

## DIVISION 2. ADMINISTRATIVE PROVISIONS.<sup>2</sup>

### Sec. 6-5. DEFINITIONS.

(a) As used in this Article:

- (1) Addition shall mean any alteration in a building which increases its size, height, or roof area.
- (2) Alteration shall mean any change in the use or location of walls, supports, shape, columns, beams or girders in a structure.
- (2.1) Animal day care establishments are not permitted in any residential zone nor the retail zones of the CGBR and LBR zones, but are allowed in the LB, CGB, GB and GBO zones subject to site plan and special permit approvals, and licensing from the state. Animal Grooming facilities are not permitted in the CGBR zone, but are permitted in the LBR, LB, CGB, GB and GBO zones. These facilities are not considered kennels, but may require licensing from the state or local Health Dept. (4/14/2010)
- (2.2) Attic. An attic is the space between the top of the ceiling joists of the top story and the bottom of the roof rafters. (4/14/2010)
- (3) Awning shall mean a cover, moveable or fixed, projecting from a building and supported only by attachment to the building.
- (3.1) Bank shall mean a financial service business that primarily provides person to person retail banking services at that location including cash deposits and withdrawals using tellers and secondarily other banking services including personal business and mortgage loans and other financial services and is chartered and/or licensed as a bank by an agency of the Federal Government or Connecticut Department of Banking. Bank locations are subject to site plan and special permit approval from the Planning and Zoning Commission. (4/14/2010; 9/28/2010)
- (3.2) Bank Drive In shall mean any physical structure, manned or non-manned (automatic teller machine), where retail banking services and related financial business is transacted from within one's vehicle. A Bank Drive In is permitted only as an accessory use to a principal bank use and structure on the same site and is subject to site plan and special permit approvals from the Planning and Zoning Commission. The terms drive-in, drive-up and drive thru, and similar variations shall be synonymous. (4/14/2010)
- (3.3) Basement. A basement is that portion of a building that is partly or completely below grade plane. (8/1/2017)
- (4) Boarding House shall mean a dwelling in which meals, or rooms and meals are provided for compensation for five (5) or more persons other than the members of the family of the proprietor. A Boarding House shall not include a Group Living Facility. (2/25/88)
- (5) Building shall mean any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or any other property. (5/4/2005)
- (6) Building Accessory or Accessory Use shall mean, in a residential zone, any accessory building or use which is subordinate and customarily incidental to the principal building or use on the same lot. In a commercial zone, shall mean any accessory building, including shipping containers or other structure customarily incidental to the principal building or use on the same lot. (5/4/2005)

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

- (7) Building Areas shall mean that portion of a lot which may be occupied by buildings. For purposes of this sub-section, buildings shall be measured to the outermost limit of any portion of the building, including but not limited to any projecting overhang of the roof excluding the first two feet. (5/10/2000, 3/2/2012)
- (A) That portion of the area of a building or structure whose roof is treated as ground surface (planted or paved) and is entirely below the elevation of the adjacent grade by at least 3 feet of friable fill, as it was prior to any construction or re-grading shall not be included in lot coverage or Green Area Requirement. (3/2/2012)
- (B) That portion of the area of a structure or building whose floor is below the average established grade of the street curb in front of the building shall not be included in building coverage nor included in the floor area and may encroach within the required setbacks if it complies with all of the following conditions:
1. At least 75% of the roof surface of such structure or building shall have sufficient earth to support natural vegetation and be planted with grass, ground cover or shrubs.
  2. The maximum grade of said roof shall not exceed one foot of rise to three feet of run.
  3. The maximum height of any wall of said structure within a required setback shall not exceed 30 inches above the grade at all street curbs at any point, except that cross walls starting from said maximum 30 inch height may follow the slope of an earth covered roof.
  4. A below grade structure shall not affect the computation of building height, except that the roof surface may be considered finished ground surface if it complies with all the provisions of the building height definition of these regulations.
- This provision shall not apply to structures or buildings which have been granted site plan approval by the Commission prior to May 18, 1976. (5/10/2000)
- (8) Building Frontage shall mean the overall dimension of the building most nearly parallel to a street, measured parallel to the street.
- (9) Building Height is the vertical distance measured from the grade plane to the highest point of the roof. See Diagram No. 1 (4/30/2002, 8/1/2017)
- (10) Café shall mean an establishment which is conducted and is held out to the public as one in which the principal item offered for sale for consumption on the premises is alcoholic liquor and which does not conduct itself and hold itself out to the public as a restaurant. (The café liquor permit class has been eliminated as a permitted use as of November 17, 1997; see Sec. 6-194).
- (10.1) **DELETED** (9/20/13) Left Intentionally Blank.
- (10.2) Carport shall mean an enclosed structure or portion of a structure for use as a covered parking area. If the carport is part of a principal structure it may have one (1) or two (2) walls in common with that structure. If the carport is an accessory structure it may not have any walls exceeding 18 inches in height as measured from existing grade. Garage doors are not permitted in any case. Aesthetic enclosure of required structural columns may not exceed eighteen inches (18) in width. Lattice screening must have a minimum of fifty percent (50%) of its surface area open. (11/25/2008)
- (11) Commercial Nursery shall mean a place where plant material such as trees, shrubs, flowers, and other plants are grown for sale and permitted to be installed and maintained off site. It may sell on site (i) items directly related to care and maintenance of the plant material such as fertilizer, mulch, garden tools and accessories (ii) seasonally appropriate holiday items such as wreaths and pumpkins; and (iii) small accessory locally made items such as honey, jams and eggs. (10/17/2017)

- (11.1) Congregate Housing means a form of residential environment consisting of independent living assisted by congregate meals, housekeeping and personal services, for persons sixty-two years old or older. (6/17/83)
- (11.2) A Continuing Care Retirement Community shall mean the combination on the same site of a nursing home and a residential facility for the elderly (62 years of age or older) that by contract offers shared meals, housekeeping, emergency call systems, other social supports and at least two (2) health related benefits, one of which shall be priority access to the nursing home without regard to source of payment. Other health related benefits include health care provided by the nursing home or by a home health care agency as defined in C.G.S. 19a-490, or the services of any licensed health professional on a regular, on-going basis, either on staff or on contract. The essential characteristics of a congregate community for the elderly are to provide home health care, intermediate and skilled nursing care in addition to housing, meals and other personal services. (4/2/91)
- (11.3) Corner Lot shall mean a lot, other than a rear lot or a through lot with at least two adjacent sides one of which meets the minimum lot frontage requirement of a zoning district on a street and the other side which abuts a street for a minimum of twenty (20) feet. See Diagram No. 10. (4/19/2006)
- (12) Court shall mean an unoccupied open space, other than a yard, on the same lot with a building which is bounded on two or more sides by the walls of such building. An outer court extends to a street line or opens upon a front, side or rear yard. An inner court is enclosed on all sides by the walls of a building or by lot lines on which the building walls are permitted.
- (12.1) Covered Porches including gazebos, pool houses, pergolas (open air structure on at least 2 sides) to be distinguished from carports. (9/28/2010)
- (12.2) Crawl Space. That portion of a building located below the first floor and which is less than five (5) feet in height between the inside finished grade in a building and the bottom of the floor joists of the first floor above the crawl space. (4/30/2002; 9/28/2010)
- (12.3) Deck shall mean a constructed platform other than a patio that may be attached to a building and be supported by the building and/or the ground. A deck does not have a roof and is not enclosed. (4/19/2006; 9/28/2010)
- (12.4) Dock and port facilities shall mean a place where a watercraft can dock so that passengers can embark and disembark appropriately or, in case of cargo ships, load or unload goods. (1/30/2019)
- (13) Drive-in Restaurant shall mean an establishment which serves food and non-alcoholic drinks from a counter either inside or outside a building primarily, but not exclusively, for consumption in automobiles parked on the premises for such purpose.
- (13.1) Drive In, Drive Thru Establishments – Conversion from one Drive thru – Drive in establishment to another type of Drive thru establishment requires site plan and special permit approval. This includes Fast Food establishments, banks and other types of uses with drive ups. (4/14/2010)
- (14) Dwelling, Attached shall mean a dwelling unit which is joined to another dwelling unit at one (1) or more points or by a party wall or walls.
- (15) Dwelling, One Family shall mean detached building containing only one (1) dwelling unit.
- (16) Dwelling, Two-Family shall mean a detached building containing only two (2) dwelling units.
- (17) Dwelling Group shall mean two (2) or more principal buildings each one of which contains one or more dwelling units on a lot. (5/4/2005)

