



Village of Greenwich Zoning Law

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VILLAGE OF GREENWICH ZONING LAW

ARTICLE 1. GENERAL PROVISIONS

§ 1-1 TITLE

This law shall be known and may be cited as the “Zoning Law of the Village of Greenwich, New York”.

§ 1-2 PURPOSE

The purpose of this Law is to exercise a Village’s right to protect its citizens by controlling the use of land under authority of the Village Law of the State of New York, Articles 4 and 7, and the Municipal Home Rule Law, Articles 2 and 3, inclusive, to broadly protect the public health, safety and general welfare, and to carry out locally established goals and objectives in accordance with the Village’s comprehensive plan.

§ 1-3 ENACTING CLAUSE

Pursuant to the authority conferred by Articles 4 and 7 of the Village Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Village Board of the Village Greenwich hereby adopts and enacts as follows.

§ 1-4 SUPERSESSON OF INCONSISTENT PROVISIONS OF VILLAGE LAW

Where the provisions of this law are inconsistent with provisions of Article 7 of the Village Law, the provisions of this law shall supersede those of Article 7 of the Village Law.

ARTICLE 2. DEFINITIONS AND WORD USAGE

§ 1-5 WORD USAGE

Except where specifically defined herein, all words used in this law shall carry their customary meanings. For the purpose of this law, certain terms or words used herein shall be interpreted as follows:

- A. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word shall is mandatory, the word may is permissive.
- D. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- E. The word lot includes the words plot or parcel.

§ 1-6 INTERPRETATION OF WORDS AND PHRASES

Doubt as to the precise meaning of any word or phrase used in this law shall be clarified by the Code Enforcement Officer under their powers of interpretation.

§ 1-7 DEFINITIONS

The following words and phrases shall, for the purposes of this local law, be defined as follows:

Access - Any path or opening for pedestrians, vehicles, or other forms of transport to leave or enter a property or lot from a public highway or private road.

Access management – The practice of coordinating the location, number, spacing and design of access points to minimize site access conflicts and maximize the traffic capacity of a roadway.

Accessory Dwelling Unit (ADU) - A secondary dwelling unit on the same parcel on which a primary dwelling is present or may be constructed. It provides complete independent living facilities for one or more people and may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

Accessory outdoor storage - The keeping, in an unenclosed area, of any goods, material, merchandise or vehicles incidental to the principal use, for more than 24 hours.

Accessory structure or building - A structure which is customarily incidental and subordinate to the principal building (i.e., detached garages, sheds, etc.). Accessory structures may include structures necessary for providing wind or solar power to the principal building.

Accessory use - A use of a building/structure, lot or portion thereof that is customarily incidental and subordinate to, and does not change the character of, a principal land use or development and that customarily accompanies or is associated with such principal land use or development. Examples of accessory uses include, but are not limited to:

- A. A secondary dwelling of 850 square feet or less;
- B. The parking of tenant-owned cars in the parking lot of an apartment building;
- C. A home occupation in a residential area;
- D. An employee cafeteria in an office building;
- E. An outdoor dining area for a restaurant;
- F. A warehouse space of a manufacturing facility, etc.

Agricultural Structure – Any barn, stable, shed, silo, garage, farm housing less than 500 square feet, observation tower or other structure directly and customarily associated with agriculture or forest management activities and used in connection with an agricultural use.

Agricultural Use - The management of land for agriculture such as the raising of cattle, horses, pigs, poultry and other livestock, aquaculture, horticulture or orchards including the processing, conversion and sale of products grown or raised directly on such land, the operation of feedlots, and the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

Air pollution – see “atmospheric pollution.”

Alteration of a structure or building - As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities; an enlargement, whether by extending on a side or by increasing height; or the moving from one location or position to another, excluding normal maintenance or repairs.

Applicant - The person(s), corporation, agency, or other legal entity responsible for submitting an application for review.

Atmospheric pollution - The presence in the outdoor atmosphere of one or more air contaminants which contribute or which are likely to contribute to a condition of air pollution. "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, noise or any other combination thereof, and "air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, of characterizes and of a duration which are injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout the area as shall be affected thereby, excluding however all conditions subject to the requirements of the Labor Law and Industrial Code.

Automobile Sales and Service - The use of land or buildings primarily for the display and sale of new or used motor vehicles, and which may include repair or service facilities.

Auto Service Station - Any area of land, including structure thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles. A service station is not a sales, major repair, or rental agency for autos, truck or trailers.

Bank - An institution which deals in money and credit and in which money and/or other valuables may be deposited for safekeeping.

Bed & Breakfast - An owner occupied, residential building in which rooms are rented to three (3) or more but not exceeding twenty (20) persons, with meals provided to guests, but not to the general public.

Building- Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind.

Building Code - The current Uniform Fire Prevention and Building Code of the State of New York.

Building Height - The vertical distance measured from the mean level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, cupolas, ventilators, cooling towers, mechanical equipment, water silos, steeples and radio antennas, and tanks and permitted within this chapter.

Buffer & screening - The use of vegetation, berms, walls, fences or some combination thereof to visibly separate a use of property from another adjacent use or road.

Bulb-out – A traffic calming measure used to extend sidewalks, reduce road crossing distances, improve pedestrian visibility and reduce pedestrian exposure to motor vehicles.

Campground - A plot of ground upon which two or more campsites or seasonal rental cabins are located and maintained for occupancy by tents, camper trailers or other recreational vehicles as temporary living quarters for recreational, educational or vacation purposes. The term "campground" includes the terms "day camp," "group camp," and "travel trailer camp."

Cannabis Facility - A cannabis retail dispensary, cannabis cultivation facility, cannabis nursery, cannabis processing facility, on-site cannabis consumption facility, or a cannabis microbusiness, operating pursuant to the New York State Marihuana Regulation and Taxation Act, as these terms are defined below.

