.	Large enough to contain a 45' by 85' rectangle	.36	50%	25 ft.	5 ft. Sum of both not less than 15 ft.	25 ft.	15 ft.	5 ft.	5 ft.	600 sq. ft.
R-6 (Single, two family)	2-1/2	35 ft.	7,500 sq. ft.	60 ft.	Large enough to contain a 45' by 85' rectangle	.55	35%	25 ft.	5 ft. Sum of both not less than 15 ft.	25 ft.	15 ft.	5 ft.	5 ft.	600 sq. ft.
(Multi-family Dwellings. Dwellings groups and other permitted uses) <sup>1</sup> (12/27/78)	3	35 ft.	4,200 sq. ft. per family (Note 9) (11/21/81)	60 ft.	Same as above		Lot Coverage Definition applies to dwellings three families or more (50%)	Same as above	25 ft.	Same as above	25 ft	5 ft	5 ft.	NA
R-MF (Single, two family)	2-1/2	35 ft.	3,600 sq. ft.	60 ft.	Large enough to contain a 45' by 85' rectangle	.60	Lot Coverage Definition applies to dwellings three families or more (50%)	25 ft.	15 ft.	25 ft.				
(Multi-family Dwellings. Dwellings groups and other permitted uses) <sup>2</sup>	4	40 ft.	2,400 sq. ft. per family	60 ft.				50 ft.	50 ft.	50 ft.	25 ft	5 ft	5 ft.	NA

<sup>1</sup> See Section 6-98(a)(2)<sup>2</sup> See Section 6-98(a)(2)

Note – FAR of 0.05 in RA-4, and FAR of 0.075 in the RA-2 zones applicable to special exception and special permit uses only with the exceptions specified in Note 7 (a), (b), and (c) following the table.

\*See Note 7(d)

<sup>3</sup> Street side yard - See Division 10 of this Article.  
Corner lots - See Division 10 of this Article.<sup>4</sup> Minimum Front Yard - Streets less than 50 feet - See Section 6-203.

FOR PERTINENT NOTES AND ASTERISKS, SEE PAGES 21-4 AND 21-5.

## SEC. 6-205. SCHEDULE OF REQUIRED OPEN SPACES, LIMITING HEIGHTS AND BULK OF BUILDINGS:

## (b) BUSINESS ZONES

## (c) HOSPITAL ZONES

ZONE	MAXIMUM HEIGHT		MINIMUM LOT SIZE		MAXIMUM BUILDING AREA	MAXIMUM FLOOR AREA RATIO	MINIMUM FRONT YARD DEPTH	MINIMUM SIDE YARD WIDTH	MINIMUM REAR YARD DEPTH	MAX. LOT COVERAGE (2/9/2000)	ACCESSORY STRUCTURES IN REAR AND SIDE YARDS	
	STORIES	FEET	AREA	FRONTAGE							MINIMUM SIDE YARD	MINIMUM REAR YARD
<u>LBR1</u>	2-1/2	35 ft.	Note 1	25 ft.	30%	0.3 ****	10ft.	None required except that if provided such side yard shall be at least 3 1/2 feet plus one inch for each foot of building height. Note 2 (6/11/86)	10% of lot depth but a min. of 25 ft. for commercial or mixed use bldg. adjoining residential zone (6/11/86)	75%	5 ft.	10 ft.
<u>LBR2</u> See below	2-1/2	35 ft.	Note 1	25 ft.	30%	0.5 ****					5 ft.	10 ft.
<u>LB</u>	2-1/2	35 ft.	Note 1	25 ft.	30%	0.5 (6/11/86) Note 10 (4/4/87)	25 ft.	5 ft. per story or 10% of lot frontage or lot width at bldg. location, whichever is greater. Note 2 (6/11/86)	Same as LBR (6/11/86)	75% Note 10 (4/4/87)	5 ft.	10 ft.
<u>CGBR*</u>	3	40 ft.	Note 1	25 ft.	30%	0.3 **	10 ft.	None	10% of lot depth (6/11/86)	75% ****	None	None
<u>CGB*</u>	3	40 ft.	Note 1	25 ft.	30%	0.3 ***	10 ft.	3 1/2 feet plus one inch for each foot of building height Note 2 (6/11/86)	Same as LBR (6/11/86)	75%	5ft.	10 ft.
<u>GB</u>	3 Note 8	40 ft.	Note 1	25 ft.	25%	0.5 Note 10 (4/4/87)	50 ft. Note 3	30 ft. Note 2 (6/11/86) Note 3	10% of lot depth but not less than 30 ft. Note 3	60% Note 10 (4/4/87)	10 ft.	15 ft.
<u>GBO</u>	3 Note 8	40 ft.	Note 1	25 ft.	25%	0.5 Note 10 (4/4/87)	50 ft. Note 3	30 ft. Note 2 (6/11/86) Note 3	10% of lot depth but not less than 30 ft. Note 3	60% Note 10 (4/4/87)	10 ft.	15 ft.
<u>WB</u> See below	2 1/2 (5/11/87)	30 ft. (5/11/87)		25 ft.	30% (5/11/87)	0.5	15 ft. (5/11/87)	10 ft. (5/11/87)	30 ft. See Sec. 6-107(c)(8) (5/11/87)	90% (5/11/87)	5 ft.	15 ft.
<u>BEX-50</u> (Business)	3 Note 4	45 ft.	50 Acres	100 ft.	10% Note 5	0.09 Excluding accessory buildings constructed before 1/1/91. 0.005 for any buildings constructed subsequently. See below (4/1/91)	200 ft. Note 6	200 ft. Note 6	200 ft. Note 6	15%	100 ft.	100 ft.
Hospital H-1 (7/8/95)	3	65 ft.	Greater than 8 Acres		50%	1.25	45 ft.	100 ft.	25 ft.	90%	50 ft.	15 ft.
Hospital H-2 (6/8/90)	4	40 ft.	none		35%	0.6	25 ft.	15 ft. (excluded from provisions of Sec. 6-132)	25 ft.	75%	5 ft.	10 ft.

LBR-1: Banksville, Palmer Hill/Valley Rd. (North Mianus), Round Hill (6/11/86).LBR-2: Chickahominy, Cos Cob, Davis Avenue/Bruce Park, Glenville, Pemberwick, Riverside Avenue/East Putnam, Valley Road/River Road Ext., West Putnam Avenue (6/11/86); added Byram, Church Street/William Street, Old Greenwich on 11/25/91. (LBR-3 deleted 11/25/91).

BEX-50 Note for accessory uses including but not limited to dining/food preparation facilities and structured

parking with or without walls for the garaging, storage or parking of vehicles. (4/1/91)

WB - See Sec. 6-107(c)(6). (5/11/87)

- \* Not applicable to buildings or additions thereto between the front and rear building lines for any lots as they existed at the date the building lines were established. (Sec. 6-130)
- \*\* Use group 2a and 2b only; .9 FAR on all other permitted uses; this .9 FAR shall not apply to uses between the front and rear building lines. In computing FAR for 2a or 2b uses, ground floor areas of other Use Groups shall be considered part of lot area. (6/27/95)
- \*\*\* (a) .9 FAR for an existing structure found by the Planning and Zoning Commission, after consultation with the Historic District Commission, to have historical, cultural or architectural merit or to be a significant element of a streetscape the preservation of which fosters a sense of history, preserves architectural heritage or protects community amenities. Pursuant to a Special Permit under Sec. 6-17 and after consultation with the Architectural Review Committee, the Historic District Commission or other agencies, the Planning and Zoning Commission may authorize an addition or a connection between such structures or a modification of coverage, setbacks, parking or access requirements. In no case may the finished structure(s) exceed the maximum FAR permitted in the zone.  
(b) .9 FAR for a use group 2a for which an application for preliminary site plan approval has been filed with the Commission prior to March 2, 1982. (5/11/82)
- \*\*\*\* Except those properties between the front and rear building lines.
- \*\*\*\*\* Use Group 2a limited to .15 FAR in the LBR-1 zone, and limited to .3 FAR in the LBR-2 zone. (11/25/91)

Note 1. See Sec. 6-110(a) (6/11/86)

Note 2. See Sec. 6-110(b) (6/11/86)

Note 3. The minimum distance to any residential zone shall be equal to twenty feet per acre of lot area but in no case shall the minimum distance be less than 25 feet nor more than 100 feet.

Note 4. Underground parking garages which are partially above ground shall not be subject to the limitation on the number of stories nor included in determining the number of stories or the height of any building above such garages, provided that the exposure above grade does not exceed the following limitations; (a) one side may be fully exposed; and (b) two additional sides may be partially exposed above a sloping grade commencing at the exposed side and rising at least one foot for every three feet of depth. Other basement areas on sloping sites with no more than three sides exposed in excess of 5 feet and which are wholly under the first floor shall not be included in determining the number of stories, provided that the floor area within the portion of the basement exposed in excess of 5 feet does not exceed 25% of the area of the first floor of the building and provided that the floor of such basement is not more than 15 feet below the first floor level.

Note 5. Underground parking garages with exposed sides not in excess of the limitations provided in Note 4 above shall not be included in determining the maximum building area.

Note 6. Except: 100 feet from adjacent land in the same zone. Gate houses not more than 1 1/2 stories in height may be located at a distance not less than 50 feet back from the street.

(6/27/95)

Note 7. Applicable to Special Exception and Special Permit uses only with the following exceptions:

7(a) In the RA-4 and RA-2 zones, for Special Permit uses specified in 6-94(b) (1) and for Municipal Uses, the Planning and Zoning Commission may permit an FAR not to exceed .10 in the RA-4 zone on lots in excess of eight acres but less than twenty-five acres, and an F.A.R. not to exceed .10 in the RA-2 zone on lots in excess of 8 acres but less than 25 acres, after consideration of the standards set forth in Sec. 6-15 and 6-17 and, further, after a finding by the Commission that the proposed use would serve a public purpose and that there exists a demonstrated community need for said use, and further that: (8/28/92)

- (1) No special permit use specified in 6-94(b) shall be closer than 2,500 feet to a use in 6-94(b)(1) as measured from any point along the boundaries of the lot(s), except that any use existing as of the date of this amendment which may become non-conforming as to the above distance requirement by the adoption of this amendment, will not be prohibited from being continued, altered, changed or expanded, provided all other standards of the Building Zone Regulations are complied with. (3/28/92)
- (2) The building or buildings and other structures will be screened from surrounding properties to the maximum extent reasonably possible. (3/28/92)
- (3) Traffic generated by the proposed use will not have a significant adverse effect upon safety in the streets nor will significantly increase traffic congestion in the area.
- (4) The proposed use will not be detrimental to the neighborhood or its residents or alter the neighborhood's essential characteristics. (10/27/83)

7(b) Educational Institutions not operated for commercial profit, permitted pursuant to Sec. 6-94(a)(5), are recognized as having unique indoor and outdoor space requirements and are permitted an F.A.R. of .15 in the RA-2 Zone and .075 in the RA-4 Zone. (3/28/92)

7(c) Religious institutions, permitted pursuant to Sec. 6-94 (a) (5), are permitted an F.A.R. of .0625 in the RA-4 zone. (8/17/99)

7(d) Special Exception uses permitted pursuant to Section 6-94 (a), Special Permit uses permitted pursuant to Section 6-94 (b), and Municipal Uses are recognized as having unique requirements for indoor and outdoor facilities. As such, upon application by the property owner, the Planning and Zoning Commission may waive lot coverage and Green Area requirements for Special Exception, Special Permit, and Municipal Uses permitted in residential zones after a finding that the proposed development provides sufficient landscaping, planting and screening to enhance the compatibility of the improvements with the surrounding residential neighborhood and to screen refuse, transformers, storage and parking areas, and meets applicable standards set forth in Sections 6-15 and 6-17(d). (3/2/2012)

Note 8. Upon application for Special Permit, the Commission may authorize the maximum height to be not more than 4 stories or 40 feet for a structure of Use Group 6, provided the Commission finds that such height is compatible with buildings in the immediate surrounding area and meets the standards of Sections 6-15 and 6-17. (10/28/80)

(3/2/2012)

Note 9. The Planning and Zoning Commission may under Special Permit allow reduction in area per family to 3600 sq. ft. for dwelling units to be incorporated into existing structures which were existing and listed with the Tax Assessor as of October 27, 1981 and which are historically or culturally significant, or important to the preservation of a neighborhood's character.

For purpose of Note 9, an addition which does not exceed the greater of 25% or 700 square feet shall be considered part of the existing structure. (11/20/81)

Note 10. See Section 6-110(g). (4/4/87)

**Sec. 205.1 SCHEDULE OF BUILDING LINES.**

Street	General Description of Building Line	Building Line Shown on Map on File in Town Clerk's Office as Number -	Date of Establishment of Building Line
Arch Street	Both sides from Railroad Avenue to Greenwich Avenue	#4259	May 17, 1960 effective June 1, 1960
Dayton Avenue	Both sides from West Putnam Avenue to Field Point Road, 25 feet from the property line.	#3091	March 17, 1954 effective April 1, 1954
East Elm Street	North Side along property owned by Red Men's Home Assoc., Inc. (4/29/91)	#4201C	April 23, 1991 effective April 29, 1991
Field Point Road	Brookside Drive and west side from West Putnam Avenue to east side of West Putnam Avenue to West Elm Street, 35 feet from the property line.	#3091	March 17, 1954 effective April 1, 1954
Greenwich Avenue	Both sides from Putnam Avenue south to Railroad Avenue and Bruce Park Avenue	#3676	July 19, 1956 effective July 27, 1956
Mason Street	Both sides: from East Putnam Avenue to Lewis Street approximately 37 feet from property line; from Lewis Street to East Elm Street shall have a separation of 95', each line being moved equally towards the center line of the present building line locations. (7/16/91)	#2151A; #2151B; #2151C; #2151D; & #2151E	February 10, 1953 effective February 16, 1953; Revised June 25, 1991 effective July 16, 1991

Street	General Description of Building Line	Building Line Shown on Map on File in Town Clerk's Office as Number -	Date of Establishment of Building Line
Sound Beach Avenue	Both sides from N.Y., N. H. & H. Railroad south to vicinity of Public School.	#4203	October 27, 1959 effective November 16, 1960
West Elm Street	North side from Benedict Place to Field Point Road, 35 feet from the property line.	#3091	March 17, 1954 effective April 1, 1954

#### **SCHEDULE OF REAR BUILDING LINES**

Greenwich Avenue	Both sides from Putnam Avenue south to N.Y., N.H. and H. Railroad.	#4201A, #4201B, #4201C, #4201D, #4201E, #4201F, and #4201G.	Sept. 28, 1959 effective March 8, 1960 Amend. Sept. 28, 1966, effective October 20, 1966
Greenwich Avenue	E/S Greenwich Avenue between Lewis Street and East Elm Street.		Amend. June 17, 1963, effective July 31, 1963.

# **LIST OF DIAGRAMS**

DIAGRAM 1

GRADE PLANE

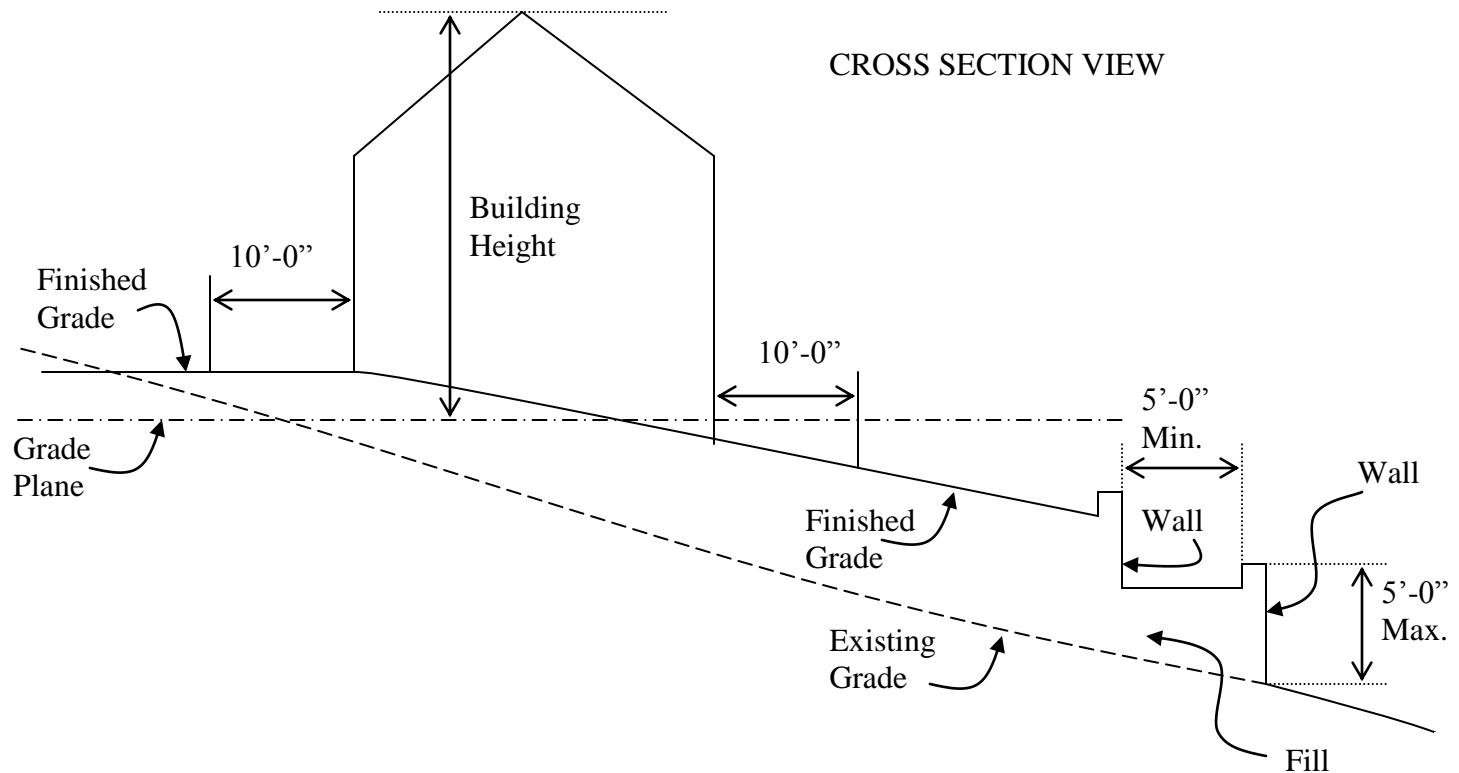
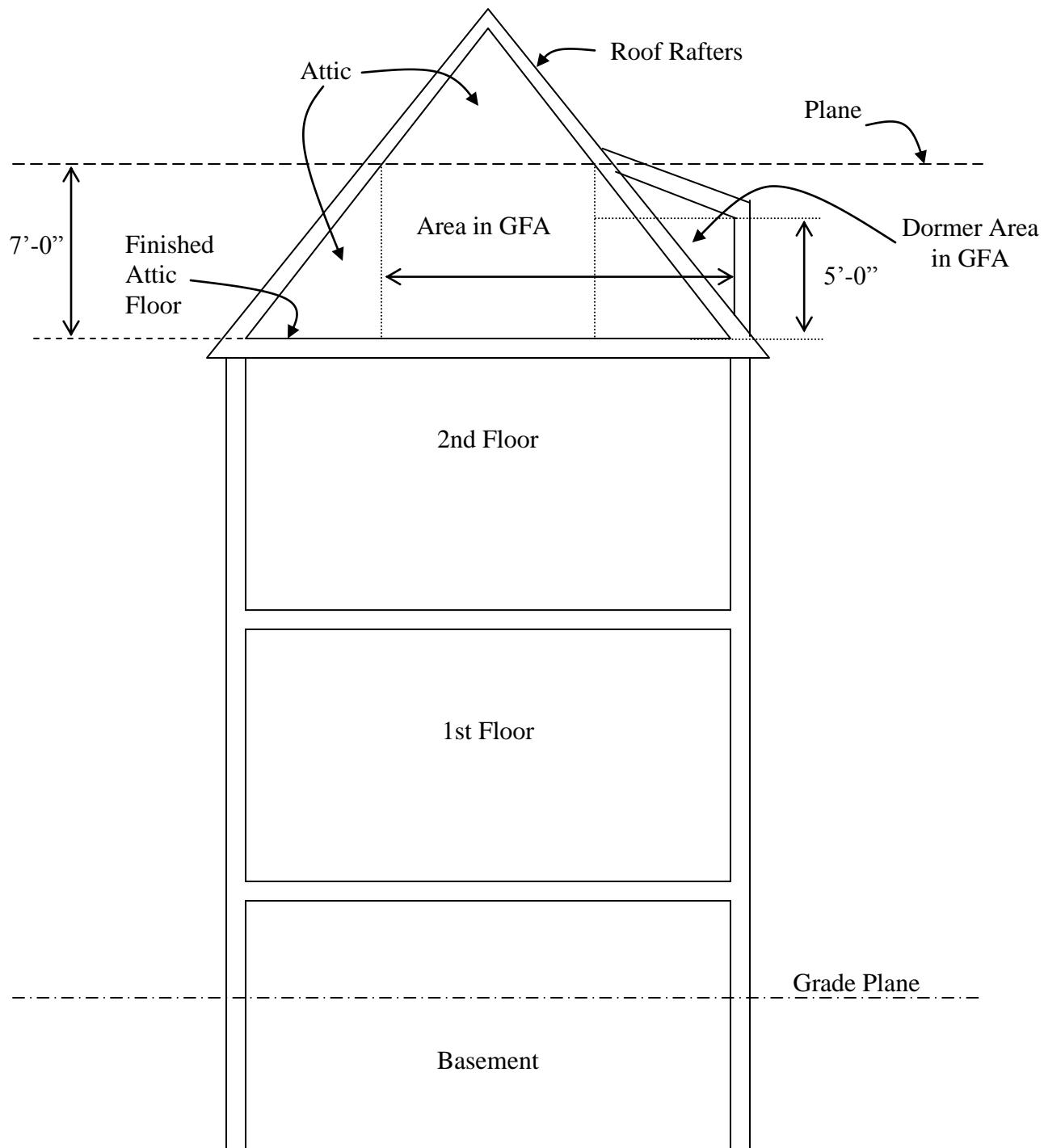


