

**DIVISION 9. USE REGULATIONS.<sup>8</sup>**

**SUBDIVISION 1. RA-4, RA-2, RA-1, RA-20 and R-12 Zones.**

**Sec. 6-93. PERMITTED USES IN RA-4, RA-2, RA-1, R-20 AND R-12 Zones.**

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

**Sec. 6-94. PERMITTED USES BY SPECIAL PERMIT AS INDICATED BELOW.**

- (a) The following uses shall be permitted in RA-4, RA-2, RA-1, R-20, R-12, R-7 and R-6 Zones when authorized by the Planning and Zoning Commission as special permits:
- (1) Horticultural reservations, wildlife reservations and natural park areas. (10/17/18)
  - (2) Clubs, recreational areas and fall-out shelters not open to the general public and not operated for commercial profit, and community centers operated by civic associations.
  - (3) Commercial agricultural uses including commercial nurseries and greenhouses, livestock and poultry raising, dairy farming, and kennels, provided that any building or structure designed for such use including the storage of manure, mulch, composts, and associated equipment, or soil fertilizer shall be located not less than one hundred (100) feet from any street or lot line, provided further that any poultry or livestock shall be kept in approved enclosures and shall not be allowed to roam at large, provided further that commercial slaughtering, fertilizer manufacture or any commercial reduction of animal matter shall not be permitted. (10/17/2017)
  - (4) Cemeteries, provided that no location shall be approved any part of which is less than five hundred (500) feet from a residence.
  - (5) Religious or educational institutions not operated for commercial profit. (10/17/18)
  - (6) Public utility uses not including incidental service and storage yards.
  - (7) Radio and television stations and towers; satellite earth station towers except those transmitting or distributing microwaves which are subject to Sec. 6-140.1. (10/7/85)
  - (8) The keeping of more than six (6) horses (not including their young under the age of six (6) months) provided there shall be at least twenty thousand (20,000) sq. ft. of gross lot area for each horse age six (6) months or older, except when consistent with the purpose of this Article a smaller area may be permitted by the Planning and Zoning Commission. Any facility for the care and raising of horses, including shelter, land area and fencing, shall conform to reasonable conditions or limitations prescribed by the Planning and Zoning Commission. (10/17/18)
  - (9) Construction and use of accessory structures involved in the operation of a public underground utility when located in or abutting the street right-of-way and not exceeding one (1) story or thirty-five (35) feet in height.
  - (10) Emergency youth shelter. (1/8/77)
  - (11) Museums (10/12/2010)

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

- (12) Hospitals; clinics; nursing homes; homes for the aged; sanitariums; convalescent homes, or other health care facilities for the elderly; philanthropic or charitable institutions not of a penal or correctional nature nor for the care of insane or feeble-minded patients; provided that any building so permitted shall be located not less than one hundred (100) feet from any street or lot line unless the Commission finds in consideration of the particular use and its specific location that a lesser distance will protect adjacent property owners from adverse impacts. (3/28/92)
- (13) Group Living Facility for the Elderly; Special Requirements: (2/25/88)
- (a) It is the intent of these regulations to prevent a concentration of facilities and uses which could alter a neighborhood's essential character or contribute to the creation of an institutional atmosphere. No Group Living Facility shall be closer than 2000 feet to another such facility or residential institutional use unless, under Special Permit procedures, the Commission finds a lesser distance is compatible with stated goals and intent. (6/11/90)
  - (b) In residential zones a Group Living Facility may be located only in structures which were existing and listed with the Tax Assessor's office as of January 1, 1988.
  - (c) In residential zones there shall be a minimum lot area of 1200 s.f. per person including staff in residence; in no case shall a facility house more than 12 residents plus live-in staff.
  - (d) There shall be a minimum gross floor area requirement of 400 s.f. per resident, including live-in staff.
  - (e) Each facility shall provide on-site parking as follows: One space per live-in staff member; enough additional parking to accommodate the passenger cars used by residents, but not less than one space for every three residents.
  - (f) In residential zones each facility shall have side yard setbacks equal to those of the next more restrictive zone unless the Commission finds that due to location or other circumstances the standard zone setback is sufficient to provide adequate light, air and privacy for residents of the proposed facility and residents in adjacent dwellings. In no case shall the minimum side yard setback be less than 10 feet. In business zones the standards of the R-12 zone shall be used for calculating the side yard setbacks.
  - (g) Each facility shall have adequate indoor and outdoor common space.
  - (h) In residential zones there shall be no exterior features to distinguish buildings, as viewed from the street, from other homes in the area. Any exterior changes proposed shall be subject to review by the A.R.C. as part of the Site Plan Review Procedure. The exterior of facilities and the site shall be maintained in good condition and appearance, in conformity with the neighborhood.
  - (i) Any property located on a septic system or served by well water shall be required to prove the efficiency and capacity of the septic system, and the yield and quality of well water, all in accordance with standards of the Department of Health.
  - (j) Each facility shall be accessible to some form of public or private transportation so that non-driving residents are not isolated from community activities and services.

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

- (3) Two (2) on-site parking spaces for non-resident staff members;
  - (4) No exterior features of the Group Day Care Home shall distinguish it from other single-family dwellings in the area;
  - (5) There shall be no more than two (2) non-resident employees on the premises at any one time;
  - (6) Use of the dwelling as a Group Day Care Home shall be subordinate and incident to the use of the dwelling as a single-family residence;
  - (7) No Group Day Care Home shall be located within two thousand (2,000) feet of another Group Day Care Home.
  - (8) Any Group Day Care Home serviced by a septic system and/or well shall prove the efficiency and capacity of the septic system, and the yield and quality of well water, all in accordance with standards of the Department of Health;
  - (9) The Group Day Care Home shall not operate more than twelve (12) hours during each twenty-four (24) hour period, and no overnight accommodations for children or staff shall be permitted.
  - (10) Application for Special Permit and Site Plan in accordance with Sections 6-13, 6-15 and 6-17 shall be required and standards of Sec. 6-15 and 6-17 shall be met. (10/2/89)
- (15) Resident Medical Professional Office (2/8/94)
- (a) The purpose of this amendment is to recognize that the office of a resident medical professional is not a low impact use that can blend harmoniously into all residential neighborhoods. This use involves high traffic generation and parking demand, delivery of specialized supplies and materials, and creation of wastes requiring unique handling and disposal. It has historically been allowed as an accessory use in residential neighborhoods to bring an essential service close to where people live but significant changes in medical practice make it necessary to be selective about the location of the use to protect neighborhoods from adverse impacts that detract from their residential character. The Special Permit allows the Commission to ensure compatibility of a resident medical professional office with a neighborhood and protection of the public's health, safety, and welfare and the value of property.
  - (b) A Resident Medical Professional Office with not more than two (2) non-resident support personnel, such as a secretary, receptionist, aide or nurse provided that:
    - (1) Such use shall only be permitted on a lot in the RA-1 zone that is at least one and one-half times the minimum required lot size and on a lot in the R-20 zone or in the R-12 Zone that is at least twice the minimum required lot size and on a lot in the R-7 or R-6 zone that is at least two and one-half times the minimum required lot size;
    - (2) No such office shall occupy more than 700 square feet or 25% of the gross floor area in the premises, whichever is smaller;
    - (3) Parking shall be governed by Section 6-158 (as amended) but shall not be permitted in the front yard;
    - (4) There shall be screening in accordance with the schedule set forth in Section 6-180; and
    - (5) There shall be no other accessory use that might otherwise be permitted under any section of these Regulations.

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

(a) Customary uses incidental to the principal uses in Sections 6-93 shall be permitted in RA-4, RA-2, RA-1, R-20 and R-12 zones and R-7 zone (by the cross reference in Section 6-97 (b) (1) to RA-4 zones permitted uses) and R-6 zone (by the cross reference in Section 6-98 (b) (1) to R-7 zones permitted uses). They shall include: (2/8/94) (10/17/18)

- (1) The office of a resident professional person (other than a resident medical professional) or the studio of an artist in which not more than two (2) persons not residents of the premises are employed in connection therewith.
- (2) (A) Private garages, barns, sheds, shelters, silos and other structures customarily accessory to residential estates, farms, or resident uses provided no accessory building shall exceed the gross floor area established below, unless authorized by the Board of Appeals as a special exception or the Planning and Zoning Commission as a special permit if said accessory structures results in a structure or group of structures which individually or together total in excess of 40,000 cubic feet in volume above established grade in the underlying zones of the mapped Central Greenwich Impact Overlay Zone, the mapped Post Road Impact Overlay Zone, the Waterfront Business (WB) Zone, the Local Business (LB) Zone, or the Local Business Retail (LBR) Zones, or in excess of 150,000 cubic feet in volume above established grade in all other zones:

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

In granting a Special Exception, in addition to considering all the standards of Sec. 6-20(c), the Board of Appeals shall find in residential zones that the accessory structure by virtue of its scale, design, size or location on the site is compatible with its zone and individually or in combination with other accessory structures, maintains the appearance of being subordinate to the principal structure. (1/1/87) (10/17/18)

- (B) In the case of buildings which meet the standards of Sec. 6-109, 1(3)(a) of the Building Zone Regulations, as recommended by the Historic District Commission, the Board of Appeals may waive the provisions of Sec. 6-147 (b) and 6-95(a)(2)(A) above. (1/1/87)
- (3) Roadside stands for the display and sale of natural products grown on the premises under conditional requirements of location, design, parking and length of operation and any other conditions the Planning and Zoning Commission may deem necessary to carry out the purpose of this Article as expressed in Section 6-1. (10/17/18)
- (4) The keeping of not more than two (2) roomers or boarders by a resident family only in a detached single family dwelling, exclusive of employees on the premises.
- (5) The rental and use for residential purposes of dwelling units in accessory buildings, provided the same dwelling units were in lawful existence prior to September 30, 1947.
- (6) Retail sale of alcoholic liquor to be consumed on the premises by a club not open to the general public and not operated for commercial profit under a club permit issued by the Liquor Control Commission in accordance with the provision of the Liquor Control Act and the regulation adopted thereunder.
- (7) The keeping of not more than six (6) horses (not including their young under the age of six (6) months) provided there shall be at least twenty thousand (20,000) sq. ft. of gross lot area for each horse age six (6) months or older.

- (8) Indoor athletic uses occupying more than 1,200 square feet of floor area when authorized by the Planning and Zoning Commission as a special permit. (10/17/18)
- (9) Family Day Care as defined in Sec. 6-5(a)(21.1). (7/31/80)
- (b) HOME OFFICE (2/8/94)
  - (1) The purpose of this regulation is to take into account the changing nature and location of the workplace because of technological advancements, including the development of new computer-based home businesses and increased use of telecommuting, resulting in a growing number of people doing office work in their homes. This regulation allows for the changing character and type of work performed in the home provided there is no impact on the residential character of the community by prohibiting change in the character and appearance of the dwelling, minimizing traffic and parking on residential streets, avoiding noise normally associated with business operations, and maintaining public health, safety and welfare and the value of property. Any use that becomes more intensive than permitted by standards established for residential zones shall be permitted only in the appropriate business zone.
  - (2) A home office shall be permitted as an accessory use incident to the principal uses in Section 6-93 in RA-4, RA-2, RA-1, R-20 and R-12 zones and R-7 zone (by the cross reference in Section 6-97(b)(1) to RA-4 zones permitted uses) and R-6 zone (by the cross reference in Section 6-98(b)(1) to R-7 zone permitted uses), provided all of the following requirements are met at all times:
    - (A) No non-resident person shall be employed or otherwise associated with the business in the home office;
    - (B) The business shall be primarily conducted by telecommunications, mail or courier deliveries;
    - (C) There shall be no more than three business visitors daily to the home office, provided, however, that there shall be adequate off-street parking as provided in Section 6-158 for both business visitors and residential use;
    - (D) There shall be no sign on the premises advertising the home office, notwithstanding Section 6-163;
    - (E) There shall be no change in the exterior of the dwelling or addition of parking space in the front yard, no outdoor display or storage of materials, supplies, equipment or waste, and no exterior visible evidence of such use;
    - (F) There shall be no noise, odor or electrical interference caused by such home office use;
    - (G) There shall be no stock of merchandise for sale or equipment that is customarily employed in sales on the premises;
    - (H) There shall be only one home office in the dwelling and no other accessory use on the premises that might otherwise be permitted under any section of these Regulations;
    - (I) No home office shall occupy more than 700 square feet or 25% of the gross floor area in the premises, whichever is smaller.

