

## 1. Meeting Materials

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[DECEMBER 12, 2017 ACTION AGENDA.PDF](#)  
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# TOWN OF GREENWICH PLANNING AND ZONING COMMISSION

**Town Hall Meeting Room**  
101 Field Point Road, Greenwich, CT

**December 12, 2017**

## **ACTION AGENDA WITH DECISIONS**

*Regular Members Present and Seated: Richard Maitland, Margarita Alban, Andrew Fox, and Nicholas Macri*

*Absent: Peter Levy*

*Alternate Member Present: Dennis Yeskey*

*Alternate Member Absent: Victoria Goss*

*Staff Members Present: Katie DeLuca, Director Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and Patrick LaRow, Deputy Director Planning and Zoning/Assistant Town Planner*

### **REGULAR MEETING 7:00 PM**

1. **187 Field Point Road LLC**; request for an extension of time of 5 years pursuant to Section 6-14.1 of the Building Zone Regulations for applications PLPZ 2016 00033 and PLPZ 2016 00034, for a final site plan and special permit, to demolish the existing structures and construct a new 4,670 sq. ft. two-family dwelling on an 8,525 sq. ft. property (lot as depicted in subdivision PLPZ 2016 00032) located at 187 Field Point Road in the R-6 zone. (*Staff: MK*) (*Page Number: 39*)

Motion to approve extension to start work by 3/22/24 and finish by 3/22/26 with the original modifications

Moved by Alban, seconded by Fox

Voting in favor: Maitland, Alban, Yeskey (*for Levy*), Fox, and Macri

5-0

2. **191 Field Point Road LLC**; request for an extension of time of 5 years pursuant to Section 6-14.1 of the Building Zone Regulations for applications PLPZ 2016 00035 and PLPZ 2016 00036, for a final site plan and special permit, to demolish the existing structures and construct a new 4,670 sq. ft. two-family dwelling on an 8,525 sq. ft. property (lot as depicted in subdivision PLPZ 2016 00032) located at 191 Field Point Road in the R-6 zone. (Staff: MK) (Page Number: 70)

Motion to approve extension to start work by 3/22/24 and finish by 3/22/26 with the original modifications

Moved by Alban, seconded by Fox

Voting in favor: Maitland, Alban, Yeskey (*for Levy*), Fox, and Macri  
5-0

### **PUBLIC HEARING 7:15 PM**

3. **75 Holly LLC**; applications PLPZ 2017 00454 and PLPZ 2017 00455, for a final site plan and special permit, to expand the parking lot by adding 77 parking spaces, increasing the total parking onsite to 461 standard spaces and 13 ADA compliant spaces, and confirm that adequate parking would exist for 73 medical professionals on a 4.47-acre property located at 75 Holly Hill Lane in the GBO zone. (Staff: MK) (**Must close by 12/12/2017**) (Extension to close granted to 12/12/17. Maximum extension to close available to 1/25/2018) (Continued from the 10/17/2017 and 11/30/2017 meetings) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Page Number: 101)

### **WITHDRAWN**

4. **Tamarack Country Club**; applications PLPZ 2017 00512 and PLPZ 2017 00513, for a final site plan and special permit, to enclose the patio for all-season use and add a new 700 sq. ft. terrace, on the easterly side of the building, a stairwell to the lower level cart staging area, and interior renovations on a 169.625 acres property located at 55 Locust Road in the RA-4 zone. (Staff: CT) (**Must close by 1/4/2018**) (Maximum extension to close available to 3/10/2018) (Continued from the 11/30/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Page Number: 198)

Motion to approve final site plan and special permit with modifications

Moved by Alban, seconded by Fox

Voting in favor: Maitland, Alban, Yeskey (*for Levy*), Fox, and Macri  
5-0

5. **North Greenwich Associates, LLC**; application PLPZ 2017 00529 for a zoning map amendment, to re-zone four (4) parcels located at 1041-1073, 1046, 1064, and 1066 North Street from the LBR-1 zone to the LB zone (as shown on a re-zoning map on file in the Town Clerk's Office) (*Staff: MK*) (*Must open by 1/13/2018*) (*Maximum extension to open available to 3/19/2018*) (*Page Number: 242*)

#### WITHDRAWN

6. **Benedict Court Development Company, LLC, record owner of 19 Benedict Place**; application PLPZ 2017 00538, for a zoning text amendment to amend Division 9-Subdivision 3; Division 15; and Division 17 to codify certain location, characteristics, and land use objectives for those properties situated within the Central Greenwich Impact Overlay Zone ("CGIO Zone"); and to add new regulations to allow, by Special Permit, certain flexibility in area, height and bulk standards of the underlying zone as incentive zoning, in exchange for the provision of "Public Benefits" as articulated in the proposed zoning text amendments. The core objective of these proposed text amendments is to activate the CGIO Zone overlay as a positive, vital planning tool to enhance and sustain this district for the citizens of Greenwich in the 21st Century. The proposed NEW Section 6-115.1.1, INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS-RESIDENTIAL prohibits new buildings constructed under that regulation to be located in the CGBR Zone, which includes Greenwich Avenue. The Application includes a proposed amendment to BZR Division 15-Section 6-155 PARKING AND GARAGES FOR MULTI-FAMILY RESIDENTIAL PURPOSES, to establish a minimum standard of 1.25 parking space per residential dwelling unit in the CGIO Zone for multi-family housing developed pursuant to proposed NEW Section 6-115.1.1, INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS-RESIDENTIAL. ; and proposed amendments to BZR Division 17-Section 6-182 PLANTING REGULATIONS and add a new Section 6-181.1 ROOF PLANTINGS IN BUSINESS ZONES and new Diagram 11, ILLUSTRATION OF LIMITING FACTOR FOR DETERMINATION OF MAXIMUM INCREASE IN BUILDING HEIGHT UNDER SECTION 6-115.1.1 (6) IN THE CGIO. The proposed text amendments are as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (*Staff: PL*) (*Must open by 1/13/2018*) (*Maximum extension to open available to 3/19/2018*) (*Page Number: 276*)

#### LEFT OPEN

Amend Sec. 6-100 "USE GROUPS FOR BUSINESS ZONES" as follows:

#### USE GROUP **3a**

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

**USE GROUP 3b**

**Dwelling units in the CGIO Zone conforming to the provisions of Section 6-115.1.1. when authorized by Special Permit**

Amend Sec. 6-103.1 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE CGBR ZONE” as follows:

(C) Permitted Uses.

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

Use Group **3a**

Amend Sec. 6-104.1 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR CGB ZONE” as follows:

(B) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-105 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE GB ZONE” as follows:

(a) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-106 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE GBO ZONE” as follows:

(a) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-110 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES (**Use Group 3a**)”, as follows:

(d) Special Requirements:

(1) For CGBR and LBR-2 zones, dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group **3a**

Amend Sec. 6-155 “PARKING AND GARAGES FOR MULTI-FAMILY RESIDENTIAL PURPOSES” as follows:

4. **Multi-family dwelling units constructed pursuant to Sec. 6-115.1.1: 1.25 spaces per dwelling unit, and all required parking spaces may be located within a garage.**

ADD

**Sec. 6-181.1 “ROOFTOP PLANTINGS IN BUSINESS ZONES”**

**The purpose of rooftop plantings is to reduce the heat island effect of a building, and, if desired, provide active or passive use by the building's occupants.**

(a) **Planting Specifications:**

- i. **Rooftop planting beds, whether raised or in pits, shall have a minimum depth able to support the selected plant materials in hardened conditions.**
- ii. **A growing media (e.g., soil, mulch, sand or gravel) shall be employed that is most suitable for the selected plant materials in accordance with industry standards.**

(b) **Plant Materials:**

- i. **Selected plantings shall be hardy to one colder USDA Zone than the USDA Zone typical to Greenwich.**
- ii. **Preferred are plantings that require only temporary irrigation for the first 12 months after installation, and are not dependent upon irrigation thereafter.**
- iii. **Groundcover plants and shrubs must be of sufficient size and number at time of installation so that the intended landscape condition shown on the submitted plans will be achieved within three (3) years of planting.**
- iv. **Native and non-invasive plants are recommended.**

(c) **Installation and Maintenance:**

- i. **Plant materials must be installed to current nursery industry standards, and properly supported to ensure survival.**

- ii. **The location of rooftop planting beds shall allow for access for maintenance purposes.**
- iii. **Rooftop plantings must be continuously maintained in a healthy state for ongoing compliance with the property's Site Plan, Special Permit, or Special Exception approval(s), as applicable. Dead plantings must be replaced in kind within six (6) months.**

Amend Sec. 6-182 "PLANTING REGULATIONS" as follows:

(a) All planting materials used to carry out the intention of this Article shall be of species and varieties **compatible with topographic conditions on the property. Use of native, non-invasive species is encouraged.** [as approved by the Tree Warden.]

(b) Planting materials shall be shown on site plans submitted to the Building Department and shall be referred for approval to the Tree Warden.]

**(b) For uses and activities requiring Site Plan approval under Sec. 6-13, planting materials shall be shown on the site plan submitted to the Planning and Zoning Commission. The Commission shall refer said plan to the Architectural Review Committee and/or the Tree Warden for an advisory review.**

ADD

**Sec. 6-115 "CENTRAL GREENWICH IMPACT OVERLAY ZONE (CGIO)"**

**Location, and Description.**

**The CGIO Zone is an overlay district and represents the core of the Town's central business district. It includes portions of the CGBR, CGB, and GBO Zones, as shown on the TOWN OF GREENWICH BUILDING ZONE MAP, as amended from time to time, and Plate 22, CENTRAL GREENWICH IMPACT OVERLAY ZONE Effective: March 1, 1982, of the BUSINESS ZONE MAP ATLAS on file in the office of the Greenwich Town Clerk.**

**The CGIO has the Town's highest concentration of commercial floor area and impervious coverage. It contains a broad range of building types, indicative of the eras and purposes for which they were originally built. It includes the Greenwich Avenue Historic District and the Greenwich Municipal Center Historic District, both listed on the National Register of Historic Places. Also located in the CGIO Zone are Town Hall, the Board of Education, the main Library, and Police and Fire Stations; houses of worship; and Pre- and Post-War**

higher density multi-family buildings. Additionally, the CGIO Zone includes the Greenwich Metro-North Train Station, with express service to and from New York City. It also has direct access from the region's two major arterials, U.S. Route 1 and Interstate 95.

In sum, the CGIO Zone remains a desirable location for corporate offices, entertainment and leisure activities, and is growing in attraction as a place to reside. However, public infrastructure and amenities, the roadway network and parking, and open space are limited resources in this district. Businesses already heavily depend on the supply of public parking spaces in the district for patrons and employees. This special mix of opportunities and challenges makes the CGIO Zone overlay a vital tool for administering sound land use planning for this district in the 21st Century.

ADD

Sec 6-115.1 INCENTIVE ZONING REGULATIONS FOR CGIO ZONE.

(A) General Purpose and Objectives.

In addition to the stated purposes in Section 6-102, the purpose of this regulation is to enhance and sustain the downtown core as a vital, mixed-use, pedestrian- oriented environment in the 21st century. It provides a means to seek efficiencies in the use of land and energy to lessen the environmental impact of the Town's built environment, and increase landscaped open space; to add new housing attractive to persons of varying ages and income levels within walking distance of local retail and service establishments, Town services, and rail and bus lines; and to maximize the opportunity afforded by the train station to reduce the need for parking for commuters, employees and visitors. This regulation also seeks to encourage private developments to provide "Public Benefits", defined below, that would otherwise not be required by the regulations of the underlying zone.

To achieve these planning objectives, the Planning and Zoning Commission may, by Special Permit, approve mixed-use redevelopment of larger parcels within the CGIO Zone certain flexibility of the zoning standards of the underlying zone, in exchange for provision of one or more "Public Benefits" within or proximate to the CGIO Zone as set forth in Section 6-115.1.1 INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS- RESIDENTIAL of these regulations.

(B) Definition of "Public Benefit".

As used in Sections 6-115.1 and 6-115.1.1 of these regulations, "Public Benefit" shall mean a permanent facility or improvement that meets



**the planning policies and goals of the municipal Plan of Conservation and Development, proposed and provided in conjunction with a development project in the CGIO Zone, and is in excess of the minimum requirements of the underlying zone. "Public Benefits" include "Affordable Housing Units", "Energy-Efficient Design", "Indoor Community Space", "Public Infrastructure Improvements", "Public Parking", and "Public Outdoor Amenity Space", as defined in Section 6-115.1.1 of these regulations.**

**(C) Review Procedure.**

- 1. A development proposal made pursuant to this regulation shall require Site Plan and Special Permit approval by the Planning and Zoning Commission pursuant to Sections 6-13 through 6-15, and Section 6-17 of these regulations.**
- 2. Pre-Application Review. An informational workshop shall be convened by the Director of Planning and Zoning to include the Zoning Enforcement Officer, Department of Public Works Commissioner, Town Engineer, Sewer Superintendent, Conservation Director, and other appropriate town agency staff at which the applicant shall present a conceptual plan for the proposed development for discussion. This meeting shall be held prior to any formal submission of application to any Town Agency.**
- 3. Application Contents. In addition to the plans, reports, and other documents required under Sections 6-14 and 6-17, the following items shall be submitted:**
  - (a) A zoning narrative describing the proposed development, including the types of uses and its principal structures and facilities, and proposed Public Benefits;**
  - (b) A statement of proposal consistency with the Town's Plan of Conservation and Development, Section 6-15 Site Plan Standards, Section 6-17d Special Permit Standards, and the stated objectives of Sections 6-115.1 and 6-115.1.1, as applicable;**
  - (c) A zoning data table providing the area, height, and bulk standards of the underlying zone(s) per Section 6-205(b), the requested zoning incentive(s), and proposed conditions;**

- (d) A listing the USGBC LEED technical and criteria-based standards from the LEED building rating system most appropriate to the proposal, and how the proposal will meet the intent of such standards; and
- (e) At time of Final Site Plan and Special Permit Applications:
  - i. An Affordability Plan for a CGIO Mixed-Use-Residential development;
  - ii. A copy of the Architectural Review Committee's advisory report; and
  - iii. Any additional information requested by the Commission during the Preliminary Site Plan Review process.
- 4. Municipal Improvement. If a Municipal Improvement is required by the proposed development plan, the Board of Selectmen shall refer the request for a Municipal Improvement to the Commission prior to the applicant's submission of the Final Site Plan and Special Permit Applications for the project. Submission of a request for Municipal Improvement at time of Preliminary Site Plan review is encouraged, but not required.
- 5. Advisory review by the Architectural Review Committee of proposed exterior alterations, new construction, landscaping and site lighting shall be concluded prior to the submission of Final Site Plan and Special Permit Applications for the development.
- 6. Following Approval. See Section 6-115.1.1 of these regulations.

ADD

SECTION 6-115.1.1 INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS - RESIDENTIAL

(1) Purpose and Objectives.

This regulation is intended to enhance and sustain the downtown core as a vital, mixed-use, pedestrian-oriented environment by providing zoning incentives to induce private-sector owners to redevelop larger tracts in the CGIO Zone with higher density residential, or mixed-use buildings that include residential units, open space, and public amenities, with a plan that is determined

**by the Planning and Zoning Commission to be clearly superior in sustainable building and site design to a development conforming to the mandatory base standards of the underlying zone. The Commission may, by Special Permit, allow flexibility of certain standards set forth in Section 6-205(b) for the underlying zone upon finding that the proposal is consistent with one or more of the following planning objectives:**

- (a) **Provides Affordable Housing Units, as defined under Section (2) (b), below, to mitigate the shortage of dwelling units available to Moderate Income Households, as described under Section (2) (b), below;**
- (b) **Increases the diversity of housing opportunities and types for various income levels in areas in close proximity to mass-transit, Route 1, I-95, and within walking distance of retail, personal service, entertainment, and municipal facilities;**
- (c) **Includes a plan that provides physical and functional cohesiveness of site components, and an urban design that provides an appropriate spatial transition of building heights, setbacks, architectural massing, for the surrounding built environment;**
- (d) **Increases the public parking supply, particularly long-term parking for employees of retail and service establishments in the CGIO Zone;**
- (e) **Provides a development plan that is pedestrian-oriented rather than automobile-centric;**
- (f) **Includes attractive streetscapes with convenient and safe pedestrian linkages from the Town's existing sidewalk network to Greenwich Avenue, public transit, Town parks and civic buildings;**
- (g) **Increases public open space in the CGIO Zone, to provide passive or active recreational opportunities not currently available in the downtown; and**
- (h) **Encourages a more efficient development of land resulting in economies of total impervious coverage, stormwater discharge, traffic impacts, and consumption of natural and energy resources.**

(2) **Definitions of terms used in this regulation:**

**(Definition titles in all CAPS are "Public Benefits" as defined under Section 6-115.1 (B))**

- (a) **"Affordable Housing": Housing as defined in CGS Section 8-39a, in effect at time of Final Site Plan Application.**
- (b) **"AFFORDABLE HOUSING UNIT": A dwelling unit that must be held for the duration of the Restriction Period described in Section (2)(n), below. Any person or family to whom such Affordable Housing Units may be rented or sold must be a "Moderate Income Household," as that term is defined in Section (2) (h), below. An AFFORDABLE HOUSING UNIT is permitted under Sec. 6-100, Use Group 3b.**
- (c) **"CGIO Zone (Central Greenwich Impact Overlay Zone)": An overlay zone depicted on Plate 22, CENTRAL GREENWICH IMPACT OVERLAY ZONE Effective: March 1, 1982, of the BUSINESS ZONE MAP ATLAS, Town of Greenwich Planning and Zoning Commission.**
- (d) **"CGS": The Connecticut General Statutes, as amended.**
- (e) **"ENERGY-EFFICIENT DESIGN": The integrated application and use of land, materials, and operational systems designed to qualify for voluntary certification under the most current USGBC LEED Building Design and Construction (BD+C) rating system.**
- (f) **"INDOOR COMMUNITY SPACE": A portion of a building at grade level, that is made available, free of charge, to responsible civic associations or non-profit groups for the conduct of meetings, art exhibits, or educational programs.**
- (g) **"Median Income": Median Income is as defined under CGS Section 8-30g(a)(7), in effect at the time of application.**
- (h) **"Moderate Income Household": Moderate Income Household shall mean a person or persons, related or unrelated, living together as a single family or housekeeping unit, which persons and families pay thirty percent or less of income for housing, and where such income is equal to or less than eighty percent of the Median**