A. *Cannabis cultivation facility*

A facility that may include, but is not limited to, the agricultural production practices of planting, growing, cloning, harvesting, drying, curing, grading, and trimming cannabis, pursuant to the New York State Marihuana Regulation and Taxation Act.

B. *Cannabis microbusiness*

A cannabis facility operating pursuant to the New York State Marihuana Regulation and Taxation Act and which includes two or more of the following activities in one facility: cultivation, processing, distribution, delivery, and retail sales.

C. *Cannabis nursery*

A cannabis facility operating pursuant to the New York State Marihuana Regulation and Taxation Act that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult-use cannabis cultivators, microbusinesses, cooperatives, and registered organizations for commercial use or sale.

D. *Cannabis processing facility*

A cannabis facility that may include, but is not limited to, blending, extracting, infusing, packaging, labeling, branding and otherwise making or preparing cannabis products requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

E. *Cannabis retail dispensary*

A retail facility for the sale of cannabis products, requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

F. *Cannabis on-site consumption facility*

A facility for the on-site consumption of cannabis products, requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

Cemetery - Property used for internment of the dead.

Certificate of Occupancy and Compliance, County - A certificate issued by the Washington County Department of Code Enforcement upon completion of construction, alteration, or changes in occupancy to building or sewer system. The certificate acknowledges compliance with all New

York State Uniform Codes and Sanitary Codes as well as the requirements of this Village Zoning Code and any other applicable code of the Village, and any adjustments granted by the Zoning Board of Appeals.

Childcare Center - A place other than an occupied residence providing or designed to provide day care for more than six children at a time.

Clinic – see Hospital.

Complete Streets – Roadways that enable safe and convenient access for all users, including bicyclists, pedestrians of all ages and abilities, motorists, movers of commercial goods, and public transportation.

Compliance Certificates, Local Regulation - Washington County certificate forms LRCC#1 and LRCC#2 signed by the Village Code Enforcement Officer certifying that the proposed construction in the County Building Permit Application and the completed construction are in compliance with all the requirements of this Village Zoning Code and any other applicable code of the Village, and any adjustments granted by the Zoning Board of Appeals. Washington County will not issue a Certificate of Occupancy or Compliance until signed LRCC#1 and LRCC#2 are submitted to the County.

Composting facility - A facility for the biological stabilization of waste organic material including manure of any agricultural variety, bedding material, waste silage, produce and flora. This does not include animal composting.

Contractor yard - A lot or portion of a lot or parcel used to store and maintain construction and/or landscaping equipment and other materials and facilities customarily required in the land development trade by a construction or landscaping contractor.

Craft Beverage and Food Production Facility - An establishment engaged in the small-scale production of beer, wine, spirits, and/or food products. The facility may include accessory uses such as tasting rooms, retail sales of products manufactured on-site, tours of the production facility, food service, and private events.

Cultural Building or Use - An establishment or place that documents social, religious, intellectual and artistic or other achievements or natural phenomena and which may include space for displays and performances. Such uses may include museums, galleries, theaters, etc.

Density (minimum area per dwelling unit) - The minimum amount of usable land area required for each dwelling unit. The Planning Board shall have the responsibility of determining what is usable land for purposes of this computation.

Development- Any building, construction, expansion, alteration, modification, demolition or other activity, including land clearing in excess of 1,000 square feet, land disturbance, grading, roadway construction or expansion, which materially changes the use or appearance of land or a structure, or the intensity of the use of lands, or a change in use of the structure, but not including interior renovations to a structure; ordinary repairs and maintenance of structures and uses; replacement of non-structural exterior elements, such as roofing, siding, and trim; and natural landscaping features, such as trees, bushes, and flower and vegetable gardens and beds.

Drive-in Restaurant or Refreshment Stand - Any place or premises used for sale, dispensing or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent, permanent cooking and sleeping facilities and toilet facilities.

Eating and Drinking Establishment - A business primarily engaged in the preparation and sale of food and/or beverages for on-premises consumption, take-out, or delivery. This term includes, but is not limited to, restaurants, cafés, coffee shops, bakeries with seating, bars, taverns, brewpubs, and similar establishments. It may also include accessory outdoor seating and live entertainment, subject to applicable regulations. This definition does not include food trucks or mobile vendors.

Electric Vehicle Charging Station - A dedicated, marked space that is served by electric vehicle equipment and identifies the use thereof as exclusively for the charging of electric vehicles and plug-in hybrid electric vehicles.

Façade - The vertical face of a building or structure.

Family - One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Farmstand - A structure and/or area less than 20 square feet for the display and sale of farm products primarily grown on the property upon which the stand is located.

Farm Worker Housing - Dwelling units located on an active farm which are accessory to the agricultural use and are occupied by employees of the farm or members of the farm household and their guests. Farm worker housing may consist of single or multifamily dwellings or buildings, including single or double-wide trailers and mobile homes, and/or apartments. Farm worker housing shall be located on the same parcel as the agricultural use and may not be subdivided from the agricultural use. Farm worker housing may not be rented to persons not primarily employed on the farm on which it is located.

Flag, Commercial Display - Cloth or similar nonrigid materials and not exceeding fifteen (15) square feet in area, used in conjunction with a commercial establishment or enterprise. This shall not be meant to include the flags or banners of the United States, the State of New York or other governmental entities unless such flag or banners is used for commercial purposes.

Frontage - That side of a lot abutting a Town road or a road meeting Town road standards, ordinarily regarded as the front of the lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a road shall be considered frontage.

Food Truck - A licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately owned parcel of land and used for the preparation, cooking, and sale of food or beverages.

