

LAND USE

Sec. 6-15. STANDARDS.

- (a) The Planning and Zoning Commission may approve applications for preliminary site plans or deny applications for preliminary site plans according to the standards set forth in this Regulation. Alternatively, as a condition of approval, the Commission may require such modifications of the proposed plans as it deems necessary to comply with Regulations. In determining whether to approve application for preliminary site plans, deny such applications, or approve such application with modifications, the Planning and Zoning Commission shall take into consideration the public health, safety and general welfare and the comfort and convenience of the general public, taking into account whether the applicant has satisfied the following specific objectives: (5/4/2005)
- ~~(1) — Conformity of all proposals with the Plan of Development.~~
- ~~(2)~~ (1) Evaluate the information from a traffic impact study which it may require be prepared to insure safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. In determining whether this condition has been satisfied, the Commission may consider all relevant information including, but not limited to, information from the Town's traffic engineer or the applicant's traffic impact study where required and/or other consultants. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard: (5/4/2005)
- ~~(3)~~(2) The protection of environmental quality and the preservation and enhancement of property values. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:
- ~~(4)~~(3) A high quality of building design, neighborhood appearance, and overall site design. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:
- ~~(5)~~(4) A showing that an adequate source of potable water is available to satisfy the needs of the proposed development. (6/18/81)

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

(d) Standards

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

- ~~(1) — Be in accordance with the Plan of Development.~~
- ~~(2)~~(1) Not prevent or inhibit the orderly growth of the retail business development of the area.
- ~~(3)~~ (2) Not adversely affect storm drainage, sewerage disposal or other municipal facilities. (6/11/86)
- ~~(4)~~ (3) Not materially adversely affect adjacent areas located within the closest proximity to the use.
- ~~(5)~~ (4) Not materially obstruct significant views which are important elements in maintaining the character of the Town for the purpose of promoting the general welfare and conserving the value of buildings.
- ~~(6)~~ (5) Preserve or enhance important open space and other features of the natural environment and protect against deterioration of the quality of the environment, as related to the public health, safety and welfare. (6/11/86)
- ~~(7)~~ (6) Not interfere with pedestrian circulation, most particularly as related to retail shopping patterns.

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- ~~(8)~~ (7) Not adversely affect safety in the streets nor increase traffic congestion in the area so as to be inconsistent with an acceptable level of service nor interfere with the pattern of highway circulation. (6/11/86)
- ~~(9)~~ (8) Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.
- ~~(10)~~ (9) Preserve land, structures or features having special historical, cultural, or architectural merit. (3/1/82)
- ~~(11)~~ (10) Will not materially adversely affect residential uses, nor be detrimental to a neighborhood or its residents, nor alter a neighborhood's essential characteristics. (6/13/84)
- ~~(12)~~ (11) Preserve where possible existing housing stock so as to maintain and contribute to a diversity of housing opportunities within the Town. (6/11/86)
- (12) For the establishment of horticultural ~~and~~ or wildlife reservations and natural park areas acquired or controlled by a Connecticut non-profit corporation or organization provided that such reservation or area is open to the public, subject to reasonable regulation, and the ~~Board of Appeals~~ Planning and Zoning Commission finds that the establishment of such reservation or area is in the interest of the Town for educational, scientific and recreational reasons, having in mind the size, character and location of such premises and availability of similar uses in the vicinity. (6/27/79)

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

- (a) The Planning and Zoning Board of Appeals, referred to in this Article as the Board of Appeals, shall have the following powers and duties as authorized by the General Statutes and Special Acts as amended:
- (1) Adopt such rules and regulations as may be deemed necessary to carry out this Article.
 - (2) Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Enforcement Officer. (1/15/90)
 - (3) Authorize upon appeal in specific cases variances from the terms of this Article where by reason of exceptional shape, size, or topography of the lot or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this Article. Before any variance is granted, the Board must make a written finding in its minutes as part of the record in the case:
 - A) That special circumstances, described in detail, attach to the property which do not generally apply to other property in the neighborhood and constitute the hardship;
 - B) That relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.
 - (4) Decide requests for special exception **uses for motor vehicle repair, sales, and service enumerated in Section 6-100 Use Group 5a and permit in the following cases for specified accessory uses in accordance with Section 6-95(a)(2)(A).**
 - ~~A) For certain specified uses in residential zones in accordance with Division 9, Subdivision 1, for uses enumerated in Sec 6-100 Use Group 5; and wherever special exception is authorized in these regulations;~~
 - ~~B) For the establishment of horticultural and wildlife reservations and natural park areas acquired or controlled by a Connecticut non-profit corporation or organization provided that such reservation or area is open to the public, subject to reasonable regulation, and the Board of Appeals finds that the establishment of such reservation or area is in the interest of the Town for educational, scientific and recreational reasons, having in mind the size, character and location of such premises and availability of similar uses in the vicinity. (6/27/79)~~
 - (5) To hear variance requests involving proposed lots in subdivisions that have received preliminary approval by the Planning and Zoning Commission. (6/27/79)