**Income as defined in Section (2) (g), above.**

- (i) **"PUBLIC INFRASTRUCTURE IMPROVEMENTS": The addition of, or improvement to public infrastructure facilities which may include, but not limited to the following: sanitary sewer; stormwater management; roadway and pedestrian improvements; relocation of overhead utility lines to underground; and traffic controls.**
- (j) **"Public Land": Municipal land owned by the Town of Greenwich.**
- (k) **"PUBLIC PARKING": A parking area available to the public, with or without payment of a fee, that is or will be owned and operated by the Town of Greenwich. The Public Parking may be located in a building.**
- (l) **"PUBLIC OUTDOOR AMENITY SPACE": A minimum 10,000 square feet of contiguous land improved and maintained as passive or active outdoor recreational space for use by the general public. A Public Outdoor Amenity Space may be provided on land owned by the Town of Greenwich, subject to review and authorization of a Municipal Improvement pursuant to CGS Section 8-23 and Section 99 of the Town Charter.**
- (m) **"Public Benefit": See Section 6-115.1 (B) of the regulations.**
- (n) **"Restriction Period": A period of forty (40) years, commencing at time of initial occupancy, during which an AFFORDABLE HOUSING UNIT shall be held for sale or rental as described in Section (2)(b), above.**
- (o) **"USGBC LEED": The United States Green Building Council Leadership in Energy and Environmental Design, which has developed sets of voluntary technical and criteria-based standards with the objective to increase the efficiency with which buildings use energy, and natural resources and materials to reduce building impacts on public health and the environment during the building's lifecycle.**
- (p) **"Zoning Tract": The total lot area of a single lot, or combination of contiguous lots or land, owned or controlled by the applicant. The area of private property to be deed restricted or conveyed for public purposes, e.g., public**

**parking, parks, streets, pedestrian paths, shall be included in the Zoning Tract.**

**(3) Eligibility Criteria.**

- (a) **Location. The Zoning Tract shall be located within the CGIO Zone.**
- (b) **Minimum Acreage. The Zoning Tract shall be a minimum of one (1) acre (43,560 square feet) of contiguous land entirely located in the CGIO Zone, inclusive of the area of any existing private streets or rights-of-way.**
- (c) **Minimum Residential Floor Area, Gross. A minimum of 60 percent (60%) of the total Floor Area, Gross of the development shall be devoted to residential use.**
- (d) **The approved site, excluding Public Land and any off-site easements on land of others that are part of the approved site plan, shall constitute a single lot prior to issuance of an administrative Zoning Permit.**
- (e) **The proposed development shall include a minimum of two (2) Public Benefit improvements.**
- (f) **Any proposed buildings must be set back a minimum of 125 feet from the Greenwich Avenue right-of-way, and located outside the CGBR Zone.**
- (g) **The new PUBLIC PARKING shall be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO Zone boundary;**
- (h) **The PUBLIC OUTDOOR AMENITY SPACE shall be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO Zone boundary, on land owned by the Town of Greenwich, or on land or other recognized real property interest that can be conveyed to the Town of Greenwich.**

**(4) Uses.**

- (a) **Permitted uses shall be the same as for the underlying zone.**
- (b) **PUBLIC PARKING is a permitted use.**

- (c) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3b uses may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and a Site Plan approval have been granted by the Commission.
  
- (5) Parking and Loading Facilities. Parking and loading spaces shall be provided in accordance with Division 15 of these regulations. All parking spaces may be located within a garage.
  
- (6) Modification of area, height and bulk area requirements. Notwithstanding other applicable provisions of the Building Zone Regulations, upon request by the applicant, the Commission may, by Special Permit, authorize one or more modifications to the area, height, and bulk standards set forth in Section 6-205(b) for the underlying zone, upon a determination that the proposed Public Benefit provided to qualify for the zoning incentive meets a) the applicable standards of Section 6-17d, and b) the objectives set forth in Section 6-115.1A., and Section 6-115.1.1 (1) of these regulations. Any authorized increase in maximum building height shall not result in a total building height that exceeds the number of feet of the height of the tallest existing building fronting on the same street as the principal street frontage of a building in the Zoning Tract and adjacent to, or directly across the street from a building in the Zoning Tract. See the "LIMITING FACTOR" shown on DIAGRAM 11 to these regulations. The maximum total Floor Area, Gross ("FAR") authorized for the Zoning Tract under this regulation shall not exceed 3.3 FAR.

For the proposal to be eligible for one or more modifications to the area, height, and bulk requirements in Section 6-205(b), the development plan must meet the following additional qualifying criteria, as applicable:

- (a) No new buildings or portions thereof shall be located in the CGBR Zone.
  
- (b) All building elevations in excess of 120 linear feet facing a public street shall be required to provide variation in its horizontal and/or vertical plane by a wall offset of a minimum of two (2) feet for a horizontal distance of at least eight (8) feet to ensure a diverse street wall facade, and to promote the pedestrian scale of the overall development.
  
- (c) The proposed INDOOR COMMUNITY SPACE shall be a

**minimum of 3,000 square feet and accommodate not less than fifty (50) people in fixed or portable seating; be readily accessible at grade from the street or pedestrian walks; and be available for public use, by reservation approved by the building's manager, on weekdays from 9:00A.M. to 5:30P.M., for not less than fifteen (15) days of each month.**

- (d) **The proposed PUBLIC PARKING Public Benefit shall equal a minimum of 30 percent (30%) of the total proposed parking spaces in the development, with the total number of public parking spaces provided not to exceed 100 spaces. The PUBLIC PARKING must be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO boundary.**
- (e) **The proposed PUBLIC OUTDOOR AMENITY SPACE(s) shall comprise a minimum of 10,000 square feet with a minimum of 70 percent (70%) of pervious coverage. The PUBLIC OUTDOOR AMENITY SPACE shall be located within the CGIO Zone or within one-half (0.5) miles of the CGIO Zone boundary. A Public Outdoor Amenity Space may be provided on land owned by the Town of Greenwich, subject to review and authorization of a Municipal Improvement pursuant to CGS Section 8-23 and Section 99. of the Town Charter.**
- (f) **The proposed ENERGY-EFFICIENT DESIGN shall be comprised of improvements that are USGBC LEED-certifiable under the most appropriate LEED building rating system, as may be amended from time to time. The Planning and Zoning Commission shall not require the applicant to apply for, or receive LEED certification as a condition of Site Plan and Special Permit approvals.**
- (g) **The proposed PUBLIC INFRASTRUCTURE IMPROVEMENTS shall be located in the CGIO Zone, or within a half-mile (0.5 miles) of its boundary.**



**Zoning Standard: Maximum Building Height.**

<b><u>Public Benefit</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>	
	<b><u>Stories</u></b>	<b><u>Feet</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>		
<b><u>5% of Total Units</u></b>	<b><u>None</u></b>	<b><u>“A” + 3 Feet</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 9 Feet</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 1 Story</u></b>	<b><u>“A” + 12 Feet</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 1 Story</u></b>	<b><u>“A” + 12 Feet</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 12 Feet and + 1 Story</u></b>
<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>None</u></b>	<b><u>“A” + 4 Feet</u></b>
<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>

**Zoning Standard – Maximum Building Area.**

<b><u>Public Benefit(s)</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	
<b><u>5% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 60%</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 50%</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 50%</u></b>
<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>“A” + 30%</u></b>

<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 30%</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 30%</u></b>

**Zoning Standard – Floor Area, Gross (as defined in Section 6-5(a), Definition (22) of the Building Zone Regulations).**

<b><u>Public Benefit(s)</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	
<b><u>5% of Total Units</u></b>	<b><u>“A” + 0.3</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 0.6</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 0.9</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 1.2</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 1.0</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 1.0</u></b>
<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>“A” + 0.1</u></b>
<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 0.3</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 0.3</u></b>

**Zoning Standard - Maximum Lot Coverage. The Commission may increase the maximum lot coverage permitted in the underlying zone upon a determination that the scale of the proposed building or buildings is compatible with the surrounding uses, and sufficient landscaping and screening is provided to enhance the residential component of the development and to screen outdoor refuse, utilities such as transformers, storage and parking areas from public view pursuant to Division 17, Sections 6-179, 6-180, and 6-181 of these regulations.**

**Zoning Standard – Minimum Rear Yard Depth.**

<b><u>Public Benefit</u></b>	<b><u>Zoning Incentive (Standard in lieu of Zoning Standard of underlying zone)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	<b><u>3.5 Feet + 1 inch for each one (1) Foot of Building Height</u></b>

- (7) **Affordability Plan. An Application for Special Permit for a development that includes Affordable Housing, with Affordable Housing Units as one of the Public Benefits offered shall, at time of Final Site Plan Application, include an Affordability Plan that complies with the requirements of CGS Section 8-30g(b), in effect as of the time of application.**
- (8) **Review Procedure. A development proposal made pursuant to this regulation shall require Site Plan and Special Permit review and approval by the Planning and Zoning Commission pursuant to Sections 6-13 through 6-15, and Section 6-17 of these regulations. See Section 6-115.1. (C) of these regulations for review procedures and application requirements.**
- (9) **Following Approval.**
  - (a) **Prior to the submission of construction documents for an administrative Zoning Permit, the applicant shall submit a design affidavit from the architect of record confirming that the planned improvements, as designed, meet the criteria of the USGBC LEED rating system(s) identified by the applicant in its Final Site Plan and Special Permit Applications and approved by the Planning and Zoning Commission as an ENERGY-EFFICIENT DESIGN Public Benefit.**
  - (b) **The developer, owner, or manager of the Affordable Housing units shall provide an annual certification to the Planning and Zoning Commission or its designated agent of continuing compliance with the Affordability Plan.**

ADD NEW **DIAGRAM 11** (as found on file in the Planning and Zoning Office)

7. **Planning and Zoning Staff;** application PLPZ 2017 00541, for a text amendment, to amend Sections 6-2, 6-5(a), 6-107, 6-158 of the Town's Building Zone Regulations as it pertains to properties in the Waterfront Business (WB) Zone and add Diagrams 12 through 17 as recommended by the WB Zone Study with the core objectives of the proposed text amendments to provide incentives for enhanced public access to the water by requiring water dependent uses and by allowing, under Special Permit, non-water-dependent uses. The language of which is on file in the Town of Greenwich Planning and Zoning Office and as found on the Town of Greenwich Planning and Zoning Department website at: [http://www.greenwichct.org/government/departments/planning\\_and\\_zoning/](http://www.greenwichct.org/government/departments/planning_and_zoning/)

**POSTPONED**

8. **Planning and Zoning Staff;** application PLPZ 2017 00549, for a text amendment, to amend Sections 6-2 CLASSES OF ZONES, 6-13 SITE PLAN APPROVAL REQUIRED BY PLANNING AND ZONING COMMISSION, 6-109 HRO ZONE STANDARDS AND REQUIREMENTS and 6-109.1, HISTORIC OVERLAY ZONE (HO) into one new and comprehensive Historic Overlay Zone Regulations that contains incentives from both of the original text and new language as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (Staff: KD) (Must open by 1/13/2018) (Maximum extension to open available to 3/19/2018) (Page Number: 413)

**LEFT OPEN**

AMEND Sec. 6-2 CLASSES OF ZONES

[HRO Historic Residential-Office]

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

**(10) Any construction or alteration of structure(s) within an HO zone.**

REMOVE SECTIONS 6-109 and 6-109.1 as currently written and REPLACE Sec. 6-109 as follows:

**Sec. 6-109 HISTORIC OVERLAY ZONE (HO)**

(a) **Purposes**

**The purpose of a Historic Overlay Zone (“HO”) is to encourage the restoration, preservation, protection, enhancement, perpetuation and use of buildings and structures (hereinafter called “structures”) having historical or aesthetic value which represent or reflect elements of the Town’s cultural, social, economic, political and architectural history. 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 character. This overlay zone does not imply or result in the establishment of an historic district as detailed in Section 7-147a-1 of the General Statutes.**

**(b) Procedure**

- 1) **To create an HO zone requires approval from the Planning and Zoning Commission for a zone change. Any accompanying improvements to the property in an HO zone require a site plan and special permit application, which may be made by the Owner of the structure and its site or 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.**
- 2) **Application to request a zone change and/or site plan and special permit shall include the following additional materials to those noted under Section 6-14:**
  - (A) **A written Report noting the historic significance of the proposed property for rezoning and the rationale as to why the application should be granted. The report shall include the following:**
    - i. **A brief history of the property and structures including historical significance and/or historic events either local and regional or persons associated with the property. A general description of the building(s) on the property listed according to their known or estimated ages and their associated ownership history.**
    - ii. **Any relevant construction history including a chronology of original and subsequent alterations, any historical documentation (letters, diaries, vouchers, newspaper articles), physical investigation as necessary to clarify which construction events are historic (analysis of paint layers relative to construction events).**
    - iii. **A description of the architecture including all exterior features and materials that are character-defining and therefore significant, and**

- which are intended for preservation in the course of project work.**
- iv. **A description of the existing conditions including any damage, structural problems, materials deterioration and a description of the proposed priority for repair/stabilization. A description of the general and periodic maintenance proposed, recognizing that deferred maintenance is not an option for historic resources.**
  - v. **An archeological assessment may be required depending on the nature of the property, its site and setting.**
  - vi. **All proposed work and the preservation objectives.**
  - vii. **All support documentation specifically photographs.**
- (B) **Information as to the proposed use and density of the property.**
- (C) **Specific architectural and landscape plans showing how the building or buildings on said property will be preserved. No Certificate of Occupancy will be issued until the architectural and landscape plans have been satisfactorily completed pursuant to Section 6-16.1 of these Regulations.**
- 3) **In acting upon any rezoning, site plan or special permit, 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 Historic District Commission, the Greenwich Historical Society and the Architectural Review Committee.**
  - 4) **Within sixty-five days after the closing of the Public Hearing, the Commission may approve the application for rezoning, special permit and site plan review if the Commission finds that Sections 6-13 through 6-17 and 6-109(c) of these Regulations are met.**
  - 5) **If the Commission finds that the standards of Section 6-109(c) of these Regulations 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.**

- 6) No alteration of the exterior from that shown in the architectural plans or addition resulting in an increase in floor area will be permitted unless reapplication for a special permit and site plan review is made.
- 7) 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.
- 8) 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.
- 9) Any new construction 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 if required by the Planning and Zoning Commission.
- 10) As a condition of a Special Permit approval, the Owner shall grant a perpetual Declaration of Preservation Restriction pursuant to Connecticut General Statutes Section 47-42 a-c, enforceable by both the Historic District Commission and the Planning and Zoning of the Town of Greenwich, which shall provide for, among other things, the right of the holder of the restriction 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. A draft Declaration of Preservation Restrictions shall be provided with any application.
- 11) The Commission encourages property owners to seek designation of historic significance from local, state or federal organizations and to display appropriate historic plaques.

(c) Standards

When considering an application for an HO Zone, for preservation, restoration, rehabilitation or adaptive re-use, the property and its contributing structure or structures must have been existence prior to 1940, be architecturally or historically notable, and must meet the standards of Section 6-15 and Section 6-17 of these regulations. Furthermore, in determining whether to grant an HO, the Planning

**and Zoning Commission shall take into consideration the public health, safety and general welfare of the general public, and whether the applicant has met the following specific standards:**

- 1) **The property, inclusive of structure or structures (hereafter referred to as “property”) must possess integrity of location, design, setting, materials, and workmanship.**
  - A. **The property must embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master. It must possess high artistic values and represent significant distinguishable components that have yielded, or may be likely to yield, information important in prehistory or history; The property may be a unique estate setting significant to the Town’s history and worthy of preservation, and/or be associated with events that have made a significant contribution to the broad patterns of our history; and/or be associated with the lives of persons significant in our past.**
- 2) **The property must be used as it was historically, or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.**
- 3) **The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.**
- 4) **Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.**
- 5) **Changes to a property that have acquired historic significance in their own right must be retained and preserved.**
- 6) **Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.**
- 7) **Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.**



- 8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- 9) Archeological resources must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
- 10) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work must be differentiated from the old and must be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

**(d) Incentives**

**To provide incentives to protect historic resources, the Planning and Zoning Commission may allow the following modifications of the Building Zone Regulations, subject to a site plan and special permit application and provided that the property is re-zoned to an HO, pursuant to the procedures noted in Section 6-109(b):**

- 1) **For structures on sites in the business zone, the Planning and Zoning 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.**
- 2) **For structures on sites in the business zone greater than 20 acres, the Planning and Zoning Commission may authorize Use Group 2b or 2c Uses in proposed new construction 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.**
- 3) **For structures on sites in the RA-4, RA-2, RA-1, R-20, R-12, R-7 and the R-6 residential zones, the Planning and Zoning Commission may authorize additional dwelling units in existing buildings or structures and/or in new construction that is complementary and secondary to the historic structure(s), 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 1.50 in the RA-4, RA-2, RA-1, R-20, R-12 zones and by 1.2 in the R-7 and the R-6 residential zones. The Commission may consider any fraction of a unit as a whole unit. The difference between density permitted in the underlying zone and density permitted using the multiplier, is the number of bonus units. The Commission may also modify setbacks and/or green area requirements.**

**(A) When bonus units are proposed within the historic structures, or where bonus units would create developments without lot division lines, the Planning and Zoning Commission, after consultation from the Historic District Commission, shall determine neighborhood appropriateness based on:**

- i. the number and proximity of single family detached dwellings;**
- ii. the visible impact on the streetscape;**
- iii. the number, character and proximity of other uses;**
- iv. the amount and location of undeveloped land in the vicinity and the relationship of proposed development to the pattern of existing open space in the area;**
- v. the proximity of other zones either more or less restrictive; and**
- vi. other standards provided in this article and the standards contained in Sections 6-15 and 6-17.**

**(B) If the HO zone includes property or properties more than or equal to 5 acres in the R-7, R-12, and R-20 zones or more than or equal to 10 acres in the RA-1, RA-2, and RA-4 zones, unless the Commission pursuant to Section 6-23(c) finds a smaller area to be appropriate, the HO shall be designed as a conservation zone pursuant to Division 3 of the regulations. In these instances, bonuses permitted under Section 6-29 would apply. In these instances, a site rezoned by the Commission to a Conservation Subdivision and an HO shall continue to bear the designation noted under Section 6-25 with the initials HO appended to indicate the Historic Overlay Zone.**

**4) For structures on sites in residential zones not more than 1,000 feet from a business zone boundary line, the Planning and Zoning**

Commission may authorize all uses permitted by right, or special exception for the most restrictive contiguous residential zone, or Office Uses. Permitted accessory uses are also permitted with the exception of the office of a resident professional person (Sec. 6-95(a)(1)). Parking requirements shall be as detailed in Division 15 of the Regulations. Parking in a front yard shall be discouraged. 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.