Gross Leasable Area - The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Home Occupation - A domestic or service activity conducted entirely within the principal or accessory structure and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residence for residential purposes, and does not change the character thereof.

Horse farm - The building and land on which horses are kept for the commercial uses of breeding, selling, raising, rehabilitating, training and retirement. A horse farm may not engage in holding competitive events or giving instruction in riding, driving or other equine sports. Horses may not be hired out.

Hospital - An institution providing health services primarily for inpatients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. The definition includes medical buildings, clinics and uses.

Hotel – see Motel.

House, Multi-family – A detached residential building containing three or more entirely separate dwelling units that are structurally connected and designed for occupancy by one family in each dwelling unit. Multi-Family Houses may include remodeled single-family dwellings, row houses or other similar buildings.

House, Single-Family - A detached residential dwelling unit other than a mobile home, designed for and containing one dwelling unit only.

House, Two-Family - A detached residential building containing two entirely separate dwelling units that are structurally connected and designed for occupancy by one family in each dwelling unit. Two-Family Houses may include remodeled single-family dwellings, row houses or other similar buildings.

Impervious Surface - A surface that has been compacted or covered with a layer of material (i.e., asphalt, gravel, stone, and concrete pavers) so that it is highly resistant to infiltration by water.

Industry, Heavy - The manufacture, assembly or processing of products which involves the large-scale transformation of raw materials into finished products and which may involve the exterior storage of raw materials or finished products. Retail sales of finished products are allowed.

Industry, Light - The manufacture or assembly of any article, substance or commodity but which does not involve the exterior storage of raw materials and which does not involve the large-scale transformation of raw materials into finished products. Retail sales of finished products are allowed.

Inn – see Motel.

Junkyard - Buildings, structures, or premises where junk, waste, or discarded or salvage materials are bought or sold, exchanged, stored, baled, packed, disassembled or handled, including

automobile wrecking yards, but not including premises for the purchase and/or storage of used furniture and household equipment in operable condition or used cars in operable condition.

Kennel - An establishment which houses dogs, cats or other domestic animals more than four months of age and where the breeding, boarding, training or selling of animals is conducted as a business.

Land clearing - The cutting of substantially all of the vegetation on a parcel of land.

Loading area - An off-street space or berth, no smaller than a parking space, used for loading or unloading vehicles.

Lodging House - A building in which the rooms are rented with or without meals to three (3) or more but not exceeding twenty (20) persons. A boarding house or a rooming house or a furnished room shall be deemed a lodging house.

Lot - A parcel of land having a distinct and defined boundary as described in a separate deed, occupied or capable of being occupied by a building or buildings and by accessory buildings and/or uses, including such open spaces as are required by this chapter, and having frontage on an existing or proposed road.

Lot Coverage - The total area of a lot covered by buildings, parking lots, sidewalks and all other impervious surfaces.

Lot Line, Front - The line separating the lot from a street, road, highway or right-of-way line of an adjoining public roadway.

Lot Line, Rear - The lot line opposite and most distant from the front lot line.

Lot Lines - The property lines bounding the lot.

Lot Measurement - Dimensions of a lot shall be determined as follows:

- A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines at the front, measured at the edge of street pavement, or travel way where there is no pavement, and the rearmost points of the side lot lines at the rear.
- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. The width between side lot lines at their foremost points (where they intersect with the street pavement or travelled way where there is no pavement) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the 80 percent requirements shall not apply.

Lot Line, Side - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street, road or highway is called a "side street, road or highway lot line."

Lot Width - The width of the lot at the building line measured at right angles to its depth.

Lot of Record - A lot which is part of subdivision recorded in the office of the Washington County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Manufactured Home - A structure, transportable in one or more sections, which in the travelling mode is eight body feet or more in width or 40 body feet or more in length or when erected on site is 320 or more square feet and which is built upon a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and which contains a HUD seal. The term "manufactured home" does not include the term "mobile home."

Manufactured Home Park - Any parcel of land whereon two or more manufactured homes are parked or located or which is planned and improved for the placement of two or more manufactured homes and which is held open to the public for the parking or placement of manufactured homes.

Membership Club - A building or place used by a group of people organized for a common purpose to pursue common goals or interests. A membership club may include a tavern and restaurant for use of its members and guests.

Mixed Use - The establishment of more than one principle use per lot, such as, but not limited to, a mix of residential and commercial use, a warehouse and a retail outlet, etc. shall constitute a "mixed use". This term shall not include a "home occupation".

Mobile Home - A movable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living and which was constructed before June 1, 1976, and which does not contain a HUD seal and which is designed or intended to be used as a dwelling.

Motel - A building or group of buildings, whether attached or detached, containing for hire individual living and sleeping accommodations, each of which is considered a unit, is provided with a separate exterior entrance and a parking space and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes but is not limited to every type of similar establishment, including a "hotel" or an "inn." A motel may provide additional services, such as restaurants, meeting rooms and recreation facilities.

Municipal Building, Use or Service - Facilities, structures or places owned and operated by the Village of Greenwich or other government entities for the conduct of municipal or government business, including but not limited to municipal office buildings, schools, police and fire stations, public works garages and facilities, public safety facilities, solid waste disposal facilities, sewerage systems, sewage disposal facilities and similar uses.

Nonconforming Lot, Use or Building - A use, activity or structure which may have existed lawfully prior to the adoption, revision or amendment of this chapter but which fails to comply with the regulations currently applying to the district in which it is located.

Nursery - The growing, cultivation, storage and sale of garden plants, flowers, trees, shrubs and lawn and garden supplies to retail and wholesale users. The definition includes the operation of associated businesses such as landscaping.