DIAGRAM 2

ATTIC AREA INCLUDED IN GROSS FLOOR AREA (GFA)



### DIAGRAM 3

#### BASEMENT AREAS INCLUDED AND EXCLUDED FROM GROSS FLOOR AREA (GFA)

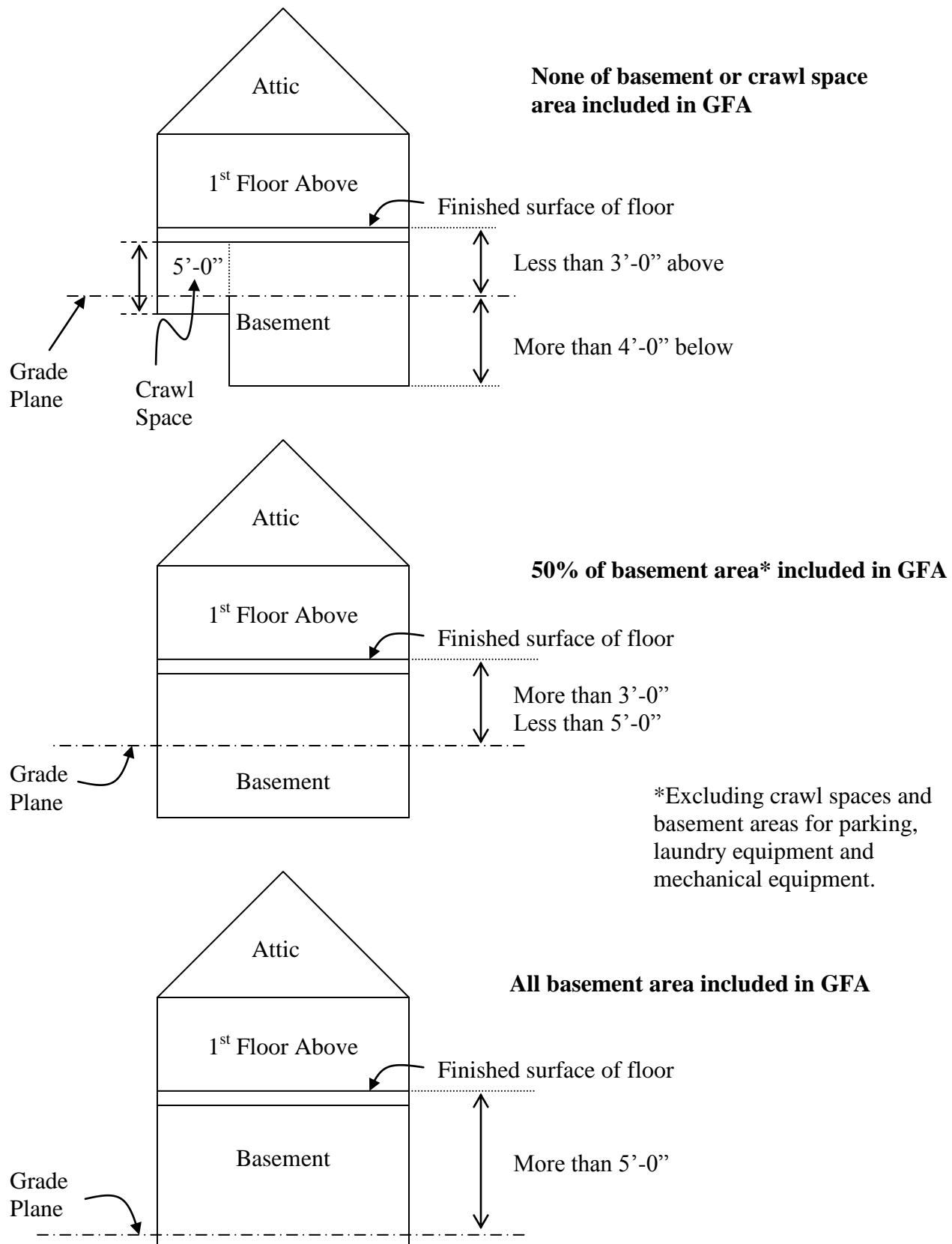


DIAGRAM 4

HALF AND FULL STORY CALCULATIONS  
FOR ATTIC AREA

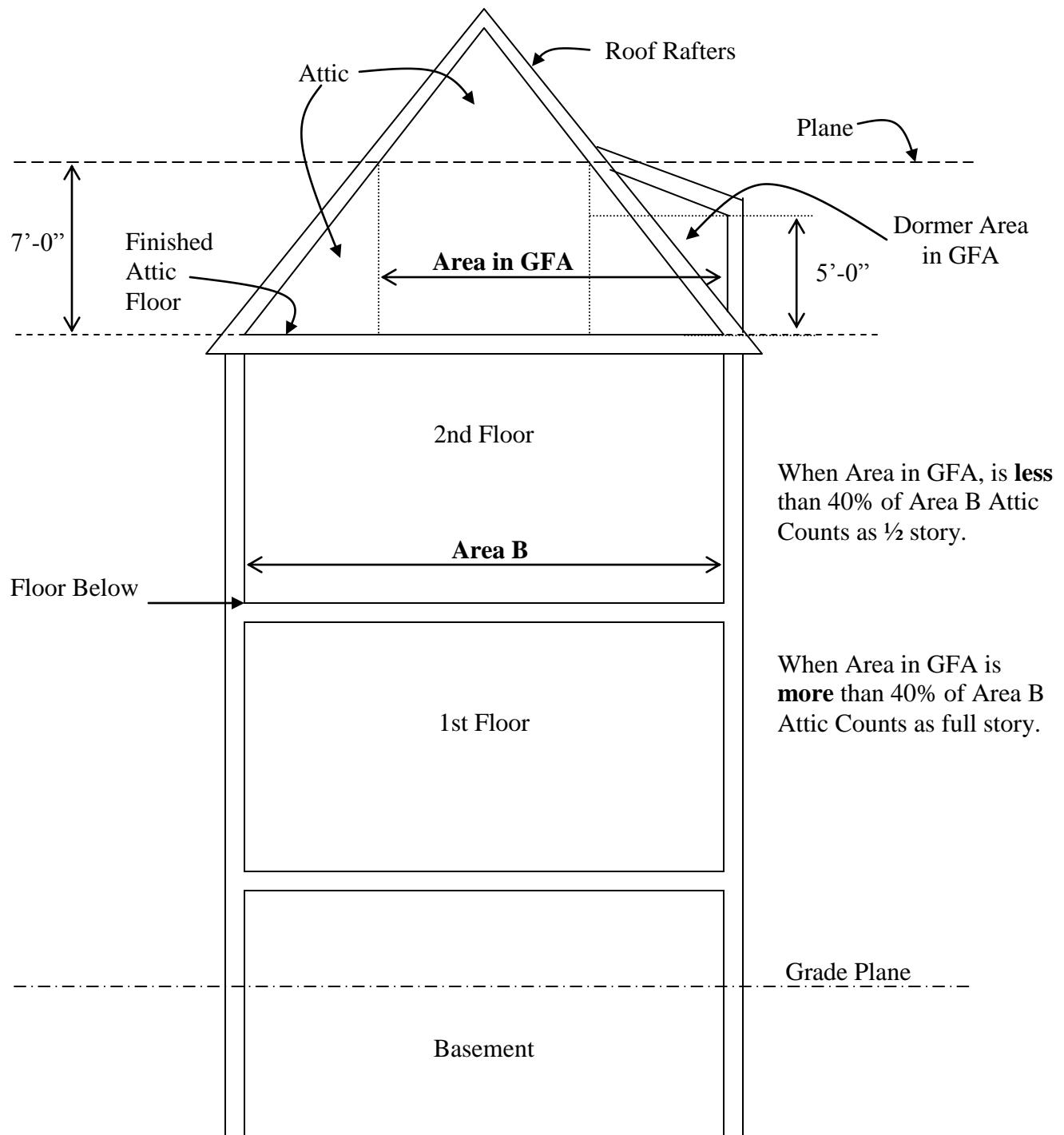
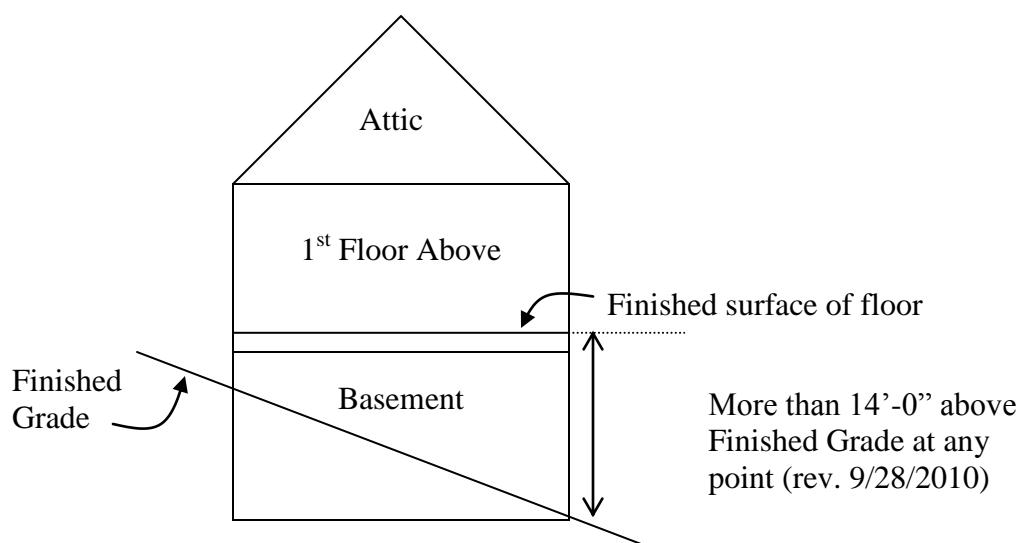
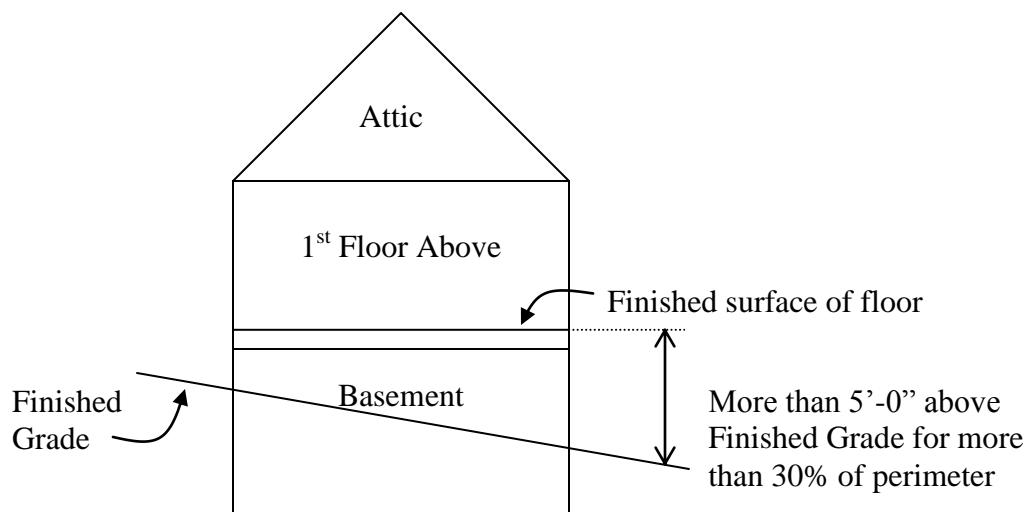
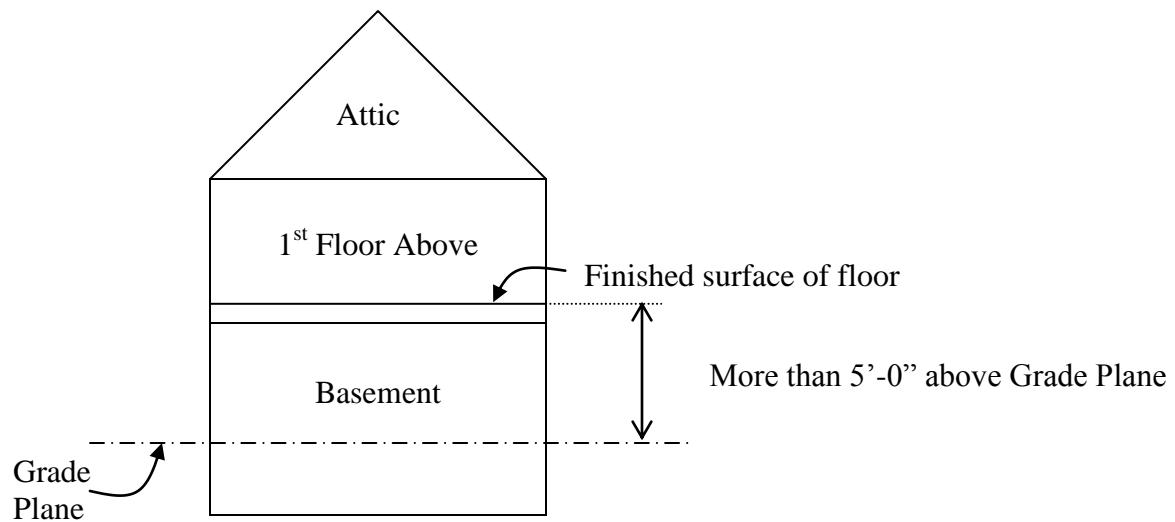
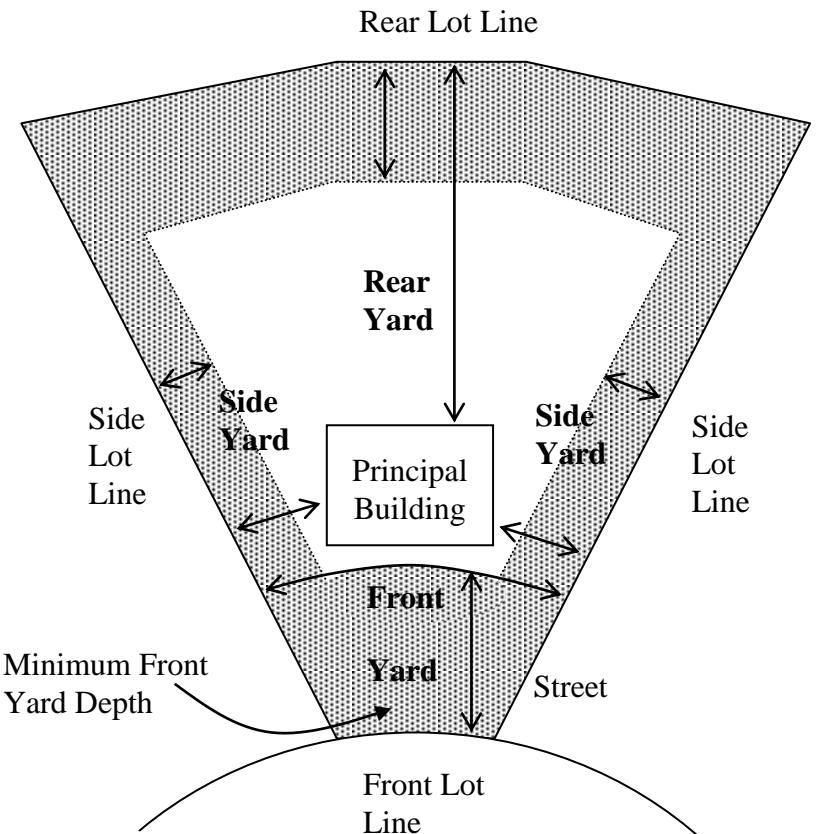


DIAGRAM 5

BASEMENT AREA COUNTED AS A STORY ABOVE  
GRADE UNDER THE FOLLOWING CONDITIONS



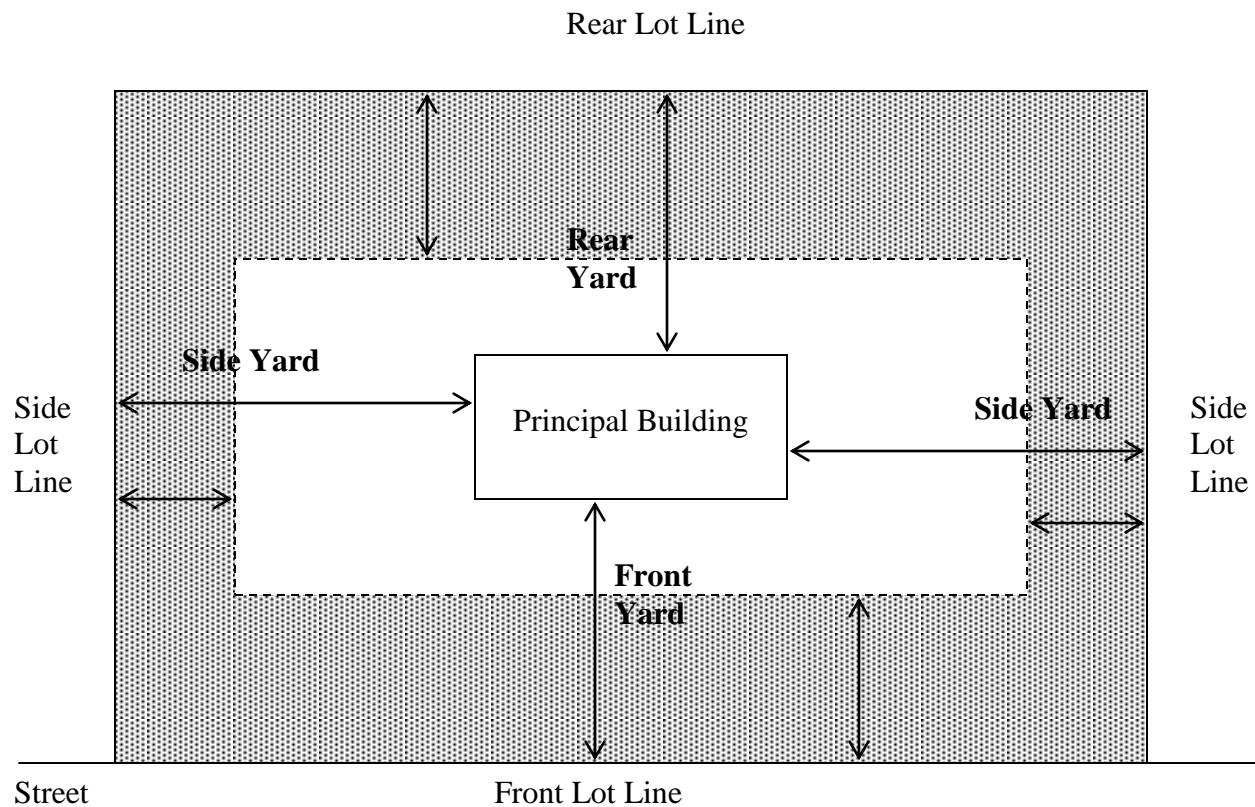
**DIAGRAM 6**  
**ILLUSTRATION OF LOT FRONTAGE  
 MEASUREMENT ON CUL-DE-SAC**



Where the front lot line is along the terminus of a cul-de-sac, the distance may be measured at the required front yard depth setback along an arc concentric with the street line.