- 5) For religious institutions existing as of the effective date of this amendment that are located in the CGIO Zone, the Planning and Zoning Commission may authorize, an FAR not to exceed 1.0. Further the Commission may authorize an increase in the number of stories, not to exceed four (excluding basements), and a building height not to exceed 50 feet.
- 6) The Commission may allow for the inclusion of the area of a privately owned road as part of lot area. Further, the Commission may allow for the treatment as a single lot for parcels that would be contiguous but for the separation by a privately owned road.

(e) Alterations and Additions

- 1) 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 Planning and Zoning Commission pursuant to Section 6-17 and 6-109. 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 6-109(c). Comments shall be obtained from the Historic District Commission prior to any action by the Planning and Zoning Commission.
- 2) 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 provided that a certificate of appropriateness is issued by the Historic District Commission.
- 3) The requirement Section (e) 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.**

**4) Nothing in this regulation shall be construed to prevent the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic.**

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

**1) 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 or if it is demolished by neglect, 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**

9. **Planning and Zoning Staff**; application PLPZ 2017 00572, for a text amendment, to delete Section 6-17.2 PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS in its entirety as follows (Text in [brackets] to be deleted): (*Staff: KD*) (*Must open by 2/3/2018*) (*Maximum extension to open available to 4/9/2018*) (*Page Number: 432*)

Motion to approve amendment to delete Section 6-17.2

Moved by Alban, seconded by Fox

Voting in favor: Maitland, Alban, Yeskey (*for Levy*), Fox, and Macri  
5-0

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

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

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

Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity. For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)

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

10. **Planning and Zoning Staff**; application PLPZ 2017 00545, for a text amendment, to amend Section 6-98 USE REGULATIONS FOR R-6 ZONE of the Town's Building Zone regulations as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (*Staff: MK*) (*Must open by 1/13/2018*) (*Maximum extension to open available to 3/19/2018*) (*Page Number: 435*)

Motion to approve amendment to Section 6-98

Moved by Alban, seconded by Fox

Voting in favor: Maitland, Alban, Yeskey (*for Levy*), Fox, and Macri  
5-0

AMEND Sec. 6-98. USE REGULATIONS FOR R-6.

- (a) The following principal uses are permitted and all other principal uses are expressly excluded in the R-6 (6/1/2017)
- (1) All uses permitted in R-7 zones. (4/14/2010)
  - (2) Additions or renovations to existing [single-family,] two-family or multi-family dwellings, **if** [If] such [alterations] **additions or renovations** do not require a zoning variance, do not increase the number of residential units or bedrooms, and do not affect [the number of required] off-street parking spaces. [, they shall be considered “minor” and subject to administrative site plan review only, subject to the provisions of Sec. 6-14. All other alterations not considered “minor” as described above shall require site plan approval from the Planning and Zoning Commission. (6/1/2017)]
  - (3) **Administrative site plan approval is required on** [On] lots of 7,500 square feet or larger **for:**
    - (A) **New two-family dwellings**
    - (B) **Change of use for the conversion from a single-family dwelling to a two-family dwelling**
    - (C) **Additions or alterations to a single-family dwelling to create a two-family dwelling**
    - (D) **Additions or alterations to an existing two-family dwelling that either require a zoning variance or increases the off-street parking demand.**
  - (4) The following uses are permitted as Special Permit uses when the Planning and Zoning Commission determines that such uses are appropriate to the neighborhood, having consideration for the number and proximity of single family dwellings and two-family dwellings, for the number, character, and proximity of other uses, for the amount and location of undeveloped land in the vicinity and the relationship of such land to the pattern of open space in the neighborhood development scheme, and for the proximity to other zones, either more or less restrictive and other standards provided in this Article and the Standards contained in Sections 6-15 and 6-17. (6/16/87; 3/2/2012)
    - (A) For lots of less than 7,500 square feet or where the use of cross easements is required for site access, circulation or drainage, the building of a two-family dwelling, conversion from a single family to a two- family dwelling, or addition or alteration to a single family dwelling to create a two-family dwelling.
    - (B) 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.

- (a) 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]
- (b) **The** lot on which such a conversion is approved shall comply with the minimum lot area of the R-6 zone in which the property is located and may not be diminished in size now or in the future. (6/1/2017)

(C) [(B)] Boarding and Rooming Houses.

- (5) [(C)For two-family dwellings, the] **The** minimum Green Area Requirement is 35% for **single family dwellings and two-family dwellings.**
  - (6) [ and the] **The** total ground floor area of all building area and structures shall occupy no more than 30% of the gross lot area **for two-family dwellings.** (6/1/2017)
- [(D) For single-family dwellings, the minimum Green Area Requirement is 35%.]

11. **R.F.K. Greenwich Enterprises, Inc.;** applications PLPZ 2017 00443 and PLPZ 2017 00444, for a final coastal site plan and special permit, to construct an 855 sq. ft. addition expanding the second floor above the south “porch” of Building #3 to increase the space of the cardio training area on a 5.5-acre property located at 49 River Road in the WB zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri) (Page Number: 441)

**POSTPONED – EXTENSION GRANTED**

12. **CRK, LLC;** application PLPZ 2017 00435, for a zoning map amendment, to re-zone a property from the R-7 to the HRO zone, (as shown on a re-zoning map on file in the Town Clerk’s office) for property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri)

**POSTPONED – EXTENSION GRANTED**

13. **CRK, LLC**; applications PLPZ 2017 00433 and PLPZ 2017 00434, for a final coastal site plan and special permit, to retain the existing building and construct an addition to the building for four (4) squash courts, employee housing on the third floor of the existing building, and the continuation of the basement apartment for employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri)

**POSTPONED – EXTENSION GRANTED**

**REGULAR MEETING CONTINUED**

14. **DISCUSSION ITEMS:**

15. **DECISION ITEMS:**

16. **APPROVAL OF MINUTES:**

17. **OTHER:**

- a. Executive Session on pending litigation or personnel matters. - None
- b. Other items as may properly come before the Commission. - None

**APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON SUBSEQUENT MEETINGS:**

**Bianca 121 LLC**; applications PLPZ 2017 00363 and PLPZ 2017 00364, for a final site plan and special permit, for building additions and modifications to expand the 2nd and 3rd floor residential dwelling units, roof garden terrace and façade improvements to the building on a 6,250 SF property located at 121 Greenwich Avenue in the CGBR zone. (Staff: MK) (**Must close by 1/11/2018**) (Maximum extension to close granted to 1/11/18) (Continued from the 10/3/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Yeskey [for Fox], and Macri)

**330 Railroad Avenue, LLC**, application PLPZ 2017 00468, for a zoning text amendment, to amend Section 6-167(a) “Height Restrictions” under Division 16. “Signs”, of the Town of Greenwich Building Zone Regulations as follows: (Text in **bold** to be added, text in ~~strike through~~ to be removed) (Staff: MK) (**Must close**



*by 1/25/2018) (Maximum extension to close granted to 1/25/2018) (Continued from the 10/17/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Postponed at the 11/30/2017 meeting)*

Sec. 6-167. HEIGHT RESTRICTIONS.

(a) Free-standing signs, including posts, **when located outside the required front and street side yard**, shall not exceed a height of ten (10) feet in a residential zone, **and** ~~or~~ fifteen (15) feet overall in a business zone above the surface of the ground where located. ~~There shall be a clear space underneath a free-standing sign~~ **free-standing signs, including posts, when** located within the required front ~~or street side yard in a business zone so that the sign will not interfere with the vision of a driver approaching a~~ **and street intersection. Side yard shall:**

- 1. not exceed a height of six (6) feet and shall be located so as to comply with Sections 6-126, 6-166(b) and Section 6-167 of the Town of Greenwich Building Zone Regulations and the DPW Roadway Design Manual of all driveways on the property and at all street intersections adjacent to the property; or**
- 2. not exceed a height of fifteen (15) feet and have** ~~The clear space beneath the sign of shall be~~ at least seven (7) feet four (4) inches; measured above the center line of the intersecting street as measured in Section 6-126, to the bottom of the sign.

**Sight distances at all driveways and intersections adjoin the property and sign location on the property must be shown on a plan prepared by an Engineer certified in the State of Connecticut and provided to any reviewing Agency or Department to confirm compliance with Sections 6-126, 6-166(b) and this Section 6-167 of the Town of Greenwich Building Zone Regulations. Said plans must include the statement:**

**“The sight lines, sign distances and sign location shown here complies with the standards contained in the Town of Greenwich Roadway Design Manual and Standard Construction Details prepared by the Engineering Division of the Department of Public Works and with the standards of Sections 6-126, 6-166(b) and 6-167 of the Town of Greenwich Building Zone Regulations.”**

(b) Window and wall signs shall not exceed four (4) feet in height.

**Timothy P. Palmer, Trustee, et al;** application PLPZ 2017 00527 for a final coastal site plan to construct a new 5,004 sq. ft. dwelling and pool within 100 feet of coastal resources on a 22,250 sq. ft. property located at 73 Willowmere Circle in the R-20 zone. *(Staff: MA) (Must decide by 1/13/2018) (Maximum extension available to 3/19/2018) (Postponed at the 11/30/2017 meeting)*

**37 Day Road LLC;** applications PLPZ 2017 00476 and PLPZ 2017 00477, for a final site plan and special permit, to remove and replace the existing pool and pool patio, reconstruct the existing cabana, and construct a new patio to the south of the existing residence the result of which would further exceed the 150,000 cubic feet threshold on a 5.09-acre property located at 37 Day Road in the RA-4 zone. *(Staff: MK) (Must open by 2/10/2018) (Maximum extension to open granted to 2/10/2018) (Postponed at the 11/30/2017 meeting)*

**Greenwich Center for Hope & Renewal, and the Stanwich Congregational Church;** applications PLPZ 2017 00460 and PLPZ 2017 00461, for a final site plan and special permit, for approval to permit the use of the former Stanwich Church property at 237 Taconic Road by a charitable institution providing faith-based counseling services on a 0.66-acre property located at 237 Taconic Road in the RA-4 zone. *(Staff: MK) (Must close by 3/10/2018) (Maximum extension to close granted to 3/10/2018) (Continued from the 11/30/17 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*

START: \_\_\_\_\_  
END: \_\_\_\_\_

TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

# TOWN OF GREENWICH PLANNING AND ZONING COMMISSION

**Town Hall Meeting Room**  
101 Field Point Road, Greenwich, CT

**December 12, 2017**

## FINAL AGENDA

### REGULAR MEETING 7:00 PM

1. **187 Field Point Road LLC**; request for an extension of time of 5 years pursuant to Section 6-14.1 of the Building Zone Regulations for applications PLPZ 2016 00033 and PLPZ 2016 00034, for a final site plan and special permit, to demolish the existing structures and construct a new 4,670 sq. ft. two-family dwelling on an 8,525 sq. ft. property (lot as depicted in subdivision PLPZ 2016 00032) located at 187 Field Point Road in the R-6 zone. *(Staff: MK) (Page Number: 39)*
2. **191 Field Point Road LLC**; request for an extension of time of 5 years pursuant to Section 6-14.1 of the Building Zone Regulations for applications PLPZ 2016 00035 and PLPZ 2016 00036, for a final site plan and special permit, to demolish the existing structures and construct a new 4,670 sq. ft. two-family dwelling on an 8,525 sq. ft. property (lot as depicted in subdivision PLPZ 2016 00032) located at 191 Field Point Road in the R-6 zone. *(Staff: MK) (Page Number: 70)*

### PUBLIC HEARING 7:15 PM

3. **75 Holly LLC**; applications PLPZ 2017 00454 and PLPZ 2017 00455, for a final site plan and special permit, to expand the parking lot by adding 77 parking spaces, increasing the total parking onsite to 461 standard spaces and 13 ADA compliant spaces, and confirm that adequate parking would exist for 73 medical professionals on a 4.47-acre property located at 75 Holly Hill Lane in the GBO zone. *(Staff: MK) (Must close by 12/12/2017) (Extension to close granted to 12/12/17. Maximum extension to close available to 1/25/2018) (Continued from the 10/17/1017 and 11/30/2017 meetings) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Page Number: 101)*

4. **Tamarack Country Club**; applications PLPZ 2017 00512 and PLPZ 2017 00513, for a final site plan and special permit, to enclose the patio for all-season use and add a new 700 sq. ft. terrace, on the easterly side of the building, a stairwell to the lower level cart staging area, and interior renovations on a 169.625 acres property located at 55 Locust Road in the RA-4 zone. (Staff: CT) (**Must close by 1/4/2018**) (Maximum extension to close available to 3/10/2018) (Continued from the 11/30/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Page Number: 198)
5. **North Greenwich Associates, LLC**; application PLPZ 2017 00529 for a zoning map amendment, to re-zone four (4) parcels located at 1041-1073, 1046, 1064, and 1066 North Street from the LBR-1 zone to the LB zone (as shown on a re-zoning map on file in the Town Clerk's Office) (Staff: MK) (**Must open by 1/13/2018**) (Maximum extension to open available to 3/19/2018) (Page Number: 242)
6. **Benedict Court Development Company, LLC, record owner of 19 Benedict Place**; application PLPZ 2017 00538, for a zoning text amendment to amend Division 9-Subdivision 3; Division 15; and Division 17 to codify certain location, characteristics, and land use objectives for those properties situated within the Central Greenwich Impact Overlay Zone ("CGIO Zone"); and to add new regulations to allow, by Special Permit, certain flexibility in area, height and bulk standards of the underlying zone as incentive zoning, in exchange for the provision of "Public Benefits" as articulated in the proposed zoning text amendments. The core objective of these proposed text amendments is to activate the CGIO Zone overlay as a positive, vital planning tool to enhance and sustain this district for the citizens of Greenwich in the 21st Century. The proposed NEW Section 6-115.1.1, INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS-RESIDENTIAL prohibits new buildings constructed under that regulation to be located in the CGBR Zone, which includes Greenwich Avenue. The Application includes a proposed amendment to BZR Division 15-Section 6-155 PARKING AND GARAGES FOR MULTI-FAMILY RESIDENTIAL PURPOSES, to establish a minimum standard of 1.25 parking space per residential dwelling unit in the CGIO Zone for multi-family housing developed pursuant to proposed NEW Section 6-115.1.1, INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS-RESIDENTIAL. ; and proposed amendments to BZR Division 17-Section 6-182 PLANTING REGULATIONS and add a new Section 6-181.1 ROOF PLANTINGS IN BUSINESS ZONES and new Diagram 11, ILLUSTRATION OF LIMITING FACTOR FOR DETERMINATION OF MAXIMUM INCREASE IN BUILDING HEIGHT UNDER SECTION 6-115.1.1 (6) IN THE CGIO. The proposed text amendments are as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (Staff: PL) (**Must open by 1/13/2018**) (Maximum extension to open available to 3/19/2018) (Page Number: 276)

Amend Sec. 6-100 "USE GROUPS FOR BUSINESS ZONES" as follows:

USE GROUP **3a**

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

**USE GROUP 3b**

**Dwelling units in the CGIO Zone conforming to the provisions of Section 6-115.1.1. when authorized by Special Permit**

Amend Sec. 6-103.1 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE CGBR ZONE” as follows:

(C) Permitted Uses.

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

Use Group **3a**

Amend Sec. 6-104.1 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR CGB ZONE” as follows:

(B) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-105 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE GB ZONE” as follows:

(a) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-106 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE GBO ZONE” as follows:

(a) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-110 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES (**Use Group 3a**)”, as follows:

(d) Special Requirements:

(1) For CGBR and LBR-2 zones, dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group **3a**

Amend Sec. 6-155 “PARKING AND GARAGES FOR MULTI-FAMILY RESIDENTIAL PURPOSES” as follows:

**4. Multi-family dwelling units constructed pursuant to Sec. 6-115.1.1: 1.25 spaces per dwelling unit, and all required parking spaces may be located within a garage.**

ADD

**Sec. 6-181.1 “ROOFTOP PLANTINGS IN BUSINESS ZONES”**

**The purpose of rooftop plantings is to reduce the heat island effect of a building, and, if desired, provide active or passive use by the building's occupants.**

**(a) Planting Specifications:**

- i. Rooftop planting beds, whether raised or in pits, shall have a minimum depth able to support the selected plant materials in hardened conditions.**
- ii. A growing media (e.g., soil, mulch, sand or gravel) shall be employed that is most suitable for the selected plant materials in accordance with industry standards.**

**(b) Plant Materials:**

- i. Selected plantings shall be hardy to one colder USDA Zone than the USDA Zone typical to Greenwich.**
- ii. Preferred are plantings that require only temporary irrigation for the first 12 months after installation, and are not dependent upon irrigation thereafter.**
- iii. Groundcover plants and shrubs must be of sufficient size and number at time of installation so that the intended landscape condition shown on the submitted plans will be achieved within three (3) years of planting.**
- iv. Native and non-invasive plants are recommended.**

**(c) Installation and Maintenance:**

- i. **Plant materials must be installed to current nursery industry standards, and properly supported to ensure survival.**
- ii. **The location of rooftop planting beds shall allow for access for maintenance purposes.**
- iii. **Rooftop plantings must be continuously maintained in a healthy state for ongoing compliance with the property's Site Plan, Special Permit, or Special Exception approval(s), as applicable. Dead plantings must be replaced in kind within six (6) months.**

Amend Sec. 6-182 "PLANTING REGULATIONS" as follows:

(a) All planting materials used to carry out the intention of this Article shall be of species and varieties **compatible with topographic conditions on the property. Use of native, non-invasive species is encouraged.** [as approved by the Tree Warden.]

[(b) Planting materials shall be shown on site plans submitted to the Building Department and shall be referred for approval to the Tree Warden.]

**(b) For uses and activities requiring Site Plan approval under Sec. 6-13, planting materials shall be shown on the site plan submitted to the Planning and Zoning Commission. The Commission shall refer said plan to the Architectural Review Committee and/or the Tree Warden for an advisory review.**

ADD

**Sec. 6-115 "CENTRAL GREENWICH IMPACT OVERLAY ZONE (CGIO)"**

**Location, and Description.**

**The CGIO Zone is an overlay district and represents the core of the Town's central business district. It includes portions of the CGBR, CGB, and GBO Zones, as shown on the TOWN OF GREENWICH BUILDING ZONE MAP, as amended from time to time, and Plate 22, CENTRAL GREENWICH IMPACT OVERLAY ZONE Effective: March 1, 1982, of the BUSINESS ZONE MAP ATLAS on file in the office of the Greenwich Town Clerk.**

**The CGIO has the Town's highest concentration of commercial floor area and impervious coverage. It contains a broad range of building types, indicative of the eras and purposes for which they were originally built. It includes the Greenwich Avenue Historic District**

and the Greenwich Municipal Center Historic District, both listed on the National Register of Historic Places. Also located in the CGIO Zone are Town Hall, the Board of Education, the main Library, and Police and Fire Stations; houses of worship; and Pre- and Post-War higher density multi-family buildings. Additionally, the CGIO Zone includes the Greenwich Metro-North Train Station, with express service to and from New York City. It also has direct access from the region's two major arterials, U.S. Route 1 and Interstate 95.