Nursing or Convalescent Home - A state-licensed residential care facility in which nursing and medical services are performed under the general direction of persons licensed to practice in the State of New York, for the accommodation of convalescent or other persons who are not in need of hospital care but who do require, on a twenty-four-hour basis, nursing care and related medical services. This definition shall include skilled nursing facilities, intermediate care facilities, nursing facilities and life care facilities.

Office - A building or room(s) within a building used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

Open Space - A parcel or parcels of land or an area of water or a combination of land and water which may be valued for natural processes and wildlife protection, agricultural, or for active or passive public recreation and/or for providing other public benefits designed and intended for the private or public use or enjoyment of the space. Open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the place.

Overlay District - A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone. Overlay zones deal with special situations that are not appropriate to a specific zoning district or apply to several districts.

Parcel- A distinct, continuous tract of land which may be described and recorded by deed or by Washington County Real Property Services tax map information.

Parking Space, Off Street- For the purposes of this law, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with property related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, in a manner appropriate to the circumstances of the case, and in accordance with all laws and regulations of the Village.

Pennant - A small triangular or tapering flag, typically used in multiples as temporary decorative or advertising elements. Pennants are considered temporary signs and are subject to applicable temporary sign regulations and time limitations.

Personal Service Shop - A business with the primary purpose of providing service to individual consumers, such as shoe repair, dry cleaning, laundromat, barbershop, or beauty parlor.

Planned Unit Development (PUD) - a type of flexible development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements.

Plot- Any distinct and separate area or parcel of land.

Principal Building - The building in which the primary use or function of the lot is conducted. More than one principal building may be constructed on a lot, provided that all of the area requirements of each building are met.

Principal Use - The use which is primary and dominant to the lot. More than one principal use may be constructed on a lot, provided that all of the area requirements for each use are met.

Private Utility Building, Use or Service - A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, gas, electric, telephone or other private utility service, excluding nuclear power. However, the use of small-scale utility generation facilities for personal use, such as solar or wind energy, is exempted from regulation by this chapter.

Public Utility Building, Use or Service - A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, wind energy, gas, electric, telephone or other public utility service, excluding nuclear power.

Recreation Facility, Public - A facility owned or operated by a governmental or not-for-profit entity that is open to the general public and used for active or passive recreational purposes. Such facilities may include, but are not limited to, outdoor or indoor trails, playgrounds, athletic fields, ice rinks or pavilions, amphitheaters, picnic areas, and similar structures or open spaces designed for public recreation and community use.

Recreation Facility, Private or Commercial - A facility or use operated by a private individual, group, or business organization for profit or membership, offering recreational activities to the general public or to a defined group of users. Such uses may include, but are not limited to, fitness centers, gyms, indoor sports courts, dance or yoga studios, bowling alleys, arcades, escape rooms, and similar recreational or entertainment venues. This term does not include adult entertainment businesses or amusement parks unless otherwise specified.

Religious Building/Use - An institution that people regularly attend to participate in or hold worship services, meetings and other activities. The term shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

Research and Development Facility - An establishment engaged in scientific research for the design, development, engineering, and testing of high technology electronic, industrial, or scientific products, including laboratory testing, in advance of full-scale manufacturing of final products. This may include the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than for sale or distribution.

Retail Use - A business engaged in the sale of commodities to walk-in consumers for direct consumption and not for resale, excluding gas stations and convenience stores. A retail use may include the assembly and small-scale manufacturing of products for sale on site.

School - Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge. Associated services may include sports/recreational activities and support/administrative functions and facilities.

Screening – see buffer and screening.

Self-Storage Facility - A building or group of buildings containing separate individual and private storage spaces of varying sizes and available for lease or rent for varying periods of time.

Setback, front – The required minimum distance between the building line of a building and the front lot line or the adjoining public roadway. (See "lot line, front.")

Setback, rear – The required minimum distance between a rear lot line and the rear of a building. The building rear line shall be measured from any bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof which are over 50 square feet in area.

Setback, side - The required minimum distance between a side lot line and the closest side of a building. The building side shall be measured from any bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof which are over 50 square feet in area.

Shooting Range - A place where individuals gather to practice marksmanship of any kind. This term does not preclude the use of private property by its owners and their occasional guests for personal recreational activity.

Sign- Any exterior device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one square foot in area and bearing only property number, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- B. Insignia of any government;
- C. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- E. Signs not exceeding 5 sq. ft. directing and guiding traffic and parking on private property, but bearing no advertising matter.
- F. Canopies and awnings.
- G. Window displays.

Sign, A-Frame - A portable, folding sign structure that is typically shaped like the letter "A" and designed to be self-supporting. A-frame signs are considered temporary movable signs that advertise the activities, products, or services of a business

Sign, Announcing – a small sign which announces the name, address, or professional or home occupation of the occupant of the premises on which said sign is located.

Sign, Banner - A temporary sign made of fabric, canvas, plastic, or other non-rigid material that is attached to a building facade, temporary structure, or suspended between supports. Banners are intended for temporary display to advertise events, promotions, or business activities and must be securely affixed to prevent wind damage or safety hazards.

Sign, Billboard - A sign that is designed or used to direct attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. Billboards are typically large in size, either free-standing or mounted on a structure, and may be either static or capable of displaying changing messages (e.g., digital billboards).

Sign, Construction - A temporary sign that provides information about a construction project, including the project name, contractors, architects, financing, or other project-related information.

Sign, Feather Flag - A type of temporary, freestanding sign constructed of lightweight fabric or similar material attached to a flexible pole, characterized by a vertically oriented curved or tapered shape resembling a teardrop, feather, or similar form. Such signs typically range from six (6) to fifteen (15) feet in height, with the fabric portion seamlessly connected to the support structure to create a continuous flowing shape and are designed to move or flutter with air currents. Teardrop or feather flags are portable in nature, commonly secured with ground stakes, cross bases, or water-filled bases, and are primarily used for temporary commercial advertising, directional purposes, or event promotion.

