

DIVISION 9. USE REGULATIONS.⁸

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)

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

(7/16/86)

- (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.

(2/8/94)

- (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 designed 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.

(10/2/89)

- (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

(2/8/94)

- (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.

(2/8/94)

- (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 and RMF zones:
 - (1) All uses permitted in R-7 zones, and a two-family dwelling.
 - (2) The following uses as Special Permit uses when the Planning and Zoning Commission shall determine 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 of 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)
 - (A) The building of 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 must meet 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. (4/19/2006)
 - (B) Boarding and Rooming Houses.
 - (C) The total ground floor area of all buildings and structures shall occupy no more than 30% of the gross lot area. The total lot coverage shall not exceed 50% of the gross lot area. (2/9/2000)

(4/19/2006)

- (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 July 1, 1980, 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.
 - (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.

(6/10/94)

- (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).

(5/4/2005)

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.

(6/10/94)

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

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 (not including drive-in banks).

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

Indoor theaters, of minimum 200 seats

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)

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 store), operating on a temporary (six month-seasonal) basis subject to the following: (11/25/2008)

- (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 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) 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.
- (6) A building permit must be obtained prior to the start of dining facilities use regardless of the amount of construction involved. (11/17/97)

(11/25/2008)

- (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. (7/24/83)

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

Parks and Playgrounds

Personal service establishments

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. 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)

Retail stores

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

Service and Social Clubs, provide that in the LB 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)

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.

(11/17/97)

USE GROUP 4 (4/29/91)

Animal grooming establishments
 Community centers
 Drive-in banks
 Funeral parlors
 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)
 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

(5/4/2005)

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 store), operating on a temporary (six month-seasonal) basis, subject to the standards and conditions listed (1) through (8) under Section 6-100 Use Group 1. (11/25/2008)

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)

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 (not including drive-in banks) (Note A)

(11/25/2008)

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.

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

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)

Sidewalk outdoor dining facilities, ancillary and contiguous to an eating establishment, operating on a temporary (six-month seasonal) basis, subject to standards and conditions listed (1) through (8) under Sec. 6-100 Use Group 1. (11/17/97)

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)

(11/17/97)

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 three (3) or more dwelling units on a lot. (7/16/91)

(3/21/2000)

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)**(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
(9/15/86)

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, 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.

(5/4/2005)

(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.

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

(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, 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. 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. (11/17/97)

(911/17/97)

(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)

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

(3/21/2000)

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)

(5/4/2005)

(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

(5/4/2005)

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

(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.

(5/4/2005)

(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)

(5/4/2005)

- (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)

(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,

(4/1/91)

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)

(4/20/91)

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)

(4/1/91)

- (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.

(4/1/91)

(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)

(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)

(8/21/2002)

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

(1/6/88)

- (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)

(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

(4/19/2006)

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)

(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 allowed and the height of a building, but not to exceed 40 feet as measured according to the requirements of the particular zone.
- (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:

(9/3/90)

- (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.

(8/13/90)

(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)

(3/2/88)

- (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)(3) shall be submitted with any application for Administrative Review. (2/7/2001)

(4/19/2006)

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)

(1/1/87)

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.

(11/2/86)

(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

(7/8/95)

- (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,

(7/8/95)

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

(7/8/95)

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)

(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)

(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.)

LAND USE

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