- (18) Dwelling Unit shall mean one or more rooms in a structure which room or rooms is (are) arranged, designed, used or altered for one family, said room or rooms containing a kitchen and a bathroom with bathtub and/or a shower, a toilet and sink. (10/03/2001)
- (19) Dwelling Multi-Family shall mean a building containing three or more dwelling units.
- (19.1) Emergency Youth Shelters shall mean sleeping and eating facilities for youths, birth through 18, who need short-term housing (approximately three weeks) in order to resolve family problems. Total occupancy in a single-family dwelling shall not exceed ten youths plus staff, with a minimum of six off-street parking spaces. To be eligible youths must be screened so as to eliminate drug and alcohol users or emotionally disturbed youths. (6/8/92)
- (19.2) Executive Offices shall mean a structure or portion thereof containing offices of the top management or supervisory personnel of a corporation or company.
- (20) Fall-Out Shelter shall mean a structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.
- (21) Family shall mean any number of persons living together as a single housekeeping unit in a domestic relationship based on birth, marriage or other domestic bond, or one (1) person living in a single housekeeping unit as distinguished from roomers or boarders or the occupants of a hotel. If several unrelated individuals live together as a family, then one (1) member shall be designated as head of household and the other members shall be considered as roomers or boarders.
- (21.1) Family Day Care shall mean care in a private family home for pre-school and elementary school children licensed by the State of Connecticut for not more than 10 hours during a 24 hour period. The number of children are not to exceed six at any given time and care is on a regular basis. This use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (1/1/87)
- (21.2) Fast Food Restaurant shall mean an establishment having more than twelve (12) seats with a limited menu whose principal business is the sale of quickly prepared foods, frozen desserts or beverages to the patron in a ready to consume state, primarily served in paper, plastic or other disposable plates or containers with disposable utensils, for consumption within the building, or within a motor vehicle parked on the premises or off the premises as carry-out orders, and may have drive-thru or delivery services. (5/4/2005)
- (21.3) Financial Service: A business or use regulated by the State or Federal Government as a "bank" and any business, which makes loans, mortgages, accepts deposits, gives financial advice and/or buys and sells securities on behalf of its customers or clients. Financial Services are considered office uses and as such fall under Use Group 2a, 2b and 2c. These uses are not permitted on the first floor in the CGBR and LBR zones, but are permitted on the first floor in all other business zones. All Banks, including Drive-in, Drive-thru, etc. require site plan and special permit approvals in all business zones. ATM machines and access to floors above are not considered financial services and may be located on the first floor in the CGBR and LBR zones. (9/28/2010)
- (21.4) Finished Grade. The final elevation of the ground surface, including lawns, walks and paved surfaces after the completion of grading. See Diagram No. 1. (4/30/2002; 9/28/2010)
- (21.5) Fitness Club shall mean a commercial establishment or use, where a combination of group fitness center, gym or recreational facility uses are conducted, that may offer membership but is generally available to the public. (9/20/2013)

- (22) Floor Area, Gross shall mean the sum of all floor area on a property as calculated in accordance with Section 6-134. (8/1/2017)
- (23) Floor Area Ratio shall mean the ratio of the aggregate Floor Area, Gross of all buildings on a lot (including accessory structures having walls and a roof, such as pool houses, sheds, and garages) to the total area of the lot excluding underwater coastal lands as described in Sec. 6-138 and excluding that land over which a right-of-way for a private road exists. (11/25/2008; 8/1/2017)
- (24) Floor Area, Usable shall mean 75% of the Floor Area, Gross as defined in (22) above. (6/11/86, 8/1/2017)
- (25) Garage Space shall mean space in a covered area used for the parking of vehicles.
- (26) Grade Plane. A reference plane representing the weighted average of the finished ground level adjoining the building at all exterior walls as set forth below: If retaining walls are constructed to create the finished grade used to determine the grade plane, the height and spacing of the retaining walls must be in compliance with Sec. 6-134(d), 6-134(e), and/or 6-134(f) (see Diagram #1 and 1a). If the finished grade slopes downward from the exterior walls, the reference plane shall be established as follows: (5/4/2005; 8/1/2017)
- If any portion of the building, not including projections permitted by Sec. 6-128, is six (6) feet or less from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area between the building and the lot line; and
  - If any portion of the building, not including projections permitted by Sec. 6-128, is more than six (6) feet from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area, which is six (6) feet from the building.
  - If fill is added to create the finished grade, establishment of the reference plane shall be determined by measurement of the actual finished grade after fill is added.
  - If a retaining wall is placed on a property line and the property line is six (6) feet or less from the building, the lowest finished grade on either side of the wall shall be used to calculate the reference plane. (4/30/2002; 8/1/2017)
  - If the structure is in the Flood Hazard Overlay Zone, see also Section 6-139.1(c)(22.1) (6/17/2014)
- (26.1) Green Area Requirement shall mean the required percentage of a residentially zoned property as noted under Section 6-205, that is naturally occurring such as a wooded area, a rock outcrop, or grassed, manicured or landscaped areas. (3/2/2012)
- (A) The following is permitted within the Green Area Requirement subject to the restrictions of Section 6-128 regarding encroachments into yards: Synthetic turf playing fields for school or municipal uses only, rain gardens, patios, decks, window wells, small scale garden paths (stepping stones), and walkways less than 5' wide, mechanical equipment and mechanical equipment pads, septic systems and underground drainage systems with the purpose of retention, infiltration or water quality treatment. Any underground structure or impermeable surface that is covered by at least 3 feet of friable fill is permitted in the Green Area Requirement. (3/2/2012; 6/1/2017)
- (B) The following is not permitted within the Green Area Requirement: Surface development on a site or lot occupied by buildings, structures, parking areas, driveways, tennis courts, porches, swimming pools and pool coping, and patios and/or decks that are in some way covered by a second floor or roof, porous asphalt, porous concrete, permeable inter-locking concrete pavers, concrete grid pavers, plastic turf reinforcing grids and similar man-made materials and

products. Any underground structure or impermeable surface that is covered by less than 3 feet of friable fill shall not be permitted in the Green Area Requirement. (3/2/2012)

- (C) A class A-2 Zoning Location Survey or Improvement Location Survey is required to demonstrate compliance with this Section. A class T-2 Topographic Survey is also required to demonstrate compliance in those instances where an underground structure is involved. (3/2/2012)
- (26.1.1) Group Fitness Center shall mean a commercial establishment or use where physical exercise or training is conducted in a group session with an instructor using exercise equipment or open floor space such as but not limited to aerobics studios, yoga studios, spin classes, and martial arts studios. (9/20/2013)
- (26.2) Group Living Facility for the Elderly. A Group Living Facility for the Elderly (60 years or older) is one which provides shared-living opportunities in a family-like environment to no more than 12 individuals, related or unrelated, exclusive of any staff. These individuals must be capable of living independently. (2/25/88)
- Facilities are provided for room and board. Each person may have his or her own bedroom and may have own bath. Residents share kitchen/dining facilities and other common space. Shared activities may include sharing responsibilities for meals, social activities and daily living activities, but the residents retain the choice of being private or socializing. (2/25/88)
- A Group Living Facility for the Elderly is not for people with alcohol or drug abuse problems, for those coming directly from correctional or custodial institutions, for those with a history of aggressive behavior toward persons or property, or for those requiring supervision. (2/25/88)
- A Group Living Facility for the Elderly may have part-time or full-time staff to assist with normal household functions and domestic services such as laundry, shopping, building maintenance and management. (2/25/88)
- (26.3) Group Day Care Home shall mean a detached Resident-Occupied, Single-Family Dwelling in which a program, licensed by the State of Connecticut, of supplementary child care for not less than seven (7) or more than twelve (12) related or unrelated preschool and elementary school children is conducted on a regular basis for part of the twenty-four (24) hours in one or more days of the week. (10/2/89)
- (27) Guest House shall mean an accessory building used solely by the owner or occupant of the premises for the temporary accommodation of his guests or members of his family and for which no rental or other charge is made or received and provided that no kitchen facilities or other housekeeping facilities are included in the accessory building.
- (27.1) Gym shall mean a commercial establishment or use where physical exercise or training is conducted on an individual basis, using exercise equipment or open floor space with or without one-to-one instruction with a personal trainer. (9/20/2013)
- (27.2) Healthcare Professional: A trained specialist or practitioner with an advanced degree or certification who works one-on-one with people to resolve health related issues. This includes psychologists, social workers, counselors, naturopaths, physical therapists, massage therapists, and nutritionists, but excludes licensed medical professionals. (9/28/2010)
- (28) Home Occupation shall mean any use customarily conducted entirely within a dwelling and carried on by the residents thereof using only customary home appliances, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, such as dressmaking, millinery, massaging, preserving and the like. Uses such as, but not limited to the conduction of dancing or music studio, tourist home, kennel, animal hospital, or any similar use, shall not be deemed to be a home occupation. Any business enterprise or activity which