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

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

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

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

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

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

**Sec. 6-98. USE REGULATIONS FOR R-6 ZONE.**

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

- dwelling provided both the accessory structure and the single-family home located on the lot are at least 50 years old.
- (a) Additions and alterations made to change the use of the existing accessory structure may not add more than 15% to the gross floor area of the structure.
  - (b) The lot on which such a conversion is approved shall comply with the minimum lot area of the R-6 zone in which the property is located and may not be diminished in size now or in the future.
- (C) Boarding and Rooming Houses.
- (5) The minimum Green Area Requirement is 35% for single family dwellings and two-family dwellings.
  - (6) The total ground floor area of all building area and structures shall occupy no more than 30% of the gross lot area for two-family dwellings.
- (b) The following accessory uses shall be permitted in the R-6 zone:
- (1) Same as in R-7 zones.
  - (2) For Housing Authority of the Town of Greenwich (HATG) residential developments, community space and service such as day care, job training and occasional medical check-up facilities, in accordance with Federal and State guidelines, may be located within HATG developments provided the total square footage of such accessory uses does not exceed 5% of gross square footage of all buildings on site and such services are limited to residents and families assisted through HATG.
- (c) The following accessory uses shall be prohibited in R-6 and RMF zones: Same as in R-7 zones.
- (d) Special Requirements. A definitive site plan conforming to Sec. 6-14 of these regulations shall be presented to the Commission with application for Special Permit which plan shall not be changed without the consent of the Commission.

#### **Sec. 6-98.1. USE REGULATIONS FOR RMF ZONE.**

- (a) The following principal uses are permitted and all other principal uses are expressly excluded in the RMF zone:
- (1) All uses permitted in R-7 zones.
  - (2) The following uses are permitted as Special Permit uses when the Planning and Zoning Commission determines that such uses are appropriate to the neighborhood, having consideration for the number and proximity of single family dwellings and two-family dwellings, for the number, character, and proximity of other uses, for the amount and location of undeveloped land in the vicinity and the relationship of such land to the pattern of open space in the neighborhood development scheme, and for the proximity to other zones, either more or less restrictive and other standards provided in this Article and the Standards contained in Sections 6-15 and 6-17.
- (A) The building of a two family dwelling, conversion from a single family to a two-family dwelling, addition or alteration to a single family dwelling to create a two-family dwelling, additions to an existing (2) two-family residence, addition or alteration to one or more multi-family dwellings or a combination of single family, two-family and/or multi-family dwellings on a lot. The building of two single family dwellings on a lot shall not be permitted, except as follows: the conversion of an existing accessory building to a single-family dwelling provided both the accessory structure and the single-family home located on the lot are at least 50 years old. Additions and alterations made to change the use of the existing accessory structure may not add more than 15% to the gross floor area of the structure. In addition, the lot on which such a conversion is approved shall comply with the minimum lot area of the RMF



zone in which the property is located and may not be diminished in size now or in the future.

- (B) Boarding and Rooming Houses.
  - (C) The total ground floor area of all buildings and structures shall occupy not more than 30% of the gross lot area. The total lot coverage shall not exceed 50% of the gross lot area.
- (b) The following accessory uses shall be permitted in the RMF zone:
- (1) Same as in R-7 zones.
  - (2) For Housing Authority of the Town of Greenwich (HATG) residential developments, community space and service such as day care, job training and occasional medical check-up facilities, in accordance with Federal and State guidelines, may be located within HATG developments provided the total square footage of such accessory uses does not exceed 5% of gross square footage of all buildings on site and such services are limited to residents and families assisted through HATG.
- (c) The following accessory uses shall be prohibited in the RMF zone: Same as in R-7 zones.
- (d) Special Requirements. A definitive site plan conforming to Sec. 6-14 of these regulations shall be presented to the Commission with application for Special Permit which plan shall not be changed without the consent of the Commission.

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

**ACCESSORY HOUSING**

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

- (a) Accessory Housing – General
- (1) Purpose – This section is intended to aid the general welfare of the Town by (i) benefiting elderly persons by promoting the availability and maintenance of housing; (ii) benefiting persons of moderate income by increasing the supply of affordable rental housing in the Town; and (iii) helping to preserve older houses that give the Town much of its attractive character.
  - (2) Conversion – A Dwelling, One Family, constructed within lawful setbacks, or an accessory building thereto constructed within such setbacks as are required for the primary building, located in the RA-4, RA-2, RA-1, R-20, R-12, or R-7 zone, and which was listed with the Tax Assessor as of May 12, 2009, may be converted into a Dwelling, One Family, containing an accessory apartment, or an additional living unit by conversion of an accessory building, subject to, and upon compliance with, the standards and procedures set forth below. For the purposes of this Section only, the term “converted unit” shall refer to the new living unit resulting from conversion and the term “primary unit” shall refer to the remaining living unit in the Dwelling, One Family, after conversion. (4/24/2013)
  - (3) Standards, General – Also see subsections (b) (1) and (c) (1) below:
    - (A) The conversion is intended to create an accessory apartment that is clearly incidental and secondary to the primary unit so as to preserve the appearance of the Dwelling and the single family character of the Dwelling and of its neighborhood. Accordingly there shall be no exterior evidence of the accessory use that is visible from the street and no additional parking space may be created in the front yard.

- (B) The floor area of the converted unit shall not exceed 700 square feet (however the Planning and Zoning Commission or designee may approve a floor area of the converted unit of up to 800 square feet upon good cause shown), but in no event shall the floor area of the converted unit occupy more than 35% of the gross floor area of the original Dwelling.
  - (C) A converted unit in an accessory building in the RA-1, R-20, R-12 or R-7 zone shall only be permitted on a lot having at least twice the minimum lot size required by the zone and in the RA-4 or RA-2 zone on a lot having at least one and one-half times the required minimum lot size.
  - (D) There shall be no other accessory use on the premises that might otherwise be permitted under any section of these Regulations except a use permitted under Sec. 6-95(a) subsections (2); (3); (7); and (8).
  - (E) No ground floor garage space in a Dwelling or in an accessory building may be converted to living space to accommodate an accessory apartment.
- (4) Procedures, General – Also see subsection (c) (2) below.
- (A) No conversion contemplated by this Section shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued, until the owner of the building to be converted has received approval from the Planning and Zoning Commission or designee. Applicant shall first submit to the Town Planner or designee the required supporting data, including an Affidavit in the form prescribed by the Planning and Zoning Commission containing the certifications required by this Section. Any proposed conversion inconsistent with any of the standards of this Section or Section 15 shall be referred to the Planning and Zoning Commission for a formal site plan review.
  - (B) The owner shall file with the Zoning Enforcement Officer on or before July 1 of each year an Affidavit in the form prescribed by the Planning and Zoning Commission certifying that the primary and converted units are in compliance with the occupancy standards and the other requirements of this Section. (5/4/2005)
- (5) Duration – Any approval for a dwelling conversion issued hereunder shall be subject to automatic revocation upon:
- (A) The failure of the Owner of the converted building to file timely with the Zoning Enforcement Officer the annual Affidavit required by this Section; or
  - (B) Notwithstanding the filing of such Affidavit, a finding by the Zoning Enforcement Officer that the units do not in fact comply with said occupancy standards or other requirements.
- (b) Elderly Accessory Apartment
- (1) Additional Standards – Either the primary or converted unit shall be occupied by the owner and one of the units shall be occupied by a person 62 years of age or older.
- (c) Affordable Accessory Apartment
- (1) Additional Standards – The primary unit shall only be occupied by the owner and the converted unit shall be rented as affordable housing pursuant to the standards of this Section. The Town Planner after consultation with the Town of Greenwich Community Development Office shall annually publish a notice of (i) the maximum rents that may be charged for converted units (including common charges, if any, and heat and utility costs, which may be by a reasonable estimate, and excluding telephone and cable television) and (ii) the maximum allowed tenant income, 80% of the area median income adjusted for family size as determined by the United States Department of Housing and Urban Development for the Stamford Statistical Metropolitan Area (SMSA).

- The owner at the time that any new tenant takes occupancy shall sign and file with the Planning and Zoning Commission an Affidavit in the form prescribed by the Commission certifying that (i) the primary unit is occupied by the owner; (ii) the Affidavit or annexed lease accurately sets forth the rent to be charged and paid and such rent does not exceed the maximum allowable rent published by the Town Planner; and (iii) the tenant has certified under penalty of false statement either in the lease or otherwise to the owner that tenant's family income does not exceed the maximum allowed tenant income. It shall not be a violation of this Section that a tenant's income exceeds 80% of the area median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the Stamford Statistical Metropolitan Area, after initial occupancy provided that the tenant meets all requirements at the time of initial occupancy.
- (2) Additional Procedures –
- (A) No conversion contemplated by this subsection (c) shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued, until the owner of the building to be so converted has received approval from the Planning and Zoning Commission or designee under subsection (a) (4) above and has recorded a Declaration of Deed Restriction in the form prescribed by the Planning and Zoning Commission in the Greenwich Land Records.
- (B) The Affidavits in Sec. (a) (4) (A) and (B) shall specifically contain a certification that (i) the primary unit continues to be owner-occupied, and (ii) the rent does not exceed the maximum allowable rent in effect as of January 1 of that year as published by the Town Planner.
- (d) Conversion of an Elderly Accessory Apartment to an Affordable Accessory Apartment – When the owner of a dwelling with an elderly accessory apartment wishes to change its status to an affordable accessory apartment or the apartment is for any reason no longer in compliance with the occupancy standards and requirements in this Section for such use, the owner of such dwelling may register it as a dwelling with an affordable accessory apartment upon compliance with all the standards and requirements therefore in this Section, review and approval by the Planning and Zoning Commission or designee and the recording of a Declaration of Restrictions.
- (e) Conversion of an Affordable Accessory Apartment to an Elderly Accessory Apartment – When the owner of a dwelling with an affordable accessory apartment wishes to change its status to an elderly accessory apartment or the apartment is for any reason no longer in compliance with the occupancy standards and requirements in this Section for such use, the owner of such dwelling may register it as a dwelling with an elderly accessory apartment upon compliance with all the standards and requirements therefore in this Section and upon review and approval by the Planning and Zoning Commission or designee. The Planning and Zoning Commission or designee shall then record a Release of the Declaration of Restrictions on the Land Records.
- (f) Removal of Accessory Apartment – When an owner wishes to eliminate the accessory apartment (and, in the case of an affordable accessory apartment, release the Declaration of Restrictions on the Land Records) proof of the removal of the second kitchen and the restoration to its status before the conversion shall be submitted to the satisfaction of the Zoning Enforcement Officer. The Planning and Zoning Commission or designee shall record a Release of any Declaration of Restrictions on the Land Records after inspection and confirmation by the Zoning Enforcement Officer.

### SUBDIVISION 3. BUSINESS ZONES.

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

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

Any use not specifically listed in the following Use Groups shall be prohibited, unless allowed under Use Group 5A by Special Exception. (9/15/86) (10/17/18)

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

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

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

Dry cleaning establishments, subject to the following:

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

Emergency Youth Shelters

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

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

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

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

Indoor theaters, of minimum 200 seats

Libraries, museums and art galleries

Municipal uses

Non-profit, multi-service, social work agency

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

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

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

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

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

Parks and Playgrounds

Personal service establishments

Pharmacy

Post offices

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

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

Retail stores

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

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

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

## **USE GROUP 2. OFFICE USES**

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

### **USE GROUP 2a**

Office space not exceeding 7,000 square feet gross floor area per lot., except in the GB Zone. In the GB Zone only, office space not exceeding 10,000 square feet gross floor area per lot.