Sign, Inflatable - A temporary, three-dimensional object made of flexible material that is inflated with air or gas and used to attract attention or advertise a business, product, service, or event. Inflatable signs and displays may include figures or other inflated forms that are tethered to the ground, a building, or another structure. Such devices are considered signs when used for commercial advertising purposes. This definition does not include seasonal or holiday decorations displayed at a residence.

Sign, Mobile - A sign that is not permanently affixed to a structure or the ground and is designed or intended to be easily movable, including but not limited to signs mounted on trailers, wheels, or other portable frames. This definition includes signs temporarily placed on vehicles for advertising purposes when the primary use of the vehicle is not transportation. Mobile signs do not include signs held or worn by individuals.

Signs, Number and Surface Area- For the purpose of determining number of signs, a sign shall be considered to be a display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of display area.

Sign, Off-Site - A sign other than an on-site sign.

Sign, On-Site - A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Political (Election Sign) - A temporary sign that promotes, supports, or opposes a candidate for public office or a ballot measure in an upcoming election.

Sign, Real Estate - A temporary or permanent sign advertising the sale, rental, lease, or development of real property.

Sign, Temporary Use - A sign with or without a structural frame, not permanently attached to the ground, a building or other structure, and intended to be used for a limited period of time.

Site Plan - Maps, drawings and supporting data describing a project proposal or development plan for one or more lots on which are shown the existing or proposed conditions of the lot, submitted to the Planning Board for Planning Board review.

Solar Energy Equipment - Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

Solar Energy System - An electrical generating system composed of a combination of both solar panels and solar energy equipment.

Solar Energy System, Ground-Mounted - A solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for on-site consumption.

Solar Energy System, Large-Scale - A solar energy system that is ground-mounted and produces energy primarily for the purpose of off-site sale or consumption.

Solar Energy System, Roof-Mounted - A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for on-site or off-site consumption.

Solar Panel - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

Special Use - A use which, because of its unique characteristics, requires individual consideration in each case by the Planning Board before it may be permitted in a district.

Streetwall – Portion of building(s) running along the property line in which the building façade is oriented.

Stormwater management plan - The written narrative, maps and diagrams prepared for the purpose of runoff control on a specific development site, based upon survey and analysis of the site.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels, but shall not include walls, fences and driveways.

Teardrop Flag- see feather flag.

Telecommunications Tower - Any structure, whether temporary or permanent, greater than 35 feet in height which is capable of receiving and/or transmitting signals for the purposes of communications. Antennae for personal communication devices such as ham radio are not considered telecommunications towers.

Temporary Structure - A structure without any permanent foundation or footing that is erected, installed, or placed on a property for a limited duration and intended to be removed when the designated time period, activity, or use has ended. Temporary structures include, but are not limited to, tents, portable sheds, construction trailers, event canopies, and similar enclosures or shelters. Temporary structures may be subject to time limitations, location restrictions, and permitting requirements (see § 1-61, Supplemental Standards).

Theater - A place of assembly for the showing of movies and/or the production of plays and special events.

Trailer - A structure standing on wheels, towed or hauled by another vehicle, and used for storage or transport of material, goods or objects.

Variance- Permission granted by the Zoning Board of Appeals to deviate from the requirements of the zoning regulations, provided that such deviation does not conflict with the public interest and that the overall intent of the zoning law is maintained.

Variance, Area- shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Variance, Use- shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

Veterinary Establishment - A person, structure or place for the medical care and treatment of animals. The overnight boarding of animals not under the care of a veterinarian shall constitute a "kennel."

Warehouse - A building designed or used as a wholesale storage and distribution center.

Waterfront Improvement - Improvements along the shoreline that are ancillary and complement the underlining zoning district. Improvements include fishing and river viewing platforms, non-motorized boat access, pathways, benches, and signage.

Window Sign - printed or other display material visible from a sidewalk, street or other public place, which is painted or mounted upon a windowpane, and which may contain the name and function of the business or use within and may include products, prices and advertising information. Window signs shall not cover in excess of sixty (60) percent of the window area.

Yard - An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front – An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unoccupied, shall be considered as part of the principal building and shall not project into a required front yard.

Yard, Rear – An open space extending across the entire width of the lot between the rear wall of the principal building and the rear line of the lot and unoccupied except for accessory buildings and open porches.

Yard, Side – An open space on the same lot with a principal building, between the principal building and the side line of the lot and extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than for two feet or other than rainwater leaders, windowsills and other such fixtures and open steps.

Zoning Code Enforcement Officer - The official designated pursuant to Article VI for the purposes of enforcement of this law.

ARTICLE 3. ZONING DISTRICTS; ZONING MAP; DISTRICT BOUNDARIES; USE AND AREA REGULATIONS

§ 1-8 ESTABLISHMENT OF ZONING DISTRICTS

A. Zoning Districts. For the purpose of this chapter the Village of Greenwich is hereby divided into the following districts:

1. Rural Agriculture-Village (RA-V) - The purpose of the Rural Agriculture District is to provide an area in which the mixture of agricultural, residential and small business uses can exist in relative harmony with the natural, environmental and open space character of the area.
2. Medium Density Residential (MDR) – The purpose of the Medium Density Residential District is to protect and encourage moderate-density residential development as well as a limited number of compatible uses. The medium density residential areas generally are accessible to other population centers and generally are feasible for being served with public water and sewer.