Sec. 6-20. BOARD OF APPEALS; PROCEDURES

- (a) Every application for variance from the use regulations as distinguished from the height and area regulations, shall on receipt thereof by the Zoning Enforcement Officer, be transmitted to the Planning and Zoning Commission and the Planning and Zoning Board of Appeals, and at or before Public Hearing held by the Board of Appeals on any such application, the Planning and Zoning Commission may make a report thereon. (5/1/2013)
- (b) **Every application for any use in accordance with Section 6-100 Use Group 5A, and whenever special exception is applied for, shall on receipt thereof by the Zoning Enforcement Officer, be transmitted to the Planning and Zoning Commission and the Planning and Zoning Board of Appeals, and at or before public hearing held by the Board of Appeals on any such application, the Planning and Zoning Commission may make a report there on. (7/31/80, 5/1/2013)**
- (c) All determinations of the Board of Appeals shall be made after public notice and hearing and subject to appropriate conditions and safeguards in accordance with the public interest and the comprehensive plan set forth in this Article, and in harmony with the purpose and intent

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expressed in Section 6-1. The Board shall grant all applications for special exceptions, subject to the aforesaid conditions and safeguards, provided that the particular requirements specified in this Article are met, and provided further that the Board shall find in each case that the proposed building or structures or proposed use of land:

- ~~(1) Be in accordance with the Plan of Conservation and Development. (2/07/2001)~~
- ~~(2) (1) Will not create a traffic hazard or congestion due to type or amount of vehicles required or hamper the Town pattern of highway circulation.~~
- ~~(3) (2) Will not create a physical hazard due to fire, explosion, or any other similar cause.~~
- ~~(4) (3) Will not create or aggravate a nuisance or result in the dissemination of odors, smoke, dust, gas, fumes, or other atmospheric pollutant, noise, light, heat, glare, vibration or radiation, electro-magnetic or other interference with radio or television reception beyond the boundaries of the lot on which the use is located.~~
- ~~(5) (4) Will not discharge harmful waste material on or under land or into a sewer or drain.~~
- ~~(6) (5) Will not be detrimental to the neighborhood or its residents or alter the neighborhood's essential characteristics.~~
- ~~(7) That a proposed business or industry is light in nature having consideration for the size and arrangement of the plant, the number and skills of the employees, the industrial process employed, and plans for future expansion. No business or industry shall be considered light in nature if the Board of Appeals finds by reason of its being so large in size it will interfere with the diversification and balance of industry and business within the Town, having consideration for the probable effect of failure or removal of such industry or business on the economic welfare of the Town.~~
- (d) A special exception granted for a particular use shall not constitute a special exception for any other use either within or without the use group in which the said particular use is found. (1/12/2000)
- (e) Any material intensification of the use allowed by a special exception shall constitute a change of use requiring a new application for a special exception to be submitted to the Board of Appeals. (1/12/2000)

Sec. 6-94. PERMITTED USES BY ~~SPECIAL EXCEPTION OR~~ SPECIAL PERMIT AS INDICATED BELOW.

- (a) The following uses shall be permitted in RA-4, RA-2, RA-1, R-20 ~~and~~ R-12, R-7, and R-6 Zones when authorized by the ~~Board of Appeals Planning and Zoning Commission~~ as special exceptions permits:
- (1) Horticultural ~~reservations~~, and wildlife reservations, and natural park areas.
 - (2) Clubs, recreational areas and fall-out shelters not open to the general public and not operated for commercial profit, and community centers operated by civic associations.
 - (3) Commercial agricultural uses including commercial nurseries and greenhouses, livestock and poultry raising, dairy farming, and kennels, provided that any building or structure designed for such use including the storage of manure, 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) ~~Churches~~, Religious or educational institutions not operated for commercial profit.
 - (6) Public utility uses not including incidental service and storage yards.
 - (7) Radio and television stations and towers; satellite earth station towers except those transmitting or distributing microwaves which are subject to Sec. 6-140.1. (10/7/85)
 - (8) The keeping of more than six (6) horses (not including their young under the age of six (6) months) provided there shall be at least twenty thousand (20,000) sq. ft. of gross lot area for each horse age six (6) months or older, except when consistent with the purpose of this Article a smaller area may be permitted by the ~~Zoning Board of Appeals 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 ~~Board of Appeals Planning and Zoning Commission~~.
 - ~~(9) Repealed (5/31/81) (7/16/86)~~
 - (9) Construction and use of accessory structures involved in the operation of a public underground utility when located in or abutting the street right-of-way and not exceeding one (1) story or thirty-five (35) feet in height.
 - (10) Emergency youth shelter. (1/8/77)
 - (11) Museums (10/12/2010)