**USE GROUP 2b**

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

**USE GROUP 2c**

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

**USE GROUP 3**

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

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

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

**USE GROUP 5**

The following uses when and to the extent authorized by the Planning and Zoning Commission, subject to the provisions of Sec. 6-17 inclusive, provided that the Planning and Zoning Commission finds that the use is compatible with the neighborhood and its uses:

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

Satellite earth station towers except those transmitting or distributing microwaves which are subject to Sec. 6-140.1 (10/7/85) (10/17/18)

### **USE GROUP 5A (10/17/18)**

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

Motor vehicle repair  
Motor vehicle sales and service (10/17/18)

### **USE GROUP 6**

Hotels  
Motels

### **USE GROUP 7a** Water Dependent Uses (5/11/87) (1/30/2019)

Boat rentals. (1/30/2019)  
Boat and engine repairs, service and storage. (1/30/2019)  
Boat yards and/or buildings devoted to boat building, repairs, service and dry storage on both the ground and in boat storage racks\*; the retail sales and dispensing of fuel and lubricants at dockside for marine purposes only, but expressly excluding the bulk storage of fuel.  
Assembling, processing or any light mechanical operation clearly accessory and related to the conduct of a water dependent use shall be permitted provided that such accessory use is not larger than 750 square feet gross floor area; and, in the opinion of the Zoning Enforcement Officer, is not offensive or obnoxious or detrimental to the neighborhood by reason of emission of odor, dust, smoke, fumes, or noise. (7/19/2006)  
Commercial fishing and boating facilities such as marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis. (5/11/87) (1/30/2019)  
Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices. (1/30/2019)  
Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard. (1/30/2019)  
Processing or sale of seafood delivered to the site via a dock or port facility located on the same property and provided that such use is not larger than 750 square feet gross floor area, and in the opinion of the Zoning Enforcement Officer is not offensive or obnoxious or detrimental to the neighborhood by reason of emission of odor, dust, smoke, fumes or noise. (5/11/87) (1/30/2019)  
Public waterfront access subject to Section 6-107(g). (1/30/2019)  
Public or private marinas (5/11/87)  
Water-based recreation uses (5/11/87)  
Dock and port facilities. (5/11/87)

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

**USE GROUP 7b** Water Related Uses. (1/30/2019)

Boat and marine engine sales. (1/30/2019)

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

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

Rowing clubs, public or private; (1/30/2019)

Sale of marine and fishing supplies and provisions such as fishing tackle and bait, marine parts and hardware and equipment, anchoring tackle and supplies, marine electrical, electronics, navigation equipment, and the like. (1/30/2019)

Yacht clubs, public or private (1/30/2019)

**USE GROUP 7c** Water Enhanced Uses (1/30/2019)

Office Uses, not related to any 7a or 7b use.

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

Restaurants greater than 750 square feet, other than drive-ins.

Retail Food Establishments.

Seasonal Farm Stands.

Multi Family Dwellings. (1/30/2019)

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

Animal grooming establishments (11/27/90)

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

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

Dry-cleaning establishments, subject to the following:

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

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

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



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

Libraries

Municipal Uses

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

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

Personal service establishments

Parks and Playgrounds

Pharmacy

Post Offices

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

Retail stores

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

Supermarkets (Note A)

- Note A. Ground floor uses by Special Permit only, pursuant to Sec. 6-17, for the purpose of assuring adequate ground floor street front space for the display and sale of merchandise in retail establishments and for the purpose of encouraging a concentration in uninterrupted shopping patterns of personal service and retail establishments. The Special Permit uses shall be judged, in addition to the standards of Sec. 6-17, by the extent to which they are consistent with the purposes of the zone and the standards cited above, they maintain a variety of uses complementary to retail uses, and they avoid contributing to a proliferation of similar or non-retail uses. Expansions of "Note A" uses shall also require a Special Permit. "Note A" uses on floors above the ground floor are subject to site plan standards of Sec. 6-15, but are exempt from the Special Permit Procedure applicable to ground floor uses, except for restaurants. (9/15/86)
- Note B. Existing gas stations are made conforming as to use existing as of April 30, 1986, and are limited to hours of operation in effect as of that date, or no later than 11 p.m. and no earlier than 6 a.m., whichever is less restrictive. A change to a schedule less restrictive than existed on April 30, 1986 shall be considered an intensification of use requiring a Special Permit pursuant to Sec. 6-17. (9/15/86)
- Note C. Uses permitted only above the ground floor. Expansion of uses made non-conforming due to location on the ground floor shall be by Special Permit. (9/15/86)
- Note D. Accessory uses which include the preparation and serving of food and/or the sale of equipment related to the activity on the premises are permitted. Accessory uses shall be limited to a maximum of 10 percent of the usable space of the principal use. (9/20/2013)

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

The Following uses are permitted by Special Permit Only:

Car Washes

Gasoline filling stations or service stations

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

Veterinary Establishments and Kennels

**Sec. 6-100.1. EMPLOYEE DENSITY.**

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

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

- (a) No new construction for any use or uses including uses for which special exception has been granted pursuant to Sec. 6-19 to 6-21 inclusive which would result in a structure or group of structures which individually or together would total in excess of 40,000 cubic feet in volume above established grade in the underlying zones of the mapped Central Greenwich Impact Overlay Zone or the mapped Post Road Impact Overlay Zone or in the Waterfront Business (WB) Zone or in the Local Business (LB) Zone or the Local Business Retail (LBR) Zones, or in excess of 150,000 cubic feet in volume above established grade in all other zones, shall be permitted except when authorized by special permit by the Commission pursuant to Sec. 6-17 of these Regulations. Upon application for said special permit, the Commission may authorize the measurement of building height and number of stories from a landscaped deck which is the roof of a parking structure, provided said parking structure is found by the Commission to be substantially below the surrounding grade, and is so landscaped and designed as to meet the standards of Sections 6-15 and 6-17. When height measurement is so authorized by the Commission, the area of such parking structure shall not be included in lot coverage. (7/25/96) (10/17/18)
- (b) No conversions of existing structures which exceed the size limit provided in this Section shall be permitted except in conformance with the provisions of (a) above;
- (c) The Commission may require a performance bond for any or all improvements deemed to be essential in meeting the standards of Sec. 6-15 and Sec. 6-17.
- (d) In all residential zones a special permit shall be required for two (2) or more dwelling units on a lot. (7/16/91, 4/24/2013)

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

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

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

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

(A) Purposes.

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

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

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

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

(B) Parking.

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

(C) Height Limitations.

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

(D) Floor Area Ratio (FAR)

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

## (E) Ground Floor Uses

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

## (F) Upper Floor Uses

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

## (G) Permitted Uses

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

Use Group 2a.

Use Group 3.

Use Group 8.

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

- (H) Within existing buildings in the LBR-1 and LBR-2 Zones, the following uses are permitted: Fitness Clubs; Group Fitness Centers/Gyms; Day-Care Centers; Walk-in Medical Clinics; Sales Agencies of Real Estate or Insurance; Art Galleries; and Schools, both profit and non-profit. A special permit is required for any use which involved student drop-off. All uses shall provide a storefront appearance for the occupied space as viewed from the adjacent street. (2/28/2019) (3/1/2019)

- (I) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required parking area. (3/1/2019)

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

## (A) Purposes.

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

wide and sub-regional market area; and it provides office uses to complement and support the business uses.

The emphasis of the CGBR zone is upon protection of ground floor space for compatible retail uses, and avoidance of a break in storefront continuity. Consequently, businesses in the zone are generally dependent upon pedestrian traffic and storefront exposure. In addition to retail uses, a wide variety of services and community functions is included to suit the broad and longer-term needs of residents and customers.

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

(B) Ground Floor Uses.

Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Group 1 except for banks and financial services, (including drive up and drive thru) and sales agencies of real estate, employment insurance or travel firms which are not permitted on the first floor of the CGBR zone. These uses are only allowed on the upper floors if parking is provided on site since these uses are considered office uses and not retail uses. ATM machines and bank entrances to the 2nd floor are not considered financial services and may be located on the first floor in the CGBR zone. Recreational facilities, fitness clubs, gyms and group fitness centers are not permitted on the first floor of the CGBR zone and only in the Basement and on the upper floors if, in either case, adequate parking is provided on site per Section 6-158 of the BZR. Other Use Group 1 uses shall occupy not less than 75% of the floor area of the largest floor of the building. For the purposes of this provision, the ground floor shall be considered a floor within 18 inches of mean curb elevation; if no floor occurs within this elevation, the Zoning Enforcement Officer shall determine which floor of the building shall be treated as the ground floor. Public areas of a restaurant in the CGBR zone are restricted to the ground floor (basement or second floor) may be used for food preparation and accessory non-public restaurant uses. For the purposes of this section, a floor shall be considered the ground floor if it is located within 18" above or below mean curb elevation. (4/14/2010; 9/28/2010, 9/20/2013; 9/19/2017)

(C) Permitted Uses.

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

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

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

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

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

(D) Parking.

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

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

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

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

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

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

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

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

(E) Below Grade Floor.

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

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

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

(A) Purposes.

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

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

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

(B) Parking

Subject to (C) below, underground parking may be permitted by Special Permit provided that parking spaces required for Use Group 1 uses are surface spaces on the same level as street-level businesses and are not permitted within the required front yard unless screened as provided for below. In considering approval of underground parking, the Commission shall consider the character of the area including

existing uses, buildings and open spaces; the relationship of the proposal in all its aspects, including bulk and mass, to the existing character and purposes of the business district; and the convenience to shoppers.

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

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

(C) Height Limitations.

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

(D) Floor Area Ratio (FAR).

See Table, Sec. 6-205(b)

(E) Ground Floor Uses.

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

(F) Upper Floor Uses.

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

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

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

Use Group 1

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



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

Use Group 4

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

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

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

(A) Purposes.

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

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

(B) Permitted Uses.

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

(5/4/2005)

(C) Parking.

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

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

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

## (a) Permitted Uses

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

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

Use Group 6

## (b) Parking

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

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

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

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

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

## (a) Permitted Uses:

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

Use Group 5, provided that a special permit is obtained from the Planning and Zoning Commission, pursuant to Section 6-17 inclusive of these Regulations.