- shall require a license or permit from the town or from any bureau or department of the County or State, shall not be deemed a home occupation, except for a Registered Physical Therapist. (4/7/81)
- (28.1) Home Office shall mean one office within a resident's one family dwelling or the garage or other residential accessory structure thereto, constructed within such setbacks as are required for the dwelling, that is used for the conduct of business services primarily by means of customary office and telecommunications equipment with no more than three (3) business visitors (clients, deliverers and couriers, and consultants) daily, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character or appearance thereof. A home office does not include the uses in Use Group 1 of Section 6-100. (2/8/94)
- (29) Horticultural Reservation shall mean an area devoted to the art, study or science of the cultivation of flowers, fruits, vegetables or ornamental plants.
- (29.1) Hospital shall mean a facility providing around-the-clock 24-hour care for sick and diseased persons by physicians and licensed health professionals, housing in-patients overnight for professional medical care (including less than 48-hour care) and having facilities to handle on a regular basis emergency treatment, general surgery, acute care and intensive care, including those services necessary to the handling of such care. Said facility will be under the supervision of the State Commission on Hospitals and Health Care. (6/8/90)
- (30) Hotel shall mean a building or portion thereof, kept, used, maintained, advertised or held out to the public, containing thirteen (13) or more rooms used for sleeping accommodations for guests, and providing lodging with or without meals, and other incidental services and in which there are certain public rooms and services for the use of all guests. In no case are hotel units to be used as dwelling units. The word "hotel" includes the word "motel," "motor lodge," "auto court," "inn," "tourist court" or similar names.
- (30.1) Jobbing Establishment shall mean the premises of an independent contractor directly involved in the building construction trades such as plumbing, heating, carpentry, electrical and the like. (6/11/86)
- (31) Kennel shall mean the keeping or raising of dogs for a profit, or the keeping of five (5) or more dogs over the age of six (6) months.
- (31.1) Kitchen shall mean an area or a room containing a sink and appliances for cooking and a refrigerator for food storage and an area for the preparation of foods. Such room may also contain cabinetry and appliances, which may include, but not be limited to, a dishwasher, microwave oven and trash compactor. (10/3/2001)
- (31.2) "Level of Service, Acceptable" for roads shall mean that stable conditions exist, i.e., movements may be somewhat restricted due to volumes, but conditions are not objectionable for motorists. "Level of Service, Acceptable" for intersections shall mean that drivers occasionally wait through more than one signal indication, and occasionally backups may develop behind left-turning vehicles, but traffic flow is stable and acceptable. (6/11/86)
- (32) Loading Space shall mean an off-street space available for the loading or unloading of goods; not less than fifteen (15) feet wide and twenty-five (25) feet long, having direct usable access to a street except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve (12) feet.
- (33) Lot shall mean a parcel of land occupied or to be occupied by a building or a group of buildings and their accessory uses, including such open spaces as are required by these regulations and such other open spaces as are used in connection with the buildings. Lot shall include "plot". For the purposes of compliance with Sec. 6-156, a

lot also includes the land between the property line and the traveled way of the abutting street or streets.

- (34) Lot Corner see definition Sec. 6-5(a)(11.3), corner lot and Diagram No. 10. (4/19/2006)
- (34.1) Lot Coverage shall mean the percentage of surface development on a site or lot occupied by buildings, structures, parking areas, driveways, decks, tennis courts, patios, terraces, swimming pools, etc., and does include porous asphalt, porous concrete, permeable inter-locking concrete pavers, concrete grid pavers, plastic turf reinforcing grids and similar man-made materials and products. Grassed and landscaped areas, rain gardens, tree areas etc., shall not be included in Lot Coverage. Any underground structure or impermeable surface shall, not be considered in lot coverage if covered by at least three (3) feet of friable fill. Septic systems and drainage systems with the purpose of retention, infiltration or water quality treatment shall not be considered as lot coverage. Lot coverage shall apply to R-MF, R-6 (three-family) and all commercial zones. (5/4/2005; 10/26/2010; 3/2/2012)
- (35) Lot Frontage shall mean the distance between the side lines of a lot measured along the street which distance continues the minimum frontage as stated in Sec. 6-205 for the zone in which the lot is located undiminished to a depth equivalent to at least two hundred percent (200%) of the minimum front yard setback depth as stated in Sec. 6-205 for the zone in which the lot is located. Where the front lot line is along the circular terminus of a cul-de-sac, the distance may be measured at the required front yard depth setback along an arc concentric with the street line. See Diagrams 6 and 8. (4/30/2002)
- (36) Lot, Through shall mean any lot other than a corner lot with frontage on more than one street.
- (36.1) Marina a waterfront establishment whose business is offering slips, berthing, storing, moorings, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include the sale or rental of watercrafts and marine sporting equipment, promotional events clearly incidental to watercraft activities, and the servicing, repair, or storage of same. Such establishments may also provide travelift services, slip rental, fuel, and sanitary pump-out service. (1/30/2019)
- (36.2) Medical Professional: This term shall mean a licensed medical doctor, psychiatrist, doctor of dental surgery and doctor of medical dentistry and other similar uses such as chiropractors, doctors of osteopathic medicine, and other medical professional requiring medical licenses in the State of Connecticut. (9/28/2010)
- (36.3) Medical Marijuana Dispensary Facility shall mean a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility license under Public Act 12-155 and § 21a-408 of the Regulations of Connecticut State Agencies. This use is prohibited in all zones. (10/20/2015)
- (36.4) Medical Marijuana Production Facility shall mean a secure, indoor facility where the production of medical marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license under Public Act 12-155 and § 21a-408 of the Regulations of Connecticut State Agencies. This use is prohibited in all zones. (10/20/2015)
- (36.5) Museum shall mean an institution that is devoted to storing, preserving, and exhibiting objects of art, history, science or other objects of lasting historical, educational or cultural value on a permanent basis in a building, portion of a building or outdoor location. Museums must be open to the public; provide museum services to the public in a building or portion of a building or outdoor location on a regular basis; and be public institutions or private not-for-profit institutions with a 501(c)(3) federal tax status.



