

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

- (a) The intent of this Division is to provide alternatives to residential development permitted under other sections of these Regulations when such alternatives will more appropriately assure the conservation of land in the manner prescribed in this Division.
- (b) The Planning and Zoning Commission, upon application in the manner prescribed herein, after a public hearing and considerations of the recommendations of the Conservation Commission, may permit at existing or lower densities residential development conforming to the standards and requirements of the appropriate Conservation Zone described herein when the Commission finds that such rezoning will best conserve and preserve land to assure that its development will best maintain or enhance the appearance, character and natural beauty of an area and when one (1) or more of the following purposes are accomplished:
  - (1) To preserve land for park and recreation purposes;
  - (2) To preserve and protect particular areas and terrain which have qualities of natural beauty or historic interest;
  - (3) To protect streams, rivers, and ponds as natural resources and to avoid flooding, erosion and water pollution;
  - (4) To preserve wetlands, marshlands, tidelands, marine and wildlife habitats and other natural environments of value to the Town;
  - (5) To preserve natural features along roadways so as to maintain existing character. (2/18/82)
- (c) The Planning and Zoning Commission upon application in the manner prescribed herein, after a public hearing and consideration of the recommendations of the Conservation Commission, may grant a Conservation Zone consisting of less than ten (10) acres in R-7, R-12 and R-20 zones and less than 20 acres in RA-4, RA-2 and RA-1 zones when the Planning and Zoning Commission finds that such rezoning will preserve and protect particular areas and terrain which have qualities of natural beauty or value, and will accomplish one or more of the following purposes: (1/6/88)
  - (1) To preserve and maintain the existing character and setting of a site and to preserve vistas and streetscapes.
  - (2) To preserve parkland and passive recreation areas.
  - (3) To preserve and protect areas and terrain which have historic interest including the setting and landscaping of historic buildings, as may be determined by the Planning and Zoning Commission after consultation with the Historic District Commission.
  - (4) To preserve desirable features along roadways such as, but not limited to, stone fences, geological formations, and significant vegetation. (6/17/83)
- (d) The Planning and Zoning Commission, upon application in the manner prescribed herein, after a public hearing and consideration of the recommendations of the Conservation Commission, may permit at existing or lower densities residential development conforming to the standards and requirements of the appropriate Conservation Cluster Zone described herein when the Commission finds that such rezoning is consistent with Sec. 6-23(b) and will best conserve and preserve land and natural resources to assure that development will: (1/6/88)
  - (1) protect inland wetlands and watercourses from disruption by filling, grading or other alteration, or (1/6/88)

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

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

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

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

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

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

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

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

(1/6/88)

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

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

The total acreage for any RA-CC4 and RA-CC2 Conservation Cluster Zone shall be not less than ~~50~~ 10 acres. (1/6/88)

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

- (a) The principal permitted uses shall be:

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

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

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

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

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

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

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

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

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

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

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

RA-C4:	.0781	
RA-C2:	.1125	
RA-C1:	.155	
R-C20:	.259	
R-C12:	.362	
R-C7:	.41	(1/15/2003)

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

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

- (a) The setback from the zone boundary shall be of such size and character as to be compatible with surrounding zoning and uses, but in no case shall the setback be less than the required front yard of the underlying existing residential zone or 40 feet, whichever is greater. In the RA-CC4 and RA-CC2 zones there shall be a 100-foot setback from any zone boundary line. The Commission may permit a lesser setback for accessory structures such as pools, tennis courts and greenhouses if such a reduction in setback would provide an environmental benefit as part of the development of a particular site. In no even shall t he setback be less than 50'.
- (b) For attached housing, setbacks from conservation land within the conservation zone shall equal the minimum side yard setbacks for the existing underlying zone; however, in no case shall the setback be less than 15 feet. (5/17/2000)
- (c) Lots in a conservation zone shall conform to other requirements of Sec. 6-29, and 6-30, Divisions 12 and 21 of this Article, and where required to conform to the standards of the next lower zone, to the schedule of Sec. 6-205(a) and as follows:
  - RA-C4 same as RA-2
  - RA-C2 same as RA-1
  - RA-C1 same as **RA-20**
  - R-C20 same as R-12
  - R-C12 same as R-7
  - R-C7 same as R-7
- (d) Attached single family houses are permitted as follows:
  - RA-C4, RA-C2 and RA-C1: Not more than two attached single family houses per building as the result of conversion of a structure which was existing and listed with the Tax Assessor as of Dec. 1, 1981. RA-CC4 and RA-CC2: Same as RA-C4 and RA-C2.

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

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

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

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

- (a) The Conservation land in any Conservation Zone shall be located entirely within the Conservation Zone and shall be in one contiguous piece except that where the Commission finds that the purposes of Sec. 6-23 would be more effectively served by separated parcels. The Conservation land shall have suitable access from a street and shall have shape, dimension, character and location to promote the conservation purposes specified in Sec. 6-23, and shall be marked on site by monuments. (2/18/82)
- (b) The use of such conservation land shall be consistent with the purposes specified in Section 623.
- (c) The area of the Conservation land in a Conservation zone shall not be less than forty percent (40%) of the total tract for single family detached housing development and for conversions of existing houses from detached to attached single family units, or fifty percent (50%) of the total tract for single family attached housing development unless the Commission finds a smaller area to be appropriate. (2/18/82)  
 The area of Conservation land in RA-CC4 and RA-CC2 Conservation Cluster Zones shall be not less than sixty (60%) percent unless the Planning and Zoning Commission finds that a smaller area but not less than fifty (50%) percent is more appropriate. (1/6/88)
- (d) The conservation land shall be preserved and maintained solely for the purposes specified in Section 6-23 in such manner as shall be approved by the Commission.
- (e) Subject to the approval of the Commission the method for effectuating such preservation and maintenance of the Conservation Land shall be:
  - (1) The establishment of a neighborhood association made up of all owners in the Conservation Zone each of whom shall have an undivided interest in the conservation

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

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

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

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

- (a) Application by petition of one or more property owners for the inclusion of a specific area in the appropriate Conservation Zone shall be submitted in writing in such form as the Commission may require and shall include the following:
  - (1) Of the land proposed for rezoning, a statement describing conservation purposes to be accomplished and an environmental assessment by a person qualified to perform same,

the plan for accomplishing said purposes and evidence to establish that a Conservation Zone will better serve the purposes of Sec. 6-23 than a conventional zone, and further,

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

- (2) A subdivision map meeting all of the requirements for approval of a subdivision under the Subdivision Regulations of the Town showing the proposed subdivision of the land in accordance with the appropriate Conservation Zone requirements as herein specified; and
  - (3) A Special Permit application and all documents required for Site Plan approval under Sec. 6-14 for attached housing development and for development of cluster housing without lot division lines. (1/6/88)
  - (4) Such additional information as the Commission may deem necessary to make a reasonable decision on the application.
- (b) The Commission may on its own motion or on petition of Conservation Commission whether or not an application has been made for a conventional subdivision, propose rezoning to a Conservation Zone. The procedure followed shall be the same as by petition, except that no subdivision map or site plan shall be required. Procedure on petition of Conservation Commission shall be the same as with the Planning and Zoning Commission. (1/6/88)
- (c) No conservation zone shall be established unless the Planning and Zoning Commission finds that the establishment of the zone will be of sufficient benefit to the public in that it accomplished one or more of the purposes of Sec. 6-23 and will be of greater benefit to the town than a conventional subdivision. No conservation cluster zone shall be established without an affirmative showing that conservation purposes are better served by a clustered rather than a standard conservation zone development. (1/6/88)

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

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

**LAND USE**

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