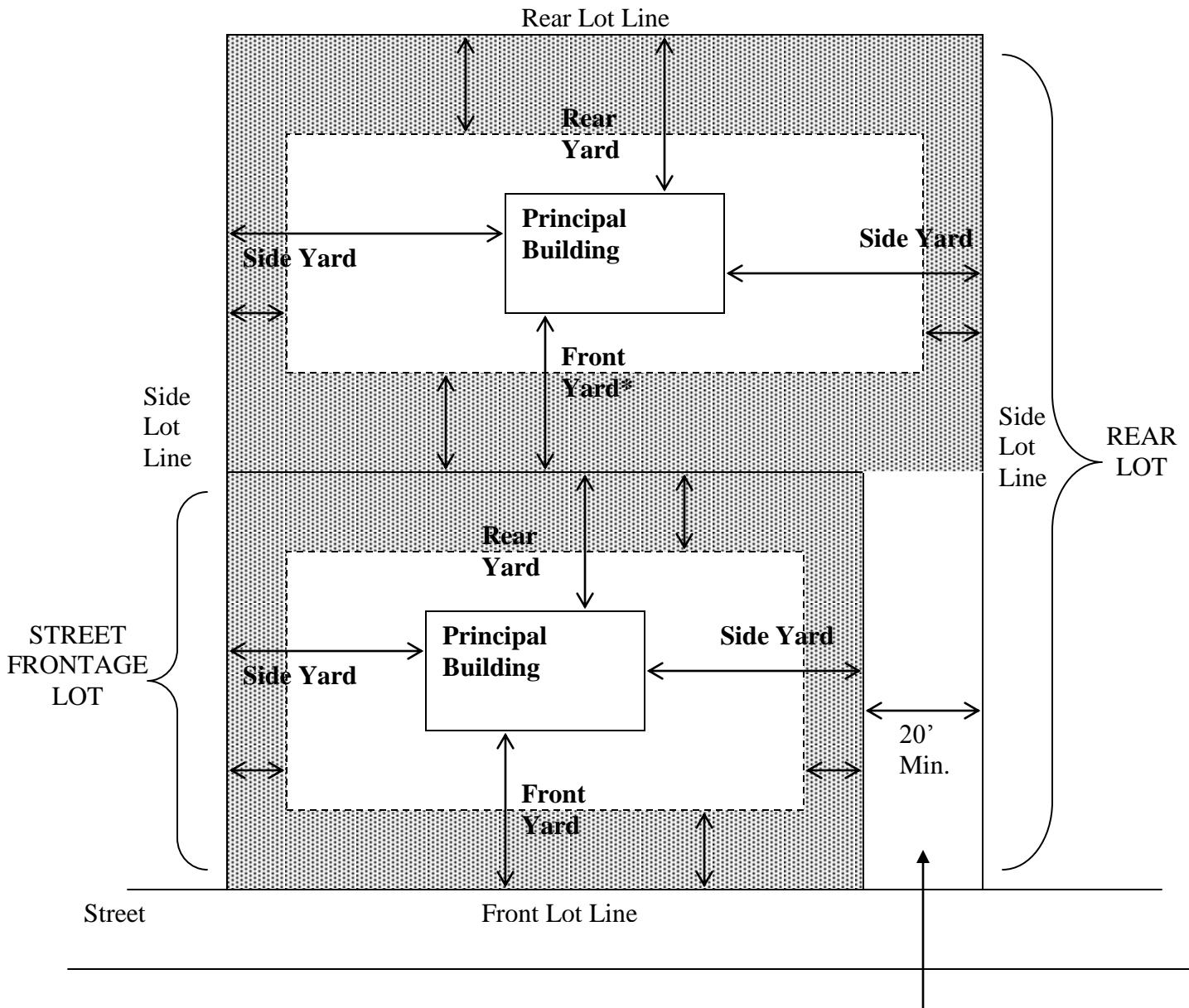
 Required (minimum) Yard  
 See Sec. 6-205

**DIAGRAM 7**  
**ILLUSTRATION DISTINGUISHING  
YARDS FROM REQUIRED YARDS**



 Required (minimum) Yard  
See Sec. 6-205

**DIAGRAM 7.1**  
**ILLUSTRATION OF YARDS FOR TYPICAL LOTS  
 AND REAR LOTS**



\*For Rear Lots  
 property owner selects  
 which lot line will be  
 front lot line  
 per Sec. 6-131.

The area of accessway  
 is excluded from lot  
 area calculation for lot  
 size and FAR  
 per Sec 6-131 (b) (6).

DIAGRAM 8  
ILLUSTRATION OF LOT FRONTAGE MEASUREMENT

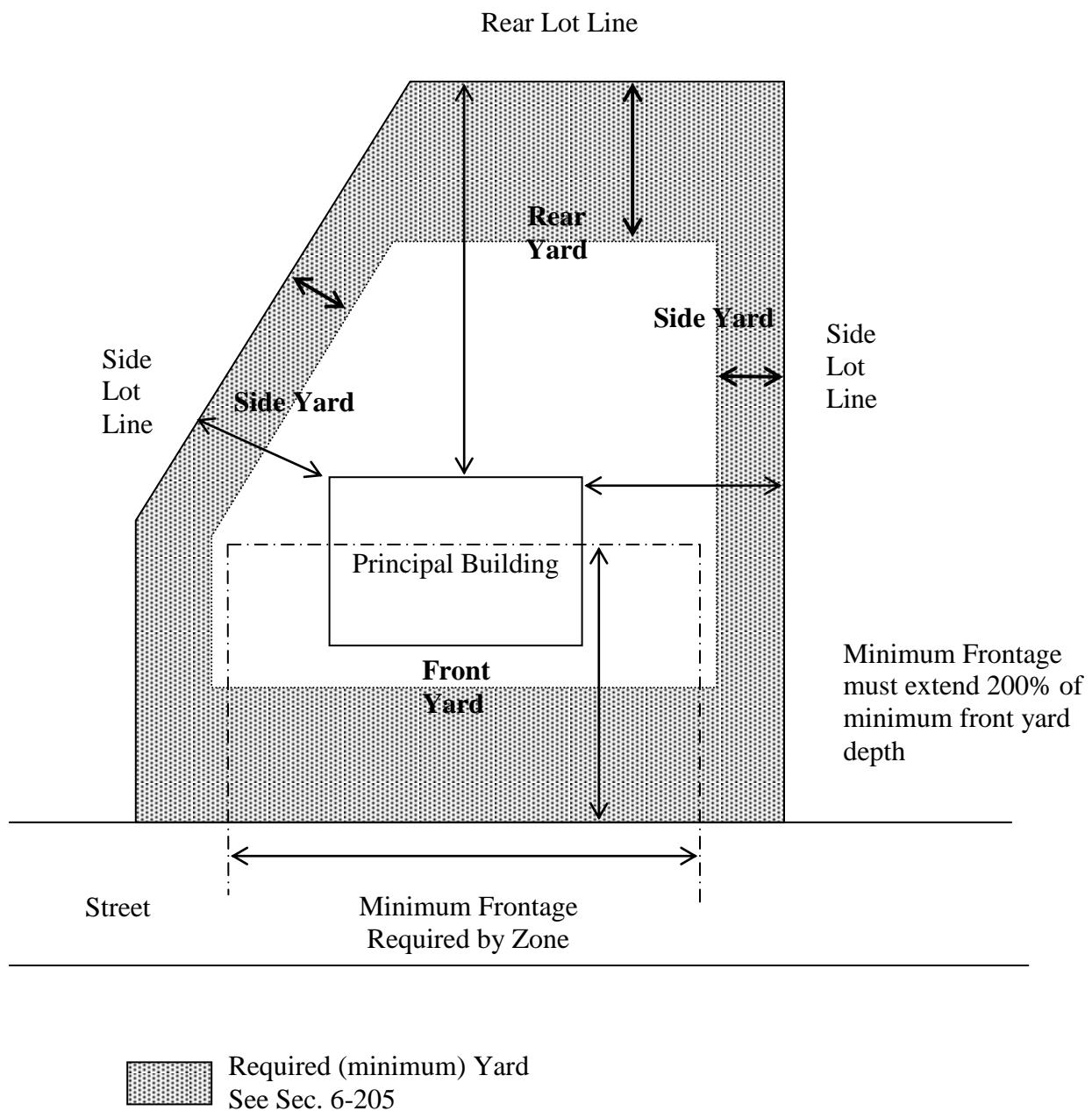
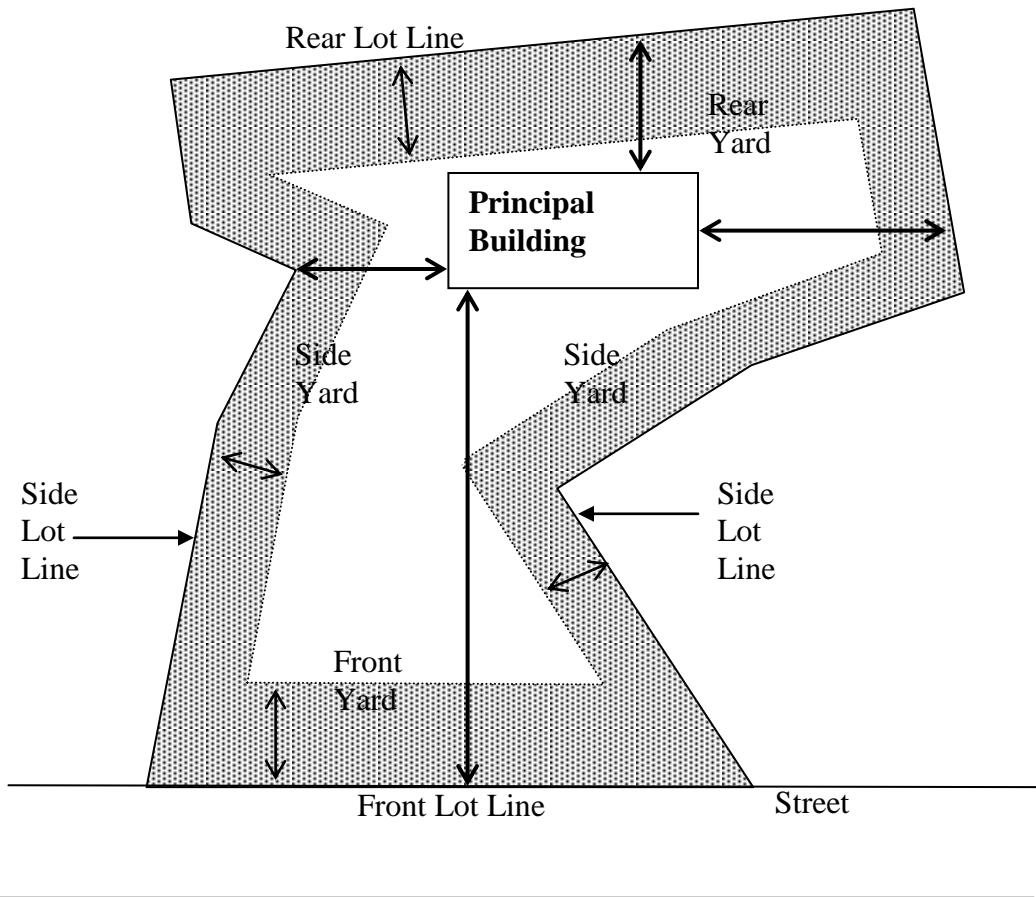
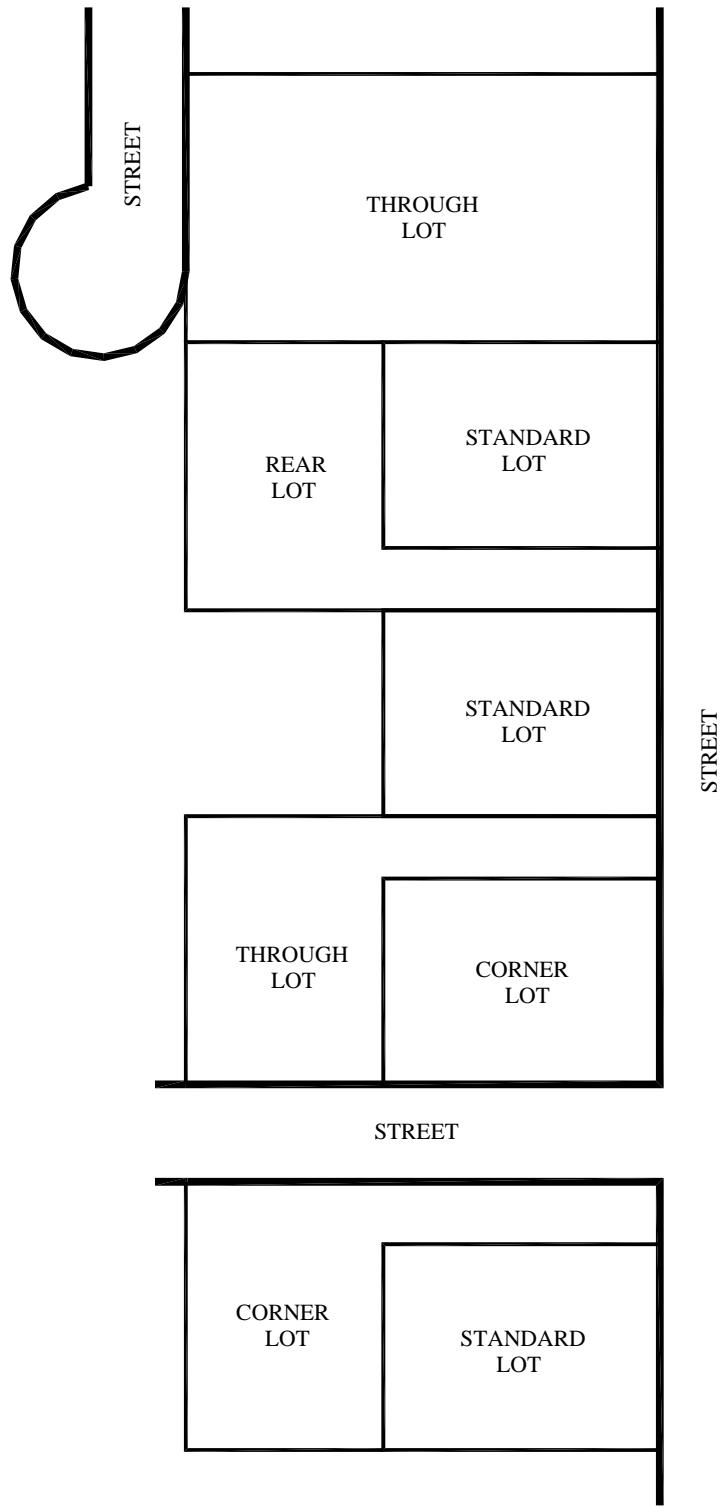


DIAGRAM 9  
ILLUSTRATION OF YARDS FOR IRREGULAR SHAPED LOT



 Required (minimum) Yard  
See Sec. 6-205

DIAGRAM 10  
CORNER, REAR,  
AND THROUGH LOTS



# APPENDIX

# **SUBJECT INDEX**

## Subject Index

**Please Note:** This index is provided as an aid to users of the Building Zone Regulations and is separate from the Building Zone Regulations. The subject index was prepared by the staff of the Planning and Zoning Commission and will be updated from time-to-time.

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Revision 12-2014

# **CHRONOLOGICAL LIST OF TEXT AMENDMENTS**

**TOWN OF GREENWICH**  
**CHRONOLOGICAL LIST OF AMENDMENTS**  
**BUILDING ZONE REGULATIONS 1/1979 TO PRESENT (Updated 11/2014)**

This listing of text amendment was compiled by the staff of the Planning and Zoning Commission to assist users of the Building Zoning Regulations with an interest in knowing when amendments to the regulations from the date indicated took effect. The Commission takes no responsibility for omissions or errors. Users should also consult the public hearing notices and legal ads published for the zoning text amendments listed to confirm the information.