In sum, the CGIO Zone remains a desirable location for corporate offices, entertainment and leisure activities, and is growing in attraction as a place to reside. However, public infrastructure and amenities, the roadway network and parking, and open space are limited resources in this district. Businesses already heavily depend on the supply of public parking spaces in the district for patrons and employees. This special mix of opportunities and challenges makes the CGIO Zone overlay a vital tool for administering sound land use planning for this district in the 21st Century.

ADD

Sec 6-115.1 INCENTIVE ZONING REGULATIONS FOR CGIO ZONE.

(A) General Purpose and Objectives.

In addition to the stated purposes in Section 6-102, the purpose of this regulation is to enhance and sustain the downtown core as a vital, mixed-use, pedestrian- oriented environment in the 21st century. It provides a means to seek efficiencies in the use of land and energy to lessen the environmental impact of the Town's built environment, and increase landscaped open space; to add new housing attractive to persons of varying ages and income levels within walking distance of local retail and service establishments, Town services, and rail and bus lines; and to maximize the opportunity afforded by the train station to reduce the need for parking for commuters, employees and visitors. This regulation also seeks to encourage private developments to provide "Public Benefits", defined below, that would otherwise not be required by the regulations of the underlying zone.

To achieve these planning objectives, the Planning and Zoning Commission may, by Special Permit, approve mixed-use redevelopment of larger parcels within the CGIO Zone certain flexibility of the zoning standards of the underlying zone, in exchange for provision of one or more "Public Benefits" within or proximate to the CGIO Zone as set forth in Section 6-115.1.1 INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS-RESIDENTIAL of these regulations.



(B) Definition of "Public Benefit".

As used in Sections 6-115.1 and 6-115.1.1 of these regulations, "Public Benefit" shall mean a permanent facility or improvement that meets the planning policies and goals of the municipal Plan of Conservation and Development, proposed and provided in conjunction with a development project in the CGIO Zone, and is in excess of the minimum requirements of the underlying zone. "Public Benefits" include "Affordable Housing Units", "Energy-Efficient Design", "Indoor Community Space", "Public Infrastructure Improvements", "Public Parking", and "Public Outdoor Amenity Space", as defined in Section 6-115.1.1 of these regulations.

(C) Review Procedure.

1. A development proposal made pursuant to this regulation shall require Site Plan and Special Permit approval by the Planning and Zoning Commission pursuant to Sections 6-13 through 6-15, and Section 6-17 of these regulations.
2. Pre-Application Review. An informational workshop shall be convened by the Director of Planning and Zoning to include the Zoning Enforcement Officer, Department of Public Works Commissioner, Town Engineer, Sewer Superintendent, Conservation Director, and other appropriate town agency staff at which the applicant shall present a conceptual plan for the proposed development for discussion. This meeting shall be held prior to any formal submission of application to any Town Agency.
3. Application Contents. In addition to the plans, reports, and other documents required under Sections 6-14 and 6-17, the following items shall be submitted:
  - (a) A zoning narrative describing the proposed development, including the types of uses and its principal structures and facilities, and proposed Public Benefits;
  - (b) A statement of proposal consistency with the Town's Plan of Conservation and Development, Section 6-15 Site Plan Standards, Section 6-17d Special Permit Standards, and the stated objectives of Sections 6-115.1 and 6-115.1.1, as applicable;
  - (c) A zoning data table providing the area, height, and bulk

**standards of the underlying zone(s) per Section 6-205(b), the requested zoning incentive(s), and proposed conditions;**

(d) **A listing the USGBC LEED technical and criteria-based standards from the LEED building rating system most appropriate to the proposal, and how the proposal will meet the intent of such standards; and**

(e) **At time of Final Site Plan and Special Permit Applications:**

i. **An Affordability Plan for a CGIO Mixed-Use-Residential development;**

ii. **A copy of the Architectural Review Committee's advisory report; and**

iii. **Any additional information requested by the Commission during the Preliminary Site Plan Review process.**

4. **Municipal Improvement. If a Municipal Improvement is required by the proposed development plan, the Board of Selectmen shall refer the request for a Municipal Improvement to the Commission prior to the applicant's submission of the Final Site Plan and Special Permit Applications for the project. Submission of a request for Municipal Improvement at time of Preliminary Site Plan review is encouraged, but not required.**

5. **Advisory review by the Architectural Review Committee of proposed exterior alterations, new construction, landscaping and site lighting shall be concluded prior to the submission of Final Site Plan and Special Permit Applications for the development.**

6. **Following Approval. See Section 6-115.1.1 of these regulations.**

ADD

**SECTION 6-115.1.1 INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS - RESIDENTIAL**

(1) **Purpose and Objectives.**

**This regulation is intended to enhance and sustain the downtown core as a vital, mixed-use, pedestrian-oriented environment by**

**providing zoning incentives to induce private-sector owners to redevelop larger tracts in the CGIO Zone with higher density residential, or mixed-use buildings that include residential units, open space, and public amenities, with a plan that is determined by the Planning and Zoning Commission to be clearly superior in sustainable building and site design to a development conforming to the mandatory base standards of the underlying zone. The Commission may, by Special Permit, allow flexibility of certain standards set forth in Section 6-205(b) for the underlying zone upon finding that the proposal is consistent with one or more of the following planning objectives:**

- (a) **Provides Affordable Housing Units, as defined under Section (2) (b), below, to mitigate the shortage of dwelling units available to Moderate Income Households, as described under Section (2) (b), below;**
- (b) **Increases the diversity of housing opportunities and types for various income levels in areas in close proximity to mass-transit, Route 1, I-95, and within walking distance of retail, personal service, entertainment, and municipal facilities;**
- (c) **Includes a plan that provides physical and functional cohesiveness of site components, and an urban design that provides an appropriate spatial transition of building heights, setbacks, architectural massing, for the surrounding built environment;**
- (d) **Increases the public parking supply, particularly long-term parking for employees of retail and service establishments in the CGIO Zone;**
- (e) **Provides a development plan that is pedestrian-oriented rather than automobile-centric;**
- (f) **Includes attractive streetscapes with convenient and safe pedestrian linkages from the Town's existing sidewalk network to Greenwich Avenue, public transit, Town parks and civic buildings;**
- (g) **Increases public open space in the CGIO Zone, to provide passive or active recreational opportunities not currently available in the downtown; and**
- (h) **Encourages a more efficient development of land resulting**

**in economies of total impervious coverage, stormwater discharge, traffic impacts, and consumption of natural and energy resources.**

(2) **Definitions of terms used in this regulation:**

**(Definition titles in all CAPS are "Public Benefits" as defined under Section 6-115.1 (B))**

- (a) **"Affordable Housing": Housing as defined in CGS Section 8-39a, in effect at time of Final Site Plan Application.**
- (b) **"AFFORDABLE HOUSING UNIT": A dwelling unit that must be held for the duration of the Restriction Period described in Section (2)(n), below. Any person or family to whom such Affordable Housing Units may be rented or sold must be a "Moderate Income Household," as that term is defined in Section (2) (h), below. An AFFORDABLE HOUSING UNIT is permitted under Sec. 6-100, Use Group 3b.**
- (c) **"CGIO Zone (Central Greenwich Impact Overlay Zone)": An overlay zone depicted on Plate 22, CENTRAL GREENWICH IMPACT OVERLAY ZONE Effective: March 1, 1982, of the BUSINESS ZONE MAP ATLAS, Town of Greenwich Planning and Zoning Commission.**
- (d) **"CGS": The Connecticut General Statutes, as amended.**
- (e) **"ENERGY-EFFICIENT DESIGN": The integrated application and use of land, materials, and operational systems designed to qualify for voluntary certification under the most current USGBC LEED Building Design and Construction (BD+C) rating system.**
- (f) **"INDOOR COMMUNITY SPACE": A portion of a building at grade level, that is made available, free of charge, to responsible civic associations or non-profit groups for the conduct of meetings, art exhibits, or educational programs.**
- (g) **"Median Income": Median Income is as defined under CGS Section 8-30g(a)(7), in effect at the time of application.**
- (h) **"Moderate Income Household": Moderate Income Household shall mean a person or persons, related or**

**unrelated, living together as a single family or housekeeping unit, which persons and families pay thirty percent or less of income for housing, and where such income is equal to or less than eighty percent of the Median Income as defined in Section (2) (g), above.**

- (i) **"PUBLIC INFRASTRUCTURE IMPROVEMENTS": The addition of, or improvement to public infrastructure facilities which may include, but not limited to the following: sanitary sewer; stormwater management; roadway and pedestrian improvements; relocation of overhead utility lines to underground; and traffic controls.**
- (j) **"Public Land": Municipal land owned by the Town of Greenwich.**
- (k) **"PUBLIC PARKING": A parking area available to the public, with or without payment of a fee, that is or will be owned and operated by the Town of Greenwich. The Public Parking may be located in a building.**
- (l) **"PUBLIC OUTDOOR AMENITY SPACE": A minimum 10,000 square feet of contiguous land improved and maintained as passive or active outdoor recreational space for use by the general public. A Public Outdoor Amenity Space may be provided on land owned by the Town of Greenwich, subject to review and authorization of a Municipal Improvement pursuant to CGS Section 8-23 and Section 99 of the Town Charter.**
- (m) **"Public Benefit": See Section 6-115.1 (B) of the regulations.**
- (n) **"Restriction Period": A period of forty (40) years, commencing at time of initial occupancy, during which an AFFORDABLE HOUSING UNIT shall be held for sale or rental as described in Section (2)(b), above.**
- (o) **"USGBC LEED": The United States Green Building Council Leadership in Energy and Environmental Design, which has developed sets of voluntary technical and criteria-based standards with the objective to increase the efficiency with which buildings use energy, and natural resources and materials to reduce building impacts on public health and the environment during the building's lifecycle.**

- (p) **"Zoning Tract": The total lot area of a single lot, or combination of contiguous lots or land, owned or controlled by the applicant. The area of private property to be deed restricted or conveyed for public purposes, e.g., public parking, parks, streets, pedestrian paths, shall be included in the Zoning Tract.**

(3) **Eligibility Criteria.**

- (a) **Location. The Zoning Tract shall be located within the CGIO Zone.**
- (b) **Minimum Acreage. The Zoning Tract shall be a minimum of one (1) acre (43,560 square feet) of contiguous land entirely located in the CGIO Zone, inclusive of the area of any existing private streets or rights-of-way.**
- (c) **Minimum Residential Floor Area, Gross. A minimum of 60 percent (60%) of the total Floor Area, Gross of the development shall be devoted to residential use.**
- (d) **The approved site, excluding Public Land and any off-site easements on land of others that are part of the approved site plan, shall constitute a single lot prior to issuance of an administrative Zoning Permit.**
- (e) **The proposed development shall include a minimum of two (2) Public Benefit improvements.**
- (f) **Any proposed buildings must be set back a minimum of 125 feet from the Greenwich Avenue right-of-way, and located outside the CGBR Zone.**
- (g) **The new PUBLIC PARKING shall be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO Zone boundary;**
- (h) **The PUBLIC OUTDOOR AMENITY SPACE shall be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO Zone boundary, on land owned by the Town of Greenwich, or on land or other recognized real property interest that can be conveyed to the Town of Greenwich.**

(4) **Uses.**

- (a) Permitted uses shall be the same as for the underlying zone.
  - (b) PUBLIC PARKING is a permitted use.
  - (c) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3b uses may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and a Site Plan approval have been granted by the Commission.
- (5) Parking and Loading Facilities. Parking and loading spaces shall be provided in accordance with Division 15 of these regulations. All parking spaces may be located within a garage.
- (6) Modification of area, height and bulk area requirements. Notwithstanding other applicable provisions of the Building Zone Regulations, upon request by the applicant, the Commission may, by Special Permit, authorize one or more modifications to the area, height, and bulk standards set forth in Section 6-205(b) for the underlying zone, upon a determination that the proposed Public Benefit provided to qualify for the zoning incentive meets a) the applicable standards of Section 6-17d, and b) the objectives set forth in Section 6-115.1A., and Section 6-115.1.1 (1) of these regulations. Any authorized increase in maximum building height shall not result in a total building height that exceeds the number of feet of the height of the tallest existing building fronting on the same street as the principal street frontage of a building in the Zoning Tract and adjacent to, or directly across the street from a building in the Zoning Tract. See the "LIMITING FACTOR" shown on DIAGRAM 11 to these regulations. The maximum total Floor Area, Gross ("FAR") authorized for the Zoning Tract under this regulation shall not exceed 3.3 FAR.

For the proposal to be eligible for one or more modifications to the area, height, and bulk requirements in Section 6-205(b), the development plan must meet the following additional qualifying criteria, as applicable:

- (a) No new buildings or portions thereof shall be located in the CGBR Zone.
- (b) All building elevations in excess of 120 linear feet facing a public street shall be required to provide variation in its horizontal and/or vertical plane by a wall offset of a minimum of two (2) feet for a horizontal distance of at least eight (8) feet to

**ensure a diverse street wall facade, and to promote the pedestrian scale of the overall development.**

- (c) **The proposed INDOOR COMMUNITY SPACE shall be a minimum of 3,000 square feet and accommodate not less than fifty (50) people in fixed or portable seating; be readily accessible at grade from the street or pedestrian walks; and be available for public use, by reservation approved by the building's manager, on weekdays from 9:00A.M. to 5:30P.M., for not less than fifteen (15) days of each month.**
- (d) **The proposed PUBLIC PARKING Public Benefit shall equal a minimum of 30 percent (30%) of the total proposed parking spaces in the development, with the total number of public parking spaces provided not to exceed 100 spaces. The PUBLIC PARKING must be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO boundary.**
- (e) **The proposed PUBLIC OUTDOOR AMENITY SPACE(s) shall comprise a minimum of 10,000 square feet with a minimum of 70 percent (70%) of pervious coverage. The PUBLIC OUTDOOR AMENITY SPACE shall be located within the CGIO Zone or within one-half (0.5) miles of the CGIO Zone boundary. A Public Outdoor Amenity Space may be provided on land owned by the Town of Greenwich, subject to review and authorization of a Municipal Improvement pursuant to CGS Section 8-23 and Section 99. of the Town Charter.**
- (f) **The proposed ENERGY-EFFICIENT DESIGN shall be comprised of improvements that are USGBC LEED-certifiable under the most appropriate LEED building rating system, as may be amended from time to time. The Planning and Zoning Commission shall not require the applicant to apply for, or receive LEED certification as a condition of Site Plan and Special Permit approvals.**
- (g) **The proposed PUBLIC INFRASTRUCTURE IMPROVEMENTS shall be located in the CGIO Zone, or within a half-mile (0.5 miles) of its boundary.**



**Zoning Standard: Maximum Building Height.**

<b><u>Public Benefit</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>	
	<b><u>Stories</u></b>	<b><u>Feet</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>		
<b><u>5% of Total Units</u></b>	<b><u>None</u></b>	<b><u>“A” + 3 Feet</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 9 Feet</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 1 Story</u></b>	<b><u>“A” + 12 Feet</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 1 Story</u></b>	<b><u>“A” + 12 Feet</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 12 Feet and + 1 Story</u></b>
<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>None</u></b>	<b><u>“A” + 4 Feet</u></b>
<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>

**Zoning Standard – Maximum Building Area.**

<b><u>Public Benefit(s)</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	
<b><u>5% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 60%</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 50%</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 50%</u></b>
<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>“A” + 30%</u></b>

<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 30%</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 30%</u></b>

**Zoning Standard – Floor Area, Gross (as defined in Section 6-5(a), Definition (22) of the Building Zone Regulations).**

<b><u>Public Benefit(s)</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	
<b><u>5% of Total Units</u></b>	<b><u>“A” + 0.3</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 0.6</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 0.9</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 1.2</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 1.0</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 1.0</u></b>
<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>“A” + 0.1</u></b>
<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 0.3</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 0.3</u></b>

**Zoning Standard - Maximum Lot Coverage. The Commission may increase the maximum lot coverage permitted in the underlying zone upon a determination that the scale of the proposed building or buildings is compatible with the surrounding uses, and sufficient landscaping and screening is provided to enhance the residential component of the development and to screen outdoor refuse, utilities such as transformers, storage and parking areas from public view pursuant to Division 17, Sections 6-179, 6-180, and 6-181 of these regulations.**

**Zoning Standard – Minimum Rear Yard Depth.**

<b><u>Public Benefit</u></b>	<b><u>Zoning Incentive (Standard in lieu of Zoning Standard of underlying zone)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	<b><u>3.5 Feet + 1 inch for each one (1) Foot of Building Height</u></b>

- (7) **Affordability Plan. An Application for Special Permit for a development that includes Affordable Housing, with Affordable Housing Units as one of the Public Benefits offered shall, at time of Final Site Plan Application, include an Affordability Plan that complies with the requirements of CGS Section 8-30g(b), in effect as of the time of application.**
- (8) **Review Procedure. A development proposal made pursuant to this regulation shall require Site Plan and Special Permit review and approval by the Planning and Zoning Commission pursuant to Sections 6-13 through 6-15, and Section 6-17 of these regulations. See Section 6-115.1. (C) of these regulations for review procedures and application requirements.**
- (9) **Following Approval.**
- (a) **Prior to the submission of construction documents for an administrative Zoning Permit, the applicant shall submit a design affidavit from the architect of record confirming that the planned improvements, as designed, meet the criteria of the USGBC LEED rating system(s) identified by the applicant in its Final Site Plan and Special Permit Applications and approved by the Planning and Zoning Commission as an ENERGY-EFFICIENT DESIGN Public Benefit.**
- (b) **The developer, owner, or manager of the Affordable Housing units shall provide an annual certification to the Planning and Zoning Commission or its designated agent of continuing compliance with the Affordability Plan.**

ADD NEW **DIAGRAM 11** (as found on file in the Planning and Zoning Office)

7. **Planning and Zoning Staff;** application PLPZ 2017 00541, for a text amendment, to amend Sections 6-2, 6-5(a), 6-107, 6-158 of the Town's Building Zone Regulations as it pertains to properties in the Waterfront Business (WB) Zone and add Diagrams 12 through 17 as recommended by the WB Zone Study with the core objectives of the proposed text amendments to provide incentives for enhanced public access to the water by requiring water dependent uses and by allowing, under Special Permit, non-water-dependent uses. The language of which is on file in the Town of Greenwich Planning and Zoning Office and as found on the Town of Greenwich Planning and Zoning Department website at: [http://www.greenwichct.org/government/departments/planning\\_and\\_zoning/](http://www.greenwichct.org/government/departments/planning_and_zoning/)