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

Use Group 6 (10/17/18)

## (b) Parking:

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

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

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

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

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

(a) Statement of Policy and Purposes (5/11/87) (1/30/2019)

Waterfront properties in the Town of Greenwich are an extraordinary and limited resource. It is therefore the policy of the Planning and Zoning Commission to control the uses and intensity of development in the Waterfront Business Zone so as to enhance the value of waterfront land for the intended purpose of retaining and encouraging commercial uses which depend on a waterfront location and encourage land uses that maximize opportunities for public access, while protecting natural resources. To that end, the waterfront shall be developed following the schedule of priorities herein:

- i. The first priority of this zone is to protect and nurture existing and potential water-dependent uses;
- ii. The second priority is to encourage other water related uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure;
- iii. Water enhanced uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses and meet the special requirements of Section 6-107(e). (5/11/87) (1/30/2019)

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

- (1) Implement the goals of the Connecticut Coastal Area Management Act and Sec. 6-111 of the Building Zone Regulations – The Coastal Overlay Zone; (5/11/87)
- (2) Preserve scenic vistas by permitting development of a height and mass which will be compatible with the public enjoyment of waterfront views; (5/11/87)
- (3) To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters; (5/11/87)
- (4) To capitalize on the waterfront's unique attributes as a recreational resource accessible either through publicly owned land or commercial water dependent establishments; and to assure that these limited waterfront areas are reserved for the uses they are uniquely suited for and are not pre-empted by uses which can be more appropriately located elsewhere. (5/11/87)
- (5) Create and enhance public access to and enjoyment of the water. (1/30/2019)

(b) Permitted Uses:

- Use Group 7a
- Use Group 7b (special permit required)
- Use Group 7c (special permit required)

## (c) Special Requirements:

- (1) No change in use from one Use Group 7b or 7c use to another use from that category shall not be permitted without a special permit approval from the Planning and Zoning Commission. (5/11/87) (1/30/2019)
- (2) No new construction for any use or uses which would result in a structure or group of structures which individually or together would total in excess of 40,000 cubic feet in volume above established grade shall be permitted except when authorized by special permit by the Commission pursuant to Sec. 6-17 of these regulations. (5/11/87)
- (3) All applications in the WB Zone shall be reviewed for compliance with the Building Zone Regulations including but not limited to Sec. 6-111, Sec. 6-15 and Sec. 6-17. (5/11/87)
- (4) No construction or change of use of land or water shall adversely impact existing or potential water-dependent activities or development opportunities. (5/11/87)
- (5) In addition to the standards and requirements of Sec. 6-141(b)(1) conversion of a non-conforming use of land or buildings to another non-conforming use, shall be permitted only upon a finding by the Planning and Zoning Commission that, in consideration of the nature of the waterfront property, including the land, the water immediately adjacent and the existing structures, the purposes and requirements of the WB Zone are met. (5/11/87)
- (6) No land in the WB Zone shall be divided so as to create lots without a common boundary with the water. Any division shall be consistent with the standards and requirements in (7) below. (5/11/87)
- (7) Lot shape, size and location, the location and size of the buildings, and the arrangement of parking and drives shall be consistent with maximum utilization of the property for the purposes of the zone. The mix of slip space, upland storage, support facilities and parking shall be such that it assures the viability of water-dependent uses. (5/11/87)
- (8) No building shall be located less than 30' from mean high water unless the Commission finds that the special function, use or design of the structure or its relationship to the lot makes placement closer to the waterfront more consistent with the purposes of the zone. (5/11/87)
- (9) Illuminated signs, as regulated in Sec. 6-168 shall not be visible from the water. (5/11/87)
- (10) Sites shall be designed in a manner that preserves the visual quality of vistas and view sheds from both the water and public right-of-way. See diagram 11. When assessing impacts to vistas and view sheds, the Commission shall take into consideration the following:
  - (A) Presence of and locations of public access easements
  - (B) The size and height of buildings
  - (C) Locations and orientation of buildings, surface parking areas, and site landscape features relative to the water
  - (D) Coastal resources within the view shed, including tidal rivers, streams and creeks, wetlands and marshes, intertidal mudflats, beaches and dunes, bluffs and headlands, islands, rocky shorefronts, and adjacent shoreland areas. (1/30/2019)

## (d) Special Requirements for Use Group 7b uses only: (1/30/2019)

- (1) A public waterfront access in accordance with 6-107(f) shall be provided on any site with a Use Group 7b use.
- (2) Prior to the approval of an application for a Special Permit, the Planning and Zoning Commission shall find that the proposed activities maximize the opportunity for public access to and enjoyment of waterfront areas without conflicting with other Use Group 7a uses.

- (e) Special Permit Requirements for Use Group 7c uses only: (1/30/2019)
- (1) Prior to the approval of an application for a Special Permit, the Planning and Zoning Commission shall find that the proposed activities are subordinate to, or provide supportive services to, a Use Group 7a use.
  - (2) A Use Group 7a use and public waterfront access in accordance with 6- 107(f) shall be provided on any site with a Use Group 7c use, subject to the following:
    - (A) A Use Group 7c use shall only be permitted once the waterside improvements are fully developed with improvements that, first, support the Use Group 7a uses and, secondarily support the Use Group 7b uses. Further, the majority of the waterside improvement shall be in support of Use Group 7a uses, subject to the discretion of the Commission who shall take in to consideration that some Use Group 7a uses may have more space demand than others. For example, the space needed for the boat slips in a marina could exceed the space needed for a commercial fishing operation.
    - (B) Once the upland improvements needed to satisfy Section 6- 107(e)(2)(a) have been met, including but not limited to the structures and buildings to support the Use Group 7a and/or 7b uses, the public access walkway, and all parking requirements, the remaining available upland parking area may be used to support a Use Group 7c use, provided that the total building coverage of any buildings or structures occupied by a Use Group 7c use shall be no more than fifteen percent (15%) of the gross lot area.
  - (3) Special conditions for public or private restaurants:
    - (A) Restaurants are permitted provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing.
    - (B) The hours of operation for any restaurant shall be limited to within 5:00 a.m. and 11:00 p.m. each day.
    - (C) One boat slip per every 10 seats in a public or private restaurant shall be made available for public docking and use of the restaurant (subject to any reciprocity rules for private clubs). For public restaurants only, every boat slip required for the public's use of the restaurant shall result in one less upland parking space required for the same. For either public or private restaurants, a lesser number of boat slips may be required as deemed appropriate by the Commission so as to ensure no Use Group 7a or 7b use is hindered by this requirement.
  - (4) Special Conditions for Multi-Family Dwellings
    - (A) All multi-family residential developments shall have a minimum lot size of 20,000 square feet
    - (B) Multi-family development in a flood hazard zone (A-zone) shall provide access from the proposed building to the street, both of which must be at an elevation equal to or greater than the corresponding flood zone elevation. No residential uses are allowed within FEMA-designated V-zones. All residential development must be constructed according to FEMA standards
    - (C) Multi-family residential developments shall use the parking standards from Sec. 6-155
    - (D) The net density for a multi-family residential development in the WB zone shall not exceed 1 dwelling unit per 4,200 square feet of lot area.
    - (E) The maximum number of stories for residential buildings may be increased from 2.5 stories to 3 stories and the maximum height may be increased from 30 feet to 35 feet, as determined by the Commission
    - (F) Boat slips associated with a marina on a property improved with residential uses shall be made available to the public at large and shall not be restricted for the sole use of the residences.

- (f) Requirements for Public Waterfront Access (1/30/2019)
- (1) The public waterfront access shall be ensured through the dedication of a permanent public waterfront access easement or other acceptable instrument. The easement shall encompass the area of land extending from the mean high water mark to a point at least fifteen feet inland, subject to the discretion of the Commission.
    - (A) The easement shall be wide enough to accommodate a ten-footwide walkway as well as necessary screening and fencing so as to ensure public safety and security for upland uses. See Diagram 12.
    - (B) The public waterfront access easement shall connect to all public waterfront access easements on adjacent properties. See Diagram 12.
    - (C) The public waterfront access easement shall extend along the entire waterfront of the site. See Diagram 12.
  - (2) The Commission, in its discretion, may modify the size or layout of a public waterfront access easement under the following conditions:
    - (A) If safe, unobstructed waterfront improvements cannot be reasonably built within a fifteen-foot easement due to physical, site, or environmental conditions including but not limited to presence of steep terrain, exposed bedrock, coastal wetlands, or utilities. See Diagram 13.
    - (B) If, due to the nature of the upland use, a wider buffer is needed between the public waterfront access and upland areas in order to protect the health, safety, and welfare of the public and ensure tenant security. See Diagram 13.
    - (C) If, due to the nature of a Use Group 7a use, a reduction or elimination of a portion of the Public Waterfront Access is needed such as in the area of a crane-operated boat lift.
  - (3) The Commission shall require the dedication of a ten foot permanent public accessway easement that connects the public waterfront access easement to the public right-of-way. The easement shall be wide enough to accommodate an eight-foot-wide walkway. The Commission, in its discretion, may waive the public accessway easement requirement for a walkway if it finds that there is another accessway within a reasonable distance. See Diagram 12. In determining whether to waive the public accessway easement requirement, the Commission shall consider the following:
    - (A) Distance to other public accessways
    - (B) Connectivity to other public accessways and waterfront walkways
    - (C) Presence of and locations of dedicated public access parking spaces
    - (D) Sidewalk connectivity
    - (E) Physical, site, or environmental conditions including but not limited to presence of steep terrain, exposed bedrock, coastal wetlands, or utilities
  - (4) A Declaration of Restrictions for the public waterfront access easement shall be provided to the Commission. The restrictions shall include but not be limited to maintenance obligations of the waterfront public access improvement and associated landscaping.
  - (5) In order to ensure public safety and tenant security, property owners shall be permitted to establish reasonable rules that must be approved by the Planning and Zoning Commission, which will govern permitted and prohibited recreational uses on their property, inclusive of all easements, as well as reasonable time-of-day restrictions (e.g. open dawn to dusk) as established in the Town of Greenwich Park Rules.

- (6) All public waterfront access points shall contain uniform signage indicating the area is open to the public. Public waterfront access signage shall meet the following criteria:
- (A) All Public Access signs shall abide by the design criteria as shown in the CT DEEP Coastal Public Access Sign Catalog. These signs are available from the CT DEEP for a nominal production fee. See Diagram 14.
  - (B) All signs shall be placed in an area that is clearly visible from the public right-of-way
  - (C) Where materials to construct the public access way differ from property to property, signage shall be placed at the property line to indicate the continuation of the public access.
- (7) Public waterfront access signage may also include the following items:
- (A) Hours of operation (e.g. dawn to dusk)
  - (B) Directional arrows
  - (C) Types of recreation permitted
  - (D) Prohibited activities
- (8) Public Access Parking Requirement. Since many residents do not live within walking distance to the water, public parking is necessary for maximizing the utility of public waterfront access points.
- (A) One public access parking space shall be required if the total minimum parking requirement for a site is 30 spaces or less. Two public access parking spaces shall be required if the total minimum parking requirement for a site is greater than 30 spaces.
  - (B) Each dedicated public access parking space shall be clearly signed and demarcated as reserved for public access use
  - (C) Public access parking spaces shall not count towards the minimum parking requirement
- (9) Up to 25 percent of the minimum parking requirement can be satisfied by off-site parking under the following conditions:
- (A) The off-site parking area must have adequate entrances and exits and be on property under the same ownership as the site, with the nearest entrance within one-thousand feet of the main entrance of the building.
  - (B) Employees of the building's occupants shall be required to use such available parking, leaving on-site parking for patron and customer use. Residential uses are not eligible for the off-site parking allowance.

(g) Design Standards for Waterfront Public Access Improvements. (1/30/2019)

The purpose of this section is to establish design standards for public waterfront access improvements in order to ensure that these areas are cohesive across many development sites.

- (1) Waterfront improvements shall be accessible to the public and shall be located within a public access easement.
- (2) A waterfront walkway at least ten feet in width shall be provided. See Diagram 15. The walkway:
  - (A) Shall extend along the entirety of the public waterfront access easement. See Diagram 15.

- (B) Shall be constructed of high-quality materials that are cohesive with public waterfront improvements on abutting properties so as to create a unified waterfront. See Diagram 15.
- (C) Shall provide unobstructed access to public waterfront improvements on abutting properties. See Diagram 15.
- (D) A vegetative buffer, fencing, or screening may be provided between the waterfront walkway and upland land uses in a manner necessary to ensure public safety and tenant security. See Diagram 15.
- (E) The walkway extending to a public street or right-of-way in a manner providing safe and convenient public access to the waterfront shall be made of the same materials as the waterfront walkway.
- (F) The walkway shall be exempt from the coverage calculation.