- Museums are permitted in residential and commercial zones subject to special exception and/or special permit approvals under Sec. 6-94 (11) (10/12/2010)
- (36.6) Nail Salon is an establishment that primarily offers nail care services such as manicures, pedicures, and nail enhancements. (1/28/2014)
- (37) Natural Park Area shall mean an area of unusual natural beauty which has remained substantially undisturbed by man and is used primarily for conservation, education, scientific purposes, and the study and enjoyment of nature. (3/2/2012)
- (38) Non-conforming Use shall mean a building or land, the use of which does not conform to the use regulations for the zone in which it is situated.
- (38.1) Non-Passenger Vehicle shall include all vehicles other than passenger vehicles under the Connecticut General Statutes Title 14, Chapter 246, Motor Vehicles. (5/4/2005)
- (38.2) Office Uses shall mean non-retail, non-personal service establishments which involve the transaction or provision of financial, professional or business services, the operation of service organizations, or the offices of Health-Care providers. Office uses include, but are not limited to advertising agencies; banks, public relations firms; offices of professional persons; financial and tax services; mortgage and money-lending institutions; investment companies; business consultants; credit agencies; secretarial services and the like. Office uses are characterized by having limited storage consisting of office supplies or the like, but not stock for resale. Office uses may include health and fitness facilities provided as a service to employees of the office uses. (5/4/2005; 9/28/2010)
- (38.2.1) Outdoor dining shall mean a seasonal use, ancillary and contiguous to an approved eating establishment (restaurant, or retail food establishment), operating on a seasonal (seven month) basis starting on April 1st and concluding on November 1st in any calendar year and subject to the standards and conditions of Section 6-100 Use Group 1. (3/25/2014)
- (38.3) Passenger Vehicles for purposes of these regulations includes passenger cars, SUVs, mini-vans, pick-ups and other vehicles with a maximum of two axles, and a maximum seating capacity of 10 persons used primarily for the transportation of persons for non-commercial purposes. (5/4/2005)
- (38.4) Patio shall mean an area on grade, which is covered with an impervious surface material such as masonry or stone. (4/19/2006)
- (38.5) Personal Service Establishments shall mean those establishments primarily involved with the provision of personal care or other service directly to the ultimate consumer on a one to one basis as walk-in trade or by appointment. Personal service establishments include but are not limited to beauty salons; spas; barber shops; decorating shops; tailors; dressmakers; laundries; photographic studios; shoeshine and repair shops; shops for repairs or adjustments to appliances, watches, locks, guns and similar small items; and one-to-one physical conditioning. Personal service uses shall not include offices or facilities of fitness clubs, health care professionals, or health care providers, training, fitness, recreational or educational facilities, such as but not limited to computer schools, martial arts or language schools, tutoring facilities, yoga classes, spinning classes and the like. Personal service establishments do not include high intensity group type uses such as nail salons, recreational or group fitness centers which services a large number of customers/clients at one time and which require parking on site in all business zones. (4/19/2006; 9/28/2010, 9/20/2013)
- (38.6) Pharmacy: A retail use (Use Groups 1 & 8) located within the commercial zones where prescription drugs are sold and are constantly supervised by a licensed pharmacist. An accessory use to a Pharmacy is permitted where it is an activity or use of space that is clearly secondary to the pharmacy pursuant to the following:

1. Shall be less than 150 square feet, including customer waiting area, that is physically separated from the remainder of the retail space;
  2. Shall be a use characterized by having limited facilities and personnel, which functions without an appointment system to provide on-the-spot medical aid to persons who present non-life-threatening problems, but who need or want the convenience of immediate medical attention for common family illnesses such as strep throat, ear, eye, sinus, bladder, and bronchial infections;
  3. Shall be staffed only by a nurse practitioner or physician's assistant in accord with CT General Statutes and who can diagnose, treat, and write prescriptions. No physician shall be on staff otherwise such a facility will be considered medical office use under the Building Zone Regulations;
  4. Shall not be characterized by providing patients with long-term follow-up medical care. (11/7/2007)
- (38.7) Porch shall mean a deck or patio with a roof. It may or may not be enclosed. (11/7/2007)
- (39) Premises shall mean and include lot and buildings.
- (40) Professional Person shall mean an architect, professional engineer or lawyer. (2/8/94)
- (40.1) Public Waterfront Access shall mean a safe and unobstructed access along and/or to the dry, non-tidal or non-submerged 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. Public Waterfront Access shall not preclude other types of in-water access, such as car-top boat launches or fishing piers. (1/29/2019)
- (40.2) Rear Lot shall mean a lot whose frontage on a street is as defined in Sec. 6-131. (5/4/2005)
- (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.. (9/28/2010, 9/20/2013)
- (41) Resident Medical Professional Office shall mean one office in a one family dwelling of one medical professional (defined as a physician, surgeon, dentist, chiropractor, psychiatrist, or other licensed medical professional approved by the Planning and Zoning Commission) that is the principal residence of such medical professional and that has no hospital facilities or a medical laboratory. Such use must be clearly incidental and secondary to the use of the dwelling for residential purposes and not change the character or appearance thereof. (2/8/94)
- (42) Restaurant shall mean an establishment containing a kitchen and seats for more than twelve patrons whose principal business is the preparation and selling of beverages and unpackaged food to the patron in a ready-to consume state, with non-disposable dishes, containers and utensils, and where the patron consumes these foods while seated at tables or counters located within the building, except where the establishment has been granted an outdoor dining permit. Such establishments may not provide drive-thru services. (5/4/2005)
- (42.1) Retail Food Establishment shall mean a business that sells both packaged and prepared foods and beverages primarily for consumption off the premises, but which may have seating for on-site consumption for up to twelve patrons. The definition shall also include food service providers (caterers) who prepare and deliver and/or serve food off premises, and may also include drive-thru services. (5/4/2005)
- (42.2) Retail Stores shall mean sales establishments whose primary purpose is to display and office for sale commodities or goods directly to the consumer, reserving a substantial

- amount of floor space and window space for display of goods. Retail stores also offer incidental services. (9/15/86)
- (43) Rooming House shall mean a dwelling in which rooms for living purposes are rented for compensation to five (5) or more persons other than the members of the family of the proprietor.
- (43.1) Rowing Club shall mean a facility that consists of a space to store rowing shells, oars, and associated equipment. It may also include incidental space for fitness equipment, locker rooms, office space, boat sales, and restaurant. (1/29/2019)
- (43.2) Satellite Earth Station Antenna shall mean a parabolic dish and appurtenant tower or other antenna, tower or device the purpose of which is to receive, distribute or transmit a variety of electronic signals in the form of microwaves to or from orbiting satellites or other extra-terrestrial or terrestrial sources. (10/7/85)
- (43.3) Service and Social Club shall mean a non-profit club or association of members organized for the purpose of providing services to the community, and engaging in charitable activities, and providing a meeting place for social interaction of its members, provided that no part of the net earnings of such club or association inures to the benefit of any private individual. (4/29/91)
- (44) Sign shall mean any structure or any natural object such as a tree, rock, bush, or the ground itself, or part thereof or device attached thereto or painted or represented thereon that shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, figure, character, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction or advertisement, including windows, or permanently installed behind windows within three (3) feet thereof and visible outside the building, provided however, for the purposes of Sections 6-163 and 6-164 the word "sign" does not include (i) temporary holiday decorations and (ii) the flag, pennant or insignia of any nation, state, city or political unit; or (iii) the official flag of any political, educational, charitable, philanthropic, civic, professional, or religious institution or of a company whose executive or division offices are located on the premises as the primary occupant of a building. No such flag shall be more than 60 square feet and flown from a pole not more than 40 feet in height. For the purpose of this Chapter signs shall be considered to include and be further classified as follows: (7/3/93)
- A) Free-standing sign shall mean a sign on supports placed on or anchored in the ground and not attached to any building or other structure. (7/3/93)
- B) Nameplate shall mean a sign giving the name or address of a property and/or the occupant or a building marker containing such information and dates and details of construction. (7/3/93)
- C) Portable shall mean a sign, not permanently anchored to the ground or other permanent structure, designed to be transported, including without limitation, a sign designed to be on wheels, a menu or sandwich board sign, and a sign attached to or printed on a vehicle parked and visible from the right of way unless the vehicle is regularly used in the normal day-to-day operations of the business. (7/3/93)
- D) Projecting shall mean a wall sign attached in such a manner that its leading edge extends more than fifteen inches beyond the face of the wall. (7/3/93)
- E) Real Estate shall mean a sign used to advertise the sale, lease, rental, availability or location of real estate or a real estate development. (7/3/93)
- F) Temporary shall mean a sign that is not permanently mounted and is intended for a limited period of display. (7/3/93)
- G) Wall shall mean a sign printed on or attached to a building wall. (7/3/93)