**Application PLPZ 2017 00541 has been POSTPONED**

8. **Planning and Zoning Staff;** application PLPZ 2017 00549, for a text amendment, to amend Sections 6-2 CLASSES OF ZONES, 6-13 SITE PLAN APPROVAL REQUIRED BY PLANNING AND ZONING COMMISSION, 6-109 HRO ZONE STANDARDS AND REQUIREMENTS and 6-109.1, HISTORIC OVERLAY ZONE (HO) into one new and comprehensive Historic Overlay Zone Regulations that contains incentives from both of the original text and new language as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (*Staff: KD*) (*Must open by 1/13/2018*) (*Maximum extension to open available to 3/19/2018*) (*Page Number: 413*)

AMEND Sec. 6-2 CLASSES OF ZONES

[HRO Historic Residential-Office]

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

**(10) Any construction or alteration of structure(s) within an HO zone.**

REMOVE SECTIONS 6-109 and 6-109.1 as currently written and REPLACE Sec. 6-109 as follows:

**Sec. 6-109 HISTORIC OVERLAY ZONE (HO)**

(a) **Purposes**

**The purpose of a Historic Overlay Zone (“HO”) is to encourage the restoration, preservation, protection, enhancement, perpetuation and use of buildings and structures (hereinafter called “structures”) having historical or aesthetic value which represent or reflect elements of the Town’s cultural, social, economic, political and architectural history. 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 character. This overlay zone does not imply or result in**

**the establishment of an historic district as detailed in Section 7-147a-1 of the General Statutes.**

**(b) Procedure**

- 1) **To create an HO zone requires approval from the Planning and Zoning Commission for a zone change. Any accompanying improvements to the property in an HO zone require a site plan and special permit application, which may be made by the Owner of the structure and its site or 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.**
- 2) **Application to request a zone change and/or site plan and special permit shall include the following additional materials to those noted under Section 6-14:**
  - (A) **A written Report noting the historic significance of the proposed property for rezoning and the rationale as to why the application should be granted. The report shall include the following:**
    - i. **A brief history of the property and structures including historical significance and/or historic events either local and regional or persons associated with the property. A general description of the building(s) on the property listed according to their known or estimated ages and their associated ownership history.**
    - ii. **Any relevant construction history including a chronology of original and subsequent alterations, any historical documentation (letters, diaries, vouchers, newspaper articles), physical investigation as necessary to clarify which construction events are historic (analysis of paint layers relative to construction events).**
    - iii. **A description of the architecture including all exterior features and materials that are character-defining and therefore significant, and which are intended for preservation in the course of project work.**

- iv. A description of the existing conditions including any damage, structural problems, materials deterioration and a description of the proposed priority for repair/stabilization. A description of the general and periodic maintenance proposed, recognizing that deferred maintenance is not an option for historic resources.
  - v. An archeological assessment may be required depending on the nature of the property, its site and setting.
  - vi. All proposed work and the preservation objectives.
  - vii. All support documentation specifically photographs.
- (B) Information as to the proposed use and density of the property.
- (C) Specific architectural and landscape plans showing how the building or buildings on said property will be preserved. No Certificate of Occupancy will be issued until the architectural and landscape plans have been satisfactorily completed pursuant to Section 6-16.1 of these Regulations.
- 3) In acting upon any rezoning, site plan or special permit, 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 Historic District Commission, the Greenwich Historical Society and the Architectural Review Committee.
  - 4) Within sixty-five days after the closing of the Public Hearing, the Commission may approve the application for rezoning, special permit and site plan review if the Commission finds that Sections 6-13 through 6-17 and 6-109(c) of these Regulations are met.
  - 5) If the Commission finds that the standards of Section 6-109(c) of these Regulations 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.
  - 6) No alteration of the exterior from that shown in the architectural plans or addition resulting in an increase in floor

area will be permitted unless reapplication for a special permit and site plan review is made.

- 7) 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.
- 8) 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.
- 9) Any new construction 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 if required by the Planning and Zoning Commission.
- 10) As a condition of a Special Permit approval, the Owner shall grant a perpetual Declaration of Preservation Restriction pursuant to Connecticut General Statutes Section 47-42 a-c, enforceable by both the Historic District Commission and the Planning and Zoning of the Town of Greenwich, which shall provide for, among other things, the right of the holder of the restriction 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. A draft Declaration of Preservation Restrictions shall be provided with any application.
- 11) The Commission encourages property owners to seek designation of historic significance from local, state or federal organizations and to display appropriate historic plaques.

(c) Standards

When considering an application for an HO Zone, for preservation, restoration, rehabilitation or adaptive re-use, the property and its contributing structure or structures must have been existence prior to 1940, be architecturally or historically notable, and must meet the standards of Section 6-15 and Section 6-17 of these regulations. Furthermore, in determining whether to grant an HO, the Planning and Zoning Commission shall take into consideration the public health, safety and general welfare of the general public, and whether the applicant has met the following specific standards:

- 1) The property, inclusive of structure or structures (hereafter referred to as “property”) must possess integrity of location, design, setting, materials, and workmanship.
  - A. The property must embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master. It must possess high artistic values and represent significant distinguishable components that have yielded, or may be likely to yield, information important in prehistory or history; The property may be a unique estate setting significant to the Town’s history and worthy of preservation, and/or be associated with events that have made a significant contribution to the broad patterns of our history; and/or be associated with the lives of persons significant in our past.
- 2) The property must be used as it was historically, or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- 3) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- 4) Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.
- 5) Changes to a property that have acquired historic significance in their own right must be retained and preserved.
- 6) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
- 7) Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- 8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.



- 9) Archeological resources must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
- 10) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work must be differentiated from the old and must be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

(d) Incentives

To provide incentives to protect historic resources, the Planning and Zoning Commission may allow the following modifications of the Building Zone Regulations, subject to a site plan and special permit application and provided that the property is re-zoned to an HO, pursuant to the procedures noted in Section 6-109(b):

- 1) For structures on sites in the business zone, the Planning and Zoning 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.
- 2) For structures on sites in the business zone greater than 20 acres, the Planning and Zoning Commission may authorize Use Group 2b or 2c Uses in proposed new construction 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.
- 3) For structures on sites in the RA-4, RA-2, RA-1, R-20, R-12, R-7 and the R-6 residential zones, the Planning and Zoning Commission may authorize additional dwelling units in existing buildings or structures and/or in new construction that is complementary and secondary to the historic structure(s), 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 1.50 in the RA-4, RA-2, RA-1, R-20, R-12 zones and by 1.2 in the R-7 and the R-6 residential zones. The Commission

may consider any fraction of a unit as a whole unit. The difference between density permitted in the underlying zone and density permitted using the multiplier, is the number of bonus units. The Commission may also modify setbacks and/or green area requirements.

- (A) When bonus units are proposed within the historic structures, or where bonus units would create developments without lot division lines, the Planning and Zoning Commission, after consultation from the Historic District Commission, shall determine neighborhood appropriateness based on:
- i. the number and proximity of single family detached dwellings;
  - ii. the visible impact on the streetscape;
  - iii. the number, character and proximity of other uses;
  - iv. the amount and location of undeveloped land in the vicinity and the relationship of proposed development to the pattern of existing open space in the area;
  - v. the proximity of other zones either more or less restrictive; and
  - vi. other standards provided in this article and the standards contained in Sections 6-15 and 6-17.

(B) If the HO zone includes property or properties more than or equal to 5 acres in the R-7, R-12, and R-20 zones or more than or equal to 10 acres in the RA-1, RA-2, and RA-4 zones, unless the Commission pursuant to Section 6-23(c) finds a smaller area to be appropriate, the HO shall be designed as a conservation zone pursuant to Division 3 of the regulations. In these instances, bonuses permitted under Section 6-29 would apply. In these instances, a site rezoned by the Commission to a Conservation Subdivision and an HO shall continue to bear the designation noted under Section 6-25 with the initials HO appended to indicate the Historic Overlay Zone.

- 4) For structures on sites in residential zones not more than 1,000 feet from a business zone boundary line, the Planning and Zoning Commission may authorize all uses permitted by right, or special exception for the most restrictive contiguous residential zone, or Office Uses. Permitted accessory uses are also permitted with the

exception of the office of a resident professional person (Sec. 6-95(a)(1)). Parking requirements shall be as detailed in Division 15 of the Regulations. Parking in a front yard shall be discouraged. 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.

- 5) For religious institutions existing as of the effective date of this amendment that are located in the CGIO Zone, the Planning and Zoning Commission may authorize, an FAR not to exceed 1.0. Further the Commission may authorize an increase in the number of stories, not to exceed four (excluding basements), and a building height not to exceed 50 feet.
- 6) The Commission may allow for the inclusion of the area of a privately owned road as part of lot area. Further, the Commission may allow for the treatment as a single lot for parcels that would be contiguous but for the separation by a privately owned road.

(e) Alterations and Additions

- 1) 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 Planning and Zoning Commission pursuant to Section 6-17 and 6-109. 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 6-109(c). Comments shall be obtained from the Historic District Commission prior to any action by the Planning and Zoning Commission.
- 2) 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 provided that a certificate of appropriateness is issued by the Historic District Commission.
- 3) The requirement Section (e) 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.**

- 4) **Nothing in this regulation shall be construed to prevent the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic.**

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

- 1) **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 or if it is demolished by neglect, 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**

9. **Planning and Zoning Staff;** application PLPZ 2017 00572, for a text amendment, to delete Section 6-17.2 PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS in its entirety as follows (Text in [brackets] to be deleted): (*Staff: KD*) (*Must open by 2/3/2018*) (*Maximum extension to open available to 4/9/2018*) (*Page Number: 432*)

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

- (a) Where the Planning and Zoning Commission has granted site plan approval or special permit approval for a mixed use development or a residential or non-residential single use development, and where the owner or developer wishes to

create separate condominium, then a division of the approved tract into two parcels or lots for the purpose of sale or building development may be permitted by the Commission after the filing of an amended site plan and a certified map to be filed in the Town Clerk's Office showing such division, referring to the site plan number and containing a notation that the property shown thereon is subject to the site plan approved for said property. Any conveyance relating to said approval or any portion thereof shall make reference to said certified map.

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

Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity. For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)

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

10. **Planning and Zoning Staff;** application PLPZ 2017 00545, for a text amendment, to amend Section 6-98 USE REGULATIONS FOR R-6 ZONE of the Town's Building Zone regulations as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (Staff: MK) (Must open by 1/13/2018) (Maximum extension to open available to 3/19/2018) (Page Number: 435)

AMEND Sec. 6-98. USE REGULATIONS FOR R-6.

- (a) The following principal uses are permitted and all other principal uses are expressly excluded in the R-6 (6/1/2017)
- (1) All uses permitted in R-7 zones. (4/14/2010)
  - (2) Additions or renovations to existing [single-family,] two-family or multi-family dwellings, **if** [If] such [alterations] **additions or renovations** do not require a zoning variance, do not increase the number of residential units or bedrooms, and do not affect [the number of required] off-street parking spaces. [, they shall be considered "minor" and subject to administrative site plan review only, subject to the provisions of Sec. 6-14. All other alterations not considered "minor" as described above shall require site plan approval from the Planning and Zoning Commission. (6/1/2017)]
  - (3) **Administrative site plan approval is required on** [On] lots of 7,500 square feet or larger **for:**
    - (A) **New two-family dwellings**
    - (B) **Change of use for the conversion from a single-family dwelling to a two-family dwelling**
    - (C) **Additions or alterations to a single-family dwelling to create a two-family dwelling**
    - (D) **Additions or alterations to an existing two-family dwelling that either require a zoning variance or increases the off-street parking demand.**

- (4) The following uses are permitted as Special Permit uses when the Planning and Zoning Commission determines that such uses are appropriate to the neighborhood, having consideration for the number and proximity of single family dwellings and two-family dwellings, for the number, character, and proximity of other uses, for the amount and location of undeveloped land in the vicinity and the relationship of such land to the pattern of open space in the neighborhood development scheme, and for the proximity to other zones, either more or less restrictive and other standards provided in this Article and the Standards contained in Sections 6-15 and 6-17. (6/16/87; 3/2/2012)
- (A) For lots of less than 7,500 square feet or where the use of cross easements is required for site access, circulation or drainage, the building of a two-family dwelling, conversion from a single family to a two-family dwelling, or addition or alteration to a single family dwelling to create a two-family dwelling.
- (B)** 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.
- (a)** 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]
- (b)** **The** lot on which such a conversion is approved shall comply with the minimum lot area of the R-6 zone in which the property is located and may not be diminished in size now or in the future. (6/1/2017))
- (C)** [(B)] Boarding and Rooming Houses.
- (5)** [(C)For two-family dwellings, the] **The** minimum Green Area Requirement is 35% for single family dwellings and two-family dwellings.
- (6)** [ and the] **The** total ground floor area of all building area and structures shall occupy no more than 30% of the gross lot area **for two-family dwellings**. (6/1/2017)
- [(D) For single-family dwellings, the minimum Green Area Requirement is 35%.]

11. **R.F.K. Greenwich Enterprises, Inc.;** applications PLPZ 2017 00443 and PLPZ 2017 00444, for a final coastal site plan and special permit, to construct an 855 sq. ft. addition expanding the second floor above the south “porch” of Building #3 to increase the space of the cardio training area on a 5.5-acre property located at 49 River Road in the WB zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri) (Page Number: 441)
12. **CRK, LLC;** application PLPZ 2017 00435, for a zoning map amendment, to re-zone a property from the R-7 to the HRO zone, (as shown on a re-zoning map on file in the Town Clerk’s office) for property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri)

**Application PLPZ 2017 00435 has been POSTPONED – Extension Granted**

13. **CRK, LLC;** applications PLPZ 2017 00433 and PLPZ 2017 00434, for a final coastal site plan and special permit, to retain the existing building and construct an addition to the building for four (4) squash courts, employee housing on the third floor of the existing building, and the continuation of the basement apartment for employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri)

**Applications PLPZ 2017 00433 and PLPZ 2017 00434 have been POSTPONED – Extension Granted**

**REGULAR MEETING CONTINUED**

14. **DISCUSSION ITEMS:**
15. **DECISION ITEMS:**
16. **APPROVAL OF MINUTES:**

17. **OTHER:**

- a. Executive Session on pending litigation or personnel matters.
- b. Other items as may properly come before the Commission.

**APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON  
SUBSEQUENT MEETINGS:**

**Bianca 121 LLC**; applications PLPZ 2017 00363 and PLPZ 2017 00364, for a final site plan and special permit, for building additions and modifications to expand the 2nd and 3rd floor residential dwelling units, roof garden terrace and façade improvements to the building on a 6,250 SF property located at 121 Greenwich Avenue in the CGBR zone. (Staff: MK) (Must close by 1/11/2018) (Maximum extension to close granted to 1/11/18) (Continued from the 10/3/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Yeskey [for Fox], and Macri)

**330 Railroad Avenue, LLC**, application PLPZ 2017 00468, for a zoning text amendment, to amend Section 6-167(a) “Height Restrictions” under Division 16. “Signs”, of the Town of Greenwich Building Zone Regulations as follows: (Text in **bold** to be added, text in ~~striketrough~~ to be removed) (Staff: MK) (Must close by 1/25/2018) (Maximum extension to close granted to 1/25/2018) (Continued from the 10/17/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Postponed at the 11/30/2017 meeting)

Sec. 6-167. HEIGHT RESTRICTIONS.

(a) Free-standing signs, including posts, **when located outside the required front and street side yard**, shall not exceed a height of ten (10) feet in a residential zone, **and** ~~or~~ fifteen (15) feet overall in a business zone above the surface of the ground where located. ~~There shall be a clear space underneath a free-standing sign~~ **free-standing signs, including posts, when** located within the required front ~~or street side yard in a business zone so that the sign will not interfere with the vision of a driver approaching a~~ **and street intersection. Side yard shall:**

1. **not exceed a height of six (6) feet and shall be located so as to comply with Sections 6-126, 6-166(b) and Section 6-167 of the Town of Greenwich Building Zone Regulations and the DPW Roadway Design Manual of all driveways on the property and at all street intersections adjacent to the property; or**
2. **not exceed a height of fifteen (15) feet and have** ~~The clear space beneath the sign of shall be~~ at least seven (7) feet four (4) inches, measured above the center line of the intersecting street as measured in Section 6-126, to the bottom of the sign.



**Sight distances at all driveways and intersections adjoin the property and sign location on the property must be shown on a plan prepared by an Engineer certified in the State of Connecticut and provided to any reviewing Agency or Department to confirm compliance with Sections 6-126, 6-166(b) and this Section 6-167 of the Town of Greenwich Building Zone Regulations. Said plans must include the statement:**

**“The sight lines, sign distances and sign location shown here complies with the standards contained in the Town of Greenwich Roadway Design Manual and Standard Construction Details prepared by the Engineering Division of the Department of Public Works and with the standards of Sections 6-126, 6-166(b) and 6-167 of the Town of Greenwich Building Zone Regulations.”**

(b) Window and wall signs shall not exceed four (4) feet in height.