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

#### (a) Statement of Purpose.

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

#### (b) Permitted Uses.

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

#### (c) Permitted Uses by Special Permit of the Planning and Zoning Commission.

- (1) Religious or educational institutions not operated for commercial profit.
- (2) Public utility uses not including incidental service and storage yards.
- (3) Radio or TV stations and towers. (10/17/18)

#### (d) Permitted Accessory Uses.

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

#### (e) Standards and Requirements.

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

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



- combined maximum number of employees does not exceed 20 employees per acre. (4/1/91)
- (b) For purposes hereof, the term “Employee” shall mean each individual who (i) regularly performs work or services (including part-time and temporary work or services) at such lot on behalf on an Occupant of such lot and (ii) is either (a) on the payroll of an occupant of a lot or (b) for tax, liability or other reasons, is engaged as an independent contractor or “leased” from a different employer off the lot while nevertheless performing work or services at a lot which would otherwise be undertaken by regular employees (e.g. secretaries engaged on a regular or part-time basis through a temporary employment agency, “contract” employees, etc.). Employees shall include support personnel employed by an Occupant of a lot (such as maintenance, security, and cafeteria personnel); but employees shall not include guests or invitees, or servicemen or repairmen performing work or services for an Occupant of a lot. In order to prevent double counting of individuals comprising employees, an allowance shall be made where an individual is substituting for another individual employee who is absent from the premises, so that such substitute shall be counted only as one employee during the period of substitution and the employee substituted for will not counted during the period of substitution. For the purposes of the foregoing provision, “Occupant” shall mean the owner of a lot in the BEX-50 Zone, or any tenant, subtenant, licensee, concessionaire, condominium unit owner, cooperative shareholder or other party legally entitled to use and occupy all or a portion of such lot. (4/1/91)
- (c) On or before January 31 of each year, the owner of any such lot referred to in (a) above shall file or cause to be filed with the Zoning Enforcement Officer an affidavit certifying for each executive office occupancy as to the number of permanent and temporary full or part-time employees including support personnel actually occupying all buildings on such lot and that such occupancy complies with the provisions of this section. The failure of such owner to so file or cause to be filed any affidavit required hereunder in a timely manner shall be deemed to be evidence of such owner’s non-compliance with the employee limitation provisions of this Section 6-108(e)(1). The penalty provisions of Sec. 6-202 of the Greenwich Building Zone Regulations and Sec. 8-12 of the Connecticut General Statutes shall be invoked for non-compliance. (4/20/91)
- (d) The Planning and Zoning Commission may, at its option, require each owner of a lot within the BEX-50 Zone to prepare, or cause to be prepared, and submit a detailed traffic analysis and a traffic management plan for such property which will address, but not be limited to, the following: (4/1/91)
- (1) Institution of staggered work hours
  - (2) Institution of flex-time programs
  - (3) Institution of ride-sharing programs
  - (4) Institution of incentives to alter journey to work travel patterns

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

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

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

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

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

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

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

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

**(b) Procedure**

- (1) To create an HO zone requires approval from the Planning and Zoning Commission for a zone change. Any accompanying improvements to the property in an HO zone require a site plan and special permit application, which may be made by the Owner of the structure and its site or by the Planning and Zoning Commission on its own motion. All applications shall be referred to Historic District Commission and any other consultants the Planning and Zoning Commission may choose for evaluation and recommendations.
- (2) Application to request a zone change and/or site plan and special permit shall include the following additional materials to those noted under Section 6-14:
  - (A) A written Report noting the historic significance of the proposed property for rezoning and the rationale as to why the application should be granted. The report shall include the following:
    - (i) A brief history of the property and structures including historical significance and/or historic events either local and regional or persons associated with the property. A general description of the building(s) on the property listed according to their known or estimated ages and their associated ownership history.
    - (ii) Any relevant construction history including chronology of original and subsequent alterations, any historical documentation (letters, diaries, vouchers, newspaper articles), physical investigation as necessary to clarify which construction events are historic (analysis of paint layers relative to construction events).
    - (iii) A description of the architecture including all exterior features and materials that are character-defining and therefore significant, and which are intended for preservation in the course of project work.
    - (iv) A description of the existing conditions including any damage, structural problems, materials deterioration and a description of the proposed priority for repair/stabilization. A description of the general and periodic maintenance proposed, recognizing that deferred maintenance is not an option for historic resources, shall be noted in the Declaration of Restrictions filed on the Greenwich Land Records as part of the improvement.
    - (v) An archeological assessment may be required depending on the nature of the property, its site and setting.
    - (vi) All proposed work and the preservation objectives.
    - (vii) All support documentation specifically photographs.
  - (B) Information as to the proposed use and density of the property.
  - (C) Specific architectural and landscape plans showing how the building or buildings on said property will be preserved. No Zoning Permit will be issued until the architectural and landscape plans have been approved pursuant to Section 6-16.1 of these Regulations.
- (3) In acting upon any rezoning, site plan or special permit, the Commission may take into consideration the recommendations of any Town agencies or outside specialists with which it consults, such as but not limited to the Historic District Commission, the Greenwich Historical Society and the Architectural Review Committee.

- (4) Within sixty-five days after the closing of the Public Hearing, the Commission shall take action on the application for rezoning, special permit and site plan review if the Commission finds that Sections 6-13 through 6-17 and 6-109(c) of these Regulations are met.
- (5) If the Commission finds that the standards of Section 6-109(c) of these Regulations are met but additionally finds, after evidence duly presented by the Owner, that there would be no reasonable use to which the property in question could be adapted under the HO Zone, it shall deny HO zoning.
- (6) No alteration of the exterior from that shown in the architectural plans or addition resulting in an increase in floor area will be permitted unless reapplication for a special permit and site plan review is made.
- (7) A site rezoned by the Commission to HO shall continue to bear its original zone designation with the initials HO appended to indicate the Historic Overlay Zone. All zoning regulations and controls applying to the underlying zone shall continue to govern the HO site except as amended by this section.
- (8) The significant structures or features of the site which caused the HO designation to be granted shall be permanently protected by a setting of suitable size, shape and treatment, as delineated on the approved site plan.
- (9) Any new construction shall be reviewed by consultants of the Commission's choosing to assure that the design, location and size of the new structures are compatible with and protective of the site's significant existing structures, features or natural resources, including those identified in any Environmental Assessment if required by the Planning and Zoning Commission.
- (10) As a condition of a Special Permit approval, the Owner shall grant a perpetual Declaration of Preservation Restriction pursuant to Connecticut General Statutes Section 47-42 a-c, enforceable by both the Historic District Commission and the Planning and Zoning of the Town of Greenwich, which shall provide for, among other things, the right of the holder of the restriction to perform repairs and charge the cost thereof to the Owner upon the Owner's failure to keep the exterior of the structure in good repair. A draft Declaration of Preservation Restrictions shall be provided with any application.
- (11) The Commission encourages property owners to seek designation of historic significance from local, state or federal organizations and to display appropriate historic plaques.

(c) Standards

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

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

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

(d) Incentives

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

- (1) For structures on sites in the business zone, the Planning and Zoning Commission may authorize any use presently permitted in any of the business zones for the entire structure and may further authorize modifications of the maximum FAR for office use, coverage, setbacks, parking, and screening for the underlying zone in question; said Special Permit shall not authorize any addition to the structure which will cause the maximum FAR to be exceeded.
- (2) For structures on sites in the business zone greater than 20 acres, the Planning and Zoning Commission may authorize Use Group 2b or 2c Uses in proposed new construction provided that the area of such 2b or 2c use shall not be greater than the floor area used for otherwise permitted uses in the historic structure or structures on which the HO zone was based.
- (3) For structures on sites in the RA-4, RA-2, RA-1, R-20, R-12, R-7 and the R-6 residential zones, the Planning and Zoning Commission may authorize additional dwelling units in existing buildings or structures and/or in new construction that is complementary and secondary to the historic structure(s), provided the total number of units shall not exceed the density determined by dividing the total lot area by the minimum lot size for the underlying zone, and multiplying the result, by 1.50 in the RA-4, RA-2, RA-1, R-20, R-12 zones and by 1.2 in the R-7 and the R-6 residential zones. The Commission may consider any fraction of a unit as a whole unit. The Commission may also modify setbacks and/or green area requirements.
  - (A) When bonus units are proposed within the historic structures, or where bonus units would create developments without lot division lines, the Planning and Zoning Commission, after consultation from the Historic District Commission, shall determine neighborhood appropriateness based on:
    - (i) the number and proximity of single family detached dwellings;
    - (ii) the visible impact on the streetscape;

- (iii) the number, character and proximity of other uses;
- (iv) the amount and location of undeveloped land in the vicinity and the relationship of proposed development to the pattern of existing open space in the area;
- (v) the proximity of other zones either more or less restrictive; and
- (vi) other standards provided in this article and the standards contained in Sections 6-15 and 6-17.

- (4) For structures on sites in the RA-4 or RA-2 residential zone, the Planning and Zoning Commission may authorize additional FAR up to 25% and for structures on sites in the RA-1, R-20, R-12, or R-7 residential zones, the Planning and Zoning Commission may authorize additional FAR up to 15% in existing buildings or structures and/or in new construction that is complementary and secondary to the historic structure(s);
- (5) For structures on sites in residential zones not more than 1,000 feet from a business zone boundary line, the Planning and Zoning Commission may authorize all uses permitted by right, or special permit uses for the most restrictive contiguous residential zone, or Office Uses. Permitted accessory uses are also permitted with the exception of the office of a resident professional person (Sec. 6-95(a)(1)). Parking requirements shall be as detailed in Division 15 of the Regulations. Parking in a front yard shall be discouraged. Height shall be the same as for the pre-existing residential zone. No more than 60% of the site shall be occupied by building, parking and drives. (10/17/18)
- (6) For religious institutions existing as of the effective date of this amendment that are located in the CGIO Zone, the Planning and Zoning Commission may authorize, an FAR not to exceed 1.0. Further the Commission may authorize an increase in the number of stories, not to exceed four (excluding basements), and a building height not to exceed 50 feet.
- (7) The Commission may allow for the inclusion of the area of a privately owned road as part of lot area. Further, the Commission may allow for the treatment as a single lot for parcels that would be contiguous but for the separation by a privately owned road.

(e) Alterations and Additions

- (1) No reconstruction, alteration, demolition, or addition shall be made to the exterior of any existing structure nor shall any additional structure be constructed upon a site in the HO zone, unless there shall have been received a special permit upon application thereof from the Planning and Zoning Commission pursuant to Section 6-17 and 6-109. In issuing such special permit, the Commission shall consider the effects of the proposed work upon the protection, enhancement, perpetuation and use of the structure(s) which cause it to meet the standards set forth in Section 6-109(c). Comments shall be obtained from the Historic District Commission prior to any action by the Planning and Zoning Commission.
- (2) Minor work which is limited to a change in, addition to, or removal from the parts, elements or materials of the exterior of a structure, shall be excepted from the Special Permit requirement provided that a certificate of appropriateness is issued by the Historic District Commission.
- (3) The requirement Section (e) shall not apply to any case where the Department of Buildings, the Fire Department, or the Department of Health shall direct that work be done to remedy conditions dangerous to life, health, or property. Where such condition is not of imminent danger, notice of not less than 8 days shall be sent to the Planning and Zoning Commission and the Historic District Commission prior to directing such work.
- (4) Nothing in this regulation shall be construed to prevent the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic.

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

- (1) If any structure or building is removed, altered, modified or added to after the granting of a HO zone or during the pendency of any application for HO zone before the Planning and Zoning

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

- (A) the maximum floor area authorized.
- (B) the maximum building area authorized.
- (C) the maximum area covered by building, parking and drives.

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

(a) Purpose:

The purpose is to promote the inclusion of below-market-rate dwelling units, hereafter referred to as moderate-income dwelling units, within private sector residential or mixed-use development in business zones so as to increase the diversity of the Town's housing stock, in accordance with the objectives of the 2009 Plan of Conservation and Development (POCD) and the POCD Housing Task Force recommendations of 2011, and to mitigate the shortage of dwelling units that can meet the housing needs particularly, but not exclusively, of those employed by the Town and by not-for-profit and non-governmental agencies located in the Town of Greenwich that provide essential services to the Greenwich community; the elderly; and others who are classified as moderate-income households as defined in (b)(3) below.

