

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 2nd 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-

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