**Timothy P. Palmer, Trustee, et al;** application PLPZ 2017 00527 for a final coastal site plan to construct a new 5,004 sq. ft. dwelling and pool within 100 feet of coastal resources on a 22,250 sq. ft. property located at 73 Willowmere Circle in the R-20 zone. *(Staff: MA) (Must decide by 1/13/2018) (Maximum extension available to 3/19/2018) (Postponed at the 11/30/2017 meeting)*

**37 Day Road LLC;** applications PLPZ 2017 00476 and PLPZ 2017 00477, for a final site plan and special permit, to remove and replace the existing pool and pool patio, reconstruct the existing cabana, and construct a new patio to the south of the existing residence the result of which would further exceed the 150,000 cubic feet threshold on a 5.09-acres property located at 37 Day Road in the RA-4 zone. *(Staff: MK) (Must open by 2/10/2018) (Maximum extension to open granted to 2/10/2018) (Postponed at the 11/30/2017 meeting)*

**Greenwich Center for Hope & Renewal, and the Stanwich Congregational Church;** applications PLPZ 2017 00460 and PLPZ 2017 00461, for a final site plan and special permit, for approval to permit the use of the former Stanwich Church property at 237 Taconic Road by a charitable institution providing faith-based counseling services on a 0.66-acre property located at 237 Taconic Road in the RA-4 zone. *(Staff: MK) (Must close by 3/10/2018) (Maximum extension to close granted to 3/10/2018) (Continued from the 11/30/17 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*

START: \_\_\_\_\_  
END: \_\_\_\_\_

TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

# TOWN OF GREENWICH PLANNING AND ZONING COMMISSION

**Town Hall Meeting Room**  
101 Field Point Road, Greenwich, CT

**December 12, 2017**

## TENTATIVE AGENDA

### REGULAR MEETING 7:00 PM

1. **187 Field Point Road LLC**; request for an extension of time of 5 years pursuant to Section 6-14.1 of the Building Zone Regulations for applications PLPZ 2016 00033 and PLPZ 2016 00034, for a final site plan and special permit, to demolish the existing structures and construct a new 4,670 sq. ft. two-family dwelling on an 8,525 sq. ft. property (lot as depicted in subdivision PLPZ 2016 00032) located at 187 Field Point Road in the R-6 zone. (*Staff: MK*)
2. **191 Field Point Road LLC**; request for an extension of time of 5 years pursuant to Section 6-14.1 of the Building Zone Regulations for applications PLPZ 2016 00035 and PLPZ 2016 00036, for a final site plan and special permit, to demolish the existing structures and construct a new 4,670 sq. ft. two-family dwelling on an 8,525 sq. ft. property (lot as depicted in subdivision PLPZ 2016 00032) located at 191 Field Point Road in the R-6 zone. (*Staff: MK*)

### PUBLIC HEARING 7:15 PM

3. **75 Holly LLC**; applications PLPZ 2017 00454 and PLPZ 2017 00455, for a final site plan and special permit, to expand the parking lot by adding 77 parking spaces, increasing the total parking onsite to 461 standard spaces and 13 ADA compliant spaces, and confirm that adequate parking would exist for 73 medical professionals on a 4.47-acre property located at 75 Holly Hill Lane in the GBO zone. (*Staff: MK*) (**Must close by 12/12/2017**) (*Extension to close granted to 12/12/17. Maximum extension to close available to 1/25/2018*) (*Continued from the 10/17/1017 and 11/30/2017 meetings*) (*Seated: Maitland, Alban, Levy, Fox, and Macri*)

4. **Tamarack Country Club**; applications PLPZ 2017 00512 and PLPZ 2017 00513, for a final site plan and special permit, to enclose the patio for all-season use and add a new 700 sq. ft. terrace, on the easterly side of the building, a stairwell to the lower level cart staging area, and interior renovations on a 169.625 acres property located at 55 Locust Road in the RA-4 zone. (Staff: CT) (**Must close by 1/4/2018**) (Maximum extension to close available to 3/10/2018) (Continued from the 11/30/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)
5. **North Greenwich Associates, LLC**; application PLPZ 2017 00529 for a zoning map amendment, to re-zone four (4) parcels located at 1041-1073, 1046, 1064, and 1066 North Street from the LBR-1 zone to the LB zone (as shown on a re-zoning map on file in the Town Clerk's Office) (Staff: MK) (**Must open by 1/13/2018**) (Maximum extension to open available to 3/19/2018)
6. **Benedict Court Development Company, LLC, record owner of 19 Benedict Place**; application PLPZ 2017 00538, for a zoning text amendment to amend Division 9-Subdivision 3; Division 15; and Division 17 to codify certain location, characteristics, and land use objectives for those properties situated within the Central Greenwich Impact Overlay Zone ("CGIO Zone"); and to add new regulations to allow, by Special Permit, certain flexibility in area, height and bulk standards of the underlying zone as incentive zoning, in exchange for the provision of "Public Benefits" as articulated in the proposed zoning text amendments. The core objective of these proposed text amendments is to activate the CGIO Zone overlay as a positive, vital planning tool to enhance and sustain this district for the citizens of Greenwich in the 21st Century. The proposed NEW Section 6-115.1.1, INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS-RESIDENTIAL prohibits new buildings constructed under that regulation to be located in the CGBR Zone, which includes Greenwich Avenue. The Application includes a proposed amendment to BZR Division 15-Section 6-155 PARKING AND GARAGES FOR MULTI-FAMILY RESIDENTIAL PURPOSES, to establish a minimum standard of 1.25 parking space per residential dwelling unit in the CGIO Zone for multi-family housing developed pursuant to proposed NEW Section 6-115.1.1, INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS-RESIDENTIAL. ; and proposed amendments to BZR Division 17-Section 6-182 PLANTING REGULATIONS and add a new Section 6-181.1 ROOF PLANTINGS IN BUSINESS ZONES and new Diagram 11, ILLUSTRATION OF LIMITING FACTOR FOR DETERMINATION OF MAXIMUM INCREASE IN BUILDING HEIGHT UNDER SECTION 6-115.1.1 (6) IN THE CGIO. The proposed text amendments are as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (Staff: PL) (**Must open by 1/13/2018**) (Maximum extension to open available to 3/19/2018)

Amend Sec. 6-100 "USE GROUPS FOR BUSINESS ZONES" as follows:

USE GROUP **3a**

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

**USE GROUP 3b**

**Dwelling units in the CGIO Zone conforming to the provisions of Section 6-115.1.1. when authorized by Special Permit**

Amend Sec. 6-103.1 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE CGBR ZONE” as follows:

(C) Permitted Uses.

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

Use Group **3a**

Amend Sec. 6-104.1 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR CGB ZONE” as follows:

(B) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-105 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE GB ZONE” as follows:

(a) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-106 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR THE GBO ZONE” as follows:

(a) Permitted Uses....

Use Group **3a**

**Use Group 3b**

Amend Sec. 6-110 “USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES (**Use Group 3a**)”, as follows:

(d) Special Requirements:

(1) For CGBR and LBR-2 zones, dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group 3a

Amend Sec. 6-155 "PARKING AND GARAGES FOR MULTI-FAMILY RESIDENTIAL PURPOSES" as follows:

**4. Multi-family dwelling units constructed pursuant to Sec. 6-115.1.1: 1.25 spaces per dwelling unit, and all required parking spaces may be located within a garage.**

ADD

**Sec. 6-181.1 "ROOFTOP PLANTINGS IN BUSINESS ZONES"**

**The purpose of rooftop plantings is to reduce the heat island effect of a building, and, if desired, provide active or passive use by the building's occupants.**

**(a) Planting Specifications:**

- i. Rooftop planting beds, whether raised or in pits, shall have a minimum depth able to support the selected plant materials in hardened conditions.**
- ii. A growing media (e.g., soil, mulch, sand or gravel) shall be employed that is most suitable for the selected plant materials in accordance with industry standards.**

**(b) Plant Materials:**

- i. Selected plantings shall be hardy to one colder USDA Zone than the USDA Zone typical to Greenwich.**
- ii. Preferred are plantings that require only temporary irrigation for the first 12 months after installation, and are not dependent upon irrigation thereafter.**
- iii. Groundcover plants and shrubs must be of sufficient size and number at time of installation so that the intended landscape condition shown on the submitted plans will be achieved within three (3) years of planting.**
- iv. Native and non-invasive plants are recommended.**

**(c) Installation and Maintenance:**

- i. **Plant materials must be installed to current nursery industry standards, and properly supported to ensure survival.**
- ii. **The location of rooftop planting beds shall allow for access for maintenance purposes.**
- iii. **Rooftop plantings must be continuously maintained in a healthy state for ongoing compliance with the property's Site Plan, Special Permit, or Special Exception approval(s), as applicable. Dead plantings must be replaced in kind within six (6) months.**

Amend Sec. 6-182 "PLANTING REGULATIONS" as follows:

(a) All planting materials used to carry out the intention of this Article shall be of species and varieties **compatible with topographic conditions on the property. Use of native, non-invasive species is encouraged.** [as approved by the Tree Warden.]

[(b) Planting materials shall be shown on site plans submitted to the Building Department and shall be referred for approval to the Tree Warden.]

**(b) For uses and activities requiring Site Plan approval under Sec. 6-13, planting materials shall be shown on the site plan submitted to the Planning and Zoning Commission. The Commission shall refer said plan to the Architectural Review Committee and/or the Tree Warden for an advisory review.**

ADD

**Sec. 6-115 "CENTRAL GREENWICH IMPACT OVERLAY ZONE (CGIO)"**

**Location, and Description.**

**The CGIO Zone is an overlay district and represents the core of the Town's central business district. It includes portions of the CGBR, CGB, and GBO Zones, as shown on the TOWN OF GREENWICH BUILDING ZONE MAP, as amended from time to time, and Plate 22, CENTRAL GREENWICH IMPACT OVERLAY ZONE Effective: March 1, 1982, of the BUSINESS ZONE MAP ATLAS on file in the office of the Greenwich Town Clerk.**

**The CGIO has the Town's highest concentration of commercial floor area and impervious coverage. It contains a broad range of building types, indicative of the eras and purposes for which they were originally built. It includes the Greenwich Avenue Historic District and the Greenwich Municipal Center Historic District, both listed on**

the National Register of Historic Places. Also located in the CGIO Zone are Town Hall, the Board of Education, the main Library, and Police and Fire Stations; houses of worship; and Pre- and Post-War higher density multi-family buildings. Additionally, the CGIO Zone includes the Greenwich Metro-North Train Station, with express service to and from New York City. It also has direct access from the region's two major arterials, U.S. Route 1 and Interstate 95.

In sum, the CGIO Zone remains a desirable location for corporate offices, entertainment and leisure activities, and is growing in attraction as a place to reside. However, public infrastructure and amenities, the roadway network and parking, and open space are limited resources in this district. Businesses already heavily depend on the supply of public parking spaces in the district for patrons and employees. This special mix of opportunities and challenges makes the CGIO Zone overlay a vital tool for administering sound land use planning for this district in the 21st Century.

ADD

Sec 6-115.1 INCENTIVE ZONING REGULATIONS FOR CGIO ZONE.

(A) General Purpose and Objectives.

In addition to the stated purposes in Section 6-102, the purpose of this regulation is to enhance and sustain the downtown core as a vital, mixed-use, pedestrian- oriented environment in the 21st century. It provides a means to seek efficiencies in the use of land and energy to lessen the environmental impact of the Town's built environment, and increase landscaped open space; to add new housing attractive to persons of varying ages and income levels within walking distance of local retail and service establishments, Town services, and rail and bus lines; and to maximize the opportunity afforded by the train station to reduce the need for parking for commuters, employees and visitors. This regulation also seeks to encourage private developments to provide "Public Benefits", defined below, that would otherwise not be required by the regulations of the underlying zone.

To achieve these, the Planning and Zoning Commission may, by Special Permit, approve mixed-use redevelopment of larger parcels within the CGIO Zone certain flexibility of the zoning standards of the underlying zone, in exchange for provision of one or more "Public Benefits" within or proximate to the CGIO Zone as set forth in Section 6-115.1.1 INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS-RESIDENTIAL of these regulations.

(B) Definition of "Public Benefit".

**As used in Sections 6-115.1 and 6-115.1.1 of these regulations, "Public Benefit" shall mean a permanent facility or improvement that meets the planning policies and goals of the municipal Plan of Conservation and Development, proposed and provided in conjunction with a development project in the CGIO Zone, and is in excess of the minimum requirements of the underlying zone. "Public Benefits" include "Affordable Housing Units", "Energy-Efficient Design", "Indoor Community Space", "Public Infrastructure Improvements", "Public Parking", and "Public Outdoor Amenity Space", as defined in Section 6-115.1.1 of these regulations.**

**(C) Review Procedure.**

- 1. A development proposal made pursuant to this regulation shall require Site Plan and Special Permit approval by the Planning and Zoning Commission pursuant to Sections 6-13 through 6-15, and Section 6-17 of these regulations.**
- 2. Pre-Application Review. An informational workshop shall be convened by the Director of Planning and Zoning to include the Zoning Enforcement Officer, Department of Public Works Commissioner, Town Engineer, Sewer Superintendent, Conservation Director, and other appropriate town agency staff at which the applicant shall present a conceptual plan for the proposed development for discussion. This meeting shall be held prior to any formal submission of application to any Town Agency.**
- 3. Application Contents. In addition to the plans, reports, and other documents required under Sections 6-14 and 6-17, the following items shall be submitted:**
  - (a) A zoning narrative describing the proposed development, including the types of uses and its principal structures and facilities, and proposed Public Benefits;**
  - (b) A statement of proposal consistency with the Town's Plan of Conservation and Development, Section 6-15 Site Plan Standards, Section 6-17d Special Permit Standards, and the stated objectives of Sections 6-115.1 and 6-115.1.1, as applicable;**
  - (c) A zoning data table providing the area, height, and bulk standards of the underlying zone(s) per Section 6-205(b), the requested zoning incentive(s), and proposed**



**conditions;**

- (d) **A listing the USGBC LEED technical and criteria-based standards from the LEED building rating system most appropriate to the proposal, and how the proposal will meet the intent of such standards; and**
  - (e) **At time of Final Site Plan and Special Permit Applications:**
    - i. **An Affordability Plan for a CGIO Mixed-Use-Residential development;**
    - ii. **A copy of the Architectural Review Committee's advisory report; and**
    - iii. **Any additional information requested by the Commission during the Preliminary Site Plan Review process.**
4. **Municipal Improvement. If a Municipal Improvement is required by the proposed development plan, the Board of Selectmen shall refer the request for a Municipal Improvement to the Commission prior to the applicant's submission of the Final Site Plan and Special Permit Applications for the project. Submission of a request for Municipal Improvement at time of Preliminary Site Plan review is encouraged, but not required.**
5. **Advisory review by the Architectural Review Committee of proposed exterior alterations, new construction, landscaping and site lighting shall be concluded prior to the submission of Final Site Plan and Special Permit Applications for the development.**
6. **Following Approval. See Section 6-115.1.1 of these regulations.**

ADD

**SECTION 6-115.1.1 INCENTIVE ZONING FOR CGIO MIXED-USE DEVELOPMENTS - RESIDENTIAL**

(1) **Purpose and Objectives.**

**This regulation is intended to enhance and sustain the downtown core as a vital, mixed-use, pedestrian-oriented environment by providing zoning incentives to induce private-sector owners to redevelop larger tracts in the CGIO Zone with higher density**

**residential, or mixed-use buildings that include residential units, open space, and public amenities, with a plan that is determined by the Planning and Zoning Commission to be clearly superior in sustainable building and site design to a development conforming to the mandatory base standards of the underlying zone. The Commission may, by Special Permit, allow flexibility of certain standards set forth in Section 6-205(b) for the underlying zone upon finding that the proposal is consistent with one or more of the following planning objectives:**

- (a) **Provides Affordable Housing Units, as defined under Section (2) (b), below, to mitigate the shortage of dwelling units available to Moderate Income Households, as described under Section (2) (b), below;**
- (b) **Increases the diversity of housing opportunities and types for various income levels in areas in close proximity to mass-transit, Route 1, I-95, and within walking distance of retail, personal service, entertainment, and municipal facilities;**
- (c) **Includes a plan that provides physical and functional cohesiveness of site components, and an urban design that provides an appropriate spatial transition of building heights, setbacks, architectural massing, for the surrounding built environment;**
- (d) **Increases the public parking supply, particularly long-term parking for employees of retail and service establishments in the CGIO Zone;**
- (e) **Provides a development plan that is pedestrian-oriented rather than automobile-centric;**
- (f) **Includes attractive streetscapes with convenient and safe pedestrian linkages from the Town's existing sidewalk network to Greenwich Avenue, public transit, Town parks and civic buildings;**
- (g) **Increases public open space in the CGIO Zone, to provide passive or active recreational opportunities not currently available in the downtown; and**
- (h) **Encourages a more efficient development of land resulting in economies of total impervious coverage, stormwater discharge, traffic impacts, and consumption of natural and**

energy resources.

(2) Definitions of terms used in this regulation:

(Definition titles in all CAPS are "Public Benefits" as defined under Section 6-115.1 (B))

- (a) "Affordable Housing": Housing as defined in CGS Section 8-39a, in effect at time of Final Site Plan Application.
- (b) "AFFORDABLE HOUSING UNIT": A dwelling unit that must be held for the duration of the Restriction Period described in Section (2)(n), below. Any person or family to whom such Affordable Housing Units may be rented or sold must be a "Moderate Income Household," as that term is defined in Section (2) (h), below. An AFFORDABLE HOUSING UNIT is permitted under Sec. 6-100, Use Group 3b.
- (c) "CGIO Zone (Central Greenwich Impact Overlay Zone)": An overlay zone depicted on Plate 22, CENTRAL GREENWICH IMPACT OVERLAY ZONE Effective: March 1, 1982, of the BUSINESS ZONE MAP ATLAS, Town of Greenwich Planning and Zoning Commission.
- (d) "CGS": The Connecticut General Statutes, as amended.
- (e) "ENERGY-EFFICIENT DESIGN": The integrated application and use of land, materials, and operational systems designed to qualify for voluntary certification under the most current USGBC LEED Building Design and Construction (BD+C) rating system.
- (f) "INDOOR COMMUNITY SPACE": A portion of a building at grade level, that is made available, free of charge, to responsible civic associations or non-profit groups for the conduct of meetings, art exhibits, or educational programs.
- (g) "Median Income": Median Income is as defined under CGS Section 8-30g(a)(7), in effect at the time of application.
- (h) "Moderate Income Household": Moderate Income Household shall mean a person or persons, related or unrelated, living together as a single family or housekeeping unit, which persons and families pay thirty

**percent or less of income for housing, and where such income is equal to or less than eighty percent of the Median Income as defined in Section (2) (g), above.**

- (i) **"PUBLIC INFRASTRUCTURE IMPROVEMENTS": The addition of, or improvement to public infrastructure facilities which may include, but not limited to the following: sanitary sewer; stormwater management; roadway and pedestrian improvements; relocation of overhead utility lines to underground; and traffic controls.**
- (j) **"Public Land": Municipal land owned by the Town of Greenwich.**
- (k) **"PUBLIC PARKING": A parking area available to the public, with or without payment of a fee, that is or will be owned and operated by the Town of Greenwich. The Public Parking may be located in a building.**
- (l) **"PUBLIC OUTDOOR AMENITY SPACE": A minimum 10,000 square feet of contiguous land improved and maintained as passive or active outdoor recreational space for use by the general public. A Public Outdoor Amenity Space may be provided on land owned by the Town of Greenwich, subject to review and authorization of a Municipal Improvement pursuant to CGS Section 8-23 and Section 99 of the Town Charter.**
- (m) **"Public Benefit": See Section 6-115.1 (B) of the regulations.**
- (n) **"Restriction Period": A period of forty (40) years, commencing at time of initial occupancy, during which an AFFORDABLE HOUSING UNIT shall be held for sale or rental as described in Section (2)(b), above.**
- (o) **"USGBC LEED": The United States Green Building Council Leadership in Energy and Environmental Design, which has developed sets of voluntary technical and criteria-based standards with the objective to increase the efficiency with which buildings use energy, and natural resources and materials to reduce building impacts on public health and the environment during the building's lifecycle.**
- (p) **"Zoning Tract": The total lot area of a single lot, or combination of contiguous lots or land, owned or controlled**