(b) Definitions:

- (1) Moderate-income dwelling units are those set aside for moderate-income households whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification (but excluding the earnings of working minors attending school full-time), averaged for the preceding two years, does not exceed the following multiple (listed below) of median annual Town paid wages of all full-time employees and teachers of the Town of Greenwich during the preceding fiscal year.
- (2) A household, as defined by The United States Department of Housing and Urban Development (HUD), is all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.
- (3) Moderate-income households are households whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification (but excluding the earnings of working minors attending school full-time), averaged for the preceding two years, shall not exceed the following multiple (listed below) of median annual Town paid wages of all full-time employees and teachers of the Town of Greenwich during the preceding fiscal year.



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

(4) In calculating household income, the value of assets must be considered. If the value of assets (not including personal property or vehicles) is \$5,000 or less, then the income received from those assets should be added to the household's annual household income. If the value of assets is greater than \$5,000, the greater of the following should be added to the household's annual income:

- i. Actual income received from the assets or
- ii. The actual value of the assets multiplied by the current passbook savings rate as established by HUD.

(c) Limit on the Number of Dwelling Units Permitted in the Business Zones:

- (1) Dwelling units are permitted within private-sector residential or mixed-use development in the LB, LBR-2, CGB, CBGR, GB and GBO zones provided the units comply with Sec. 6-110(d) and Sec. 6-205 of these zoning regulations.
- (2) When any portion of one or more of the incentives offered under Section 6-110(g) is requested, a minimum of 20% of all dwelling units on one existing lot or merged adjoining lots shall be deed restricted as moderate-income dwelling units, subject to Section 6-110(h). The incentives for moderate income dwelling units are applicable to properties within the LB, LBR-2, CGB, CGBR, GB and GBO business zones. The Planning and Zoning Commission may consider a fraction to be a whole number to meet the requirements that not less than 20% of all units are moderate-income dwelling units.

(d) Special Requirements:

- (1) For CGBR and LBR-2 zones, dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group 3.
- (2) The Planning and Zoning Commission, when it deems appropriate, may require outdoor recreation space of suitable size, shape, and location to serve the recreational needs of the residents. Such areas may include balconies, roof terraces, lawn areas, and the like.
- (3) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3 uses (dwelling units in business zones) may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and Site Plan approvals have been granted in accordance with the standards and requirements of Sec. 6-15 and 6-17 of these regulations.

(e) Procedure:

A development proposal including moderate-income dwelling units shall be subject to Special Permit procedures and standards pursuant to Sec. 6-17. As part of any moderate-income housing development pre-application process, a workshop shall be convened by the Director of Planning and Zoning that includes the Zoning Enforcement Officer (ZEO), Department of Public Works

Engineering, Building Official, Sewer, Highway, and other appropriate agencies/persons at which meeting the developer whose development plans include moderate-income dwelling units shall present and discuss a sketch plan prior to actual submission to any Town agency.

(f) Distance Requirements:

In the LB, LBR-2, CGB, CGBR, GB and GBO business zones an adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. The minimum distance in feet between buildings must meet all applicable fire and building codes and provide for adequate light, air, and ventilation, unless the Planning and Zoning Commission finds a greater distance more appropriate.

(g) Incentives:

To provide incentives to include moderate-income dwelling units within private-sector residential or mixed-use development in the LB, LBR-2, CGB, CGBR, GB and GBO zones (including alteration of, or addition to, an existing building), the Planning and Zoning Commission may allow the following modifications of the Building Zone Regulations provided that (1) the proposed development includes the requisite number of moderate-income dwelling units required under Sec. 6-110(c)(2); (2) the Commission makes a finding that the purposes and requirements of Sec. 6-110 are met; and (3) the proposal complies with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations:

- (1) An increase in Floor Area Ratio to 0.9. The commercial floor area permitted in the underlying zone may be constructed new or added to an existing building up to the allowable Floor Area Ratio of the underlying zone, as permitted in Sec. 6-205(b), provided the remaining allowable floor area up to 0.9 is devoted to residential;
- (2) A waiver of non-residential ground floor use is permitted in the LB zone. Ground floor residential use is permitted in the GB, GBO and CGB zones but is prohibited in the LBR-2 or CGBR zones;
- (3) For the GB, GBO, CGBR, CGB and LB business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones and an increase in the height of a building up to 47½ feet; all as measured according to the requirements of the particular underlying business zone;
- (4) In the LBR-2 business zone an increase by one (1) story over the number of stories otherwise allowed in this zone and an increase in the height of a building up to 40 feet may be permitted; (7/19/16)
- (5) A waiver of maximum coverage standards provided the scale of proposed structures is compatible with surrounding uses and open spaces and provided sufficient landscaping, screening, and decorative planting is provided to enhance the residential quality of the development and to screen refuse, transformer, storage, and parking areas;
- (6) A modification of requirements, if any, of the underlying zone that all parking spaces for Use Group 1 be surface spaces on the same level as street level businesses. The Planning and Zoning Commission may allow up to two-thirds of the required parking spaces for Use Group 1 to be located in an on-site underground parking level provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission

finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening, and decorative planting. The total number of on-site parking spaces shall be determined in accordance with Division 15 of the Building Zone Regulations;

- (7) Where minimum side yards are required in Sec. 6-205(b), the Planning and Zoning Commission may find lesser side yards adequate for residential uses;
  - (8) Such units shall have not less than one bedroom and shall contain, on average, the same number of bedrooms as the market rate units in the development, unless the Planning and Zoning Commission finds a different allocation of bedrooms per dwelling unit to be more responsive to current housing needs.
  - (9) A waiver of the prohibition that no entrance to or exit from a business use shall be located on any street frontage opposite a residence zone where the lot containing the business use has frontage in a business zone along East and West Putnam Avenue. (12/8/16)
- (h) Criteria and Requirements of Inclusion of Moderate-income Dwelling Units:
- (1) General Requirements:
    - i. Moderate-income dwelling units shall be offered for sale, resale, or continuing rental to moderate-income households as defined above; or to a Planning and Zoning Commission-approved agency which may be a non-profit agency, a municipal agency, or other organization, which shall offer the dwelling units to moderate-income households as set forth herein.
    - ii. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning and Zoning Commission.
    - iii. Parking shall be provided in accordance with the standards of Sec. 6-155 for multi-family dwellings.
    - iv. Moderate-income dwelling units must be owner occupied or occupied by the legal lessee only. If there is more than one owner of a unit, both owners must occupy the unit as their primary residence. Moderate-income dwelling units cannot be rented or leased out or occupied by others not legally allowed or qualified by the Town. An annual affidavit is required from the owner/renter indicating they are residing in the unit as their primary residence. This annual affidavit should be submitted to the Planning and Zoning Department or its designated agent.
  - (2) Priority List of eligible moderate-income households applying for moderate-income dwelling units shall be selected on the basis of the following categories of priority:
    - i. Full-time Town of Greenwich Municipal and Board of Education employees and full-time employees of not-for-profit health, education, and human services agencies and other not-for-profit agencies located in the Town of Greenwich that provide essential services to the Greenwich community.
    - ii. Other residents of the Town of Greenwich.

- iii. Other persons employed in the Town of Greenwich.
  - iv. All others
- (3) Guidelines for maximum rent and sales price:

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

- i. The maximum monthly rent for one bedroom moderate-income dwelling units shall include common charges, and may exclude utilities (gas, oil and electricity) at the discretion of the property owner, shall not exceed 2.0% of the median annual Town paid wages for all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum rent: two bedroom units will be limited to 2.5% and three bedroom units to 3% of the median annual Town paid wages as described above. (6/20/19)
  - ii. The first time a moderate-income dwelling unit is sold, the maximum sales price for a one bedroom unit to a subsequent moderate-income household shall not exceed four times the median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum sales prices: two bedroom unit prices will be limited to five times and three bedroom units to six times the median annual Town paid wages as described above.
  - iii. In the case of a condominium ownership structure, there shall be no extra up-front charge for minimum required facilities such as, but not limited to, parking and recreational facilities. Each unit owner, however, shall pay his fair share of common charges, expenses and assessments as provided in the Common Interest Ownership Act of the State of Connecticut and as approved by the Town of Greenwich Planning and Zoning Department. (6/20/19)
- (4) Resale Restrictions:
- i. For moderate-income dwelling units, the title to said property shall be restricted so as to maintain the unit in the moderate-income category in perpetuity beginning on the date of issue of the Certificate of Occupancy (the "Restriction Period"). Said restriction shall provide that in the event of any resale of the unit by the original owner or any successor owner, the maximum resale price shall be limited by the same guidelines and rules indicated in 6-110(h)(3)(ii) above. (6/20/19)
  - ii. For rental moderate-income dwelling units, the title to said property shall be restricted so as to maintain the rents charged for the units in the moderate-income category in perpetuity beginning on the date of issue of the Certificate of Occupancy. This title restriction will survive any sale of the rental project to a subsequent owner during the Restriction Period. There shall be no limitation on the sales price of an entire moderate-income rental project; however, if less than the entire project is sold, any moderate-income dwelling unit(s) sold must be sold to a qualifying moderate-income household during the Restriction Period. (6/20/19)

- iii. If a moderate-income dwelling unit is subject to a Restriction Period other than “in perpetuity”, twelve months prior to the end of the Restriction Period, the owner of any moderate-income dwelling unit shall notify, by certified mail, the Town of Greenwich Planning and Zoning Department or its designee of the impending end of the Restriction Period. Failure by the owner of the moderate-income dwelling unit to notify, by certified mail, the Town of Greenwich Planning and Zoning Department or its designee twelve months prior to the end of the Restriction Period shall extend the Restriction Period by the number of days equal to the period of failure to give notice. (6/20/19)
- iv. In the case of moderate-income dwelling units which are part of a commonly owned building in which a moderate-income dwelling unit cannot be sold individually, then such moderate-income dwelling unit will remain in the Restriction Period, if applicable, until such unit can be eligible to be sold in accordance with the procedure of Sec. 6-110. (6/20/19)
- v. Each moderate-income dwelling unit shall be subject to an option to purchase (the “Purchase Option”) at the maximum allowable restricted sales price or any mutually agreed upon sales price that does not exceed the maximum sale price. The Purchase Option shall be available to the Town of Greenwich, or its designee, followed next by the Housing Authority of the Town of Greenwich, then followed next by a qualified non-profit as approved by the Town. Upon receipt of a notice of the end of the Restriction Period, if applicable, the Purchase Option shall be available to the Town of Greenwich for 90 days. If the Town exercises the Purchase Option, it may enter into a contract of sale. If the Town fails to exercise the Purchase Option or declines to exercise the Purchase Option within 90 days, the Housing Authority of the Town of Greenwich shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the Housing Authority of the Town of Greenwich fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, a qualified non-profit as approved by the Town shall have 30 days to exercise the Purchase Option and enter into a contract of sale. If the qualified non-profit fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, the existing moderate-income dwelling unit owner will be free to proceed with the sale of the moderate-income dwelling unit at the end of the Restriction Period, if applicable. (6/20/19)
- vi. A seller of a moderate-income dwelling unit that has been restricted as a moderate-income dwelling unit for a Restricted Period who has provided the requisite notice of an intent to sell shall have the option to proceed with a sale at fair market value without restriction if no contract of sale has been signed in accordance with paragraph (h)(4)v above, provided that the Town of Greenwich, or its designee, shall examine the contract of sale to determine if the proposed sale price bears a reasonable relationship to the moderate-income dwelling unit’s fair market value. The Town of Greenwich, or its designee, may rely on comparable sales or an appraisal, and shall not approve a contract of sale where there is a determination that the sale price does not bear a reasonable relationship to fair market value. Upon transfer of title on the moderate-income dwelling unit, the seller of the moderate-income dwelling unit shall pay 50% of the difference between the contract sale price of the unit and the final restricted sale price to the Town of Greenwich. (6/20/19)