- H) Window shall mean a sign consisting of lettering or designs inside a window or upon the pane visible from the exterior of a window. Window shall include the entire glassed area within the frame. (7/3/93)
- (45) Story shall mean that portion of a building above the basement, included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a "story" if it is habitable floor area used for other than storage, parking or mechanical space. (8/1/2017)
- (45.1) Half-Story. A "half-story" is any space under the gable, hip or gambrel roof, the Floor Area, Gross, of which, including dormers, does not exceed 40% of the floor area immediately below in the R-6 through RA-1 zones, and 50% of the floor area immediately below in the RA-2 and RA-4 zones and in the commercial zones when measured at a plane seven feet above the floor directly below the roof. For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Floor Area, Gross for purposes of calculating a Story as defined in Sec. 6-5(45). See Diagram No. 4. (4/30/2002, 8/1/2017)
- (45.2) Story Above Grade shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:
1. More than five (5) feet above the grade plane; or
  2. More than twelve (12) feet above the finished grade at the perimeter of the building at any point. See Diagram No. 5. (4/30/2002; 9/28/2010; 8/1/2017)
- (46) Street shall mean and include all public and private streets, highways, avenues, boulevards, parkways, roads, and other similar ways.
- (47) Street Curb Line shall mean a line defined by the face of an existing or proposed curb or the edge of the street pavement.
- (48) Street Frontage shall mean the distance between property lines measured along the street or streets.
- (49) Structure shall mean a building or anything constructed or erected that requires location on the ground or attached to anything having location on the ground including but not limited to swimming pools, more than thirty-six (36) inches deep or having a surface area more than two hundred and fifty (250) square feet, fallout shelters, uncovered porches, satellite earth station antennas (both receivers and transmitters), towers, sports courts larger than 1,000 sq. ft. and all appurtenances thereto, fences, walls or mechanical equipment (including vehicle parking lifts) over six-feet in height. (4/19/2006)
- (49.1) Substantial Improvement shall mean any combination of repairs, reconstruction, alterations, addition, or improvements to a structure in which the cumulative cost equals or exceeds seventy-five (75) percent of the replacement cost of the structure. The replacement shall be the appraised value of the structure as defined in Sec. 6-139.1. The cumulative cost of these improvements will include the cost of the proposed improvements and all other improvements made to the structure within the preceding thirty-six (36) months. The date of permit issuance for prior-building permits extending back thirty-six (36) months from the date of submission of the building permit application for the latest proposed improvement will be used to determine the improvements to be included in the replacement cost calculations.

Separate conditions govern any alteration of a structure eligible or listed on the National Register or Historical Places or the State Inventory of Historical Places. This definition

- shall not apply to structures located in Flood Hazard Areas that are subject to Section 6-139.1. (4/19/2006)
- (49.2) Supermarket shall mean a food store over 4,000 square feet in floor area offering food for sale primarily for preparing off the premises. Non-food items such as household supplies, toiletries and other miscellaneous items may be offered, but the supply of such items is secondary to the primary purpose of a supermarket to sell basic food products directly to the consumer. (4/19/2006)
- (50) Temporary Structure shall mean a structure which by its type and materials of construction is erected to remain for not more than six (6) months in any year. Such structures shall include tents, air supported structures, fabric shelters, portable bandstands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other structures of a similar character.
- (51) Terrace (Definition deleted 4/19/2006)
- (51.1) Theater or cinema: A building or part of a building whose primary use is to show motion pictures, or for dramatic, dance, musical, or other live performances. The theater/cinema shall in total have a minimum of 150 fixed seats. Such establishments may include related services such as food, beverage sales, and other concessions. (1/30/2019)
- (52) Walk-in Medical Clinic, also known as Convenient Medical Care Center and by other similar terms, shall mean a facility which functions without an appointment system to provide on-the-spot medical aid to persons who present non-life-threatening problems but who need or want the convenience of immediate medical attention. (1/12/2000) A walk-in medical clinic is characterized by having limited facilities and personnel. Such a facility may be open 24 hours a day and shall be so located as to serve a non-overlapping geographic area having a population of 30,000 people. No walk-in medical clinic shall be located within 4 miles of a similar facility. A walk-in medical clinic is not characterized by providing patients with long-term follow-up medical care, and is not designed to handle life-threatening emergencies. (7/25/1988)
- (52.1) Water-based recreation uses shall mean a recreational use facilitating public access to the water, which through the location, design, and operation, ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. The use must be open to the general public. Water-based recreation uses may include but are not limited to parks and playgrounds, piers, fishing piers, pedestrian and/or bicycle trails, rental of small watercraft such as kayaks and paddle boards for use off the property only, and similar improvements. (1/30/2019)
- (52.2) Water-dependent uses means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland. (5/11/1987)
- (52.3) Water-related uses shall mean those uses and facilities which require or are directly related to uses that require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland. For example, a rowing club requires direct access to the water and a common ancillary use includes space for ergometers and related and ancillary office space. (1/30/2019)
- (52.4) Water-enhanced uses shall mean those uses and facilities that are not directly dependent upon access to water, but whose presence facilitates public access to and enjoyment of the water. (1/30/2019)
- (52.5) Wet bar shall mean an area equipped with running water, a sink of not more than 250 square inches and a bar or serving counter, and may also include an under counter or counter top refrigerator. The wet bar shall not include facilities for cooking. (10/3/2001)
- (53) Wildlife Reservation shall mean an area set aside for the preservation of undomesticated animals and birds in their native habitat.

- (54) Yacht Club shall mean a facility that consists of structures and related grounds and/or moorage used for social and recreational purposes related to boating, sailing or yachting. Incidental uses may include a swimming pool and restaurant. (1/30/2019)
- (54.1) Yard, Front shall mean an open space across the full width of the lot between the front wall of the principal building and the front lot line. See Diagrams 7 and 9 (4/30/2002)
- (55) Yard, Rear shall mean an open space across the full width of the lot between the rear lot line and the rear wall of the principal building. Where the lot is irregular or triangular in shape, the rear lot line shall be a line entirely within the lot not less than ten (10) feet in length and parallel to and most distant from the front lot line. See Diagrams 7 and 9 (4/30/2002)
- (56) Yard, Side shall mean an open space, extending from front yard to rear yard between the side lot line and the principal building. See Diagrams 7 and 9 (4/30/2002)
- (56.1) Yard, Required or Minimum Yard shall mean an open space between a lot line and the yard depth for rear and front yards and the yard width for side yards as stated for a zone in Sec. 6-205 in which no structure shall be located except as specifically permitted by these regulations. All lots shall contain the minimum dimensions as called for in Section 6-205. All yard minimums shall be contiguous to form an unbroken open space around the perimeter of a lot. The single side yard, and where applicable, combined side yards required dimensions for each of the residential zones are as follows: RA-4 single side yards shall not be less than 50 ft.; RA-2 single side yard shall not be less than 35 ft.; RA-1 single side yard shall not be less than 25 ft.; R-20 single side yard shall not be less than 15 ft. with the sum of the combined side yards not less than 35 ft.; R-12 single side yard shall not be less than 10 ft. with the sum of the combined side yards not less than 25 ft.; R-7 single side yard shall not be less than 5 ft. with the sum of the combined side yards not less than 15 ft.; R-6 single side yard shall not be less than 5 ft. with the sum of the combined yards not less than 15 ft. for single and two-family dwellings and single side yard shall not be less than 25 ft. for residential buildings subject to special permit approval; R-MF single side yard shall not be less than 15 ft. for single and two-family dwellings and single side yard shall not be less than 50 ft. for residential buildings subject to special permit approval. (4/30/2002)
- (57) Zoning Lot Area shall mean an area containing the minimum frontage, yard requirements, and area of the zone in which located.
- (b) The words "occupied" and "used" shall include the words "designed", "arranged" or "intended to be occupied or used".

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

In interpretation and application this Article shall be held to be the minimum requirement for the promotion of the public health, safety, convenience and general welfare. Where this Article imposes a greater restriction on the use of buildings or land or on the height of buildings or requires larger yards, courts or other open spaces, or a greater percentage of lot to be un-built upon, or imposes other higher standards than are imposed by the provisions of any law, ordinance, regulation or private agreement, this Article shall control. When greater restrictions are imposed by any law, ordinance, regulation, or private agreement than are required by this Article, such greater restrictions shall not be affected by this Article.