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

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~~(b) The following uses shall be permitted in RA-4, RA-2, RA-1, R-20 and R-12 zones and R-7 zone (by the cross reference in Section 6-97 (b) (1) to RA-4 zones permitted uses) and R-6 zone (by the cross reference in Section 6-98 (b) (1) to R-7 zones permitted uses) when authorized by the Planning and Zoning Commission by Special Permit issued pursuant to Sec. 6-17: (2/8/94)~~

- ~~(1)~~ (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)

- ~~(2)~~ (13) Group Living Facility for the Elderly; Special Requirements: (2/25/88)

- ~~(3)~~ (14) Group Day Care Homes – Special Requirements: (10/2/89)
 - (3) Two (2) on-site parking spaces for non-resident staff members;
 - (4) No exterior features of the Group Day Care Home shall distinguish it from other single-family dwellings in the area;
 - (5) There shall be no more than two (2) non-resident employees on the premises at any one time;
 - (6) Use of the dwelling as a Group Day Care Home shall be subordinate and incident to the use of the dwelling as a single-family residence;
 - (7) No Group Day Care Home shall be located within two thousand (2,000) feet of another Group Day Care Home.
 - (8) Any Group Day Care Home serviced by a septic system and/or well shall prove the efficiency and capacity of the septic system, and the yield and quality of well water, all in accordance with standards of the Department of Health;
 - (9) The Group Day Care Home shall not operate more than twelve (12) hours during each twenty-four (24) hour period, and no overnight accommodations for children or staff shall be permitted.
 - (10) Application for Special Permit and Site Plan in accordance with Sections 6-13, 6-15 and 6-17 shall be required and standards of Sec. 6-15 and 6-17 shall be met. (10/2/89)

- ~~(4)~~ (15) Resident Medical Professional Office (2/8/94)

Sec. 6-95. PERMITTED ACCESSORY USES.

- (a) Customary uses ~~incident~~ **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)

(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, (see also Section 6-101 to determine those instances where a special permit is required instead of a special exception):**

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

In granting a Special Exception, in addition to considering all the standards of Sec. 6-20(c)(b), and ~~Standards of Sec. 6-17(d)(4), (5), (6), (9)~~, the Board of Appeals shall find in residential zones that the accessory structure by virtue of its scale, design, size or location on the site is compatible with its zone and individually or in combination with other accessory structures, maintains the appearance of being subordinate to the principal structure. (1/1/87)

- (3) Roadside stands for the display and sale of natural products grown on the premises under conditional requirements of location, design, parking and length of operation and any other conditions the ~~Board of Appeals~~ **Planning and Zoning Commission** may deem necessary to carry out the purpose of this Article as expressed in Section 6-1.
- (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** ~~Board of Appeals as special exceptions~~.

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).

USE GROUP 5

The following uses when and to the extent authorized by the ~~Board of Appeals Planning and Zoning Commission~~, subject to the provisions of Sec. 6-~~19 to 6-21~~ 17 inclusive provided that the ~~Board of Appeals 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)

USE GROUP 5A

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

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, ~~or 6-95(a)(2)(A)~~ 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 unless** 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)

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

(a) Permitted Uses:

Use Group 1

Use Group 2a, 2b, 2c

Use Group 3

Use Group 4

Use Group 5, provided that a special ~~exception permit~~ is obtained from the ~~Board of Appeals~~ **Planning and Zoning Commission** pursuant to Section ~~6-19 to 6-21~~ **17 inclusive** of these Regulations.

Use Group 5A, 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

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

(a) Statement of Purpose.

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

(b) Permitted Uses.

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

(c) Permitted Uses by Special ~~Exception Permit~~ of the ~~Board of Appeals Planning and Zoning Commission~~.

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

Sec. 6-109 HISTORIC OVERLAY ZONE (HO)

(a) 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, **permitted accessory uses**, ~~or~~ special exception, **or special permit uses** for the most restrictive contiguous residential zone. ~~or The Planning and Zoning Commission may also authorize office uses for structures on sites in residential zones not more than 1,000 feet from a business zone boundary line.~~ Permitted accessory uses are also permitted with the exception of the office of a resident professional person (Sec. 6-95(a)(1)). Parking requirements shall be as detailed in Division 15 of the Regulations. Parking in a front yard shall be discouraged. **Height and Floor Area Ratio shall be the same as for the pre-existing residential zone.** No more than 60% of the site shall be occupied by building, parking and drives.
- 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.