- vii. In the event of a casualty or other destruction of a moderate-income dwelling unit, any replacement unit shall be subject to the regulation of this Sec. 6-110.
  - viii. Any conversion of a rental moderate-income project to another use shall not be permitted during the Restriction Period, if applicable, unless such conversion includes the creation of the required number of for sale moderate-income dwelling units in accordance with Sec. 6-110. (6/20/19)
- (5) Declaration of Restrictions:
- The developer/owner of moderate-income dwelling units shall submit to the Planning and Zoning Commission a Declaration of Restrictions and Lien adopted by the Town of Greenwich, as to the ownership, use, occupancy, and resale of such moderate-income dwelling units. This declaration of restrictions shall be binding upon such developer and all succeeding owners of the moderate-income dwelling units and shall incorporate the provisions of this Sec. 6-110 therein by reference hereto. Final site plan approval shall be given by the Commission only after it has been satisfied that the Declaration of Restrictions binds the developer and all succeeding owners of the moderate-income dwelling units and duly restricts the ownership, use, occupancy, and resale thereof, and requires adherence to established sales and rental guidelines and administrative procedures, all in accordance with the provisions of this Sec. 6-110. The Commission may cause any such Declaration of Restrictions to be reviewed by the Town Attorney. Each deed for a moderate-income dwelling unit will indicate the restrictions on such unit and refer to the Declaration of Restrictions and Lien, which shall be on file with the Town Clerk as part of the Town's land records.
- (6) Administration:
- i. The Greenwich Planning and Zoning Department or other designated agent/agency approved by the Town shall maintain a list of eligible moderate-income households in accordance with the priority list set forth in (b)(3) above. Where the number of those eligible in the same category of priority exceeds the number of available moderate-income dwelling units, the applicant shall be selected by lottery. As the goal of this program is to provide the greatest benefit to the largest number of eligible people, the Town will seek, at its discretion, to match the size of an available moderate-income dwelling unit to the most appropriately sized eligible household. The selected moderate-income household must reside in the moderate-income dwelling unit. Moderate-income dwelling units must be occupied by the qualified owner(s) or legal lessee(s) only. If there is more than one qualified owner or legal lessee, each owner or legal lessee must occupy these units as their primary residence. These moderate-income dwelling units cannot be rented, assigned, leased out, or occupied by others not legally allowed or approved by the Town or its designated agency. (6/20/19)
  - ii. At the time of Site Plan approval for each housing development, the Planning and Zoning Commission shall approve the designation of an administrative agency to monitor and administer guidelines for the rental, sale, or resale of moderate-income dwelling units. Such administrative agency, which may buy the moderate-income dwelling units for the purpose of rental or resale to moderate-income households, may be a non-profit corporation, an agency of the Town, a Community Housing Development Corporation pursuant to Section 8-217 of the Connecticut

General Statutes, a 501(c)(3) non-profit corporation such as a Greenwich Community Development Partnership, or other approved organization. Such agency may maintain and submit an eligibility list to the Planning and Zoning Department or other designated agent, but the choice of households for available moderate-income dwelling units even if owned by the designated agency shall be in accordance with (b)(3) above. (6/20/19)

- iii. The designated agency shall establish the sale price, resale price, or annual rent of the individual dwelling unit in accordance with the guidelines and requirements of (h)(3) and (h)(4) above and with the approval of the Greenwich Planning and Zoning Department or other designated organization. There will be an Affordability Plan filed on the Greenwich Land Records indicating the deed restrictions on the specific unit which the designated agency will enforce. (6/20/19)
- iv. The designated agency shall set up such procedures as may be necessary to receive annual certification or other information from owners and or tenants which confirms continuing compliance with the guidelines and requirements of this Sec. 6-110 and which notifies it of any conversion in the form of ownership. This information shall be submitted to the Planning and Zoning Department. (6/20/19)

#### **Sec. 6-111. COASTAL OVERLAY ZONE.**

##### (a) Purposes

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

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

##### (b) Zone Boundary

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

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

A. Coastal Site Plan review and approval by the Planning and Zoning Commission and, as applicable, by the Planning and Zoning Board of Appeals shall be required for all projects and activities as defined in Section 22a-105(b) of the Connecticut Coastal Management Act fully or partially within the Coastal Overlay Zone. These activities shall include but not limited to all applications for building permits, subdivisions, rezoning, special permits, special exceptions, variances, and Municipal Improvements. Gardening, grazing and harvesting of crops and interior modifications to buildings shall be exempt from all coastal site plan review requirements. The following activities may be exempt from coastal site plan review. (1/1/87)

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

B. Administrative Review

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

C. Procedure

In addition to the requirements as specified in Sec. 6-13 through Sec. 6-16.1 of the "Building Zone Regulations", a coastal site plan shall include the following information



as required in Sections 22a-105(c) and 22a-106(c) of the Connecticut Coastal Management Act: (1/1/87)

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

#### D. Standards

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

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

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

##### (1) Purpose

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

(2) Location

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

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

(3) Procedure

An application requesting (i) designation of a site as an IND-RE zone, and (ii) issuance of the Special Permit hereinafter described, may be made by the owner of the site by filing the same with the Planning and Zoning Commission. Any such application shall be filed simultaneously with the applicant's preliminary site plan application pursuant to Sec. 6-14. The Planning and Zoning Commission shall hold a public hearing and act on the application in accordance with the schedule requirements of Sec. 6-14.1 of the Building Zone Regulations.

(4) Standards

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

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

(5) Site Designation

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

(6) Use and Zoning Rights

- (a) Special Permit: Any proposed use within an IND-RE zone, and any modification of the standards and requirements of the underlying zone as may be authorized in this subsection 6-112(6), shall require a Special Permit. An IND-RE Special Permit may be granted upon a finding by the Planning and Zoning Commission that the requirements of Sec. 6-15 and 6-17 of the Building Zone Regulations as well as the standards and requirements of this Sec. 6-112 are met. Upon issuance of an IND-RE Special Permit, the uses, buildings and structures so approved shall constitute conforming uses and buildings under the IND-RE zone.
- (b) Use: The Commission may authorize the use of existing or new structures for any use or uses permitted in any business zone, subject to all conditions and standards of this Sec. 6-112.
- (c) Floor Area:

- 1) The Maximum Floor Area for Use Group 2 shall not exceed a .25 Floor Area Ratio except that the Planning and Zoning Commission may allow the floor area to be increased by 5% of the total proposed Use Group 2 Floor Area to provide such accessory facilities as a cafeteria or recreation area solely for the use of those occupying the site.
  - 2) The Maximum Floor Area for all uses on the site shall not exceed the Maximum Floor Area Ratio of the underlying zone; however, in consideration of providing for Use Group 3 and accessory recreational facilities serving that use, the Commission may allow a Floor Area Ratio up to .75, provided that the proposed floor area, if exceeding the maximum FAR permitted in the underlying zone is not more than the floor area of all principal structures which existed on the site at the time of the IND-RE application.
- (d) Residential Density: The number of dwelling units permitted in a IND-RE zone shall not exceed the maximum number possible in the underlying zone under the provisions of Sec. 6-110 of the Building Zone Regulations.
- (e) Recreational Amenities: On-site active or passive recreational facilities may be required by the Commission to serve the needs of those living on the site, in consideration of the residential density, and the proximity and adequacy of municipal recreation facilities.
- (f) Modification of Zoning Requirements: All other requirements of the Building Zone Regulations relative to the underlying zone shall be applicable except that the Planning and Zoning Commission may authorize modifications to the requirements as follows:
- 1) Lot and Building Coverage: The Commission may authorize modifications of the maximum lot and building coverage provided that the resulting increase in coverage is commensurate with any increased Floor Area Ratio allowed in accordance with (c)(2) above.
  - 2) Yard Requirements: The Commission may authorize modifications of the minimum yard requirements provided that the yards are not less than existed on the lot at the time of the IND-RE zone application and further provided that said modifications result from the adaptive re-use of existing non-accessory structures on the site, or the provision of on-site recreation facilities.
  - 3) Height and Story Requirements: The Commission may authorize modifications of the maximum height and stories of the underlying zone provided that (i) the resulting height is not greater than the greatest height established by the existing principal buildings located on the lot at the time of the IND-RE zone application, and (ii) the number of stories can be located within the maximum permitted height established in (i) above. Notwithstanding anything to the contrary within the Building Zone Regulations, an atrium or skylight may extend beyond the maximum height permitted by the underlying zone, and may not be required to be set back from the roof area and does not extend more than seventeen (17) feet above the roof level.

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

- (a) The intent and purpose of the Hospital Zones are to:
- (1) Provide for the development of hospital facilities to meet the Town of Greenwich's major medical needs;
  - (2) Provide a method for a Hospital within the Town of Greenwich to develop adequate space within the zone to meet future needs;
  - (3) Promote comprehensive planning of a major hospital in conjunction with supporting facilities;
  - (4) Ensure compatibility of a hospital with surrounding land uses and zoning and the Town's "Plan of Development."
- (b) The following principal uses are permitted in the Hospital Zones, H-1 and H-2:
- (1) Emergency services, general surgery, acute, chronic and intensive care, and outpatient clinics for general medical and specialized medical care including alcohol and psychiatric services. (7/8/95)
  - (2) Hospitals and general medical and specialized medical clinics, not of a penal or correctional nature nor for the permanent or long term residence of the insane; but nothing in the foregoing shall be deemed to preclude the rendition of psychiatric treatment to patients on a day to day basis and/or on a temporary basis for medical observation and evaluation.
  - (3) Facilities that provide medical, technical, and professional health care support to the hospital in connection with its rendition of medical services, including, but not limited to, medical laboratories and diagnostic testing centers, physical therapy facilities, and storage facilities for medical equipment and supplies; and,
  - (4) Professional offices for physicians who are directly involved with the medical administration of the hospital, or who provide services on behalf of the hospital to patients of the hospital and are compensated directly by the hospital in respect of such services, or whose practices require the extensive use of specialized medical equipment available only at the hospital. (7/8/95)
- (c) The following accessory uses shall be permitted in the Hospital Zones, H-1 and H-2, provided they are designed and intended to be used exclusively by hospital patients, visitors and staff: (7/8/95)
- (1) Food service, pharmacy, laundry, engineering and maintenance, social service, pastoral care, accounting, nurses registry, administration, volunteer and auxiliary services, housekeeping, materials management, medical library, banking, gift shops, and other retail services and recreation facilities normally incorporated within health and hospital facilities;
  - (2) Medical education facilities for physicians, nurses, medical technicians and other health care providers engaged in the rendition of medical services within the Hospital Zone, and medical education and public health awareness facilities for other members of the medical community and the general public on a temporary basis;
  - (3) Overnight facilities for hospital personnel including, but not limited to, nurses, interns and residents during their terms as such;
  - (4) Emergency transportation (other than air transportation);
  - (5) Hospital communication facilities, including, but not limited to, telecommunication centers, radio communication centers, and radio antennas and dishes and microwave towers or dishes that are approved as provided in subsection (d) below; and
  - (6) The hospital parking garage facility as approved by the Commission on June 6, 1989.

- (d) The following accessory uses shall be permitted subject to the issuance of a special Permit by the Commission pursuant to Sec. 6-17 of these Regulations:
- (1) On grade off-street parking lots and above ground parking structures;
  - (2) Offices for physicians and surgeons, for no more than five (5%) percent of the gross floor area in all buildings excluding parking garages within the Hospital Zones, H-1 and H-2;
  - (3) Microwave towers and dishes; and
  - (4) Buildings, or mixed use buildings, that provide long-term health care facilities for dependent persons other than insane persons, including nursing and convalescent homes.