3. Waterfront (WD) - The Purpose of the Waterfront District is to encourage mixed-use residential and commercial development, light industrial uses, and recreational uses such as pedestrian pathways, picnic areas, pavilions, and public restrooms. The main objectives of the district are to:
 - a. Provide the maximum public benefit in any new development or redevelopment of land along the Battenkill River.
 - b. Redevelop vacant or underutilized land with appropriate development.
 - c. Develop infill housing and rehabilitation of existing structures.
4. Commercial (C) - The purpose of the Commercial District is to provide for high-density commercial development.
5. Downtown Main Street Overlay (DMS) - The Downtown Main Street Overlay District (DMS) encompasses portions of the Commercial (C) and Medium Density Residential (MDR) districts generally along the Main Street corridor and select adjacent areas. The purpose of the Downtown Main Street Overlay is to preserve traditional mixed-use downtown development and to encourage redevelopment within the area that is consistent with historic Village development patterns. The main objectives of the Downtown Main Street DMS Overlay District are to:
 - a. Preserve traditional mixed-use downtown development and to encourage development within the area that is consistent with historic Village development patterns.
 - b. Support new development that includes diverse pedestrian-compatible, higher-density, multimodal designs, expands economic development opportunities and minimizes distances between destinations by requiring linked sidewalks and pedestrian-oriented access.
 - c. Enhance the visual character and physical comfort of the district by minimizing pedestrian and vehicular conflicts and encouraging the renovation and erection of buildings and storefronts that provide direct connections to the street and sidewalk.
 - d. Discourage the dependence on automobile use, thereby reducing traffic congestion and promoting alternative modes of transportation.
 - e. Encourage the development of shared parking and attractive, convenient off-street parking facilities to reduce on-street congestion and facilitate vehicular and pedestrian circulation.
 - f. Provide for efficient pedestrian, bicycle and vehicular circulation, with an emphasis on avoiding automobile-centric sprawling commercial development.
 - g. Ensure compliance and affirm support for the Americans with Disabilities (ADA) Act.

- h. Advance Complete Streets design principles to promote universal access for all users regardless of age, physical abilities, and forms of mobility.
- 6. Greenway Corridor Overlay (GCO) - The Greenway Corridor Overlay District (GCO) is a linear corridor along the Battenkill River that overlays on the Waterfront District. The overlay is a 100-foot-wide strip beginning at the mean high-water mark of the Battenkill River at the western border of parcel 237.5-6-8. At this point the overlay runs north along the boundary as a 12-foot-wide trail to the corner of Bleeker Street and Washington Street to a future trailhead. The purpose of the GCO is to provide an exclusive area for recreational public use along the river that will also complement allowable uses in the Waterfront District. The prime use will be a pedestrian/bicycle trail with ancillary uses such as fishing and river viewing platforms, and non-motorized boat access. The main objectives of the GCO are to:
 - a. Promote public access to and along the Battenkill River
 - b. Promote new view corridors and protect existing view corridors to the Battenkill River

§ 1-9 ESTABLISHMENT OF ZONING MAP

- A. Zoning Map. The zoning districts are defined and shown on the Village of Greenwich Zoning Map, which by act of the Village Board is made part of this chapter. The Official Zoning Map shall be filed with the Village Clerk and shall be available for public inspection. Note: A copy of the Zoning Map is included as an attachment at the end of this chapter.
- B. Copies of Zoning Map. Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map, which shall be on file with the Village Clerk and located in the Village office, shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the Village.

§ 1-10 INTERPRETATION OF DISTRICT BOUNDARIES

District boundaries shown within the lines of roads, streams and transportation right-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of such district boundaries. When the zoning enforcement officer cannot definitively determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, they shall refuse action, and the Board of Appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the zoning map and the purpose set forth in all relevant provisions of this law.

§ 1-11 DISTRICT USE AND AREA REGULATIONS

- B. The use and area requirements for each zoning district are found in Attachments 1 and 2. A use that is not shown as a principal permitted use or a use permitted by site plan review and/or special use permit shall not be allowed unless otherwise determined by the Code Enforcement Officer to be substantially similar to a listed use.

- C. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located. As such, no building shall hereafter be erected or altered:
1. To exceed the height,
 2. To accommodate or house a greater number of dwelling units permitted,
 3. To occupy a greater percentage of lot area, or
 4. To have narrower or smaller rear yards, front yards, side yards, or open space for multi-family than is specified herein for the district in which such building is located.
 5. No part of a yard or other open space about any building required for the purpose of complying with the provision of this law shall be included as part of a yard or other open space similarly required for another building.
- D. Lot Coverage. In the MDR, RA-V, and WD districts, except as provided by Article 8 Non-Conforming Uses, structures and impervious surfaces may not cover more than 30 percent of the lot. In planned unit development projects, although individual lots may exceed this requirement, the overall project may not.
- E. Height. Except as provided by this section and § 1-11F, in all districts structures shall not exceed a height of thirty-five (35) feet above average level unless approved by the Board of Appeals. The Board of Appeals may authorize a variance to the height regulations in any district providing such an increase will not be disruptive to its surroundings.
- F. The Zoning Code Enforcement Officer may authorize a height in excess of thirty five (35) feet if the structure is any of the following, providing it does not constitute a hazard: farming and agricultural uses, television and radio receiving towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, silos, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, and flag poles and ski lift towers.

§ 1-12 PLANNED UNIT DEVELOPMENT

- A. Proposals for Planned Unit Project shall be submitted to the Planning Board Clerk who shall submit copies to the Planning Board and to the Village Board. The Planning Board shall have sixty (60) days to review and submit comments on such plan to the Village Board. The material accompanying the proposal shall contain the following:
1. Required site plan shall show all buildings, parking areas, signs and landscaping at a scale sufficient to permit the study of all elements of the plan.
 2. All utilities shall also be shown and described.
 3. Typical elevations and floor plans of all buildings may also be required. However, elevations for all signs shall be provided.
 4. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet or as required by the Planning Board.