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

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

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

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

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

No building or land shall be used and no building or part thereof shall be erected or relocated except in conformity with this Article, except that lots appearing of record in the Greenwich Land Records and made non-conforming in respect of area, lot shape or frontage by the adoption of or any amendment to this Article or the Building Zone Regulation Map or by the taking or conveyance of land by or to the Federal government, the State, the County, or the Town for public purposes, or by the erosion of land adjoining a river or other waters may be used for residence purposes and accessory buildings or for permitted non-residential purposes, provided the owner of any such lot did not own sufficient adjoining land at the time such lot became non-conforming to conform with this Article and has not subsequently acquired such adjoining land other than by descent or demise as the result of the death of the adjoining owner. Buildings on such a lot in a residence zone may be so designed and erected as to conform to the provisions of this Article as to required yards for the zone immediately below the zone in which such lot is situated as listed in Sections 6-2 and 6-3. (10/10/1978, 12/13/2013)

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

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

- (1) The actual shape and dimensions of the lot to be built upon. Whenever a lot has been created by the division of a larger parcel the plan shall show the actual shape and dimension of the larger parcel; the exact size, area and location of existing principal and accessory structures on the larger parcel; and the F.A.R. of all existing and proposed structures on any lot resulting from this property division for the purpose of determining that the F.A.R. is not exceeded on any lot. In the event there are structures on the proposed new lot, after review and determination by the Planning and Zoning Board of Appeals of their appropriateness, the exact F.A.R. shall also be calculated and not exceed that allowed by the zone. (7/27/1985)
  - (2) The exact size, area and location of the lot and of the principal and accessory structures (4/24/2013);
  - (3) The minimum yard setbacks within which the building or structure is to be erected or altered as well as the dimensions of structures from the nearest property line. (5/4/2005, 4/24/2013)
  - (4) The existing and intended use of each building or part of a building;
  - (5) The number of families or housekeeping units the building is designed to accommodate;
  - (6) The subdivision title and a copy of the Planning and Zoning approved and signed record sheet of the subdivision which contains the subject lot.(4/24/2013)
  - (7) Location of the property in relation to the nearest existing street intersection;
  - (8) Lot Coverage, Building Coverage, and Green Area as required; (4/24/2013)
  - (9) The width of the street upon which the lot has frontage, and for properties on streets with deficient rights-of-way, the dimensions of the setbacks as required in Sec. 6-203(b); (5/4/2005)
  - (10) Such other information as may be necessary to determine and provide for the enforcement of this Article.
- (b) One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Building Official or Zoning Enforcement Officer. All dimensions shown in these plans, relating to the location of buildings and structures on the lot, and the location and size of the lot to be built upon shall be based on an actual survey by a duly licensed surveyor in the State of Connecticut, if the building permit sought is for a structure. (4/24/2013)
- (c) All applications for zoning permit that require review by the Zoning Enforcement Officer shall include calculations and drawings acceptable to that Officer that show clearly how the following were derived:
1. Gross Floor Area
  2. Floor Area Ratio
  3. Attic Area and Story Calculations
  4. Grade Plane
  5. Building Height
  6. Story Above Grade (4/30/2002)
  7. Green Area (4/24/2013)

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

- (a) No person shall commence construction or alteration of any building or excavation for any building or structure or use, until the application and plans required in this Article have been approved by the Zoning Enforcement Officer and/or Building Official and a written permit has been issued as required. (4/24/2013)
- (b) Any zoning permit issued by the Zoning Enforcement Officer under the provisions of this Article, but under which no work is commenced within one (1) year from the time of issuance,



shall expire by limitation. Any such permit under which work is commenced and subsequently abandoned shall expire one (1) year after the date of abandonment. (4/24/2013)

- (c) Any zoning permit issued by the Zoning Enforcement Officer may be revoked if work proceeds contrary to the approved plan and is not corrected upon notification that there is a deviation from said plan. (10/27/83, 4/24/2013)

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

- (a) Whenever a zoning permit is issued for a building or an addition to an existing structure to be located within three (3) feet of any required yard, the Zoning Enforcement Officer shall make the permit conditional upon the submission of proof after the foundation of the building has been completed that the location of the foundation and the building to be placed thereon is not in violation of these regulations. (11/8/83, 4/24/2013)
- (b) Whenever a Zoning permit application is submitted for a structure(s) that utilizes ninety (90) percent or more of the allowable floor area ratio, the applicant shall provide detailed dimensioned floor plans, per the FAR Worksheet that clearly illustrate the floor areas and floor area calculations for the proposed construction and any other existing structure on the same lot. (4/30/2002, 4/24/2013)
- (c) Whenever a structure that has been approved and that utilizes ninety (90) percent or more of the allowable floor area ratio is constructed, detailed dimensioned floor plans signed and sealed by a Connecticut registered architect attesting that the plans depict the building, as constructed, shall be submitted prior to zoning compliance issuance for a certificate of occupancy. (4/30/2002, 4/24/2013)
- (d) Provide an as built property improvement and topographic survey prepared by a Connecticut Licensed Land Surveyor that provides proof of compliance with the standards of Sec. 6-10. (4/30/2002, 4/24/2013)
- (e) No zoning permit for any non-residential building or multi-family building shall be issued and no parking area shall be constructed, resurfaced, extended or altered as to layout for use with an existing non-residential use or multi-family use except in accordance with a Site Plan approved by the Planning & Zoning Commission or Director Planning and Zoning/Zoning Enforcement Coordinator/Town Planner in accordance with Sec. 6-15. (2/7/2001; 4/30/2002, 4/24/2013)

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

- (a) Site Plan approval by the Planning and Zoning Commission shall be required in the event that the building permit or other permit application is for construction or enlargement or alteration of a building, or a change of use involving any of the uses or activities listed below. In deciding on a site plan the Commission may approve, deny or modify the plan:
  - (1) A residential use involving the housing of three (3) or more families on one lot.
  - (2) Any non-residential use, or group of uses.
  - (3) Any building constructed or altered in such a manner as to require additional off-street parking or access from the street to the premises.
  - (4) Any change from residential to non-residential use.
  - (5) Except as provided in Section 6-98(a)(2), construction, or alteration of the exterior of any multi-family structure or group of structures with five or more dwelling units or any non-residential structure or any structure containing a mix of residential and non-residential uses. Exterior alterations shall include but not be limited to replacement of doors or

- windows or signs involving a substantial change in design, material or color as well as to removal or alterations of roof top mechanical structures and other integral parts of the structure. (6/1/2017)
- (6) Any building or portion of a building housing an athletic facility that occupies more than 1,200 square feet of floor area.
  - (7) Any use requiring a Special Permit. Site Plan Approval for any use requiring Special Permit shall be initiated as part of special permit procedure. (6/17/83)
  - (8) Municipal Improvements submitted for Commission approval.
  - (9) An increase in non-residential usable floor area as a result of enlargement of a building, or conversion of accessory storage space, or interior alterations.
  - (10) Any construction or alteration of structure(s) within an HO zone.
- (b) The Town Planner may waive full Commission review of small-scale projects, but may require the approval of the Architectural Review Committee.
  - (c) In deciding on a site plan, the Commission may approve, deny, or require modification of the plan according to the standards set forth in Sec. 6-15. (5/4/2005)
  - (d) Administrative site plan approval for tents for commercial purposes shall be subject to the approval of the Town Planner or his or her designee when the event involves the erection of a tent(s) for non-residential use that meets one or more of the following criteria.
    1. Is more than 350 sq. ft. in total area with no seating, or if used for seating that will seat 50 or more people, or
    2. Regardless of size is located in an area designated for parking or drives.
    3. Administrative site plan approval for tents by Town Planner shall be limited to fourteen (14) days. Longer durations require approval by the Planning and Zoning Commission and may be re-approved annually by the Town Planner or his or her designee. (5/4/2005)

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

- (a) Preliminary and Final Approval (4/24/2013)  
Applications for preliminary or final site plan approval shall be made on forms provided by the Planning Staff. In order to be submitted by the Planning Staff to the Commission, applications for preliminary or final site plan approval must be complete including all of the following documents. If the Planning Staff finds any of the below requirements not applicable for small-scale projects, such items may be waived.
  - (1) A copy of all materials (plans, studies, documents, images and the like) submitted for review by the Planning and Zoning Commission shall be provided on a disc (CD, or DVD), or discs as necessary, in .pdf format at the time of application submission. (4/24/2013)
  - (2) Fifteen copies of a survey folded to 9"x12" showing existing conditions including (4/24/2013):
    - A) Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.
    - B) Existing contours at no more than a two-foot vertical interval, unless waived by the commission Staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of the subject property.
    - C) The location of all existing watercourses, intermittent streams Wetlands as required by IWWA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops, or a note indicating that none exist, with the sources of information listed.