<b>SECTION</b>	<b>TITLE</b>	<b>EFFECTIVE DATE OF AMENDMENT</b>
6-9(b)	Extend Moratorium of Medical Marijuana Dispensaries and Producers. PLPZ201400595	12/3/2014
6-28	Remove the sentence, "Notwithstanding the above, no increase in density shall be permitted in R-C7 Conservation Zones approved before May 1, 1978." PLPZ201400561	11/21/2014
6-194	delete subsection (a) and remove the 1,000 ft. distance requirement between package store liquor permits PLPZ201400316	12/23/2014
6-139.1 (f) (12) (B)	Amended to include requirements for duct systems in the flood zone PLPZ201400274	6/25/2014
6-139.1 (f) (11) (D)(iv)	Amended to include requirements for duct systems in the flood zone PLPZ201400274	6/25/2014
6-139.1 (f) (11)(D)	Amended to specify the required details for flood control openings PLPZ201400274	6/25/2014
6-139.1 (c) (40)	Amended to reference dates of flood map compliance PLPZ201400274	6/25/2014
6-5(a)(26)	add reference to Flood Zone Grade Plane PLPZ201400274	6/25/2014
6-139.1 (c) (22.1)	Add definition for Grade Plane, Flood Zone PLPZ201400274	6/25/2014
6-100 Use Group 1,7b, 8	Amended to reflect new seasonal outdoor dining period of Apr. 1 to Nov. 1 PLPZ 2014 00108	4/2/2014
6-5(a)(38.2.1)	Add definition of Outdoor Dining PLPZ201400108	4/2/2014
6-5(a)(36.3)	Definition of Nail Salon added. PLPZ201300716	2/5/2014
6-43.1	Amend language to permit the Commission to amend number of stories. Application PLPZ201300619	12/18/2013
6-9(b)	add 6-9(b) Moratorium of Medical Marijuana Dispensaries and Producers. PLPZ201300608	11/24/2013
6-158(b)	add Recreational Facility patron parking	9/20/2013
6-158(b)	Add Gym patron parking	9/20/2013
6-158(b)	revise Health club and Recreational Facilities patron parking to Fitness Club parking. Amend parking standards to the sum of all uses.	9/20/2013

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-158(b)	Revise Fitness and Weight Control Centers patron parking to Group Fitness Center patron parking. Amend parking standards to one space for each participant and instructor.	9/20/2013
6-103.1(B)	Add Group Fitness, revise Health Club to Fitness Club, add Gyms	9/20/2013
6-100 Use Group 4	Add Group Fitness, revise Health Club to Fitness Club, add Gyms	9/20/2013
6-100 Use Group 1	Add Group Fitness, revise Health Club to Fitness Club, require Special permit for Recreational Facilities, add Gyms	9/20/2013
6-100	Add Note D	9/20/2013
6-5(a)(21.5)	add definition for "Fitness Club"	9/20/2013
6-5(a)(26.1.1)	add definition for Group Fitness Center	9/20/2013
6-5(a)(40.2)	revise definition for Recreational Facility	9/20/2013
6-5(a)(38.5)	revise "Personal Service Establishments" removing "weight control activities" and "health clubs" and "physical fitness facilities", insert fitness clubs, group fitness centers.	9/20/2013
6-5(a)(27.1)	delete definition for Health Club, add definition for "Gym"	9/20/2013
6-5(a)(10.1)	deleted definition for "Commercial Recreation"	9/20/2013
6-139.1(c)(18)	revised to include "...July 8, 2013,..."	7/4/2013
6-139.1(a)	revised to include "...July 8, 2013,..."	7/4/2013
6-110(g)(2)(D)	revised language to allow one additional story in GB and GBO Zones per application PLPZ201300007	6/19/2013
6-179(a)	replace building inspector with Zoning Enforcement Officer	5/1/2013
6-175(c)	replace building inspector with Zoning Enforcement Officer	5/1/2013
6-132(a)	replace building inspector with Zoning Enforcement Officer	5/1/2013
6-20(b)	replace building inspector with Zoning Enforcement Officer	5/1/2013
6-20(a)	replace building inspector with Zoning Enforcement Officer	5/1/2013
6-15(b)	replace building inspector with Zoning Enforcement Officer	5/1/2013
6-168(d)	add new language regarding electronic message signs	4/24/2013
6-168(a)	revise language to prohibit illuminated unshielded lighting for signage.	4/24/2013
6-99(a)(2)	replace listed date from July 1, 1980 to May 12, 2009	4/24/2013
6-101(d)	require a special permit for two or more dwelling units on one lot	4/24/2013
6-17.2(b)	revise to read "...two or more parcels..."	4/24/2013
6-14.1(a)	add language "...unless a special permit has been submitted. When reviewing special permits, the period of review for the site plan shall be in accordance with Section 8-7d, as may be amended from time to time, of the Connecticut General Statutes."	4/24/2013
6-14(a)(1) thru (22)	renumber after adding new sections (a)(1) and (a)(7)	4/24/2013
6-14(a)(19)	require "... or two copies of a drainage exemption form	4/24/2013
6-14(a)(13)	require fifteen copies as 1/400 scale	4/24/2013
6-14(a)(12)	require ten copies	4/24/2013
6-14(a)(11)	require ten copies	4/24/2013
6-14(a)(9)	require five copies	4/24/2013

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-14(a)(8)	require three copies of "green area"	4/24/2013
6-14(a)(7)	add new subsection (a)(7) "Three Sets of volume calculations per Sec. 6-101.	4/24/2013
6-14(a)(6)	require three copies	4/24/2013
6-14(a)(5)	require 3 copies	4/24/2013
6-14(a)(4)	require eight sets of architectural plans not less than at 1/8" scale.	4/24/2013
6-14(a)(3)	require fifteen copies of "...detailed <b>site</b> development plans..."	4/24/2013
6-14(a)(2)	require fifteen copies	4/24/2013
6-14(a)(1)	add new 6-14(a)(1) require digital copy of submission.	4/24/2013
6-14(a)	revise to read, "preliminary or final approval"	4/24/2013
6-12(e)	replace "...building permit..." with "...Zoning Permit..." Update title to "Zoning Enforcement Officer" and Director, Planning and Zoning / Zoning Enforcement Coordinator / Town Planner	4/24/2013
6-12(d)	Delete Sec. 6-5(a)(45.1) reference. Insert Sec. 6-10 reference	4/24/2013
6-12(c)	Delete "...issuance of a certificate of occupancy..." insert "...issuance for a certificate of occupancy..."	4/24/2013
6-12(b)	replace "...building permit..." with "...Zoning Permit...". Update title to "Zoning Enforcement Officer". Delete "...per the FAR worksheet..."	4/24/2013
6-12(a)	replace "...building permit..." with "...Zoning Permit...". Update title to "Zoning Enforcement Officer"	4/24/2013
6-12	replace "...building permit..." with "...Zoning Permit..."	4/24/2013
6-11(d)	renumber to 6-11(c). Change all references from "building permit" to "Zoning Permit". Update title to "Zoning Enforcement Officer"	4/24/2013
6-11(c)	renumber to 6-11(b). Change all references from "building permit" to "Zoning Permit". Update titles to "Zoning Enforcement Officer" and "Building Official"	4/24/2013
6-11(b)-(d)	Delete Section 6-11(b) and reorder accordingly	4/24/2013
6-11(a)	amend and update to include Zoning Enforcement Officer and Building Official. Strike gender reference and insert, "... as required"	4/24/2013
6-11	amended section title, delete "...building permit..." and insert "...Zoning Permit..."	4/24/2013
6-10(c)	delete "...Building Permit" and insert "...Zoning Permit..."	4/24/2013
6-10(b)	amend and update title of Building Official, delete "...civil engineer or..." and insert licensed in the State of Connecticut..."	4/24/2013
6-10(a)(8)	delete "Land Coverage" insert "Lot Coverage, Building Coverage Green Area as required;..."	4/24/2013
6-10(a)(6)	delete "...field record sheet...", insert "... Planning and Zoning Approved and signed record Sheet..."	4/24/2013
	delete "...lines..." and "... required yard...", insert "... minimum yard setbacks..." and "...of structure from the nearest property line..."	4/24/2013
6-10(a)(2)	delete "...exact size, area and location..."	4/24/2013

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-10	Amend title to remove "building permit" and add "Zoning Permit"	4/24/2013
6-179(a)	amend and update title of Director, Planning and Zoning / Zoning Enforcement Coordinator / Town Planner and Building Official	4/24/2013
6-168(c)	amend and update title of Building Official	4/24/2013
6-152(a)(3)	amend and update title of Building Official	4/24/2013
6-139.1	amend and update title of Building Official	4/24/2013
6-119	amend and update title of Building Official	4/24/2013
6-84	amend and update title of Building Official	4/24/2013
6-73	amend and update title of Building Official	4/24/2013
6-61(b)	amend and update title of Building Official	4/24/2013
6-43(a)(3)	amend and update title of Building Official	4/24/2013
6-34(a)(4)	amend and update title of Building Official	4/24/2013
6-34(a)(3)	amend and update title of Building Official	4/24/2013
6-16.1(c )	amend and update title of Building Official	4/24/2013
6-15(b)	amend and update title of Director, Planning and Zoning / Zoning Enforcement Coordinator / Town Planner and Building Official	4/24/2013
6-139.1(d)(2)	amend FEMA FIRM date and panels	4/24/2013
6-139.1(c)(40)	amend substantial improvement language	4/24/2013
6-205(a) (7)(d)	Add Note 6-205(a) (7)(d)	4/24/2013
6-205(a)	Amend table to include required Green Area	3/2/2012
6-131	Amended to include Green Area Exceptions	3/2/2012
6-128	Amended to include exceptions for Green Area	3/2/2012
6-98	Added minimum Green Area to R-MF and R-6 Zones	3/2/2012
6-5(a)(26.2) and (26.3)	Renumbered Section 6-5(a)(26.1) and (26.2) to 6-5(a)(26.2) and (26.3)	3/2/2012
6-5(a)(26.1)	Definition of Green Area	3/2/2012
6-5(a)(34.1)	Amend to add 3 ft./ friable fill, and R-MF and R-6 to definition	3/2/2012
6-5 (a)(7)	Amend 6-5(a)(7) to exclude first two ft. of overhang and include green area	3/2/2012
6-128	Modify Section 6-128 (e) Mechanical equipment, new or replacement, shall not be allowed in any required yard.	5/4/2011
6-8	Modify to read that this article shall be enforced by the ZEO and shall report to the director of Planning and Zoning and ZBA as per Section 8-3(e) of Title 8 of Chapter 124 of the CGS,	10/26/2010
6-158	Modify to Customer or Patron Parking - for Fitness Centers and Weight Control Centers	10/26/2010
6-5 (a) 34.1	Add definition of Lot Coverage	10/26/2010
6-94(a)(11)	Add 6-94(a)(11) Museums	10/26/2010
6-5 (36.2)	Add definition for Museums	10/26/2010
6-158	Add - Customer or Patron Parking - Health Club, and Recreational Facilities (Indoor) one parking space per staff and member or as determined by the Commission based on type of facility, class sizes, or membership use pattern.	10/26/2010

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-158	Modify Customer or Patron Parking - Personal Services – Delete [weight control and fitness training]	10/12/2010
6-158	Increase queuing spaces to 14 for Fast Food Establishments	10/12/2010
6-155	Modify to read, "(Required Parking Facilities for TWO AND Multi-family dwellings) Dwelling or group of dwellings to accommodate two or more families	10/12/2010
6-153(e)	Modify subsection (e) to Read, "For the purposes of this section, all residential dwellings/structures in residential zones (single, two and multifamily) as well as tennis courts, platform tennis courts and similar recreational facilities are included"	10/12/2010
6-152(c)	delete [neither] and substitute either	10/12/2010
6-152	Add new (c), "Accessory buildings shall include shipping containers and Commercial Storage Container such as PODS, which, if approved by the Town Planner, shall be permitted to be placed on a property for a maximum of 90 days in a calendar year unless otherwise approved by Commission or Town Planner."	10/12/2010
6-103.1(F)	Add new section (F), "There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required parking area."	10/12/2010
6-103.1(C)	Amend Section (c) delete [neither] and substitute <b>either</b>	10/12/2010
6-103.1 (B)	Modify (B), Ground floor uses: Except for access to and egress from upper floors, permitted uses on the ground floor shall be limited to uses listed in Use Group 1 <b>except for banks and financial services, (including drive up and drive thru)</b> and sales agencies of real estate, employment insurance or travel firms which are not permitted on the first floor of the CGBR zone. <b>These uses are only allowed</b> on the upper floors if parking is provided on site since these uses are considered office uses and not retail uses. <b>ATM machines and bank entrances to the 2<sup>nd</sup> floor are not considered financial services and may be located on the first floor in the CGBR zone. Recreational facilities (indoor), health clubs and fitness facilities are not permitted on the first floor or basement of the CGBR zone and only on the upper floors if adequate parking is provided on site per Section 6-158 of the BZR.</b>	10/12/2010
6-103 (H)	Add section (H) "There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required parking area."	10/12/2010
6-103 (E)	Ground floor uses: Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Group 8, <b>except for banks (including drive-up, or drive thru), financial services facilities</b> , sales agencies of real estate, and employment, insurance or travel firms which are not permitted on the first floor of the LBR zones. <b>ATM machines and access entrances to 2<sup>nd</sup> floor banks are not considered financial</b>	10/12/2010

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	<b>services and may be located on the first floor in the LBR zones.</b>	
6-100 Use Group 8	Modify Banks (including drive-in Banks) are considered Financial services (Note C)	10/12/2010
6-100 Use Group 8	Add Financial services and establishments (including banks, etc.) sales agencies of real estate, employment, insurance or travel firms shall be permitted only above floors having other uses within Use Group 8.	10/12/2010
6-100 Use Group 4	Add Health Clubs, Recreational Facilities, Fitness Centers, Financial Services (including banks)	10/12/2010
6-100 Use Group 1	Add Recreational Facilities, Health Clubs and Fitness Centers	10/12/2010
6-98	Modify to include additions to an existing (2) two-family residence	10/12/2010
6-5 (a) (45.1)	Amended definition for Story Above Grade to More than <b>fourteen (14)</b> feet above the finished grade at the perimeter of the building at any point.	10/12/2010
6-5(a) (40.2)	Add definition of a Recreational Facility	10/12/2010
6-5(a) (38.5)	Modify definition of Personal Service Establishments to not include facilities of health clubs, health care professionals, or health care providers, training, fitness, recreational or educational facilities, such as but not limited to computer schools, martial arts, language schools, tutoring facilities, yoga classes, spinning classes and the like.	10/12/2010
6-5(a) (38.2)	Modify definition of Office uses to include banks	10/12/2010
6-5(a) (36.1)	Add Definition for Medical Professional	10/12/2010
6-5(a) (27.2)	Add definition for Healthcare Professional	10/12/2010
6-5(a) (21.3)	Add definition of Financial Service	10/12/2010
6-5 (a)(3.1)	Amend definition of bank to include financial service business that primarily ...	10/12/2010
6-5(a) (12.1)	Add definition of COVERED PORCHES; including gazebos, pool houses, pergolas (open air structure on at least 2 sides) to be distinguished from carports	10/12/2010
6-139.1 (a)	Purpose was amended to reflect effective date	10/12/2010
6-139.1 (c)-(f)	Amended to reflect new FEMA requirements	6/18/2010
6-5 (2.1)	Definition of Animal Day Care was added	6/18/2010
6-5 (3.1)	Definition of Bank was expanded to require site plan and special permit	4/14/2010
6-5 (3.2)	Definition of Bank- Drive In was expanded to require site plan and special permit	4/14/2010
6-5 (13.1)	Added definition of Drive In, Drive Thru Establishments	4/14/2010
6-98(a)(1) and (2)	Amended uses permitted in the R-6 zones requiring special permit	4/14/2010
6-100 Groups 1,4, and 9	Groups 1 and 4 added Banks to include drive ins when authorized by special permit	4/14/2010
6-103(E)	Amended accepted ground floor uses in LBR Zones	4/14/2010

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-103.1(B)	Amended accepted ground floor uses in CGBR Zone	4/14/2010
6-194(b)	The distance requirement for restaurants where beer and wine are consumed was eliminated in the GB zone. For other liquor permits in different classes the existing distance rules apply in the GB zone and between zones.	4/14/2010
6-5 (a)(3.1) thru (3.3)	Definition of Bank and Bank Drive-in added as 6-5(a)(3.1) and 6-5(a)(3.2). Former definition (3.1) was renumbered as (3.3)	6/17/2009
6-5(a)10.2)	Definition of Carport is added	11/25/2008
6-5(23)	Definition of Floor Area Ratio was amended to include the exclusion of land within a right-of-way	11/25/2008
6-100 Use Group 1 & 7b	Revised the explanation of sidewalk outdoor dining facilities to strike the word "sidewalk" and insert (restaurant, or retail food store). This use is also now included under Use Group 7b.	11/25/2008
6-144	Accessory Buildings - revised the accessory building height limit to include those structures in commercial zones.	11/25/2008
6-157(c)	Commercial Loading Areas - added 6-157 (c) for automotive dealers. No staging, loading or unloading of carriers shall be done on town Streets. Must be done on commercially zone properties.	11/25/2008
6-5 (38.6) 6-5 (38.7) 6-100 Use Groups 1 & 8	Definition of Pharmacy. The Use Pharmacy was added to use groups 1 and 8. Inserted as definition [6-5 (38.6)] all subsequent definitions were renumbered accordingly.	11/25/2008
6-158 (b)	Drive In/Up Establishment Parking and queuing requirements	11/25/2008
6-100 Use Group 7	Water dependent uses - revision/adding text regulating boats and boat storage racks; boat storage racks to meet accessory setback requirements and limited in height to 30'.	11/7/2007
6-128 (a) (b) (c) & (d)	Projections in required yards - revision - deleted term "attached terraces"; added language permitting balconies, windows and stair wells to project into required yards up to two(2) feet; and allows minor architectural features less than 6" to project into required yard.	10/24/2007
6-140.2 (e)	Fences and walls - added sub-paragraph limiting the height of fences within 10 feet of front or street side property line to 3 feet in height within 10 feet of both sides of a driveway; stated that fence, wall or planting must not impede the minimum sight distance standards in DPW Roadway Design Manual.	7/19/2006
6-141 (b) (2) ii, iii, iv	Non-conforming building and use restrictions revision to sub-paragraph ii to permit building eligible for placement on National Register of Historic Places to have substantial improvement made even if existing building is non-conforming; permits such building with non-conforming yard to have "substantial improvement" if addition is conforming with regard to setbacks.	7/19/2006
6-205 (a)	Residential Zones, Schedule of Required Open Spaces Limiting Height and Bulk Buildings, Note 7 Footnote - Revision - To clarify	7/19/2006

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	FAR for special permit and special exception uses as referenced in Note 7	
6-14 (a) (2) (14)	Preliminary Site Plan Procedures - Revision	7/19/2006
6-5 (a) 22.1	Floor Area, Gross, Sub-paragraph (B) - Revision - Text Reorganization	4/19/2006
6-5 (a) (34)	Lot Corner - Revision - Requires minimum frontage on one street to be 20'	4/19/2006
6-5 (a) (49)	Structure-Revision - Adds vehicle parking lifts	4/19/2006
6-185 (A)	Transient Parking Spaces (9 x 18) 3 Hours or Less - Revision - To require 10' wide end-space for transient parking space	4/19/2006
6-141 (b) (2) (B) iii	Non-conforming Use Restrictions - Revision - To permit limited vertical addition within a non-conforming yard.	4/19/2006
6-138	Land Under Water - Revision - To exclude underwater coastal land from lot area and minimum set backs	4/19/2006
6-134 (b)	Measurements - Revision - Distances between walls used for grade plane to be measured from face of wall to face of next wall.	4/19/2006
6-98 (a) (2) (A)	Use Regulations for R-6 Multi-Family and RMF Zones - Revision - Allowing conversion of qualifying accessory structure to dwelling on lot with single family dwelling.	4/19/2006
6-111 (c) A (2) & (3)	Coastal Site Plan Review, Approval and Exemptions - Revisions	4/19/2006
6-110 (e)	Use Regulations and Special Permit Requirement for Dwellings Units Permitted in the Business Zones - Revision - Substituted phase "areas designated for recreation and delete term terraces	4/19/2006
6-76 (c)	Number of Families; Lot Area; Terrace Patio or Deck Area - Revision - Substituting "patio" and "deck" for "terrace"	4/19/2006
6-30 (f)	Lot and Building Requirements - Revision - Substituting "patio" and "deck" for "terrace"	4/19/2006
6-5 (a) (49)	Structure - Revision - To delete terraces	4/19/2006
6-5 (a) (38.6)	Porch - Added	4/19/2006
6-5 (a) (12.2)	Deck - Added	4/19/2006
6-5 (a) (38.5)	Personal Service Establishment - change numbering of this section	4/19/2006
6-5 (a) (38.4)	Patio - Added	4/19/2006
6-5 (a) (51)	Terrace - Revised	4/19/2006
6-5 (a) (49.2)	Revision - change numbering of this section	4/19/2006
6-5 (a) (49.1)	Substantial Improvement - Added	4/19/2006
6-5 (a) (23)	Floor Area Ratio - Revision - To exclude underwater coastal land from lot area	4/19/2006
6-5 (a) (5)	Definitions-Building revised	4/19/2006
6-5 (a) (6)	Definitions-Building Accessory or Accessory Use revised	4/19/2006
6-5 (a) (10.1)	Definitions-Commercial Recreation added	5/4/2005
6-5 (a) (11.3)	Definitions-Corner Lot added and illustrated with Diagram10	5/4/2005
6-5 (a) (17)	Definitions-Dwelling Group revised	5/4/2005