5. A full environmental assessment form or draft environmental impact statement as required by SEQR.
- B. Planning Board action.
1. After the application is determined by the Clerk to be complete for purposes of review, the Planning Board may request from the applicant such additional information and/or recommend such modifications to the application as it deems necessary to determine whether the proposed PUD will comply with the standards for approval of a PUD set forth in § 1-12 D-F. The Planning Board may hold a public hearing on the PUD application.
 2. Within 60 days of the date that of receipt of an application determined by the Clerk to be complete for purposes of review, the Planning Board shall submit written findings to the Village Board regarding whether the application complies with the standards for approval of a PUDD set forth in § 1-12 D-F, and shall recommend approval, approval with modifications and/or conditions, or disapproval of such PUD application to the Village Board. This time frame may be extended upon mutual written agreement between the Planning Board and the applicant.
 3. A recommendation by the Planning Board of approval of the proposed PUD application shall not constitute nor imply approval of a building project for the area included in the application, nor shall it constitute or imply a permit for said project.
- C. Village Board action.
1. Upon receipt of the Planning Board's written findings and recommendation pursuant to Subsection B.2 of this section, or upon failure of the Planning Board to act within the prescribed time period, the Village Board shall conduct a public hearing on the proposed PUD application.
 2. The findings and recommendation from the Planning Board as required by shall be entered into the official record of the public hearing and considered by the Village Board prior to the closing of the hearing.
 3. After considering the Planning Board's findings and recommendations and comments received during the public hearing, the Village Board may approve, approve with modifications and/or conditions, or disapprove a PUD application.
 4. In reviewing the PUD application, the Village Board shall comply with the requirements of SEQR.
 5. Required referral. Prior to taking the final action on the site plan and where applicable, the Village Board will refer the PUD application to the Washington County Planning Board as required according to General Municipal Law § 239-m.
- D. The purpose of Planned Unit Development shall be to encourage a development which will result in:
1. A choice in the type of environment and living units available to the public and quality in residential land uses so that development will be a permanent and long-term asset to the village.
 2. Open space and recreation areas.

3. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
 4. An efficient use of land resulting in smaller networks of utilities and streets.
 5. An environment in harmony with surrounding development.
 6. A more desirable environment than would be possible through the strict application of other sections of the law.
- E. The area of the land to be developed shall not be less than five acres. Structures may not cover more than 30 percent of the lot. In planned unit development projects, although individual lots may exceed this requirement, the overall project may not.
- F. The predominant use of the land shall not differ substantially from the uses permitted in the district in which the plan is located. In a planned unit project in the Medium Density Residential (MDR) district, one-half of the dwelling units may be multi-family.
- G. Effect on Zoning Map; enforceability; other reviews; modifications.
1. The Village Board's approval of a PUD shall constitute an amendment of the Zoning Map and shall be made a part thereof.
 2. Any conditions that may have been specified by the Village Board in a PUD approval decision shall be enforceable pursuant to this code.
 3. After approval of a PUD, all development shall be subject to subdivision, site plan or special use permit review under this code, as applicable.
 4. Any proposed modification to an approved PUD shall be considered as a new application.
- H. Expiration of approval.
1. The Village Board shall have the authority to again amend the map to restore the district to its original zoning designation or any other designation if site plan approval is not granted within three years. The Village Board may extend the three-year period.
 2. If a building permit application for the development in accordance with the approved site plans and specifications has not been filed within one year after the date of the resolution authorizing site plan approval, site plan approval shall become null and void and the approval shall be revoked and vacated.

ARTICLE 4. SITE PLAN REVIEW

§ 1-13 PURPOSE AND INTENT

The purpose and intent of this section is to allow the proper integration into the community of the uses listed in these articles and which may be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics or the special character of the area in which they are to be located, their uses require special consideration so that they may be properly located and planned with respect to:

- A. The objectives of this chapter.
- B. Impact on surrounding properties.

- C. The ability of the Village to accommodate the growth resulting from the proposed use without undue adverse effect on the Village and its citizens and taxpayers, and the protection of health, safety, and welfare of the Village and its citizens.
- D. Impact on the natural, historic, and scenic resources of the Village.
- E. Substantial conformance with the Comprehensive Plan and any formally adopted, relevant plans.

§ 1-14 APPLICABILITY

Any land use or development listed in § 1-11, District Use and Area Regulations, identified as a use subject to site plan review in Attachment 1- Use Regulations, shall not be undertaken until the Planning Board has approved or approved with conditions such land use or development in accordance with this article and the Zoning Code Enforcement Officer has issued a permit. Where there is any conflict with this section and any other section of this zoning ordinance, this section shall supersede.

- A. Downtown Main Street Overlay: With the exception of temporary uses (Temporary Structures, Farmstands, and Food Trucks) and Single-Family Dwellings and their incidental or related accessory uses and structures, development (as defined within § 1-7) within the Downtown Main Street Overlay District shall be subject to site plan review in accordance with Article 4, Site Plan Review, (and Article 5, Special Use Permit if applicable) and shall comply with the design guidelines established in § 1-49 Main Street Overlay design guidelines and standards.
- B. Waterfront District: With the exception of temporary uses (Temporary Structures, Farmstands, and Food Trucks) development in the Waterfront District shall be subject to site plan review in accordance with Article 4, Site Plan Review, (and Article 5, Special Use Permit if applicable) and shall comply with the design guidelines established in § 1-50 Waterfront District design standards.
- C. Greenway Corridor Overlay (GCO): Development located within the Greenway Corridor Overlay (GCO) District shall comply with § 1-51 Greenway Corridor Overlay District design standards. Uses within the GCO District are limited to interpretive signs, pedestrian and bicycle trails, trailheads, fishing and viewing platforms, and non-motorized boat access.