**by the applicant. The area of private property to be deed restricted or conveyed for public purposes, e.g., public parking, parks, streets, pedestrian paths, shall be included in the Zoning Tract**

**(3) Eligibility Criteria.**

- (a) Location. The Zoning Tract shall be located within the CGIO Zone.**
- (b) Minimum Acreage. The Zoning Tract shall be a minimum of one (1) acre (43,560 square feet) of contiguous land entirely located in the CGIO Zone, inclusive of the area of any existing private streets or rights-of-way.**
- (c) Minimum Residential Floor Area, Gross. A minimum of 60 percent (60%) of the total Floor Area, Gross of the development shall be devoted to residential use.**
- (d) The approved site, excluding Public Land and any off-site easements on land of others that are part of the approved site plan, shall constitute a single lot prior to issuance of an administrative Zoning Permit.**
- (e) The proposed development shall include a minimum of two (2) Public Benefit improvements.**
- (f) Any proposed buildings must be set back a minimum of 125 feet from the Greenwich Avenue right-of-way, and located outside the CGBR Zone.**
- (g) The new PUBLIC PARKING shall be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO Zone boundary;**
- (h) The PUBLIC OUTDOOR AMENITY SPACE shall be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO Zone boundary, on land owned by the Town of Greenwich, or on land or other recognized real property interest that can be conveyed to the Town of Greenwich.**

**(4) Uses.**

- (a) Permitted uses shall be the same as for the underlying zone.**

- (b) PUBLIC PARKING is a permitted use.
  - (c) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3b uses may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and a Site Plan approval have been granted by the Commission.
- (5) Parking and Loading Facilities. Parking and loading spaces shall be provided in accordance with Division 15 -of these regulations. All parking spaces may be located within a garage.
- (6) Modification of area, height and bulk area requirements. Notwithstanding other applicable provisions of the Building Zone Regulations, upon request by the applicant, the Commission may, by Special Permit, authorize one or more modifications to the area, height, and bulk standards set forth in Section 6-205(b) for the underlying zone, upon a determination that the proposed Public Benefit provided to qualify for the zoning incentive meets a) the applicable standards/of Section 6-17d, and b) the objectives set forth in Section 6-115.1A., and Section 6-115.1.1 (1) of these regulations. Any authorized increase in maximum building height shall not result in a total building height that exceeds the number of feet of the height of the tallest existing building/fronting on the same street as the principal street frontage of a building in the Zoning Tract and adjacent to, or directly across the street from a building in the Zoning Tract. See the "LIMITING FACTOR" shown on DIAGRAM 11 to these regulations. The maximum total Floor Area, Gross ("FAR") authorized for the Zoning Tract under this regulation shall not exceed 3.3 FAR.

For the proposal to be eligible for one or more modifications to the area, height, and bulk requirements in Section 6-205(b), the development plan must meet the following additional qualifying criteria, as applicable:

- (a) No new buildings or portions thereof shall be located in the CGBR Zone.
- (b) All building elevations in excess of 120 linear feet facing a public street shall be required to provide variation in its horizontal and/or vertical plane by a wall offset of a minimum of two (2) feet for a horizontal distance of at least eight (8) feet to ensure a diverse street wall facade, and to promote the pedestrian scale of the overall development.

- (c) **The proposed INDOOR COMMUNITY SPACE shall be a minimum of 3,000 square feet and accommodate not less than fifty (50) people in fixed or portable seating; be readily accessible at grade from the street or pedestrian walks; and be available for public use, by reservation approved by the building's manager, on weekdays from 9:00A.M. to 5:30P.M., for not less than fifteen (15) days of each month.**
- (d) **The proposed PUBLIC PARKING Public Benefit shall equal a minimum of 30 percent (30%) of the total proposed parking spaces in the development, with the total number of public parking spaces provided not to exceed 100 spaces. The PUBLIC PARKING must be located within the CGIO Zone, or within a half-mile (0.5 miles) of the CGIO boundary.**
- (e) **The proposed PUBLIC OUTDOOR AMENITY SPACE(s) shall comprise a minimum of 10,000 square feet with a minimum of 70 percent (70%) of pervious coverage. The PUBLIC OUTDOOR AMENITY SPACE shall be located within the CGIO Zone or within one-half (0.5) miles of the CGIO Zone boundary. A Public Outdoor Amenity Space may be provided on land owned by the Town of Greenwich, subject to review and authorization of a Municipal Improvement pursuant to CGS Section 8-23 and Section 99. of the Town Charter.**
- (f) **The proposed ENERGY-EFFICIENT DESIGN shall be comprised of improvements-that are USGBC LEED-certifiable under the most appropriate LEED building rating system, as may be amended from time to time. The Planning and Zoning Commission shall not require the applicant to apply for, or receive LEED certification as a condition of Site Plan and Special Permit approvals.**
- (g) **The proposed PUBLIC INFRASTRUCTURE IMPROVEMENTS shall be located in the CGIO Zone, or within a half-mile (0.5 miles) of its boundary.**

**Zoning Standard: Maximum Building Height.**

<b><u>Public Benefit</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>	
	<b><u>Stories</u></b>	<b><u>Feet</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>		
<b><u>5% of Total Units</u></b>	<b><u>None</u></b>	<b><u>“A” + 3 Feet</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 9 Feet</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 1 Story</u></b>	<b><u>“A” + 12 Feet</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 1 Story</u></b>	<b><u>“A” + 12 Feet</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 12 Feet and + 1 Story</u></b>
<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>None</u></b>	<b><u>“A” + 4 Feet</u></b>
<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 0.5 Stories</u></b>	<b><u>“A” + 6 Feet</u></b>

**Zoning Standard – Maximum Building Area.**

<b><u>Public Benefit(s)</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	
<b><u>5% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 30%</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 60%</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 50%</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 50%</u></b>



<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>“A” + 30%</u></b>
<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 30%</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 30%</u></b>

**Zoning Standard – Floor Area, Gross (as defined in Section 6-5(a), Definition (22) of the Building Zone Regulations).**

<b><u>Public Benefit(s)</u></b>	<b><u>Zoning Incentive (Zoning Standard of Underlying Zone “A” plus)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	
<b><u>5% of Total Units</u></b>	<b><u>“A” + 0.3</u></b>
<b><u>10% of Total Units</u></b>	<b><u>“A” + 0.6</u></b>
<b><u>15% of Total Units</u></b>	<b><u>“A” + 0.9</u></b>
<b><u>20% of Total Units</u></b>	<b><u>“A” + 1.2</u></b>
<b><u>PUBLIC PARKING</u></b>	<b><u>“A” + 1.0</u></b>
<b><u>PUBLIC OUTDOOR AMENITY SPACE</u></b>	<b><u>“A” + 1.0</u></b>
<b><u>INDOOR COMMUNITY SPACE</u></b>	<b><u>“A” + 0.1</u></b>
<b><u>ENERGY-EFFICIENT DESIGN</u></b>	<b><u>“A” + 0.3</u></b>
<b><u>PUBLIC INFRASTRUCTURE IMPROVEMENTS</u></b>	<b><u>“A” + 0.3</u></b>

**Zoning Standard - Maximum Lot Coverage. The Commission may increase the maximum lot coverage permitted in the underlying zone upon a determination that the scale of the proposed building or buildings is compatible with the surrounding uses, and sufficient landscaping and screening is provided to enhance the residential component of the development and to screen outdoor refuse, utilities such as transformers, storage and parking areas from public view pursuant to Division 17, Sections 6-179, 6-180, and 6-181 of these regulations.**

**Zoning Standard – Minimum Rear Yard Depth.**

<b><u>Public Benefit</u></b>	<b><u>Zoning Incentive (Standard in lieu of Zoning Standard of underlying zone)</u></b>
<b><u>AFFORDABLE HOUSING UNITS</u></b>	<b><u>3.5 Feet + 1 inch for each one (1) Foot of Building Height</u></b>

- (7) **Affordability Plan. An Application for Special Permit for a development that includes Affordable Housing, with Affordable Housing Units as one of the Public Benefits offered shall, at time of Final Site Plan Application, include an Affordability Plan that complies with the requirements of CGS Section 8-30g(b), in effect as of the time of application.**
- (8) **Review Procedure. A development proposal made pursuant to this regulation shall require Site Plan and Special Permit review and approval by the Planning and Zoning Commission pursuant to Sections 6-13 through 6-15, and Section 6-17 of these regulations. See Section 6-115.1. (C) of these regulations for review procedures and application requirements.**
- (9) **Following Approval.**
- (a) **Prior to the submission of construction documents for an administrative Zoning Permit, the applicant shall submit a design affidavit from the architect of record confirming that the planned improvements, as designed, meet the criteria of the USGBC LEED rating system(s) identified by the applicant in its Final Site Plan and Special Permit Applications and approved by the Planning and Zoning Commission as an ENERGY-EFFICIENT DESIGN Public Benefit.**
- (b) **The developer, owner, or manager of the Affordable Housing units shall provide an annual certification to the Planning and Zoning Commission or its designated agent of continuing compliance with the Affordability Plan.**

ADD NEW DIAGRAM 11 (as found on file in the Planning and Zoning Office)

7. **Planning and Zoning Staff**; application PLPZ 2017 00541, for a text amendment, to amend Sections 6-2, 6-5(a), 6-107, 6-158 of the Town's Building Zone Regulations as it pertains to properties in the Waterfront Business (WB) Zone and add Diagrams 12 through 17 as recommended by the WB Zone Study with the core objectives of the proposed text amendments to provide incentives for enhanced public access to the water by requiring water dependent uses and by allowing, under Special Permit, non-water-dependent uses. The language is proposed to be amended as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (*Staff: PL*) (*Must open by 1/13/2018*) (*Maximum extension to open available to 3/19/2018*)

AMEND Sec. 6-2. CLASSES OF ZONES.

[Thirty-three (33)] **Thirty-five (35)** classes of zones are established:

CLASSES OF ZONES

[WB. Waterfront Business]  
**WB-1. Waterfront Business – Byram**  
**WB-2. Waterfront Business – Steamboat Road**  
**WB-3. Waterfront Business – River Road and Sound Shore Drive**

AMEND Sec. 6-5(a)

**(40.1) Public Waterfront Access shall mean a safe and unobstructed access to and along the dry, nontidal or nonsubmerged shore areas for all members of the public in order to provide a continuous public access system to and along the waterfront and/or public rights-of-way. Such access shall be in the form of a permanent easement or other form of conveyance acceptable to the Town of Greenwich.**

[(40.1)] **(40.2) Rear Lot** shall mean a lot whose frontage on a street is as defined in Sec. 6-131.

[(40.2)] **(40.3) Recreational Facility**: shall mean a commercial establishment or use where indoor or outdoor passive or active recreation activity is conducted including but not limited to batting cages, miniature golf, skate parks, ice-skating rinks, swimming pools, golf courses, bowling alleys, tennis and other sports facilities.

AMEND Sec. 6-100 USE GROUPS FOR BUSINESS ZONES.

ADD under Use Group 7a Water Dependent Uses

**Public Waterfront Access**

ADD **Use Group 7c Water Enhanced Uses**

**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 maximize the opportunity for public access to and enjoyment of waterfront areas without conflicting with viable existing water-dependent uses.**

**Restaurants, other than drive-ins**  
**Retail Food Establishments**  
**Hotels**  
**Seasonal Farm Stands**  
**Office Uses**  
**Multi-Family Dwelling**

AMEND

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

(a) Statement of Policy and Purposes

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] **Zones** 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, **encouraging land uses that maximize opportunities for public access**, while protecting natural resources

(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) **To enhance public access to and enjoyment of the water by encouraging land uses that maximize opportunities for public access without conflicting with viable water-dependent uses.**

(b) Permitted Uses:

[Use Group 7]

**Use Group 7a and 7b**

**The following Use Group 7c uses are permitted in the WB-1 subject to the special permit conditions specified in Section Sec. 6-107(d):**

**Restaurants, other than drive-ins**  
**Retail Food Establishments**  
**Seasonal Farm Stands**

**Multi-Family Dwellings**

**The following Use Group 7c uses are permitted in the WB-2 subject to the special permit conditions specified in Section Sec. 6-107(d):**

**Restaurants, other than drive-ins**

**Hotels**

**Office Uses**

**Multi-Family Dwellings, permitted on upper stories only**

**The following Use Group 7c uses are permitted in the WB-3 subject to the special permit conditions specified in Sec. 6-107(d):**

**Restaurants, other than drive-ins**

**Retail Food Establishments**

**Seasonal Farm Stands**

**Office Uses, permitted on upper stories only**

**Multi-Family Dwellings, permitted on upper stories only**

(c) Special Requirements:

(10) **Sites shall be designed in a manner that preserves the visual quality of vistas and view sheds from both the water and public right-of-way. See diagram 11. When assessing impacts to vistas and view sheds, the Commission shall take into consideration the following:**

(a) **Presence of and locations of public access easements**

(b) **The size and height of buildings**

(c) **Locations and orientation of buildings, surface parking areas, and site landscape features relative to the water**

(d) **Coastal resources within the view shed, including tidal rivers, streams and creeks, wetlands and marshes, intertidal mudflats, beaches and dunes, bluffs and headlands, islands, rocky shorefronts, and adjacent shoreland areas**

(d) **Special Permit Conditions for Use Group 7c:**

**The following special permit conditions shall apply to all Use Group 7c uses:**

(1) **Public waterfront access shall be ensured through the dedication of a permanent public waterfront access easement or other acceptable instrument. The easement shall encompass the area of land extending from the mean high water mark to a point at least fifteen feet inland, subject to the discretion of the Commission.**

- (a) The easement shall be wide enough to accommodate a ten-foot-wide walkway as well as necessary screening and fencing so as to ensure public safety and security for upland uses. See Diagram 12.
  - (b) The public waterfront access easement shall connect to all public waterfront access easements on adjacent properties. See Diagram 12.
  - (c) The public waterfront access easement shall extend along the entire waterfront of the site. See Diagram 12.
- (2) The Commission, in its discretion, may modify the size or layout of a public waterfront access easement under the following conditions:
- (a) If safe, unobstructed waterfront improvements cannot be reasonably built within a fifteen-foot easement due to physical, site, or environmental conditions including but not limited to presence of steep terrain, exposed bedrock, coastal wetlands, or utilities. See Diagram 13.
  - (b) If, due to the nature of the upland use, a wider buffer is needed between the public waterfront access and upland areas in order to protect the health, safety, and welfare of the public and ensure tenant security. See Diagram 13.
- (3) The Commission shall require the dedication of a ten foot permanent public accessway easement or other acceptable instrument that connects the public waterfront access easement to the public right-of-way. The easement shall be wide enough to accommodate an eight-foot-wide walkway. The Commission, in its discretion, may waive the public accessway easement requirement if it finds that there is another accessway within a reasonable distance. See Diagram 12. In determining whether to waive the public accessway easement requirement, the Commission shall consider the following:
- (a) Distance to other public accessways
  - (b) Connectivity to other public accessways and waterfront walkways
  - (c) Presence of and locations of dedicated public access parking spaces
  - (d) Sidewalk connectivity
  - (e) Physical, site, or environmental conditions including but not limited to presence of steep

**terrain, exposed bedrock, coastal wetlands, or utilities**

- (4) **In order to ensure public safety and tenant security, property owners shall be permitted to establish reasonable rules governing permitted and prohibited recreational uses on their property, inclusive of all easements, as well as reasonable time-of-day restrictions (e.g. open dawn to dusk) as established in the Town of Greenwich Park Rules**
- (5) **All public waterfront access points shall contain uniform signage indicating the area is open to the public. Public waterfront access signage shall meet the following criteria:**
  - (a) **All Public Access signs shall abide by the design criteria as shown in the CT DEEP Coastal Public Access Sign Catalog. These signs are available from the CT DEEP for a nominal production fee. See Diagram 14.**
  - (b) **All signs shall be placed in an area that is clearly visible from the public right-of-way**
- (6) **Public waterfront access signage may also include the following items:**
  - (a) **Hours of operation (e.g. dawn to dusk)**
  - (b) **Directional arrows**
  - (c) **Types of recreation permitted**
  - (d) **Prohibited activities**
- (7) **Public Access Parking Requirement. Since many residents do not live within walking distance to the water, public parking is necessary for maximizing the utility of public waterfront access points.**
  - (a) **One public access parking space shall be required if the total minimum parking requirement for a site is 30 spaces or less. Two public access parking spaces shall be required if the total minimum parking requirement for a site is greater than 30 spaces.**
  - (b) **Each dedicated public access parking space shall be clearly signed and demarcated as reserved for public access use**
  - (c) **Public access parking spaces shall not count towards the minimum parking requirement**
- (8) **Special Conditions for Multi-Family Dwellings**

- (a) All multi-family residential developments shall have a minimum lot size of 20,000 square feet
  - (b) Multi-family residential developments shall use the parking standards from Sec. 6-155
  - (c) The net density for a multi-family residential development in the WB zone shall not exceed 1 dwelling unit per 4,200 square feet of lot area.
- (e) Design Standards for Waterfront Public Access Improvements  
The purpose of this section is to establish design standards for public waterfront access improvements in order to ensure that these areas are cohesive across many development sites. Property owners who make improvements that meet the design standards may be granted a development incentive as specified in Sec. 6-107(f)
- (1) Waterfront improvements shall be accessible to the public and shall be located within a public access easement.
  - (2) A waterfront walkway at least ten feet in width shall be provided. See Diagram 15. The walkway:
    - (a) Shall extend along the entirety of the public waterfront access easement. See Diagram 15.
    - (b) Shall be constructed of high-quality materials that are cohesive with public waterfront improvements on abutting properties so as to create a unified waterfront. See Diagram 15.
    - (c) Shall provide unobstructed access to public waterfront improvements on abutting properties. See Diagram 15.
    - (d) A vegetative buffer, fencing, or screening may be provided between the waterfront walkway and upland land uses in a manner necessary to ensure public safety and tenant security. See Diagram 15.
    - (e) If a public accessway easement is present on the site, a walkway at least eight feet in width shall be required. The walkway:
      - i. Shall be made of the same materials as the waterfront walkway.
      - ii. Shall extend to a public street or right-of-way in a manner providing safe and convenient public access to the waterfront.
      - iii. Shall be exempt from the coverage



calculation.