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-5 (a) (21.2)	Definitions-Fast Food Restaurant-added	5/4/2005
6-5 (a) (21.3)	Definitions-Finished Grade-existing definition renumbered	5/4/2005
6-5 (a) (26)	Definitions-Grade Plane-revised to cross reference Sec. 6-134 (b)	5/4/2005
6-5 (a) (27.1)	Definitions-Health Club added	5/4/2005
6-5 (a) (34.1)	Definitions-Lot Coverage revised	5/4/2005
6-5 (a) (38.1)	Definitions-Non-Passenger Vehicle-added	5/4/2005
6-5 (a) (38.2)	Definitions-Passenger Vehicle-added	5/4/2005
6-5 (a) (38.3)	Definitions-Office Use-revised and renumbered	5/4/2005
6-5 (a) (38.4)	Definitions-Personal Service Establishments-revised	5/4/2005
6-5 (a) (42)	Definitions-Restaurant-revised	5/4/2005
6-5 (a) (42.1)	Definitions-Retail Food Establishment-added	5/4/2005
6-5 (a) (42.2)	Definitions-Retail Store-existing definition renumbered	5/4/2005
6-5 (a) (49)	Definitions-Structure-revised	5/4/2005
6-13 6-14 6-14.1 6-15	Sections 6-13, 6-14, 6-14.1 and 6-15 revised to reflect the authority of the Commission to approve, approve with modification or disapprove site plans. Revisions made to insure that application submission requirements reflected in regulations.	5/4/2005
6-99(a)(4)(B)	Date for affidavit submission changed from January 30 to July 1	5/4/2005
6-100 Use Group 5	Auto detailing added to list of permitted uses	5/4/2005
6-103 (C)	Revised to replace text reading "average existing grade at street level" to "grade plane".	5/4/2005
6-104 (C)	" "	5/4/2005
6-104 (H)	Prohibition against display of merchandise or equipment used for on site business activity in front yard or required parking area in LB zone.	5/4/2005
6-104.1 (D)	" " in CGB zone	5/4/2005
6-105 (c)	" " in GB zone	5/4/2005
6-106 (c)	" " in GBO zone	5/4/2005
6-126	Visibility at Section revised with the addition of illustration to show area on lot subject to this regulation.	5/4/2005
6-128	Revised to limit projections permitted to walls which are conforming. Also revised to prohibit projections other than eves, leaders, or gutters from encroaching into a minimum five (5) foot side yard.	5/4/2005
6-131 (a) (2)	Minimum frontage exceptions regulations section revised to state that the access way to a rear lot shall be at least 20 feet wide and no greater than 35 feet. The revision makes this regulation consistent for both single and combined rear lot access ways.	5/4/2005
6-131 (a) (3)	Revised language indicates that limitation on the maximum rise of 15% applies to driveway within an access way.	5/4/2005
6-131 (a) (5)	Minor text change substituting "shall be" for the word "is".	5/4/2005
6-131 (b) (2)	Minor text change adding the word "each" in referring to access way.	5/4/2005

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-140.2	Addition of new separate section regulating fences and walls requires permits for solid fences over six feet six inches and any type of fencing constructed as an appurtenance to a sports court larger than 1,000 sq. ft. or any other recreational facility.	5/4/2005
6-144 (b)	Revised the minimum side and rear setback required from two to five feet in the R-7, R-6 and R-MF zones.	5/4/2005
6-147.1	Amended the title of this section to read "Accessory Buildings in Business Zones" permits accessory buildings in business zones subject to site plan approval; allows shipping containers as accessory buildings for up to 90 days subject to the approval of the Town Planner; and limits the height of accessory buildings in business zones to a maximum of 25 feet	5/4/2005
6-152 (a)	Revised text by adding language requiring that outdoor light fixtures have full cutoff luminaries to reduce night sky pollution.	5/4/2005
6-156 (a)	Revised the text of this section to clarify the criteria limiting the circumstances under which a resident's non-passenger vehicle can be parked in a residential zone.	
6-158 (b)	Revised text of the standards for determining customer or patron parking. Added parking standards for a number of uses found in the Building Zone Regulations and revised the parking standards for uses for which parking standards already existed.	5/4/2005
6-161	Amended title of this section to add landscaping standards to paving and drainage requirements for site plans, and lists landscaping criteria for site plan with 10 or more parking spaces.	5/4/2005
6-168 (a)	Adds neon illumination to the list of prohibited types of signs	5/4/2005
6-175 (b)	Deleted this sub-paragraph that specified the filing fees for sign applications. Now permits the Building Department to revise fees without having to amend the Building Zone Regulations. Other sub-sections renumbered	5/4/2005
6-205 (a)	Revised to add columns showing the "Street Side Yard", "Accessory Structure Minimum Side and Rear Yards", and "Maximum Size of Accessory Structure without PZBA Special Exception. Also revised the columns for "Minimum Front Yard (Depth)", "Minimum Side Yard (Width)" and Minimum Rear Yard (Depth)" by eliminating the alternative way of determining minimum setback requirements based on the height of the existing building.	5/4/2005
6-205 (b)	Amended the "Minimum Side Yard Width" for CGBR Zone to state that no side yard setback is required. Also added columns for "Accessory Structure Minimum Side and Rear Yards for all business zones."	5/4/2005
Diagrams	Added Diagram 10 to illustrate corner, standard, rear and through lots	5/4/2005
6-205 (a)	Schedule of Required Open Spaces and Limiting Heights and Bulk of Buildings for Residential Zones revised by adding or modifying	5/4/2005

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	F.A.R. for the following zoning districts: RA-4, 0.625; RA-2, .09; RA-1, .135; R-20, .225; R-12, .315; R-7, .36; and R-6, .55. Division 3 Conservation Zones Regulation of Floor Area Ratio (F.A.R.) revised by the addition of language to provide for a 25% increase in the F.A.R. above the maximum F.A.R. of the underlying zone for detached housing in the RA-C4 and RA-C2 Zones and a 15% increase in the F.A.R. above the maximum F.A.R. of the underlying zone for detached housing in the RA-C1 and R-C20 Zones, and the R-C 12, and R-C7 zones.	
6-71.1	Application for affordable housing units in Residential planned Housing Designed Small Unit (R-PHD-SU) Zone. Sets forth minimum lot area required for each type of unit, floor area ratio (FAR) and yard requirements pursuant to court decisions in the matter of <u>Smith-Groh Inc. (aka Pemberwick Commons vs. Planning and Zoning Commission)</u> .	1/15/2003
6-109.1 (5)(c)	Historic Overlay Zone New sub-paragraph (c) added to allow religious institutions existing as of effective date of amendment and granted Historic Overlay Zone status to have an FAR not to exceed 1.0, and a height not to exceed four stories and a building height not to exceed 50 feet when authorized by special permit.	1/15/2003
6-5 (2.1)	Definitions - Attic added	10/9/2002
6-5 (3.1)	Definitions - Basement added	8/21/2002
6-5 (12.1)	Definitions - Crawl Space added	4/30/2002
6-5 (21.2)	Definitions - Finished Grade added	4/30/2002
6-5 (22.1)	Definitions - Floor Area Gross added	4/30/2002
6-5 (26)	Definitions - Grade Plane added	4/30/2002
6-5 (45.1)	Definitions - Story Above Grade added	4/30/2002
6-5 (56.1)	Definitions - Yard, Required or Minimum Yard added	4/30/2002
6-5 (9)	Definitions - Building Height Revised - Measured from grade plane to highest point of the roof	4/30/2002
6-5 (22)	Definitions - Floor Area, Gross revised to distinguish between non-residential and residential uses	4/30/2002
6-5 (35)	Definitions - Lot frontage revised to require that minimum lot frontage be provided a depth equivalent to at least two hundred percent of the minimum front yard setback.	4/30/2002
6-5 (45)	Definitions - Story revised to include more definitive description and cross reference to Section 6-5 (45.1) and Section 6-5 (22.1) (A)(1)(b).	4/30/2002
6-5 (54)	Definitions - yard, front revised to reference supplemental diagram.	4/30/2002
6-5 (55)	Definitions, yard rear revised to referenced supplemental diagram.	4/30/2002
6-5 (56)	Definitions - Yard, side revised to reference supplemental diagram.	4/30/2002
6-10 (c)	Building permit applications; plans; contents; survey New Sub-paragraph added requiring specified information for use in calculating floor area ratio.	4/30/2002

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-12 (b) (c) & (d)	Limitations on permit issuance, New sub-paragraphs added describing documentation required to prove compliance with floor area ratio and maximum building height regulations.	4/30/2002
6-12 (a)(b) (c)(d) & (e)	Projections in required yards revised subparagraph (a) to provide standards for determining how close certain features can come to rear or side property lines added new subparagraph (b) to indicate when certain features considered part of principal structure and thus cannot be located in a required side or rear yard. Added new subparagraph (e) to indicate that certain features cannot be located in a required front yard. Existing subparagraph (b) renumbered as subparagraph (d); new subparagraph (e) added that prohibits mechanical equipment in any required yard.	4/30/2002
6-134 (b)	Measurements new subparagraph (b) added specifying limits on height and spacing of retaining walls when fill is used to establish the grade plain.	4/30/2002
6-205	Schedule of Required Open Spaces, limiting height and bulk of buildings revised to increase maximum building height as follows: RA-4 from 45' to 50' RA-2 from 45' to 46 1/2' RA-1 from 35 to 40' R-20 from 35 to 37 1/2'	4/30/2002
6-140.1	Satellite Earth Station (SES) deleted and replaced by new Section 6-140.1 Telecommunication Facilities and sites.	4/30/2002
6-155	Parking and garages for multi-family residential purposes. Paragraph added granting Planning and Zoning Commission, authority to require the installation of bicycle racks as a condition of Site Plan approval for multi-family housing. Text added also contains standards for bicycle rack installation.	4/30/2002
6-5 (18)	Definitions - Dwelling Unit revised definitions	12/19/2001
6-5 (31.1)	Definitions - Kitchen new definition added existing Section 6-5 (31.1) renumbered to section 6-5 (31.2)	10/3/2001
6-5 (52.2)	Definitions - Wet Bar New Definition added	10/3/2001
6-158	Customer or patron parking; required spaces. Paragraph added granting Planning and Zoning Commission authority to require the installation of bicycle racks as a condition of site plan approval for non-residential developments. Text added also contains standards for bicycle rack installations.	10/3/2001
6-4 (b)	Zone Boundaries subparagraph (b) deleted and existing subparagraph (c) relabeled (b)	10/3/2001
6-12 (b)	Limitations on permit issuance. Language revised to indicate that site plan approval to be by Planning and Zoning Commission, Town Planner or designee.	10/3/2001
6-14 (a)(3)	Site Plan procedures revised to include language on required mail notification to abutting property owners.	2/7/2001

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-14 (c)	Site Plan procedures new section requiring applications involving Inland Wetlands and Watercourses Agency approval to be submitted to that agency prior to site plan application submittal to Planning and Zoning Commission. Final Site Plan approval can only be done after IWWA renders its decision.	2/7/2001
6-14.1 (e)	Commission review of Site Plan Applications existing sub-paragraph (e) deleted and replaced with new language. Requires construction to be completed with five year of site plan approval.	2/7/2001
6-16 (a) & (b)	Site Plan changes subparagraph (a) a revised to changed reference to Building Inspector to Building Official. Sub-paragraph (b) added specific types of site plan changes requesting reapproval.	2/7/2001
6-16.1 (b)	Acceptance of site plan construction. Revision/adding that specifying nature of building and surveys required before CO is issued.	2/7/2001
6-17 (b) (5)	Authorization of use by Special Permit. New sections requiring applications involving Inland Wetlands Agency Approval to be submitted to that agency prior to special permit submitted to Planning Zoning Commission. Special Permit Approval can only be done after IWWA renders its decision.	2/7/2001
6-17.1	Exemptions. Deleted in its entirety.	2/7/2001
6-20 (c)(l)	Board of Appeals add to sub-paragraph (c)(l) requiring Board of Appeals to consider Plan of Conservation and Development in rendering decisions on special exceptions. Addition necessitated re-numbering existing (l) to (6) to (2) to (7).	2/7/2001
6-111 (c)(B)(2)	Coastal Overlay Zone new section requiring mail notification to abutting property owners as per Sec. 6-14 (a) (3)	2/7/2001
6-131 (a) (5) & (6)	Sub-paragraph (5) indicates how lot area of rear lot used to calculate FAR begins and access way ends. Frontage exceptions sub-paragraph (6) indicates point at which access way ends and lot begins. Existing sub-paragraphs (5) and (6) renumbered (7) and (8).	2/7/2001
6-131 (b) (2)	Minimum Frontage exceptions new sub-paragraph (2) added. Specifies that access way must be at least 20 feet wide and no greater than 35 feet, and continue at least the depth of the front yard setback. Existing sub-paragraphs (2) to (6) renumbered (3) to (9).	2/7/2001
6-189(c)	Curb cuts, access drives new sub-paragraph (c) requires written/notification to entity owning or maintaining a private road before modification of existing or installation of new curb cut.	2/7/2001
6-128	Projections in required yards revised to include uncovered porches and mechanical equipment to list of items prohibited from being erected in required yard.	2/7/2001
6-29	Deleted entire Conservation Zones Section Regulations Floor Area Ratio, and other requirements, and replaced with new 6-29 (A), 13 and C)	2/7/2001
6-30	Lot and other building A) requirements. Sec. 6-30 revised, Sec. 6-	6/15/2000

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	30 B) added and Sec. 6-30 C) added.	
6-126	Visibility at intersections revised to include reference to DPW roadway design manual, and Town Tree Warden Approval.	5/17/2000
6-131 (a) (2) & b (5)	Minimum frontage exceptions Sec. (a)(2) revised to require that access way continue at least the depth of the front yard setback and new b(5) added.	5/17/2000
6-5 (23)	Definitions - Floor Area Ratio Existing Definition Deleted and Replaced with New Definition	5/17/2000
6-5 (35)	Definitions - Lot Coverage Revised to Require Minimum Lot Frontage Dimension to Continue on Diminished to Depth of Required Front Yard Setback	5/17/2000
6-5 (38.2)	Definitions - Personal service establishments revised to include training, recreational or educational facilities, such as but not limited to computer schools, martial arts or language school.	5/10/2000
6-128 (a)	Projections into required yards deleted and replaced with new text.	5/10/2000
6-5 (7)	Building area deleted and replaced with new text.	5/10/2000
6-100	Deleted the Following Uses From Use Group 9: Motor Vehicle Repair; Motor Vehicle Sales and Service; and Motor Vehicle Storage	5/10/2000
6-104 (A)	Deleted entire third paragraph in this section	5/10/2000
6-104 (G)	Deleted Entire Last Paragraph in This Section	3/21/2000
6-5 (34.1)	Definition - Lot Coverage	3/21/2000
6-98 (a)(2)(c)	Maximum Coverage Building & Lot Coverage	3/21/2000
6-128 (b)	Revised Projections into Required Yards to Include Projects With and Without Foundation	2/9/2000
6-139.1	Flood zone regulations to include language counting fully enclosed areas below base flood elevation.	2/9/2000
6-159	Required Parking in Business Zone Handicapped Parking to be In Addition to Parking Required	2/9/2000
6-205	Schedule of Required Open Spaces, Limiting Height and Bulk of Buildings (b) Business Zones & (e) Hospital Zones-Maximum Lot Coverage	2/9/2000
6-20 (d) & (e)	Board of Appeals: Procedures - New Sections Added	2/9/2000
6-7(b)(3) & (b)(4)	Authorization of use by Special Permit - New Sections Added	2/9/2000
6-5 (49)	Definitions - Structure Revised	1/12/2000
6-205 Note 7 (c)	FAR for Religious Institutions	1/12/2000
6-139.1	Flood Zone Regulations	1/12/2000
6-205(a)	Floor area ratio added for RA-4 & RA-2 zones	8/17/1999
6-203(d)	Residential Building Location	4/7/1999
6-203(e)	Side Yard in CGBR Zone	12/2/1998
6-100	Use Group 1-Delete Cafe & Add Dining Facilities	7/7/1998
6-100	Use Group 8 - Delete Cafe	7/7/1998

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-103.1	Delete Cafe	11/17/1997
6-184	Site Plan Content Specifications	11/17/1997
6-185	Revised Site Plan Parking Dimensions	11/17/1997
6-186	Parking & Loading Area Specifications	11/17/1997
6-187	Parking Space Identification & Traffic Sign Requirement	11/17/1997
6-194	Amended Alcohol Establishment Permit Location Regulations	11/17/1997
6-195	Delete Classification of Permits	11/17/1997
6-194	Amended Alcohol Establishment Permit Location Regulations	11/17/1997
6-195	Delete Relocation of Establishment (Tavern, Restaurant & Package Store)	11/17/1997
6-196	Delete Relocation of Established Business (Tavern, Restaurant & Liquor Store)	8/2/1997
6-197	Delete Restaurant Containing Service Bar	8/2/1997
6-198	Delete Business Operating Under Cafe Liquor Permit	8/2/1997
6-199	Renumbered to Section 6-195 & No change in text to Classification of Permits	8/2/1997
6-118(f)	New subsection added to Use Regulations in P-Zones	8/2/1997
6-162(a)	Pooled or Group Parking Facilities	8/2/1997
6-162(b)	Deletion of subsection (b) in Pooled or Group Parking Facilities	9/23/1996
6-158(a)&(b)	Customer, Patron, Tenant or Employee Parking; Required Spaces	9/23/1996
6-117	Term change in of P-Zone	9/23/1996
6-118 (a)(2)(C)	Term change in Use Regulations in P-Zones	9/19/1996
6-118(d)	Term changes in Use Regulations in P-Zones	8/14/1996
6-118(e)	Term change & regulation reference in Use Regulations in P-Zones	8/14/1996
6-101(a)	Addition of LB & LBR to Special Permit Required for Business zones & Residential Zones	8/14/1996
6-158(b)	Parking Requirement for Hospitals & Clinics Deleted	8/14/1996
6-205(c)	Changes in hospital height, setbacks & Floor Area Ratio	7/25/1996
6-113	Hospital Use and Special Requirements	7/8/1995
6-5(a)(45)	Story Definition	7/8/1995
6-100	Use Group 1 Restaurant Location	7/8/1995
6-103.1	Commercial & Restaurant Use Restrictions	6/27/1995
6-205(b)**	Elimination of Indoor Theater Provision to Exceed Floor Area Ratio	6/27/1995
6-38(b)	R-PHD-E Use Regulations	6/27/1995
6-164(a)(3)	Business Zone Signs	6/27/1995
6-169	Sign Design & Lettering	1/17/1995
6-99	Conversion to Accessory Housing	6/25/1994
6-5 (a)(28.1)	Home Office Definition	6/25/1994
6-5(a)(40)	Professional Person Definition	6/10/1994
6-5(a)(41)	Resident Medical Professional Office Definition	2/8/1994
6-94(b)	Zones for Special Permit Uses	2/8/1994
6-94(b)(4)	Regulations for Resident Medical Professional Office	2/8/1994