- D) The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.
  - E) The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.
  - F) Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.
  - G) Traffic lights and controls, public trees, catch basins, hydrants, and power and telephone lines in adjacent streets.
  - H) Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations. (5/4/2005)
- (3) Fifteen sets of a detailed site development plan at a readable scale, folded to 9"x12", prepared in accordance with all applicable Town standards, including the Roadway Design and Drainage Design Manuals and signed by a professional architect, land surveyor or engineer licensed in the State of Connecticut, showing (4/24/2013):
- A) Location, dimension, and elevation of all proposed buildings, structures, walls, and fences.
  - B) Location, dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.
  - C) Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.
  - D) Note specifying source of water supply and method of sewage disposal.
  - E) Existing and proposed contours at units of no more than a two foot interval unless waived by the Commission's staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.
  - F) Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
  - G) Any other similar information determined by the Commission staff in order to provide for the proper enforcement of the Building Zone Regulations.
  - H) Zoning statistics including: Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking Provided, Building Height, Building Footprint, and Area Devoted to Surface Parking, Building and Drives.
  - I) Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.
  - J) Coastal Area Management Application for projects within the Coastal Overlay Zone.
- (4) Eight sets of architectural plans not less than 1/8" in scale, signed and sealed by an architect registered in the State of Connecticut, of all floors, all exterior elevations showing existing and proposed grade conditions. Elevations are to detail architectural elements by labeling materials, color and dimensions. Each architectural elevation shall show the building height as well as building height for zoning purposes. All HVAC facilities are to be shown on architectural elevations. (4/24/2013)
- (5) Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission staff for required format. (3 Copies) (4/24/2013)
- (6) Three copies of "building coverage" computation sheets. (4/24/2013)
- (7) Three sets of Volume Calculations per Sec. 6-101. (4/24/2013)
- (8) Three copies of "Green Area: worksheets. (4/24/2013)

- (9) Five copies of sight distance certification reports when required by a preliminary site plan review or when advised by the commission staff pursuant to item 2(g) of this checklist. (4/24/2013)
- (10) Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report shall be required if found necessary by the traffic impact evaluation.
- (11) Ten copies of completed application form, signed by applicant or authorized agent, owners and contract purchasers, as applicable. (4/24/2013)
- (12) Ten copies of completed Special Permit form, if required by Building Zone Regulations. (4/24/2013)
- (13) Fifteen copies of detailed, inclusive narrative description of the proposed project. For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendment(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing 1/400 scale needs to be provided for affected area(s). (4/24/2013)
- (14) Eight copies of reductions in 11x17 size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.
- (15) A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a)(5), signed by the Aquarion Water Company.
- (16) An affidavit certifying that all abutting property owners have been notified by mail as evidenced by a certificate of mailings or certified or registered mail receipts, about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects, which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant two weeks prior to any scheduled hearing date by the Conservation Commission. (4/19/2006)
- (17) Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).
- (18) A separate schematic plan at a scale no larger than 1" – 100" indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.
- (19) Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWWA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of a drainage exemption form. (4/24/2013)
- (20) In accordance with Sec. 6-183.1 to 6-183.0 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.
- (21) All applications for final site plan shall be in the form of a survey prepared by a registered Connecticut land surveyor having metes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown thereon are the same as the approved architectural plans Architectural and drainage plans are to be references by title, date(s) and sheet numbers.

- (22) Fee submitted at time of application based on latest application fee schedule. (5/4/2005)
- (b) Final Approval  
Application for final site approval shall include all of the documents required under (a) above with the additional requirement that all recommendations of Engineering, Sewer, Health, Traffic, Building, Fire and Planning shall be incorporated into a final development plan, unless the applicant states in writing that he appeals any of said recommendations to the Commission. In the event that such appeal is denied, applicant shall incorporate the appealed recommendation in his final document. (10/27/83)
- (c) If a preliminary or final site plan application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45 inclusive the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on such preliminary or final site plan application until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision. (2/7/2001)

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

- (a) Upon receipt of a complete application for preliminary site plan approval, the Planning Staff shall date the receipt of the application and assign a Site Plan number. Action by the Planning and Zoning Commission shall be taken and a decision as to approval, disapproval or approval with modifications rendered, within sixty-five (65) days after receipt of a complete application. For purposes of this section the day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following submission of the complete application, or thirty-five (35) days after such submission, whichever is sooner. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day periods, or may withdraw such plan unless a special permit has been submitted. When reviewing special permits, the period of review for the site plan shall be in accordance with Section 8-7d, as may be amended from time to time, of the Connecticut General Statutes. (5/4/2005, 4/24/2013)
- (b) Application for final Site Plan approval shall normally be filed after the Commission has taken action on the application for preliminary site plan approval. Where a preliminary application is not filed, applicant shall comply with all the requirements of Sec. 6-14(2)(b).
- (c) Upon receipt of a complete application for final approval, the Planning Staff shall date the receipt of the application and assign a Site Plan number. Action by the Planning and Zoning Commission shall be taken and a decision as to approval, disapproval or approval with modifications rendered, within sixty-five (65) days after receipt of a complete application. For purposes of this section the day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following submission of the complete application, or thirty-five (35) days after such submission whichever is sooner. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day periods, or may withdraw such plan. When reviewing special permits, the period of review for the site plan shall be in accordance with Section 8-7d, as may be amended from time to time, of the General Statutes. (5/4/2005)
- (d) The Commission may on its own motion call for a Public Hearing on the Site Plan. Public notice and hearing shall be in the same manner as required by law for zoning amendments. In the event of a Public Hearing, the time for action by the Commission shall be extended thirty (30) days after the date of the hearing.

- (e) Failure to complete all approved work under any site plan approval granted by the Commission within five years of the approval shall result in automatic expiration of the approval. The Commission may grant one or more extensions of time to complete all work not to exceed ten years from the date the site plan was approved. (2/7/2001, 7/19/2016)
- (f) Upon final approval of any site plan, a notice, signed by the Secretary or Chairman of the Planning and Zoning Commission, shall be recorded on the land records of the Town. Such notice shall contain a description of the premises to which it relates, the nature of the construction approved, the name of the record owner, the site plan number and a statement that the site plan is on file in the office of the Planning and Zoning Commission of the Town of Greenwich. The notice shall be prepared by the Commission and the record owner shall pay for the recording. (6/11/86)

### Sec. 6-15. STANDARDS.

- (a) The Planning and Zoning Commission may approve applications for preliminary site plans or deny applications for preliminary site plans according to the standards set forth in this Regulation. Alternatively, as a condition of approval, the Commission may require such modifications of the proposed plans as it deems necessary to comply with Regulations. In determining whether to approve application for preliminary site plans, deny such applications, or approve such application with modifications, the Planning and Zoning Commission shall take into consideration the public health, safety and general welfare and the comfort and convenience of the general public, taking into account whether the applicant has satisfied the following specific objectives: (5/4/2005)
  - (1) Evaluate the information from a traffic impact study which it may require be prepared to insure safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. In determining whether this condition has been satisfied, the Commission may consider all relevant information including, but not limited to, information from the Town's traffic engineer or the applicant's traffic impact study where required and/or other consultants. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard: (5/4/2005)
    - (a) The effect of the proposed development on traffic conditions on abutting streets;
    - (b) The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways;
    - (c) The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street;
    - (d) The location, arrangement and adequacy of off-street parking facilities;
    - (e) Interconnection of parking areas via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation;
    - (f) The location, arrangement and adequacy of truck loading and unloading facilities;
    - (g) Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system;
    - (h) The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs, and reserved fifteen (15) foot wide parking spaces;
    - (i) The location, arrangement and adequacy of landscaping within and bordering parking and loading facilities.