- (f) Development Incentives for Waterfront Public Access Improvements  
Property owners who make public waterfront access improvements  
may be granted a development incentive subject to the following  
conditions:
- (1) Multi-family residential developments that satisfy the public  
waterfront access improvement design standards specified in Sec.  
6-107(e), may be granted the following development incentives, in  
the discretion of the Commission:
- (a) The maximum permitted floor-area-ratio (FAR) for  
residential developments may be increased from 0.5 to  
0.7
- (b) The maximum number of stories for residential  
buildings may be increased from 2.5 stories to 3  
stories and the maximum height may be increased  
from 30 feet to 35 feet
- (c) The net density for a multi-family residential  
development shall not exceed 1 dwelling unit per 4,200  
square feet of lot area.
- (2) Developments that satisfy the public waterfront access  
improvement design standards specified in Sec. 6-107(e), may be  
granted the following development incentive, in the discretion of  
the Commission:
- (a) Up to 25 percent of the minimum parking requirement  
can be satisfied by off-site parking under the following  
conditions:
- i. The off-site parking area must have  
adequate entrances and exits and be on  
property under the same ownership as the  
site, with the nearest entrance within one-  
thousand feet of the main entrance of the  
building.
- ii. Employees of the building's occupants  
shall be required to use such available  
parking, leaving on-site parking for  
patron and customer use.
- iii. Residential uses are not eligible for the  
off-site parking allowance.

Amend Sec. 6-158. CUSTOMER OR PATRON PARKING; REQUIRED SPACES.



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

**(10) Any construction or alteration of structure(s) within an HO zone.**

REMOVE SECTIONS 6-109 and 6-109.1 as currently written and REPLACE  
Sec. 6-109 as follows:

**Sec. 6-109 HISTORIC OVERLAY ZONE (HO)**

(a) **Purposes**

**The purpose of a Historic Overlay Zone (“HO”) is to encourage the restoration, preservation, protection, enhancement, perpetuation and use of buildings and structures (hereinafter called “structures”) having historical or aesthetic value which represent or reflect elements of the Town’s cultural, social, economic, political and architectural history. 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 character. This overlay zone does not imply or result in the establishment of an historic district as detailed in Section 7-147a-1 of the General Statutes.**

(b) **Procedure**

- 1) **To create an HO zone requires approval from the Planning and Zoning Commission for a zone change. Any accompanying improvements to the property in an HO zone require a site plan and special permit application, which may be made by the Owner of the structure and its site or 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.**
- 2) **Application to request a zone change and/or site plan and special permit shall include the following additional materials to those noted under Section 6-14:**
  - (A) **A written Report noting the historic significance of the proposed property for rezoning and the rationale as to why the application should be granted. The report shall include the following:**
    - i. **A brief history of the property and structures including historical significance and/or historic events either local and regional or persons**

- associated with the property. A general description of the building(s) on the property listed according to their known or estimated ages and their associated ownership history.
- ii. Any relevant construction history including a chronology of original and subsequent alterations, any historical documentation (letters, diaries, vouchers, newspaper articles), physical investigation as necessary to clarify which construction events are historic (analysis of paint layers relative to construction events).
  - iii. A description of the architecture including all exterior features and materials that are character-defining and therefore significant, and which are intended for preservation in the course of project work.
  - iv. A description of the existing conditions including any damage, structural problems, materials deterioration and a description of the proposed priority for repair/stabilization. A description of the general and periodic maintenance proposed, recognizing that deferred maintenance is not an option for historic resources.
  - v. An archeological assessment may be required depending on the nature of the property, its site and setting.
  - vi. All proposed work and the preservation objectives.
  - vii. All support documentation specifically photographs.
- (B) Information as to the proposed use and density of the property.
- (C) Specific architectural and landscape plans showing how the building or buildings on said property will be preserved. No Certificate of Occupancy will be issued until the architectural and landscape plans have been satisfactorily completed pursuant to Section 6-16.1 of these Regulations.
- 3) In acting upon any rezoning, site plan or special permit, 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 Historic District Commission, the Greenwich Historical Society and the Architectural Review Committee.

- 4) Within sixty-five days after the closing of the Public Hearing, the Commission may approve the application for rezoning, special permit and site plan review if the Commission finds that Sections 6-13 through 6-17 and 6-109(c) of these Regulations are met.
- 5) If the Commission finds that the standards of Section 6-109(c) of these Regulations 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.
- 6) No alteration of the exterior from that shown in the architectural plans or addition resulting in an increase in floor area will be permitted unless reapplication for a special permit and site plan review is made.
- 7) 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.
- 8) 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.
- 9) Any new construction 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 if required by the Planning and Zoning Commission.
- 10) As a condition of a Special Permit approval, the Owner shall grant a perpetual Declaration of Preservation Restriction pursuant to Connecticut General Statutes Section 47-42 a-c, enforceable by both the Historic District Commission and the Planning and Zoning of the Town of Greenwich, which shall provide for, among other things, the right of the holder of the

restriction 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. A draft Declaration of Preservation Restrictions shall be provided with any application.

- 11) The Commission encourages property owners to seek designation of historic significance from local, state or federal organizations and to display appropriate historic plaques.

(c) Standards

When considering an application for an HO Zone, for preservation, restoration, rehabilitation or adaptive re-use, the property and its contributing structure or structures must have been existence prior to 1940, be architecturally or historically notable, and must meet the standards of Section 6-15 and Section 6-17 of these regulations. Furthermore, in determining whether to grant an HO, the Planning and Zoning Commission shall take into consideration the public health, safety and general welfare of the general public, and whether the applicant has met the following specific standards:

- 1) The property, inclusive of structure or structures (hereafter referred to as "property") must possess integrity of location, design, setting, materials, and workmanship.
  - A. The property must embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master. It must possess high artistic values and represent significant distinguishable components that have yielded, or may be likely to yield, information important in prehistory or history; The property may be a unique estate setting significant to the Town's history and worthy of preservation, and/or be associated with events that have made a significant contribution to the broad patterns of our history; and/or be associated with the lives of persons significant in our past.
- 2) The property must be used as it was historically, or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- 3) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- 4) Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of

- historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.
- 5) Changes to a property that have acquired historic significance in their own right must be retained and preserved.
  - 6) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.
  - 7) Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
  - 8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
  - 9) Archeological resources must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.
  - 10) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work must be differentiated from the old and must be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

(d) Incentives

To provide incentives to protect historic resources, the Planning and Zoning Commission may allow the following modifications of the Building Zone Regulations, subject to a site plan and special permit application and provided that the property is re-zoned to an HO, pursuant to the procedures noted in Section 6-109(b):

- 1) For structures on sites in the business zone, the Planning and Zoning 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.

- 2) For structures on sites in the business zone greater than 20 acres, the Planning and Zoning Commission may authorize Use Group 2b or 2c Uses in proposed new construction 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.
- 3) For structures on sites in the RA-4, RA-2, RA-1, R-20, R-12, R-7 and the R-6 residential zones, the Planning and Zoning Commission may authorize additional dwelling units in existing buildings or structures and/or in new construction that is complementary and secondary to the historic structure(s), 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 1.50 in the RA-4, RA-2, RA-1, R-20, R-12 zones and by 1.2 in the R-7 and the R-6 residential zones. The Commission may consider any fraction of a unit as a whole unit. The difference between density permitted in the underlying zone and density permitted using the multiplier, is the number of bonus units. The Commission may also modify setbacks and/or green area requirements.
  - (A) When bonus units are proposed within the historic structures, or where bonus units would create developments without lot division lines, the Planning and Zoning Commission, after consultation from the Historic District Commission, shall determine neighborhood appropriateness based on:
    - i. the number and proximity of single family detached dwellings;
    - ii. the visible impact on the streetscape;
    - iii. the number, character and proximity of other uses;
    - iv. the amount and location of undeveloped land in the vicinity and the relationship of proposed development to the pattern of existing open space in the area;
    - v. the proximity of other zones either more or less restrictive; and
    - vi. other standards provided in this article and the standards contained in Sections 6-15 and 6-17.



- (B) If the HO zone includes property or properties more than or equal to 5 acres in the R-7, R-12, and R-20 zones or more than or equal to 10 acres in the RA-1, RA-2, and RA-4 zones, unless the Commission pursuant to Section 6-23(c) finds a smaller area to be appropriate, the HO shall be designed as a conservation zone pursuant to Division 3 of the regulations. In these instances, bonuses permitted under Section 6-29 would apply. In these instances, a site rezoned by the Commission to a Conservation Subdivision and an HO shall continue to bear the designation noted under Section 6-25 with the initials HO appended to indicate the Historic Overlay Zone.**
- 4) For structures on sites in residential zones not more than 1,000 feet from a business zone boundary line, the Planning and Zoning Commission may authorize all uses permitted by right, or special exception for the most restrictive contiguous residential zone, or Office Uses. Permitted accessory uses are also permitted with the exception of the office of a resident professional person (Sec. 6-95(a)(1)). Parking requirements shall be as detailed in Division 15 of the Regulations. Parking in a front yard shall be discouraged. 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.**
- 5) For religious institutions existing as of the effective date of this amendment that are located in the CGIO Zone, the Planning and Zoning Commission may authorize, an FAR not to exceed 1.0. Further the Commission may authorize an increase in the number of stories, not to exceed four (excluding basements), and a building height not to exceed 50 feet.**
- 6) The Commission may allow for the inclusion of the area of a privately owned road as part of lot area. Further, the Commission may allow for the treatment as a single lot for parcels that would be contiguous but for the separation by a privately owned road.**
- (e) Alterations and Additions**
- 1) 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 Planning and Zoning Commission**

- pursuant to Section 6-17 and 6-109. 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 6-109(c). Comments shall be obtained from the Historic District Commission prior to any action by the Planning and Zoning Commission.
- 2) 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 provided that a certificate of appropriateness is issued by the Historic District Commission.
  - 3) The requirement Section (e) 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.
  - 4) Nothing in this regulation shall be construed to prevent the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic.
- (f) Removal, Alteration, Modification or Addition Without a Special Permit.
- 1) 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 or if it is demolished by neglect, 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**

9. **Planning and Zoning Staff;** application PLPZ 2017 00572, for a text amendment, to delete Section 6-17.2 PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS in its entirety as follows (Text in [brackets] to be deleted): (*Staff: KD*) (*Must open by 2/3/2018*) (*Maximum extension to open available to 4/9/2018*)

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

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

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

Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity. For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)

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

10. **Planning and Zoning Staff;** application PLPZ 2017 00545, for a text amendment, to amend Section 6-98 USE REGULATIONS FOR R-6 ZONE of the Town's Building Zone regulations as follows (Text in **Bold Underscored** to be added. Text in [brackets] to be deleted): (*Staff: MK*) (*Must open by 1/13/2018*) (*Maximum extension to open available to 3/19/2018*)

AMEND Sec. 6-98. USE REGULATIONS FOR R-6.

- (a) The following principal uses are permitted and all other principal uses are expressly excluded in the R-6 (6/1/2017)
  - (1) All uses permitted in R-7 zones. (4/14/2010)

- (2) Additions or renovations to existing [single-family,] two-family or multi-family dwellings, **if** [If] such [alterations] **additions or renovations** do not require a zoning variance, do not increase the number of residential units or bedrooms, and do not affect [the number of required] off-street parking spaces. [, they shall be considered “minor” and subject to administrative site plan review only, subject to the provisions of Sec. 6-14. All other alterations not considered “minor” as described above shall require site plan approval from the Planning and Zoning Commission. (6/1/2017)]
- (3) **Administrative site plan approval is required on** [On] lots of 7,500 square feet or larger **for:**
- (A) New two-family dwellings**
  - (B) Change of use for the conversion from a single-family dwelling to a two-family dwelling**
  - (C) Additions or alterations to a single-family dwelling to create a two-family dwelling**
  - (D) Additions or alterations to an existing two-family dwelling that either require a zoning variance or increases the off-street parking demand.**
- (4) The following uses are permitted as Special Permit uses when the Planning and Zoning Commission determines that such uses are appropriate to the neighborhood, having consideration for the number and proximity of single family dwellings and two-family dwellings, for the number, character, and proximity of other uses, for the amount and location of undeveloped land in the vicinity and the relationship of such land to the pattern of open space in the neighborhood development scheme, and for the proximity to other zones, either more or less restrictive and other standards provided in this Article and the Standards contained in Sections 6-15 and 6-17. (6/16/87; 3/2/2012)
- (A) For lots of less than 7,500 square feet or where the use of cross easements is required for site access, circulation or drainage, the building of a two-family dwelling, conversion from a single family to a two- family dwelling, or addition or alteration to a single family dwelling to create a two-family dwelling.
  - (B)** 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.
    - (a)** 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]

**(b) The** lot on which such a conversion is approved shall comply with the minimum lot area of the R-6 zone in which the property is located and may not be diminished in size now or in the future. (6/1/2017))

**(C) [(B)]** Boarding and Rooming Houses.

**(5) [(C)]** For two-family dwellings, the] **The** minimum Green Area Requirement is 35% for **single family dwellings and two-family dwellings.**

**(6) [ and the] The** total ground floor area of all building area and structures shall occupy no more than 30% of the gross lot area **for two-family dwellings.** (6/1/2017)

[(D) For single-family dwellings, the minimum Green Area Requirement is 35%.]

11. **R.F.K. Greenwich Enterprises, Inc.;** applications PLPZ 2017 00443 and PLPZ 2017 00444, for a final coastal site plan and special permit, to construct an 855 sq. ft. addition expanding the second floor above the south “porch” of Building #3 to increase the space of the cardio training area on a 5.5-acre property located at 49 River Road in the WB zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri)
12. **CRK, LLC;** application PLPZ 2017 00435, for a zoning map amendment, to re-zone a property from the R-7 to the HRO zone, (as shown on a re-zoning map on file in the Town Clerk’s office) for property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri)
13. **CRK, LLC;** applications PLPZ 2017 00433 and PLPZ 2017 00434, for a final coastal site plan and special permit, to retain the existing building and construct an addition to the building for four (4) squash courts, employee housing on the third floor of the existing building, and the continuation of the basement apartment for employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (**Must close by 12/14/2017**) (Maximum extension available to 2/17/2018) (Continued from the 11/9/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri)

## REGULAR MEETING CONTINUED

14. **DISCUSSION ITEMS:**
15. **DECISION ITEMS:**

16. **APPROVAL OF MINUTES:**

17. **OTHER:**

- a. Executive Session on pending litigation or personnel matters.
- b. Other items as may properly come before the Commission.

**APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON  
SUBSEQUENT MEETINGS:**

**Bianca 121 LLC**; applications PLPZ 2017 00363 and PLPZ 2017 00364, for a final site plan and special permit, for building additions and modifications to expand the 2nd and 3rd floor residential dwelling units, roof garden terrace and façade improvements to the building on a 6,250 SF property located at 121 Greenwich Avenue in the CGBR zone. *(Staff: MK) (Must close by 1/11/2018) (Maximum extension to close granted to 1/11/18) (Continued from the 10/3/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Yeskey [for Fox], and Macri)*

**330 Railroad Avenue, LLC**, application PLPZ 2017 00468, for a zoning text amendment, to amend Section 6-167(a) “Height Restrictions” under Division 16. “Signs”, of the Town of Greenwich Building Zone Regulations as follows: (Text in **bold** to be added, text in ~~striketrough~~ to be removed) *(Staff: MK) (Must close by 1/25/2018) (Maximum extension to close granted to 1/25/2018) (Continued from the 10/17/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Postponed at the 11/30/2017 meeting)*

Sec. 6-167. HEIGHT RESTRICTIONS.

(a) Free-standing signs, including posts, **when located outside the required front and street side yard**, shall not exceed a height of ten (10) feet in a residential zone, **and** ~~or~~ fifteen (15) feet overall in a business zone above the surface of the ground where located. ~~There shall be a clear space underneath a free-standing sign~~ **free-standing signs, including posts, when** located within the required front ~~or street side yard in a business zone so that the sign will not interfere with the vision of a driver approaching a~~ **and street intersection. Side yard shall:**

1. **not exceed a height of six (6) feet and shall be located so as to comply with Sections 6-126, 6-166(b) and Section 6-167 of the Town of Greenwich Building Zone Regulations and the DPW Roadway Design Manual of all driveways on the property and at all street intersections adjacent to the property; or**

2. **not exceed a height of fifteen (15) feet and have** ~~The clear space~~ **beneath the sign of shall be** at least seven (7) feet four (4) inches; measured above the center line of the intersecting street as measured in Section 6-126, to the bottom of the sign.

**Sight distances at all driveways and intersections adjoin the property and sign location on the property must be shown on a plan prepared by an Engineer certified in the State of Connecticut and provided to any reviewing Agency or Department to confirm compliance with Sections 6-126, 6-166(b) and this Section 6-167 of the Town of Greenwich Building Zone Regulations. Said plans must include the statement:**

**“The sight lines, sign distances and sign location shown here complies with the standards contained in the Town of Greenwich Roadway Design Manual and Standard Construction Details prepared by the Engineering Division of the Department of Public Works and with the standards of Sections 6-126, 6-166(b) and 6-167 of the Town of Greenwich Building Zone Regulations.”**

(b) Window and wall signs shall not exceed four (4) feet in height.

**Timothy P. Palmer, Trustee, et al;** application PLPZ 2017 00527 for a final coastal site plan to construct a new 5,004 sq. ft. dwelling and pool within 100 feet of coastal resources on a 22,250 sq. ft. property located at 73 Willowmere Circle in the R-20 zone. *(Staff: MA) (Must decide by 1/13/2018) (Maximum extension available to 3/19/2018) (Postponed at the 11/30/2017 meeting)*

**37 Day Road LLC;** applications PLPZ 2017 00476 and PLPZ 2017 00477, for a final site plan and special permit, to remove and replace the existing pool and pool patio, reconstruct the existing cabana, and construct a new patio to the south of the existing residence the result of which would further exceed the 150,000 cubic feet threshold on a 5.09-acres property located at 37 Day Road in the RA-4 zone. *(Staff: MK) (Must open by 2/10/2018) (Maximum extension to open granted to 2/10/2018) (Postponed at the 11/30/2017 meeting)*

**Greenwich Center for Hope & Renewal, and the Stanwich Congregational Church;** applications PLPZ 2017 00460 and PLPZ 2017 00461, for a final site plan and special permit, for approval to permit the use of the former Stanwich Church property at 237 Taconic Road by a charitable institution providing faith-based counseling services on a 0.66-acre property located at 237 Taconic Road in the RA-4 zone. *(Staff: MK) (Must close by 3/10/2018) (Maximum extension to close granted to 3/10/2018) (Continued from the 11/30/17 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*