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-95(a)	Zones for Permitted Accessory Uses	2/8/1994
6-95(a)(1)	Accessory Use: Resident Professional Office	2/8/1994
6-95(b)	Accessory Use: Home Office Regulations	2/8/1994
6-158	Required Spaces for Customer/Patron Parking	2/8/1994
6-177	Uses Require Screening	2/8/1994
6-5 (44)	Sign Definition	2/8/1994
6-163	Sign Specifications for Residential Zones	2/8/1994
6-166	Location of Sign	7/3/1993
6-171	Sign Repairs; Alterations	7/3/1993
6-141(b)(2)	Alteration or Addition for Non-Conforming Uses: Restrictions	7/3/1993
6-205(a) Note 7(a)	Floor Area Ratio for Special Permit Uses	7/3/1993
6-5(a)(19.1)	Emergency Youth Shelter Definition	10/13/1992
6-98(b)	Regulations for R-6 Multi-Family and RMF Zones	8/28/1992
6-205(b)	Eliminating LBR-3 from Business Zones	6/8/1992
6-101(d)	Special Permit for Residential Zones	12/20/1991
6-205.1	Deletion of Building Line on Mason St.	11/25/1991
6-205.1	Amending Schedule of Building Lines by Adding a Front Building Line on North Side of East Elm St.	7/1/1991
6-100	Floor Area Ratio for Service and Social Clubs	7/1/1991
6-5.	Definition of Service and Social Club	4/29/1991
6-5(a)(11.2)	Definition of & Standards for Continuing Care Retirement Communities	4/29/1991
6-114	Continuing Care Retirement Community Overlay Zone	4/29/1991
6-108	Use Regulations for BEX-50 Zone	4/2/1991
6-261(a)(6)	Definition of Resubdivision	4/2/1991
6-100	Amending Use Group 8 to include animal grooming establishments	4/1/1991
6-110(g)i, ii & iii	Inclusion of Moderate Income Housing to all business zones for existing buildings, and for selected zones for new buildings	2/8/1991
6-110 (g)2.C.1	Changes to density bonus in LB/CGBR zones	11/27/1990
6-110(g)(3)A	Exception to 50% Gross Floor area in Existing Buildings	9/3/1990
6-110(a)**	Calculation of Housing Units in CGBR Zone	9/3/1990
6-5(a)(26)	Elimination of General Hospital Definition	9/3/1990
6-32(a),(a) (5) & (a)(7)	Adding buildings & Structures to Trust, Easement or Covenant in Conservation Zone	9/3/1990
6-110(f)	Prohibition on Conversion of Use Group 3 Residential Space in Business Zones to Resident Professional Use	8/13/1990
6-110 (g)(4)B-1	Addition of Not-for-Profit agencies to Eligible List for Moderate Income Dwelling Units	8/13/1990
6-94 (b)(2)(a)	Refining Definition in Distance Requirement for Elderly Group Living Facility	8/13/1990
6-2	Addition of Hospital Zones to Classes of Zones	8/13/1990
6-5(a)(29.1)	Addition of Hospital definition	6/11/1990

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-113	Addition of Use Regulations & Special Requirement for Hospital Zones (H-1 & H-2)	6/8/1990
6-205 (c)	Addition of Hospital Zones H-1 & H-2 to Schedule of Open Spaces, Heights and Bulk of Building	6/8/1990
6-100 USE Group 2	Bank Space	6/8/1990
6-103.1 (D)	CGBR Zone: Parking Standards	6/8/1990
6-197 (d)	Elimination of Distance Requirements for restaurant Containing Service Bar - CGIO and Extension of Operating Hours	2/6/1990
6-19(a)(2)	Appeals on Zoning Enforcement Officer Decisions	2/6/1990
6-31 (e)	Conveyance of Conservation Land	1/15/1990
6-38 (b)	E-Zone Percentage of Gross Floor Area in Common Use	1/15/1990
6-202	Penalties Abatement (deleted)	1/15/1990
6-8 new (b)	Enforcement of Article	1/15/1990
6-94 (b)(3)	Group Day Care Home - Special Requirements	11/7/1989
6-5 (26.2)	Group Day Care Home (new definition)	11/7/1989
6-197 (d)	Restaurant Containing Service Bar	10/21/1989
6-179(c) New	Required Screening; Exceptions	10/2/1989
6-103.1 (D)	CGBR Zone Parking	8/19/1989
6-5 (a) (52)	Walk-In Medical Clinic	11/30/88
6-110 (g) (5)	Moderate Income Dwelling Units	9/28/1988
6-94(b)(2) New	Group Living Facility for Elderly	7/25/1988
6-5	Group Living Facility for Elderly	3/2/1988
6-100	Group Living Facility for Elderly	2/9/1988
6-100 Use Group 2	Office Uses...	2/9/1988
6-110(a) CGBR Zone	Number of Dwelling Units	2/9/1988
6-109.1(2)(3) (5)(b)(6)(a)	Historic Overlay Zone	2/2/1988
6-23(c)(d)	Conservation Cluster Zone	2/2/1988
6-24	Conservation Cluster Zone	1/21/1988
6-25	Conservation Cluster Zone	1/21/1988
6-26	Conservation Cluster Zone	1/21/1988
6-27(a)	Conservation Cluster Zone	1/21/1988
6-30 (a)(b)(c)(d)	Conservation Cluster Zone	1/21/1988
6-31	Conservation Cluster Zone	1/21/1988
6-33 (a)(3)(b)	Conservation Cluster Zone	1/21/1988
6-5(a)(38.1)	Office Uses...	1/21/1988
6-110 (g)(4)(B.)1.	Definition of Eligible List	1/21/1988

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-110 (g)(2)(F)	New Parking Requirements Underground & Surface	10/27/1987
6-5(a)(38.2)	Personal Service Uses...No Health Care Providers	10/2/1987
6-141(b)(b) old	Eliminated (6) Old and Re-Numbered existing	10/2/1987
6-98 (a)(2)	R6 & RMF Zone Special Permits for 3 Units	10/2/1987
6-110	Removal of WB for Residential Units	8/4/1987
6-205 (b) Chart	WB Zone (New)	6/16/1987
6-110 (a)	CGBR Zone Residential Units	5/1/1987
6-107(a)(b)(c)	(New) Waterfront Business Zone	5/1/1987
6-101(a)	Special Permit for Business and Residential Zones	5/1/1987
6-100 Use Group 7	(7a) Water Dependent Uses (7b) Special Permit	5/1/1987
6-5 (52.1)	Definition of Water Dependent Uses	5/1/1987
6-205	Chart (b) Bus. Zone FAR & Coverage LB, GB, GBO	5/1/1987
6-205 Note 10	Refers to Sec. 6-110(g)	5/1/1987
6-110(g)	(New) Moderate Income Dwelling Units	4/2/1987
6-110 (a)	No. of Dwelling Units in GB, GBO, LB	4/2/1987
6-104 (G)	Permitted Uses-Use Group 3	4/2/1987
6-104 (E)	LB Zone Ground Floor Uses	4/2/1987
6-169	Size of Lettering on Signs	4/2/1987
6-164(c)	Signs - Area of Window Coverage	4/2/1987
6-147(a) (1)(2)(b)(c)	Breezeways & Attached Structures	1/1/1987
6-111 all revamped	Coastal Area Overlay Zone	1/1/1987
6-95 (a)(2)(A)(B)	Accessory Uses & Structures	1/1/1987
6-5 (21.1)	Definition Family Day Care	1/1/1987
6-112	Industrial Re-Use Zone (IND-RE) added to classes of Zones	1/1/1987
6-158(b)	Amends parking requirement for medical, dental offices by adding parking for employees equaling 25% of required parking; modifies parking requirement for office use by distinguishing between Use Group 2a and 2b office uses and Use Group 2c office uses; Office uses 2a & 2b require one parking space for 150 sq. ft. of usable floor space; Office use 2c requires one parking space per 200 sq. ft. of usable floor space; Retail, including all uses of Use Group 1 and 8, not otherwise specified require one parking space per 150 sq. ft. of usable floor space.	1/1/1987
6-139.1(a)	Amends purpose section of Flood Hazard Overlay Zone by adding effective date and referencing future amendments of flood hazard maps.	11/2/1986

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-139.1(d)	Substitutes Federal Emergency Management Agency for Department of Housing and Urban Development.	9/23/1986
6-5(a) Definitions (38.1)(49.1) (32)	Adds new definitions (38.1) Office Uses; (49.1) Supermarket; and (52) walk-in Medical Clinic.	8/5/1986
6-100 Use Groups	Deletes Jobbing establishment from Use Groups	8/5/1986
6-15(3)(a)	Adds new sub-section to standards for site plan approval as concerns: "adequacy of open space, screening and buffering between similar and dissimilar uses to assure light, air, privacy and freedom from or other disturbance."	8/5/1986
6-15(4)(a)	Amended to add phrase: "and to other buildings in the immediate area."	8/5/1986
6-205(b) "Note Page"	Amend Sec. 6-205(b) Business zones "note page" as follows: Delete (***** In no case shall the ....after June 29, 1985.) Add new ***** as follows: <u>Use Group 2a limited to .15 F.A.R. in the LBR-1 zone, and limited to .3 FAR in the LBR-2 and LBR-3 zones.</u> Amend Sec. 205 (b) Business Zones "note page": Note 1: See Section 6-110 (a) Note 2: See Section 6-110(b)	6/16/1986
6-204 Deleted	Delete entire (Sec. 6-204. Exceptions to maximum height and parking space requirements.	6/16/1986
6-205(b)	Delete all existing standards and requirements pertaining to maximum height, minimum lot size and maximum building area within Sec. 6-205 (b) for LBR zone and replace with requirements for new LBR-1, LBR-2, and LBR-3 as follows: List under "zone": *LBR-1 *LBR-2 and *LBR-3. Height/stories: for LBR-1, LBR-2, and LBR-3 shall be: 2 1/2 stories; Height/feet for LBR-1, LBR-2, and LBR-3 shall be: 35 ft.; Minimum lot size/area for LBR-1, LBR-2, and LBR-3 shall be: Note 1; Min. Lot size/frontage for LBR-1, LBR-2, and LBR-3 shall be: 25 ft.; Max. bldg. area for LBR-1, LBR-2, and LBR-3 shall be: 30%. *LBR-1: Banksville, Palmer Hill/Valley Road (North Mianus), Round Hill *LBR-2: Chickahominy, Cos Cob, Davis Avenue, Bruce Park, Glenville, Pemberwick, Riverside Avenue/East Putnam, Valley Road/River Road Ext., West Putnam Avenue (2 areas). *LBR-3: Byram, Church Street/William Street, Old Greenwich	6/11/1986
6-205(b)	Delete all existing standards and requirements pertaining to Max. Floor Area Ratio, Min. Front Yard (depth), Min. Side Yard (width), Min. Rear Yard (depth), and Max. Area Devoted to Surface Parking, Building and Drives for LBR, LB,	6/11/1986
6-155	Amend Sec. 6-155 PARKING AND GARAGES FOR MULTI-FAMILY RESIDENTIAL PURPOSES by deleting existing chart under heading "REQUIRED PARKING FACILITIES FOR	6/11/1986

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	<p>MULTI-FAMILY DWELLINGS" and replacing with text which follows: 1. Dwelling or group of dwellings to accommodate three or more families. a) Dwelling with one or two bedrooms*; one garage space for each dwelling and one outdoor space for each dwelling. b) Dwelling with three or more bedrooms"; one garage space for each dwelling and 1.6 outdoor spaces for each dwelling. c) Studio apartments*; one garage space for each dwelling and 0.6 outdoor spaces for each dwelling. *A den, study, loft or similar room shall be considered a bedroom for the purpose of determining the number of required parking spaces. 2. Public Housing projects of Housing Authority: Same formula as 1. above except all spaces may be outdoors and except as provided in Sec. 6-38 (RPHD-E zone) 3. Dwelling units in mixed-use residential-commercial development: One space per dwelling unit unless a greater or lesser number is deemed appropriate by the Commission. Where a combination of garaged and outdoor spaces is required, the Commission may authorize a different mix of indoor and outdoor parking.</p>	
6-110(b)	<p>Delete existing Section 6-110 (b) and replace with text which follows: Distance Requirements. An adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. Where minimum side yards are required in Sec. 6-205(b), the Planning and Zoning Commission may find lesser side yards adequate for residential uses. In all zones other than CGBR the minimum distance in feet between a building containing dwelling units and any other building on the same lot shall be equal to the sum of the number of stories of the two buildings multiplied by eight, unless the Commission finds a lesser distance consistent with the purposes of this sub-section (b).</p>	6/11/1986
6-102(b)	<p>Delete existing Section 6-102(b) and replace with text which follows: To concentrate business activities in existing commercial areas and assure that there will continue to be available adequate land and building capacity to meet the retail and business needs of the Town's present and ultimate future population; to assure that commercial areas outside the central business district provide for the particular needs of the areas and neighborhoods they are intended to serve.</p>	6/11/1986
6-102(d)	<p>Delete existing Section 6-102(d) and replace with text which follows: To control the type, amount and location of business development, tying it closely to ultimate population growth and the capacity of the Town's infrastructure; to encourage the most economic use of existing and planned community services and facilities such as, but not limited to, road network, water supply, storm drains, sewage disposal.</p>	6/11/1986
6-102(e)	Delete existing Section 6-102(e) and replace with text that follows:	6/11/1986

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	To provide greater shopping convenience and encourage pedestrian circulation by concentrating local retail and business uses in uninterrupted shopping patterns in the Town's existing business centers; to support the viability of the retail function within shopping districts by assuring adequate ground floor storefront space for retail sales purposes.	
6-102(g)	Sec. 6-102(g); (g) To encourage in appropriate areas mixed residential and commercial uses.	6/11/1986
6-102(i)	Add new Sec. 6-102 (i) To retain and enhance the environmental quality of business zones so as to sustain property values and the viability of businesses.	6/11/1986
6-102(j)	Add new Sec. 6-102 (j) To encourage preservation of existing housing stock in commercial areas and, if dwellings are displaced by conversion or new construction, to encourage replacement; to encourage protection and provision of below-market-rate housing.	6/11/1986
6-5(a)(31.3)	Delete the existing Section 6-5(a)(31.1) and replace with new definition of "Level of Service, Acceptable" reading as follows: "Level of Service, Acceptable, for roads shall mean that stable conditions exist, i.e., movements may be somewhat restricted due to volumes, but conditions are not objectionable for motorists. "Level of Service, Acceptable," for intersections shall mean that drivers occasionally wait through more than one signal indication, and occasionally backups may develop behind left-turning vehicles, but traffic flow is stable and acceptable."	6/11/1986
6-101(a)	Amends Sec. 6-101(a) to add "mapped Post Road Impact overlay zone" to the areas subject to limitation of new construction in excess of 40,000 cubic feet in volume above established grade.	6/11/1986
6-102	Amend Sec. 6-102 STATEMENT OF PURPOSES- ALL BUSINESS ZONES as follows: "These business zone regulations are made in accordance with the Town's (Comprehensive) Plan of Development/Land Use Plan, adopted in (1964) 1985, and are designed to implement...these regulations:"	6/11/1986
6-14.1(f)	Adds Sec. 6-14.1(f) requiring approved site plan to have notice of approval filed on Greenwich Land Records.	6/11/1986
6-5(a)(22)	Deletes the existing 6-5(a)(22) and replaces with new definition of "Floor Area, Gross" reading as follows: "Floor Area, Gross shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls. Floor area, gross, shall not include areas below grade when devoted to the following uses: (A) Mechanical spaces (B) Parking (C) Storage (when related to the principal use of the building) but shall include all other below grade areas. An area below grade shall mean that portion of a building partially underground having 1/2 or more than 1/2 of its clear height below the grade plane."	6/11/1986

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-5(a)(24)	Deletes the existing 6-5(a)(24) and replaces with new definition of "Floor Area, usable" reading as follows: "Floor Area, Usable, shall mean 75% of the gross floor area as defined in (22) above.	6/11/1986
6-1(a)(12)	Adds new Sec. 6-1(a)(12) stating: "Encouraging the retention and development of housing opportunities for all citizens of the municipality."	6/11/1986
6-17(a)	Adds Phrase: "and the purpose of each zone where defined" to the end of the section.	6/11/1986
6-17(d), (3), (6), (8)	Deletes word "unreasonable" from Sec. 6-17(d)(3) and (8), adds the phrase "and protect against deterioration of the quality of the environment," to Sec. 6-17 (d)(6) and adds the phrase: "so as to be inconsistent with an acceptable level of." to Sec. 6-17 (d)(8).	6/11/1986
6-17(d)(12)	Adds new Sec. 6-17(d)(12) stating: "Preserve where possible existing housing stock so as to maintain and contribute to a diversity of housing opportunities within the Town."	6/11/1986
Division 17.1 (New)	Division 17.1 Soil Erosion and Sediment Control containing the following sections added: 6-183.1; 6-183.2; 6-183.3; 6-183.4; 6-183.5; 6-183.6; and 6-183.17; 6-183.7; 6-183.8; 6-183.9; and 6-183.10	6/11/1986
6-10(a)(1)	Amends Section 6-10(a)(1) to add the underlined text as shown below: Section 6-10(a)(1) The actual shape and dimensions of the lot to be built upon. <u>Whenever a lot has been created by the division of a larger parcel the plan shall show the actual shape and dimensions of the larger parcel; the exact size, area and location of existing principal and accessory structures on the larger parcel; and the F.A.R. of all existing and proposed structures on the larger parcel; and the F.A.R. of all existing and proposed structures on any lot resulting from this property division for the purpose of determining that the F.A.R. is not exceeded on any lot. In the event there are structures on the proposed new lot, after review and determination by the Planning and Zoning Board of Appeals of their appropriateness, the exact F.A.R. shall also be calculated and not to exceed that allowed by the zone.</u>	6/11/1986
6-10(a)(6)	Amends Section 6-10(a)(6) to add the underlined text as shown below: The Subdivision title <u>and a copy of the filed record sheet of the subdivision which contains the subject lot.</u>	9/25/1985
6-205(b)	Interim regulations for period of nine months applicable to Sec. 6-205(b) schedule of required open spaces- limiting height and bulk of buildings- business zones as follows: LBR- Maximum Floor Area Ratio (.3**) ***** LB- Maximum Floor Area Ratio (.9) ***** New***** In no case shall the gross floor area for new structures or for a combination of new and existing floor area exceed the lesser of 7,000 square feet per lot or a .5 FAR. These interim regulations if adopted shall apply to all applications received after June 29, 1985.	7/27/1985

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-205(b)	Amend Section 6-205(b) to add a maximum floor area ratio for the BEX-50 Zone of .09 excluding accessory buildings. Repeal Sec. 6-108 BEX-50 Zone and adopt a new Sec. 6-108 BEX-50 Zone	7/27/1985
6-5(31.1)	Adds Section 6-5(31.1) "Level of Service" which reads as follows: (31.1) Level of Service shall mean the operating conditions of a street or section thereof, given in terms of letter grades from "A" to "F", as defined in the 1965 Highway Capacity Manual, Special Report 87, published by the Highway Research Board.	6/30/1985
6-110(a)	Amends Section 6-110 Use Regulations and Special Requirements for Dwelling Units Permitted in Business Zones as follows: ("except for lots between front and rear building lines...other than dwelling units") deleted. Text added: "The lot area used for determining the number of permitted units in the WB zone shall be the actual lot area reduced by two times the floor area devoted to uses other than dwelling units. In all other zones, except for lots between a front and rear building line in the CGBR zone, the lot area used for determining the number of permitted units shall be the actual lot area reduced by the amount of floor area devoted to uses other than dwelling units. Upon application for special permit pursuant to Section 6-17 the Commission may authorize computation of permitted units based upon actual lot area reduced by one-half the floor area devoted to uses other than dwelling units provided the maximum FAR of the zone is not exceeded."	6/30/1985
6-8.	Amends Section 6-8 Enforcement of Article to include following text as underlined, deleted text in ( ): "This Article shall be enforced by the Building Inspector (who is authorized to) <u>or other official in the Department of Public Works designated by the commissioner of Public Works, subject to review and approval by the Planning and Zoning Commission of such designee. Said official shall be authorized to inspect or cause the inspection of any building, place, premises or use to be inspected, and to order in writing the remedying of any condition found to exist in violation of this article.</u> "	6/4/1985
6-140	Amends Section 6-140 Aircraft Landing-Takeoff Facility by adding text as shown with underlining as follows: <u>No aircraft landings, takeoffs and/or facilities or any related activities shall be permitted as a principal or accessory use in any business or residential zone.</u>	5/30/1985
6-110(e)	Amends Section 6-110(e) to require special permit with five or more dwellings. Prior to this amendment special permit required for twenty-five or more units.	3/1985.
6-17(d)(11)	Added Section 6-27 (d)(11) to include the following text: "Will not materially adversely affect residential uses nor be detrimental to a neighborhood or its residents, nor alter a neighborhood's essential characteristics."	12/5/1984