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

1. (a) Any exterior enlargement or exterior alteration of a building, or new construction that would exceed 2,000 square feet or interior alteration of a building or a change of use affecting more than 10,000 square feet will require site plan approval from the Commission.
- (b) Site plan approval also must be obtained from the Commission for any exterior enlargement or exterior alteration of a building or new construction, that together with any new construction, within the prior two (2) years, would exceed 2,000 square feet or interior alterations of a building or a change of use affecting more than 10,000 square feet within the prior two years.
- (c) However, in either case, the Commission may waive full Commission site plan review.
2. (a) Any exterior enlargement or exterior alteration of a building or new construction that would exceed 4,000 square feet or interior alteration of a building or a change of use affecting more than 20,000 square feet will require special permit approval from the Commission.
- (b) Special permit approval also must be obtained from the Commission for an exterior enlargement or exterior alteration of a building, or new construction, that, together with any new construction within the prior two years, would exceed 4,000 square feet or interior alterations of a building or a change of use affecting more than 20,000 square feet within the prior two years.

(f) Yard Requirements (7/8/95)

For existing or approved structures at the time a property is rezoned to a Hospital Zone the existing front, side, and rear yards shall be deemed to be permitted and not legally non-conforming. See Table, Sec. 6-205(c), for H-1 and H-2 Zones yard requirements. A canopy entrance of the main building may extend into the required front yard upon special permit approval from the Commission.

(g) Parking and Loading Facilities (7/8/95)

Required parking spaces for new or expanded uses and adequate exits and entrances thereto shall be determined by the Commission. In making the determination the Commission shall consider the adequacy of the then available parking to meet the demands of the current uses as well as material additional anticipated requirements of the new or expanded uses.

(h) Height (7/8/95)

For existing structures at June 8, 1990 the existing building heights shall be deemed to be permitted and not legally non-conforming. For new structures or 23 additions erected after June 8, 1990, the height shall not exceed three (3) stories or 65 feet above the average established grade. The average established grade for buildings on Perryridge Road shall be the average grade along the curb-line of Perryridge Road in front of or adjacent to the main building. The average established grade for buildings on Lake Avenue shall be the average grade along the curb line of Lake Avenue in front of or adjacent to structures along Lake Avenue. The height

requirements of this section shall be subject to special exception as provided in Sec. 6-127 of these regulations.

- (i) Floor Area Ratio (FAR) and Lot Coverage (7/8/95)

See Table, Sec. 6-205(c)

- (j) Screening and Planting

Screening and planting requirements shall be as they currently exist in connection with pre-existing structures or for any building footprint addition of 2,000 square feet or less. However such a building footprint addition (less than 2,000 s.f.) shall be reviewed and approved along with a screening/planting plan by Planning and Zoning staff, Zoning Enforcement Officer, Town Tree Warden and ARC (for elevation changes); provided, however, such determination shall be reasonably related to the furtherance of the purpose set forth in Sec. 6-176 of these Regulations. Any new structures and/or external enlargements or external alterations to existing buildings that would exceed 2,000 square feet or more shall require screening and planting as approved by the Commission through its site-plan review procedure. (7/8/95)

- (k) Buildings attached or connected to other buildings accessways and passageways

(1) Buildings within a Hospital Zone may be attached or connected to each other by covered passageways for pedestrian traffic. Buildings connected by accessways or passageways shall not be treated as one building or structure for the purpose of this Section. This section should not be construed to allow on-grade covered walkways which would cover public streets or ways. (7/8/95)

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

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

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

- (1) Purpose

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

- (2) Procedure

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

- (B) A CCRC shall be authorized by the Commission only after a finding by the Commission that the CCRC meets the purposes and standards of the CCRC Zone and will:
- serve a public purpose by broadening the range of housing and health care options for the town's increasing elderly population;
  - be compatible with the neighborhood in which it is located and not adversely impact said neighborhood;
  - have site features designed with consideration for the needs and capabilities of elderly citizens
  - including security, safety, lighting, slopes and grade, protected walkways, and transportation;
  - protect sensitive resources of the natural environment;
  - be in accordance with the Land Use Plan of the Plan of Development.
- (C) The Commission shall refer all applications made under these regulations to the Greenwich Commission on Aging for review and comment.

(3) Standards

Notwithstanding other provisions of the Building Zone Regulations, the following parameters and controls shall govern the CCRC site:

(A) Lot Size

There shall be no minimum lot area except in the RA-2 and RA-4 Zones where the minimum lot size is 50 acres. Applications for a CCRC in the RA-2 and RA-4 zones shall require that an environmental assessment be prepared and submitted simultaneously with the application for zone change, special permit and site plan.

(B) F.A.R.

1) The maximum FAR in residential zones is limited to that of the underlying zone except for the RA-4 and RA-2 zones which are restricted to a .09 FAR, and except that in R-20 and RA-1 zones an increase of 25% of gross floor area over that allowed in the underlying zone can be applied for. In the R-20 and RA-1 zones, floor area of residential units may not exceed the F.A.R. of the underlying zone.

2) The maximum FAR in the GB and GBO zones shall be .75 FAR provided applicant can demonstrate that the FAR in excess of that permitted in the underlying zone allows for the provision of floor area for non-residential health-related or support services that are essential elements of the CCRC.

(C) Density

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

(D) Height and Stories

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

(E) Setbacks

The minimum yard requirements for buildings within the CCRC shall be the same as the standard setbacks for the underlying zone, except that there shall be no setback required along an interior zone line in the case of multiple underlying zones and except that no building shall be located less than one hundred (100) feet from any residential street or adjacent property within a residential zone unless the Commission finds in consideration of the particular use and its specific location that a lesser distance will be consistent with protection

of adjacent property from adverse impacts. To compensate for any modification of a structure's setback from residential streets or adjacent property within a residential zone, the Commission may require landscaping and buffer strips of sufficient height and depth to screen the structures and mitigate visual impacts on adjoining properties.

(F) Coverage

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

(G) Nursing Home Beds

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

(H) Parking Spaces

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

(I) Open Space

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

(J) Age Requirements

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

(K) Permitted Uses

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

(L) Prohibited Uses

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

(M) Landscape

Screening and Planting Requirements shall be in accord with Sec. 6-180 and 6-181 of the Building Zone Regulations and as may be additionally required by the Planning and Zoning



Commission to provide adequate screening and buffer areas along adjoining residential properties and streets.

- (4) The applicant for the CCRC shall submit to the P & Z Commission for review and approval a perpetual Declaration of Restrictions as to the ownership, use and occupancy of the CCRC. The Declaration of Restrictions shall be binding upon the applicant and succeeding owners of the CCRC including dwelling unit owners, the Unit Owners Association and the owner of the nursing home. The Declaration of Restrictions shall incorporate the provisions of these regulations and the provisions of such other and further governmental regulations and laws including but not limited to State and Federal laws and regulations governing Continuing Care Communities that are applicable to the ownership, use, operation and management of the CCRC. The Declaration of Restrictions shall be enforceable by the Town by appropriate action in court for damages or equitable relief. The Declaration of Restrictions shall bind the applicant and all succeeding unit and association owners of the land and improvements comprising the CCRC and to duly restrict the ownership, use, operation and management of the CCRC, including the nursing home, to strict compliance with these regulations and such other and further governmental regulations and laws that are applicable thereto. Since a specific purpose of these regulations is to provide for and accommodate health care needs of persons sixty-two (62) years of age or older, the Declarations of Restrictions shall contain specific provisions which provide each resident of a CCRC Dwelling unit with the continued right to have his or her long-term health care needs met within the CCRC, including the right of priority admission to the nursing home within the CCRC. The Declaration of Restrictions also shall provide that it may not be modified, altered, amended or changed without the written approval of the Planning and Zoning Commission.
- (5) Each CCRC shall have appropriate and adequate indoor common facilities which shall include a community dining room with food service, an auditorium and recreation areas. The CCRC also shall have adequate outdoor common space designed to provide permanent useable recreation/open space areas which meet the needs, capabilities and desires of the residents.
- (6) Any CCRC site located on a septic system shall be required to prove the efficiency and capability of the septic system, all in accordance with the standards of the Department of Health. The on-site treatment of sewage generated by all present and proposed uses on the site, and the disposal of effluent therefrom, will be designed in such a way as to avoid a detrimental impact on surface and ground water quality. Further, the sewerage system shall be built and maintained in conformance with all applicable standards and requirements of the Town of Greenwich and the State of Connecticut.
- (7) For any CCRC site served by well water there shall be an adequate and continuous potable water supply of good yield and quality on-site to permanently meet the needs of all existing and proposed uses on the lot in accordance with the applicable standards and requirements of the Town of Greenwich and the State of Connecticut. Furthermore, there shall be an adequate supply of water available for firefighting purposes, in accordance with the requirements of the fire department.
- (8) Each CCRC shall provide, or be serviced directly by or accessible to some form of public or private transportation so that non-driving residents are able to participate in those community activities or services of their choice.
- (9) Each CCRC shall be subject to all standards of Sec. 6-15 and Sec. 6-17 of the Building Zone Regulations, and requirements of the zone or zones in which the facility is located, except where modified by the standards contained herein.
- (10) The CCRC shall be operated and managed in accordance with the provisions of Public Act 86-252, an Act concerning management of Continuing Care Facilities (Connecticut General Statutes Sec. 17-535 et seq.), as amended including, without limitation, the establishment of escrow accounts and the delivery of disclosure statements including a contract to all residents prior to their execution of any agreements to reside within the CCRC. Said contract shall cover agreement about ambulatory health care, nursing home and resident services, and include information about fees, financial obligations and rights. Copies of all documents required to be filed with the State

Department on Aging under said Act shall be filed simultaneously with the Planning and Zoning Commission and the Town's Commission on Aging.

- (11) No Building permit will be issued until the Commission has determined that all requirements for establishing a CCRC have been met, including the following:
- (A) The CCRC applicant shall have filed with the Planning and Zoning Commission and the Commission on Aging a disclosure statement containing the information and exhibits required under C.G.S. Sec. 17-537.
  - (B) The CCRC applicant shall have filed with the Board of Health an agreement which specifies the right of the Board of Health and other Town Agencies having jurisdiction to inspect the facility annually or as necessary.
  - (C) The CCRC applicant shall have submitted to the Connecticut Department on Aging the information and documents required to be filed under C.G.S. Sec. 17-536, and the applicant shall have submitted to the Planning and Zoning Commission a written acknowledgment from the Department on Aging confirming such filing and confirming that the facility is subject to the requirements of C.G.S. Sec. 17-535 et seq.
  - (D) Applicant shall have filed with the Planning and Zoning a copy of the Certificate of Need for the Nursing Home issued by the State of Connecticut's Commission on Hospitals and Health Care.
  - (E) A review by the Law Department to assess that the Declaration of Restrictions is in proper form to accomplish its intent and binds the applicant as per Sec. 6-114. (4) through (12).
- (12) The CCRC shall provide each resident of a CCRC Dwelling Unit with the continued right to have his or her long term health care needs met within the CCRC, including the right of priority admission to the nursing home within the CCRC.
- (13) Limitation Of Time  
Failure to comply with the time limits established in Sec. 6-14.1(e) shall render the overlay zone change null and void, unless the Planning and Zoning Commission grants a re-approval of the site plan. If such approval is not granted the zone classification on the tract prior to the establishment of the CCRC overlay zone shall then be in effect.

**Sec. 6-115. RESERVED**

**Sec. 6-116. RESERVED**

**SUBDIVISION 4. RESERVED**

**Sec. 6-117. RESERVED**

**Sec. 6-118. RESERVED**

**SUBDIVISION 5. RAILROAD RIGHTS-OF-WAY.****Sec. 6-118.1 USE REGULATIONS IN RAILROAD RIGHTS-OF-WAY.**

Transportation-oriented uses shall be permitted when authorized by special permit by the Commission pursuant to Sec. 6-17 of these regulations provided the proposed uses are found to be primarily for the service and convenience of passengers such as news-stands, limousine, bus and taxi stands, limited food concessions, vending machines, passenger parking, overhead bridges and accommodations necessary for the operation of the railroad (side tracks, signal towers, etc.)