- (2) The protection of environmental quality and the preservation and enhancement of property values. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:
- (a) Adequacy of open spaces, screening and buffering between similar and dissimilar uses to assure light, air, privacy and freedom from nuisance or other disturbance. (6/16/1986)
  - (b) The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features, all in conformity with the requirements of Section 6-176 of the Building Zone Regulations;
  - (c) The prevention of dust and erosion through the planting of ground cover or installation of other surfaces;
  - (d) The preservation of natural attributes and major features of the site such as wetlands, highly erodible areas, historic structures, major trees and scenic views both from the site and onto or over the site;
  - (e) The conformity of exterior lighting to the requirements of Section 6-151 to 6-153 of the Building Zone Regulations;
  - (f) The design and arrangement of buildings and accessory facilities and the installation of proper shielding so as to minimize noise levels at the property boundary;
  - (g) The provision of adequate storm and surface water drainage facilities to properly drain the site while minimizing downstream flooding, yet not adversely affect water quality as defined by the State Department of Environmental Protection. (5/4/2005)
- (3) A high quality of building design, neighborhood appearance, and overall site design. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:
- (a) A design in harmony with existing and/or proposed neighborhood appearance, as shown by the exterior appearance of the buildings, their location on the site, and their relationship to the natural terrain and vegetation and to other buildings in the immediate area. (6/16/86)
  - (b) In multi-family developments, the adequacy of usable outdoor living space.
- (4) A showing that an adequate source of potable water is available to satisfy the needs of the proposed development. (6/18/81)
- (b) In acting upon any site plan, the Commission may take into consideration the recommendations of the Director, Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and staff, the Zoning Enforcement Officer, the Public Works Department, the Fire Department, the Parks and Trees Department, the Health Department, and any other Town agencies or outside specialists with which it consults. (4/24/2013, 5/1/2013)

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

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

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

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

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

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



## (d) Standards

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

- (1) Not prevent or inhibit the orderly growth of the retail business development of the area.
  - (2) Not adversely affect storm drainage, sewerage disposal or other municipal facilities. (6/11/86)
  - (3) Not materially adversely affect adjacent areas located within the closest proximity to the use.
  - (4) Not materially obstruct significant views which are important elements in maintaining the character of the Town for the purpose of promoting the general welfare and conserving the value of buildings.
  - (5) Preserve or enhance important open space and other features of the natural environment and protect against deterioration of the quality of the environment, as related to the public health, safety and welfare. (6/11/86)
  - (6) Not interfere with pedestrian circulation, most particularly as related to retail shopping patterns.
  - (7) Not adversely affect safety in the streets nor increase traffic congestion in the area so as to be inconsistent with an acceptable level of service nor interfere with the pattern of highway circulation. (6/11/86)
  - (8) Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.
  - (9) Preserve land, structures or features having special historical, cultural, or architectural merit. (3/1/82)
  - (10) Will not materially adversely affect residential uses, nor be detrimental to a neighborhood or its residents, nor alter a neighborhood's essential characteristics. (6/13/84)
  - (11) Preserve where possible existing housing stock so as to maintain and contribute to a diversity of housing opportunities within the Town. (6/11/86)
  - (12) For the establishment of horticultural or wildlife reservations and natural park areas acquired or controlled by a Connecticut non-profit corporation or organization provided that such reservation or area is open to the public, subject to reasonable regulation, and the Planning and Zoning Commission finds that the establishment of such reservation or area is in the interest of the Town for educational, scientific and recreational reasons, having in mind the size, character and location of such premises and availability of similar uses in the vicinity. (10-9-2018)
- (e) In connection with Subsection (d) above, the Commission may require applicants for special permit to prepare and submit any additional data and studies as necessary to allow the Commission to arrive at its determinations.
- (f) Any special permit granted by the Commission shall expire when the corresponding site plan approval expires pursuant to Sec 6-14.1(e). (7/19/16)
- (g) At such time as the Commission takes action on a Special Permit Application, it shall also take action on Site Plan Review.

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

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**Sec. 6-17.2. Deleted (12/12/2017)****Sec. 6-18. CERTIFICATE OF OCCUPANCY; PROCEDURE.**

- (a) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose for which such building or land may be designed, arranged, intended or maintained, until a certificate of occupancy shall have been issued by the Building Inspector, stating that the premises or building complies with all the provisions of this Article. Such a certificate is also required for any change, extension or alteration in a use. A certificate of occupancy shall be applied for at the same time that the building permit is applied for and if approved by the Building Inspector shall be issued within ten (10) days after notification from the permittee that the premises are ready for occupancy.
- (b) Temporary certificates of occupancy may be issued where the alteration does not require the vacating of the premises or where parts of the premises may be ready for occupancy before the completion of the entire structure or before the completion of the alteration; except that no temporary certificate of occupancy may be issued until completion of on-site and off-site improvements deemed necessary to protect the health, safety and welfare of the public.
- (c) No certificate of occupancy shall be issued for any business building, for any multi-family dwelling, for any structure containing a mix of residential and non-residential uses, or for any dwelling group on a lot until any improvements to the lot required by this Article have been completed or a bond or certified check in an amount sufficient to cover the cost thereof, has been filed with the Building Inspector with a surety company thereon and conditioned to complete the items within a time deemed reasonable by the Building Inspector; except that on-site and off-site improvements deemed necessary to protect the health, safety and welfare of the public may not be delayed and bonded for future completion. (10/27/83)
- (d) A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest on payment of a fee of seventy-five cents (\$.75) for each copy.

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

- (a) The Planning and Zoning Board of Appeals, referred to in this Article as the Board of Appeals, shall have the following powers and duties as authorized by the General Statutes and Special Acts as amended:
  - (1) Adopt such rules and regulations as may be deemed necessary to carry out this Article.
  - (2) Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Enforcement Officer. (1/15/90)
  - (3) Authorize upon appeal in specific cases variances from the terms of this Article where by reason of exceptional shape, size, or topography of the lot or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this Article. Before any variance is granted, the Board must make a written finding in its minutes as part of the record in the case:
    - A) That special circumstances, described in detail, attach to the property which do not generally apply to other property in the neighborhood and constitute the hardship;
    - B) That relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.

- (4) Decide requests for special exception uses for motor vehicle repair, sales, and service enumerated in Section 6-100 Use Group 5a and for specified accessory uses in accordance with Section 6- 95(a)(2)(A).
- (5) To hear variance requests involving proposed lots in subdivisions that have received preliminary approval by the Planning and Zoning Commission. (6/27/79)

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

- (a) Every application for variance from the use regulations as distinguished from the height and area regulations, shall on receipt thereof by the Zoning Enforcement Officer, be transmitted to the Planning and Zoning Commission and the Planning and Zoning Board of Appeals, and at or before Public Hearing held by the Board of Appeals on any such application, the Planning and Zoning Commission may make a report thereon. (5/1/2013)
- (b) Every application for any use in accordance with Section 6-100 Use Group 5A, and whenever special exception is applied for, shall on receipt thereof by the Zoning Enforcement Officer, be transmitted to the Planning and Zoning Commission and the Planning and Zoning Board of Appeals, and at or before public hearing held by the Board of Appeals on any such application, the Planning and Zoning Commission may make a report there on. (7/31/80, 5/1/2013)
- (c) All determinations of the Board of Appeals shall be made after public notice and hearing and subject to appropriate conditions and safeguards in accordance with the public interest and the comprehensive plan set forth in this Article, and in harmony with the purpose and intent expressed in Section 6-1. The Board shall grant all applications for special exceptions, subject to the aforesaid conditions and safeguards, provided that the particular requirements specified in this Article are met, and provided further that the Board shall find in each case that the proposed building or structures or proposed use of land:
  - (1) Will not create a traffic hazard or congestion due to type or amount of vehicles required or hamper the Town pattern of highway circulation.
  - (2) Will not create a physical hazard due to fire, explosion, or any other similar cause.
  - (3) Will not create or aggravate a nuisance or result in the dissemination of odors, smoke, dust, gas, fumes, or other atmospheric pollutant, noise, light, heat, glare, vibration or radiation, electro-magnetic or other interference with radio or television reception beyond the boundaries of the lot on which the use is located.
  - (4) Will not discharge harmful waste material on or under land or into a sewer or drain.
  - (5) Will not be detrimental to the neighborhood or its residents or alter the neighborhood's essential characteristics.
- (d) A special exception granted for a particular use shall not constitute a special exception for any other use either within or without the use group in which the said particular use is found. (1/12/2000)
- (e) Any material intensification of the use allowed by a special exception shall constitute a change of use requiring a new application for a special exception to be submitted to the Board of Appeals. (1/12/2000)

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

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

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

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



**LAND USE**

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