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-123(c )	<p>Amended Sec. 6-123(c ) by adding the text shown below:</p> <p>Notwithstanding any other provisions of these Regulations to the contrary, for lots in business zones which adjoin the right-of-way of the Connecticut Turnpike, the Planning and Zoning Commission, upon application for a Special Permit pursuant to the provisions of Section 6-17, shall have the authority to reduce the rear yard otherwise required by these Regulations along the line of said lot which adjoins said right-of-way, provided that the Commission finds that granting any such reduction will result in a development which meets the standards set forth in Sections 6-15 and 6-17 of these Regulations, and further provided that consideration has been given to the safety of nearest adjoining residences and other adjoining buildings by way of man-made or topographic features.</p>	9/1/1984
6-127	<p>Amends this Section 6-127 Height Exceptions, Text below with underlining shows new wording added to this section: The building height limits of this Article shall not apply to...a parapet wall extending not more than four (4) feet above limiting height of the buildings on which it rests, <u>provided however, that the Planning and Zoning Commission, or their designee, after giving due consideration to the standards of Sec. 6-15 and 6-17 and after consultation with the Architectural Review Committee, may authorize an increase in the height of any such parapet wall in the event such increase is desirable in order to make mechanical equipment less visible and make the proposed building architecturally more compatible with surrounding buildings or the surrounding streetscape;...the building having street frontage.</u></p>	6/13/1984
6-175(b)	<p>Amends the amount of money for sign application from minimum application filing fee of \$2.00 or \$0.10 to \$10.00 or \$1.00 per square foot of sign area, whichever is greater.</p>	5/1/1984
6-197(c )	<p>Amends Section 6-197 by addition of the text shown below: "except that: No restaurant in existence on the effective date of this amendment and located within the CGIO district in which the sale of alcoholic liquor is confined to wine and beer only served from and not consumed at a service bar and in which no consumption of such alcoholic liquor will be permitted at such service bar shall be required to comply with the distance requirement in subsection (b) hereof; provided that the sale of said alcoholic liquor is in conjunction with the sale of food and the hours of operation of said restaurant do not exceed 11:00 P.M."</p>	5/1/1984
Sec. 6-205(a) Note 7	<p>Amended Note 7 to add the underlined text as shown below: Note 7. Applicable to Special Exception <u>and Special Permit</u> uses only. <u>In the RA-4 and RA-2 zones, for Special Permit uses specified in 6-94 (b) and for Municipal Uses, the Planning and Zoning Commission may permit an FAR not to exceed .15 for lots in excess of eight acres but less than twenty acres, after consideration of the standards set forth</u></p>	12/15/1983

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	<p><u>in Sec. 6-15 and 6-17 and, further, after a finding by the Commission that the proposed use would serve a public purpose and that there exists a demonstrated community need for said use, and further that: a. The building and other structures will be screened from surrounding properties to the maximum extent reasonably possible; b. Traffic generated by the proposed use will not have a significant adverse effect upon safety in the streets nor will significantly increase traffic congestion in the area. c. The proposed use will not be detrimental to the neighborhood or its residents or alter the neighborhood's essential characteristics.</u></p>	
6-97(a)	<p>Use regulations for R-7 zones amended to add the underlined text as shown below: Use Regulations for R-7 Zones. The following principal uses shall be permitted and all other principal uses are expressly excluded in R-7 zones: (1) All uses permitted in RA-4 zones <u>and uses permitted under Sec. 6-94.</u></p>	11/24/1983
6-18(c )	<p>Amendments added to the text with underlining as shown below: No certificate of occupancy shall be issued for any business building, for any multi-family dwelling, <u>for any structure containing a mix of residential and non-residential uses</u>, or for any dwelling group on a lot....reasonable by the Building Inspector; <u>except that on-site and off-site improvements deemed necessary to protect the health, safety and welfare of the public may not be delayed and bonded for future completion.</u></p>	10/27/1983
6-94(b)	<p>Added this sub-paragraph to the regulations which authorizes the Planning and Zoning Commission to allow the uses listed in the text underlined below as special permit uses in the RA-4; RA-2; RA-1; R-20; and R-12 zones. Delete existing subsection 6-94 (a)(4) and renumber remaining subsections (1) to (10). <u>The following uses shall be permitted in RA-4, RA-2, RA-1, R-20 and R-12 zones when authorized by the Planning and Zoning Commission by Special Permit issued pursuant to Sec. 6-17; (1) Hospitals; clinics; nursing homes; homes for the aged; sanitariums; convalescent homes or other health care facilities or facilities for the elderly; philanthropic or charitable institutions not of a penal or correctional nature nor for the care of insane or feeble-minded patients; provided that any building so permitted shall be located not less than one hundred (100) feet from any street or lot line unless the Commission finds in consideration of the particular use and it cites specific location that a lesser distance will protect adjacent property owners from adverse impacts.</u></p>	10/27/1983
6-16.1(c )	<p>Section 6-16.1 amended by labeling this as sub-paragraph 6-16.1(c) and adding the underlined text below to the end of the then existing section: <u>except that on-site and off-site requirements deemed necessary to protect the health, safety, and welfare of the public may not be delayed and bonded for future completion.</u></p>	10/27/1983

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-18(b)	This section amended to substitute the word temporary for conditional certification of occupancy and added the underlined text below to the end of the then existing section: <u>except that no temporary certification of occupancy may be issued until completion of on-site and off-site improvements deemed necessary to protect the health, safety, and welfare of the public.</u>	10/27/1983
6-16.1(b)	This new sub-paragraph added which requires some certification of construction by architect of record/design professional upon completion of construction prior to the issuance of a certificate of occupancy.	10/27/1983
6-16.1(a)	This new sub-paragraph added which requires architect of record/design professional, prior to issuance of a building permit to certify that project that site work and construction completed in accordance with plan approval by Planning and Zoning Commission.	10/27/1983
6-14(b)	Amends this sub-paragraph to include the Fire Department among the list of departments which recommendations are to be incorporated into a final development plan unless the applicant appeals any such recommendation to the Planning and Zoning Commission.	10/27/1983
6-14(g)3	Amends this sub-paragraph to require certification of mail notification of abutting property owners prior to the review of a site plan application by any town agency.	10/27/1983
6-11(d)	Adds this sub-paragraph to the regulations: Authorizing the Building Inspection to revoke any permit issued for a project if work is done contrary to a building permit.	10/27/1983
6-12.	Amends Sec. 6-12 Limitation on Permit demand to require that all building additions, regardless of size, that fall within three feet of any required yard be required to provide proof, after the foundation is completed that the addition meets the setback requirements of the zoning ordinance. Prior to this amendment this requirement was limited to buildings or additions over 500 square feet.	10/27/1983
6-100 Use Group 1	Amends this section to allow sidewalk cafes or other outdoor dining facilities and list requirements as shown with the underlined text as follows: Sidewalk cafes or other outdoor dining facilities, ancillary and contiguous to an eating establishment, operating on a temporary (six month-seasonal) basis subject to the following: (1) Proof of the availability of adequate parking shall be submitted at the time of application for final site plan approval guaranteeing said availability for the period the use is to function. (2) Proof of adequate insurance coverage for the establishment shall be submitted and the owner/operator shall sign an agreement indemnifying the Town from liability on adjacent Town property resulting from the operation of said use prior to the issuance of a building permit. (3) When the	10/27/1983

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	temporary use ceases at the end of the approved period, all evidence of such use shall be removed from the premises. (4) If said use is to be re-established the applicant must reapply and again meet all conditions and standards of this subsection. (5) Cafe use must be entirely on property owned or leased by the applicant. (6) A building permit must be obtained prior to the start of Cafe use regardless of the amount of construction involved. (7) In the case of small-scale projects (3 tables or less) site plan approval by the Planning and Zoning Commission will not be necessary. The Town Planner shall review and approve said projects after assurance that the conditions of this subsection have been met. (8) Will not interfere with public, state or municipal use of any public street, sidewalk or property, will not create a disturbance or hazard to pedestrians or traffic and will not interfere with the safe and free flow of pedestrians or traffic.	
		10/18/1983
6-158(b)	Amends this section of the regulations covering restaurants, night clubs, and taverns by adding the text shown below: as footnote to entry for the uses listed: Use: Restaurants, Night Clubs, Taverns* <i>*In the case of sidewalk cafes or other outdoor dining facilities operating on a temporary (seasonal) basis, temporary reserved parking may be provided within 1,000 feet of said use subject to the provisions of Sec. 6-100 Use Group 1. However, the Planning and Zoning Commission may, after giving consideration to the proximity of the use to other parking facilities, to density of employment or volume of pedestrian traffic permit a lesser number of parking spaces.</i>	7/24/1983
6-38(a) Sec 6-39	Amends these two sections by the addition of "congregate housing" as a principal permitted use. Text changes are as noted below: Amend Sec. 6-38(a) The principal permitted uses shall be: Multi-family dwellings [only]; <u>congregate housing</u> . Amend Sec. 6-39 Number of Units. The total number of units per square acre shall be determined by requiring one thousand (1,000) square feet of land area for each unit. <u>For congregate housing, after considering the availability of community services, the Commission may allocate a lesser amount of land per unit upon a finding that the modified density will better serve the purposes of this Division.</u>	
6-43.1 6-5(11.1)	Adds these two sub-paragraphs with the language below: Add new Sec. 6-43.1 Special Permit- Zoning Rights For Congregate Housing. <u>The Commission may authorize a Special Permit pursuant to Sec. 6-17 of these regulations for the modification of the maximum FAR, coverage, height, setbacks, density and parking provided that the Commission finds said modifications further the purpose of Sec. 6-35 of these regulations.</u> Add new Sec. 6-5 (11.1) Congregate Housing for the Elderly. Congregate Housing means a form of residential environment consisting of independent living assisted by	7/24/1983

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	<u>congregate meals, housekeeping and personal services for persons sixty-years old or older.</u>	
6-12(b)	Amends this sub-paragraph to require approval of Town Planner for building permit for changes to non-residential building or multi-family building.	6/17/1983
6-13.	Amends this section to give Planning and Zoning Commission site plan revision and approval authority for other permits besides building permits as well as "alterations." Site plan authority as stated in sub-paragraph (5) modified with the addition of underlined text as shown below: (5) Construction, or alteration of the exterior of any <u>multi-family structure or group of structures with five or more dwelling units, or any non-residential structure, or any structure containing a mix of residential and non-residential uses. Exterior alterations shall include but not be limited to replacement of doors or windows or signs involving a substantial change in design, material or color as well as to removal or alterations of roof top mechanical structures and other integral parts of the structure.</u> This section amended by the addition of sub-paragraph (8) and (9) as shown below; and the modification of sub-paragraph (6) and (7) as shown below: Text in brackets [ ] deleted. (6) Any building or portion of a building housing an athletic facility which occupies more than 1,200 square feet of floor area. [or] (7) <u>Any Use requiring Special Permit.</u> Site Plan Approval for any use requiring Special Permit [in accordance with Sec.6-101] shall be initiated as part of special permit procedure. [or] (8) Municipal Improvements submitted for Commission approval. (9) <u>An increase in non-residential usable floor area as a result of enlargement of a building, or conversion of accessory storage space, or interior alterations.</u>	6/17/1983
6-13(b)	Adds new section permitting waiver of full Commission review of site plans for small-scale projects. Review for such projects by the Town Planner, who may require Architectural Review Committee review as well.	6/17/1983
6-101 6-100	Special Permit Required for Business and Residential Zones for Business Zones- Use Group 1 amended to add language as shown below: Restaurants and cafes, other than drive-ins, <u>including expansion by new construction, alteration, or conversion, when authorized....."</u>	6/17/1983
6-100	Use Group 7 amended to add language as shown below: Restaurants and cafes....194-199 inclusive <u>and requirements under Use Group 1.</u>	6/17/1983
6-169	Amends to include the recommendation of Architectural Review Committee for design and lettering for sign application.	6/17/1983
6-14.1(a) 6-14(c )	Amends these two sub-paragraphs to substitute the language concerning time-frame for taking action with new text as shown below. Text deleted in brackets. Text added underlined: [Action by	6/17/1983

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	<p>the Planning and Zoning Commission shall....within seven (7) days.] <u>Action by the Planning and Zoning Commission shall be taken and a decision as to approval or disapproval rendered, within 65 days after receipt of a complete application. For purposes of this section the day or receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following submission of the complete application, or 35 days after such submission, whichever is sooner.</u> The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two further sixty-five day periods, or may withdraw such plan. When reviewing special permits, the period of review for the site plan shall be in accordance with Section [8-3c] 8-7d, as may be amended from time to time, of the General Statutes. Delete Sec. 6-14.1 (d)</p>	
6-23(c )	<p>Adds the sub-paragraph to Purpose section of Conservation Zones as stated below: <u>The Planning and Zoning Commission upon application in the manner prescribed herein, after a public hearing and consideration of the recommendation of the Conservation Commission, may grant a Conservation Zone consisting of less than ten (10) acres in an R-7 and R-12 zone and less than 20 acres in an R-20 zone when the Planning and Zoning Commission finds that such rezoning will preserve and protect particular areas and terrain which have qualities of natural beauty or value, and will accomplish one or more of the following purposes:</u> (1) <u>To preserve and maintain the existing character and setting of a site and to preserve vistas and streetscapes.</u> (2) <u>To preserve parkland and passive recreation areas.</u> (3) <u>To preserve and protect areas and terrain which have historic interest including the setting and landscaping of historic buildings, as may be determined by the Planning and Zoning Commission after consultation with the Historic District Commission.</u> (4) <u>To preserve desirable features along roadways such as, but not limited to, stone fences, geological formations, and significant vegetation.</u></p>	6/17/1983
6-26.	<p>Amends 6-26 Size of Zone as shown below: The total acreage for any....Conservation Zone shall...not less than 10 acres. [Unless for one or more....the Commission finds a smaller area to be appropriate.] <u>For sites less than the required minimum the standards of Sec. 6-23(c) shall apply.</u></p>	6/17/1983
6-5(44)	<p>Amends definition of "sign" as follows: "Sign" does not include the flag...of any....professional, [or] religious organization <u>or flags flown by a company or corporation whose executive or division offices are located on the premises as the primary occupant in a single building. The location of said flags will be approved by the Town Planner or his designee.</u></p>	6/17/1983
6-155	<p>Amends section describing the type of dwelling subject to multi-family parking regulations as follows with the language added</p>	6/17/1983

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	underlined: REQUIRED PARKING FACILITIES FOR MULTI-FAMILY DWELLINGS Type of Dwelling: A dwelling <u>or group of dwellings</u> to accommodate three or more families. Add the following language immediately below the garage space/outdoor space table for three or more families per dwelling: <u>Unless a different ratio is authorized by the Planning and Zoning Commission.</u>	
6-102 (h)	Amends the Statement of Purposes- Business Zones by the addition of new sub-paragraph (h) as stated below: <u>(h) To preserve the cultural heritage of the community and to preserve the Town's historic resources in conformance with Sec. 8-2 of the State Statutes</u>	6/17/1983
6-118 (a)(2)	Amends this sub-paragraph by the addition of the underlined text as shown below: Off street parking....permitted uses in the adjoining business zone (when and as to the extent authorized by the Board of Appeals as a special exception as provided in Sec. 6-20(c) subject to the conditions and safe-guard set forth therein) <u>subject to Sec. 6-14 and 6-15 and, in addition, to the following standards....</u>	4/3/1982
6-205 (b)	Amends Sec. 6-205 (b) Business Zones for CGB Zone as follows: Maximum Floor Area Ratio (.9***) .3*** Repeal entire existing subsection***and substitute new subsection*** as follows: <u>*** (a) .9 FAR for an existing structure found by the Planning and Zoning Commission, after consultation with the Historic District Commission, to have historical, cultural or architectural merit or to be a significant element of a streetscape the preservation of which fosters a sense of history, preserves architectural heritage or protects community amenities. Pursuant to a Special Permit under Sec. 6-17 and after consultation with the Architectural Review Committee, the Historic District Commission or other agencies, the Planning and Zoning Commission may authorize an addition or a connection between such structures or a modification of coverage, setbacks, parking or access requirements. In no case may the finished structure(s) exceed the maximum FAR permitted in the zone. (b) .9 FAR for any use group 2a. for which an application for preliminary site plan approval has been filed with the Commission prior to March 2, 1982.</u>	4/3/1982
6-17 (d)(10)	Adds this new sub-section containing the following text as underlined below: <u>Preserve land, structures or features having special historical, cultural, or architectural merit.</u>	4/3/1982
6-101 (a)	Special Permit Required for Business Zone sub-paragraph (a) amended to add text as underlined below: No new construction.... which individually or together would total in excess of <u>40,000 cubic feet in volume above established grade in the underlying zones of the mapped Central Greenwich Impact Overlay Zone, or in excess of 150,000 cubic feet in volume above established grade in all other</u>	3/2/1982

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
	<u>zones</u> , shall be permitted (in any zone) except when authorized by special permit by the Commission....included in lot coverage.	
6-23 (b)	Amends Conservation Zones: Purposes sub-paragraph (b) to add underlined text and deleted the text in brackets as shown below: The Planning and Zoning Commission, upon....may permit at existing or lower densities residential development.... Conservation Zone described herein when <u>the Commission finds that such rezoning will best conserve and preserve land to assure that its development will best maintain or enhance the appearance, character and natural beauty of an area and</u> when one or more of the following purposes are accomplished: ( (1) To conserve and preserve land to assure.... natural beauty of an area) Existing purposes in Sec. 6-23 numbered 2-6 to be renumbered 1-5.	3/1/1982
6-24 (b)	Amends this sub-paragraph by additions of underlined text as shown below: The Planning and Zoning on its own motion, on the petition of the Conservation Commission, or on the petition of one or more property owners, upon a finding that a Conservation Zone will more effectively accomplish the purposes of Sec. 6-23 than the corresponding residential zone, may establish a Conservation Zone. <u>Where attached housing is proposed, the Commission shall find that the Conservation Zone is appropriate to the neighborhood having consideration for the number and proximity of single family detached dwellings; for the visible impact on single family neighborhoods; for the number, character and proximity of other uses, for the amount of undeveloped land in the vicinity and for the proximity of other zones either more or less restrictive; and other standards provided in this article and the standards contained in Sec. 6-15.</u>	2/9/1982
6-26.	Amends this section, Size of Zone, by adding the underlined text as shown below: The total acreage for any RA-C4, RA-C2, RA-C1 and R-C20 Conservation Zone shall consist of not less than 20 acres, and for any R-C12 and R-C7 Conservation Zone not less than 10 acres unless for one or more of the purposes specified in Sec. 6-1 or <u>6-23</u> the Commission finds a smaller area to be appropriate.	2/18/1982
6-27.	Use Regulations Repeal Subsection (a) and add new Subsections (a) as follows: (a) <u>The principal permitted used shall be: RA-C4, RA-C2 and RA-C1: same as corresponding zones and not more than two attached single family houses per building as the result of conversion of a structure which was existing and listed with the Tax Assessor as of Dec. 1, 1981. R-C20 and R-C12: Same as corresponding zones, and not more than four attached single family houses, singly or in groups of buildings. R-C7: Same as permitted in R-7 and not more than six attached single family houses, singly or in groups of buildings.</u>	2/18/1982

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-30.	<p>Lot and Building Requirements, Repeal entire section and substitute the following. (a) <u>The setback from the zone boundary shall be such size and character as to be compatible with surrounding zoning and uses, but in no case shall the setbacks be less than the required front yard of the corresponding residential zone or 40 feet, whichever is greater.</u> Lots in a conservation zone shall conform to area, yards, shape and other requirements of Divisions 12 and 21 of this Article as follows: RA-C4 same as RA-2; RA-C2 same as RA-1; RA-C1 same as R-20; R-C20 same as R-12; R-C12 same as R-7; R-C7 same as R-7 (b) <u>Attached single family houses are permitted as follows:</u> RA-C4, RA-C2 and RA-C1: Not more than two attached single family houses per building as the result of conversion of a structure which was existing and listed with the Tax Assessor as of Dec. 1, 1981. R-C20 and R-C12: Not more than four attached single family houses, singly or in groups of building. R-C7: Not more than six attached single family houses, singly or in groups of buildings. R-C7: Not more than six attached single family houses, singly or in groups of buildings. (c) <u>For attached housing the minimum distance in feet between two principal buildings within a Conservation Zone shall be equal to the sum of the number of stories of the two buildings multiplied by eight.</u> (d) <u>Parking and terraces if located in setbacks shall be placed so as to minimize encroachment upon areas and terrain which have qualities of natural beauty.</u> (e) <u>Notwithstanding the provisions of Sec. 6-30 (a)(b) and (c), the Commission, upon application for Special Permit and upon finding that that the purposes of Sec. 6-23 would be so served, may authorize any of the following:</u> (1) <u>Setbacks not less than the requirements of the corresponding zone;</u> (2) <u>A greater number of attached single family houses per building in the R-C20, R-C12 or R-C7 zones; but not to exceed the number permitted in Sec. 6-28.</u> (3) <u>In case of a building existing as of December 1, 1981, the division of said building into a number of separate dwelling units not to exceed the number permitted by Sec. 6-28 above;</u> (4) <u>A lesser distance between principal buildings.</u></p>	2/18/1982
6-31.	<p>Amends this section, Conservation Land Requirements with the addition of the underlined text as shown below: (a) The Conservation land....to promote the conservation purposes specified in Sec. 6-23, <u>and shall be marked on site by monuments.</u> (c) The area of the conservation land in a Conservation Zone shall be not less than forty percent (40%) of the total tract for single family detached housing development <u>and for conversions of existing houses from detached to attached single family units</u>, or fifty percent (50%) of the total tract for single family attached housing development unless the Commission finds a smaller area to be appropriate.</p>	2/18/1982

SECTION	TITLE	EFFECTIVE DATE OF AMENDMENT
6-33.	<p>Amends this section, Application for Zone Approval with the addition of the underlined text as shown below: (a) Application by petition of one or more property owners.... (1) Of the land proposed for rezoning, a statement describing conservation purpose to be accomplished and an environmental assessment by a person qualified to perform same, the plan for accomplishing said purposes and evidence to establish that a Conservation Zone will better serve the purposes of Sec. 6-23 than a conventional zone. <u>In the case of a Conservation Zone of less than 10 acres or 10 lots the Town Planner or his/her designee may waive the requirement for an environmental assessment after consultation with the Conservation Commission.</u></p> <p>(3) <u>All documents required for Site Plan Approval under Sec. 6-14.</u> Existing (a)(3) becomes (a)(4). NEW (c) <u>No conservation zone shall be established unless the Planning and Zoning Commission finds that the establishment of the zone will be of sufficient benefit to the public in that it accomplishes one or more of the purposes of Sec. 6-23, and will be of greater benefit to the town than a conventional subdivision.</u></p>	
6-34.	Amends this section, Zone Approval Procedure with the addition of the underlined text as shown below: (a) (4) No building permit or certificate of occupancy shall be issued by the Building Inspector, no shall the Town accept any street, should the Conservation Plan, <u>Subdivision Plan or Site Plan</u> be changed in any way without the approval of the Commission.	2/18/1982
6-185	Add this new section, Site Plan Dimensions for Parking	2/18/1982
6-205 (a)	Amends Schedule of Required Open Spaces for Residential Zones with additional text underlined and deleted text in brackets. Minimum Lot Size: R-6 zone for multi-family dwellings, dwelling groups and other permitted uses - [3,600] <u>4,200</u> sq. ft. per family (Note 9.)	2/18/1982
6-205 (b)	Adds new Note 9 to Sec. 6-205 (b) Schedule of Required Open Spaces for Business Zones as follows: Add new <u>Note 9. The Planning and Zoning Commission may under Special Permit allow reduction in area per family to 3600 sq. ft. for dwelling units to be incorporated into existing structures which were existing and listed with the Tax Assessor as of October 27, 1981 and which are historically or culturally significant, or important to the preservation of a neighborhood's character. For purposes of Note 9, an addition which does not exceed the greater of 25% or 700 square feet shall be considered part of the existing structure.</u>	2/19/1982
6-98 (c )(2)	Adds new sub-paragraph c to this section as shown below: c. <u>The total group floor area of all buildings and structures shall occupy no more than 30% of the gross lot area. The total area of buildings, parking and drives shall not exceed 50% of the gross lot area.</u>	11/21/1981

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6-141	<p>Amends this section, Non-conforming Uses: Restrictive as follows: Delete Sec. 6-141 (a)(1)(2)(3)(4) Add new Sec. 6-141 (a) and Sec. 6-141 (b)(1)(2)(3)(4) as follows: (a) <u>In addition to a building becoming legally non-conforming pursuant to Sec. 8-13 a of Connecticut General Statutes, any building, lot or use, lawfully existing February 1, 1926 or on the effective date of any amendment thereafter to these Regulations, may be continued and its non-conforming status shall be deemed lawful, provided that with respect to use the non-conforming use must be actual and not discontinued for any period in excess of one year and maintained within the same structure as existed on February 1, 1926 or on the date that said use conformed to these regulations.</u> (b) <u>A non-conforming building, lot or use, or the building in which a non-conforming use occurs, may not be changed, altered or added to except in accordance with the following:</u> (1) <u>Change A non-conforming building, lot or use, or the building in which a non-conforming use occurs may be changed to another non-conforming use only if after application for Special Permit, the Commission finds that said change meets the standards of Sections 6-15 and 6-17 and also finds said changed use is not more detrimental to the neighborhood than the existing use.</u> (2) <u>Alteration or Addition A non-conforming building, other than single family or two family, may be altered or permitted to expand provided that such alteration or addition meets the standards for site plan review under Sec.6-15, and further provided that such alteration or expansion shall not increase the degree of non-conformity. The addition of floor area which either (a) causes the floor area ratio or building coverage permitted in the zone to be exceeded, or (b) results in a site plan for all uses on the site which does not provide parking in accordance with the standards of Division 15, shall be deemed to increase the degree of non-conformity and shall not be permitted. Dwelling or accessory buildings in residential zones which have legally non-conforming yards, may be added to, provided the addition does not further encroach into the required yard(s) and provided that any addition extending horizontally beyond the limits of the building will have a width not more than half of the total width of the non-conforming portion of the building being added to. Only (1) non-conforming addition may be made under the latter provision and construction permitted by variance of yard requirements may not be counted in the width calculations described above.</u> (3) <u>A non-conforming lot may not be altered if the result would be to increase the degree of non-conformity.</u> (4) <u>Damage, Destruction or Replacement. When a building in which a non-conforming use occurs is damaged or destroyed by fire, explosion, act of God or the public enemy or is otherwise demolished, it may be restored and the</u></p>	11/21/1981

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	<u>non-conforming use continued, provided that the restored building covers no greater area and has not greater cubic content and further, provided that the new structure be substantially identical in appearance to the one damaged or destroyed. The Planning and Zoning Commission, subject to the granting of special permit in accordance with Sec. 6-17, may permit a modified reconstruction, provided that the restored building covers no greater area and has no greater cubic content. Rights under this section must be exercised within one year by filing plans with the Building Department. All site plan applications and special permit applications officially received prior to October 20, 1981 shall be exempt from the requirements of Sec. 6-141 (a) and Sec. (b)(1)(2)(3)(4).</u>	
6-99.	Adds this new section, Conversion to Additional Dwelling- Elderly Housing	
6-94 (a)(9)	Amends this section by repealing this sub-paragraph. Text shown in brackets repealed. [Sec. 6-94 (a)(9) Office space for use by physicians, dentists or surgeons not residents of the premises, subject to the following provisions: (A) Said building shall not be located more than five hundred (500) feet from the nearest business zone boundary line. (B) Total floor area shall not exceed 3,500 square feet. (C) Said office space shall be located in an existing building. (D) Maximum area devoted to surface parking, building and drives shall not exceed 60%. (E) No parking stall shall be permitted within the required front yard, or, when such use is located on a lot at least one (1) acre in size adjoining a general hospital, and provided further that there shall be no hospital facilities in connection therewith. The above referenced provisions shall not apply to those special exceptions for which site plan approval has been granted or a building permit has been issued.]	
6-14 (a) 3	Adds this new sub-paragraph with the underlined text worded as follows: <u>An affidavit certifying that all abutting property owners have been notified about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners.</u>	7/12/1981
6-5 (a)(28)	Definition of Home Occupation amended to include Registered Therapist	5/31/1981
6-35 (b) and (b)(3)	Amends Residential - Planned Housing Design - Elderly Zone (R-PHD-E) Purpose with text added underlined as follows: (b) The Planning and Zoning Commission, upon application by the Housing Authority of the Town, <u>or a non-profit sponsor</u> , in the manner prescribed herein, after a public hearing may permit residential development for the elderly to conform to the standards and requirements described herein when all of the following purposes are to be accomplished: (b)(3) To permit the construction of	5/31/1981

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	residential units for the elderly that would be eligible for State and/or Federal financial assistance and which would be owned and/or managed by the Housing Authority of the Town <u>or a non-profit sponsor</u> .	
6-42 (a)	Amends section on Application for Zoning Approval with additional text underlined as follows: (a) Application by the Housing Authority <u>or a non-profit sponsor</u> for the inclusion of a specific area in an R-6, R-MF, LB, CGB, GB, or GBO zone to be changed to an R-PHD-E Zone designation shall be submitted in writing in such form as the Commission may require.	4/26/1981
6-39.	Amends section on number of units by addition of underlined text and the deletion of text in brackets as shown below: The total number of units per acre shall be determined by [the amount of population accommodated in such units so that the total population housed per acre in these units shall not exceed ninety (90) persons] <u>requiring one thousand (1,000) square feet of land area for each unit.</u>	3/15/1981
6-12 (a)	Amends this section on Limitations on Permits Issued by addition of underlined text and the deletion of text in brackets as shown below: (a) Whenever a building permit is issued for a building (to be located within three (3) feet of any required yard,) <u>or an addition to an existing structure greater than five-hundred (500) square feet,</u> the Building Inspector shall make the permit conditional upon the submission of proof after the foundation of the building has been completed that the location of the foundation and the building to be placed thereon is not in violation of (this article) <u>these regulations.</u>	3/15/1981
6-31 (e)(2)	Amends this section on Conservation Land Requirement by the addition of underlined text as shown below: (2) The conveyance of said Conservation Land to the Nature Conservancy, to a local land trust, <u>to the Greenwich Audubon Society</u> or to the Town of Greenwich when the Commission deems such conveyance appropriate. Conveyance of land to the Town is subject to acceptance by the Representative Town Meeting.	3/15/1981
6-101	Amends this section, Special Permit Required for Business Zones by the addition of underlined text as shown below: No new construction for any use....except when authorized by special permit by the Commission pursuant to Sec. 6-17 of these regulations. <u>Upon application for said special permit, the Commission may authorize the measurement of building height and number of stories from a landscaped deck which is the roof of a parking structure, provided said parking structure is found by the Commission to be substantially below the surrounding grade, and is so landscaped and designed as to meet the standards of Sections 6-15 and 6-17. When height measurement is so authorized by the Commission, the area of such parking structure shall not be included in lot coverage.</u>	2/20/1981

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6-155	Amends this section, Parking and Garages for Multi-Family Residential Purposes, by the addition of underlined text as shown below: On lots used for multi-family residential purposes....on the required width of any drive. <u>In the case of existing business use to be converted to residential use in accordance with Sec. 6-110, the Commission may permit required garage parking spaces to be outdoor spaces. Parking and parking aisles shall be prohibited within the required front yard unless the Commission finds that the parking and parking aisles are adequately screened by landscaping or substantial changes in topography.</u>	1/29/1981
6-109.1 (8)	Adds this new sub-paragraph, Special Permit Authorizations for HO sites of 20 or more acres.	10/28/1980
6-109.1	Adds this new section, Historic Overlay Zone (HO).	8/17/1980
6-19 (a)(4)	Deletes existing Sec. 6-19 (a)(4) and replace it with new Sec. 6-19 (a)(4) containing the following text: (4) <u>Decide requests for special exceptions in the following cases: (A) For certain specified uses in residential zones in accordance with Division 9, Subdivision 1; for uses enumerated in Sec. 6-100 Use Group 5; and wherever special exception is authorized in these regulations; (B) For the establishment of horticultural and wildlife reservations and natural park areas acquired or controlled by a Connecticut non-profit corporation or organization provided that such reservation or area is open to the public, subject to reasonable regulation, and the board of Appeals finds that the establishment of such reservation or area is in the interest of the Town for educational, scientific and recreational reasons, having in mind the size, character and location of such premises and availability of similar uses in the vicinity. (Bldg. Zone Regs. S28a.)</u>	8/15/1979
6-19 (c )(5)	Amends text by adding the new sub-paragraph (5) <u>To hear variance requests involving proposed lots in subdivisions that have received preliminary approval by the Planning and Zoning Commission.</u>	7/1/1979
6-111	Adds this new section, Coastal Overlay Zone	6/27/1979
6-131 (e)	Adds to Section 131, Minimum Frontage Exceptions this new sub-paragraph by the addition of the underlined text as follows: (e) <u>The owner of a rear lot shall have the privilege of electing any lot line as the front line.</u>	6/27/1979
6-14. 6-14.1	Amends this section by repealing the existing Sections 6-14 and 6-141 and replacing with the following underlined text: <u>Sec. 6-14. Procedure.</u> (a) <u>Preliminary Approval Applications for preliminary site plan approval shall be made on forms provided by the Planning Staff. In order to be submitted by the Planning Staff to the Commission, applications for preliminary site plan approval must be complete including all of the following documents. If the Planning staff finds any of the below requirements not applicable for small-</u>	6/27/1980

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	<p>scale projects, such items may be waived. 1. Five copies of a survey showing: A. The site's location, drawn on a site plan or on a separate map; including the location of buildings and parking areas on all adjoining lots and the nearest cross streets and drives opposite the site. B. Street and property lines, curbs, edges of pavement, sidewalks, easements, rights-of-way, covenants and deed restrictions. C. Locations and dimensions of all existing and proposed buildings, structures, walls, fences, utility facilities, trees of six (6) or more inches in diameter at breast height, and other similar features. D. Traffic lights and controls, public trees, catch basins, hydrants and telephone and power lines in adjacent streets. E. Existing contours at no more than a two foot vertical interval, unless waived by the Commission staff in circumstances where such contours may not be necessary pertinent. F. The location of all existing watercourses, intermittent streams, wetlands as shown on the Inland Wetlands Map Flood Hazard Lines, springs and rock outcrops. G. Approximate boundaries of any areas subject to flooding or storm. H. The zone in which the land to be divided falls and the location of any town and zone boundary lines within the tract and yard dimensions in respect to existing buildings. I. Certification with signature and seal or registration number of a registered land surveyor that the drawing is substantially correct, and that the property is in a designated zone or zones under the zoning regulations. J. The title of the development, date, revision date if any, north point, scale, and name and address of owner and names of owners of adjacent land. 2. Five copies of a detailed development plan at a convenient scale, prepared and signed by a professional architect, land surveyor or engineer licensed in the State of Connecticut, showing: A. Location and dimensions of all proposed buildings, structures, walls, fences. B. Location, dimensions and surface treatment of all existing and proposed off-street parking and loading spaces, traffic access and circulation drives, and pedestrian walks. C. Approximate location of proposed utility lines, including water, gas, electricity and sewer. D. Statement as to source of water supply and method of sewage disposal. E. Existing and proposed contours at no more than two foot vertical interval, unless waived by the Commission's Staff. F. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed. G. Location, type, design, shielding, power and hours of operation of all existing and proposed exterior lighting. H. Any other similar information determined necessary by the Commission staff in order to provide for the proper enforcement of these regulations. I. Architectural plans of all floors, all exterior elevations and such additional material as is necessary to show exterior</p>	

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	<p><u>building materials, color, roof line, height and bulk. J. An 8 1/2" x 11" reduction of the site plan and 8 1/2" x 11" transparency. K.</u>  <u>Certification by the Building Department that the plan complies with the Building Zone Regulations. (b) Final Approval Application for final site plan approval shall include all of the documents required under (a) above with the additional requirement that all recommendations of Engineering, Sewer, Health, Traffic, Building and Planning shall be incorporated into a final development plan, unless the applicant states in writing that he appeals any of said recommendations to the Commission. In the event that such appeal is denied, applicant shall incorporate the appealed recommendation in his final documents. Sec. 6.14.1 Commission review of Site Plan applications. (a) Upon receipt of a complete application for preliminary site plan approval, the Planning Staff shall date the receipt of the application and assign a Site Plan number. Action by the Planning and Zoning Commission shall be taken no later than sixty-five (65) days from the date the application is received in the Planning Office and a decision rendered as to approval or disapproval no later than said date.</u></p>	
6-100 Use Group 1	<p>Amends Sec. 6-100 Use Groups for Business Zones, Use Groups 1 by the addition of underlined text as shown below: Use Group 1 Restaurants and cafes, other than drive-ins, <u>when authorized by Special Permit pursuant to Sec. 6-17 of these Regulations</u> and subject to the provisions of Sec. 6-194 to 6-199 inclusive. <u>No special permit is necessary for properties between the front and rear building lines.</u></p>	
6-131	<p>Amends this section, Minimum Frontage Exceptions by the addition of the underlined text and deleting text in brackets as follows: Sc. 6-131. Minimum Frontage Exceptions: (a) A rear lot not fronting on a street, whether or not in separate ownership and whether or not the rear or front lots are presently built upon, may be improved in accordance with requirements of the particular zone provided that: 1. Such lot has access to a street by means of an unobstructed access way held in the same fee simple ownership as the rear lot; 2. That such access way is at least 20 feet wide; 3. Within the lines of such access way there shall be constructed a graveled or other paved way at least 12 feet wide and of sufficient thickness to support fire apparatus and other mobile equipment; 4. At no point shall the twenty (20) foot accessway exceed a vertical rise of 15%; 5. Such accessway shall not be included for the purpose of meeting the area required by Section 6-205 of the rear lot. 6. <u>Such accessway does not adjoin any other accessway to a rear lot.</u> (b) In the case of two rear lots not fronting on a street, whether or not in separate ownership and whether or not the rear or front lots are presently built upon, said lots may be improved in accordance with</p>	2/13/1979

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	<p>requirements of the particular zone provided that: 1. Each such lot <u>have access to a street by means of</u> (an) <u>adjoining 10 ft. wide unobstructed access ways</u> (each adjoining owner shall present satisfactory proof to the Building Inspector that a legal instrument evidencing his right to use such paved way has been filed in the office of the Town Clerk) <u>held in the same fee simple ownership as the rear lot</u>; [2. That such accessway is at least 20 feet wide;] 2. Within the lines of such combined access ways there shall be constructed single graveled or other paved way at least 16 feet wide; 3. There shall be a 2 foot wide strip on either side of the paved way which shall be clear of obstructions and shall be of sufficient thickness to support fire apparatus and other mobile equipment; 4. At no point shall the [twenty (20) foot accessway] 16 foot paved way and two foot shoulders exceed a vertical rise of 15%; 5. Such accessways shall not be included for the purpose of meeting the area required by Section 6-205 of the rear lot; 6. Such accessway does not adjoin any other accessway to a rear lot. [7. Two (2) such adjoining accessways shall be prohibited under this section.] (c) Before the right to use such paved way is terminated by legal instrument or by operation of law, such accessways shall be required to conform to the provisions of Subsection (a) or (b) of this Section whichever is applicable. (d) Before a Certificate of Occupancy may be issued proof of location of the graveled or paved surface within the lines of the accessway shall be submitted for approval.</p>	