§ 1-15 AUTHORIZATION FOR PLANNING BOARD TO REVIEW SITE PLANS

In accordance with § 7-725-a of the Village Law and this article, the Village Board of Trustees is authorized to designate the Planning Board as the legislative body to review and to approve, approve with modifications and/or conditions, or disapprove site plans, prepared to specifications set forth in this chapter and in regulations of the Planning Board, showing the arrangement, layout and design of the proposed use of the land shown on such plan.

§ 1-16 APPLICATION REQUIRED

Before commencing any land use activity that is not otherwise exempt from the provisions of this chapter, the owner of the property where the activity is proposed to take place, or where person authorized in writing to act for such owner, shall, in accordance with the provisions stated herein,

submit a site plan application, together with appropriate supporting data and fees, to the Planning Board.

§ 1-17 SKETCH PLAN REVIEW

- A. Prior to submission of an application for site plan review, an applicant may meet in person with the Planning Board to discuss the proposed project. Such discussion shall consider the primary aspects of the project and application requirements, in order to assist the developer in preparing his formal site plan.
- B. The informal sketch plan shall show the various elements of the development proposal in such a manner as to clearly illustrate the intention of the developer. If necessary, the site may also be visited. The Planning Board may, if appropriate, in the case of small developments with little impact on adjoining lands, waive select site plan review application requirements.

§ 1-18 INITIAL REVIEW

At the sketch plan conference, the Planning Board will determine if the proposal is in conformity with the adopted Comprehensive Plan and to the extent feasible shall provide the applicant with an indication of whether the proposal, in its rough concept, is acceptable or should be modified before expenditures for more detailed planning are made. The Planning Board shall also review with the applicant submission requirements from § 1-20 to determine what specific information is to be presented with the site plan, as well as what additional information, if any, shall be required.

§ 1-19 APPLICATION FOR SITE PLAN APPROVAL

To apply for site plan approval, an applicant shall complete a site plan application form. The time of submission of the site plan application form shall be the date of the regular meeting of the Planning Board at which the application is deemed complete and duly considered. The application shall be submitted to the Clerk of the Planning Board at least 10 days prior to said meeting and shall be accompanied by all fees and data required by § 1-83, Fees, of this code.

§ 1-20 SUBMISSION REQUIREMENTS

The site plan submitted for approval and supporting documentation shall include all of the following information, except where waived by the Planning Board during the initial review. In addition, the Planning Board shall have the authority to require such additional information and documentation from the applicant as it shall deem necessary to conduct an informed and adequate review.

- A. Site map. Five copies of the plan shall be submitted. The size of the plan sheets shall be at least 11 inches by 17 inches, including a margin for binding of two inches outside of the border along the left side and a margin of one inch outside of the border along the remaining sides. The plan shall be drawn at a scale of one-inch equals 50 feet or larger and shall show existing topography at contour intervals of not more than five feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as watercourses, wetlands, wooded areas, areas that are subject to flooding, etc. The Planning Board may require that

appropriate engineering plans prepared by a licensed professional be submitted. The plan shall show:

1. Title of the site plan, including name and address of the applicant and person responsible for preparing such drawing.
2. North arrow, scale and date.
3. Boundaries of property plotted to scale.
4. The location, size and existing use of buildings and other structures on premises.
5. The location and ownership identification of all adjacent lands, including across roadways.
6. The location, name, and width of existing adjacent roads.
7. The location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, reservations and areas dedicated to public use on or adjoining the property.
8. The location of slopes in excess of 15%, wetlands, flood- and erosion-prone areas, watercourses and natural drainage patterns.
9. The location of significant trees, shrubs, and/or edge of wooded areas.
10. The location of all structures, significant or sensitive environmental features, and utilities within 500 feet of the property line.
11. The location of bedrock outcrops and other significant geological features.

B. Development plan map.

1. Grading and drainage plan, showing existing and proposed contours at contour intervals of not more than five feet and watercourses if a change in topography is proposed.
2. Locations, type of construction and exterior dimensions of all buildings and other structures.
3. Identification of the amount of gross floor area proposed for retail sales and services, offices, and other commercial or industrial facilities.
4. The location, type of construction, and area of all parking and truck loading areas showing access and egress points to the site.
5. Provision for pedestrian access, including public and private sidewalks, if applicable.
6. The location and intended use of outdoor storage, if any.
7. The location and construction materials of all existing or proposed site improvements, including drains, culverts, berms, retaining walls, fences, patios, paved areas, and decks.
8. Description of the method of sewage disposal and the location of such facilities.
9. The location of waste storage containers, including proposed solid waste and hazardous waste collection, storage and staging areas.
10. Description of the method of securing water, the location of such facilities, and approximate quantity of water required.
11. The location of fire lanes and other emergency zones, including the location of fire hydrants if required.
12. The location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas, wind, hydro and solar energy.
13. The location, size, design and type of all proposed temporary and permanent signs.
14. The location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover.

15. The location and design of existing and proposed outdoor lighting, including height, type of bulb, type/style of fixture and hours of operation.
 16. Proposed planting plans, including screening and buffer areas with the planting and general landscaping schedule.
 17. Record of applications and approval status of all necessary permits from federal, state, county and local offices.
 18. Estimated project construction schedule.
 19. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference, such as contour intervals or licensed survey, etc.
 20. Elevations or cross sections of proposed buildings.
- C. Elevations and/or cross sections. Elevations and/or cross sections illustrating front, rear, and side profiles drawn to the scale of 1/8 inch equals one foot may be required by the Planning Board. The elevations and/or cross sections shall clearly delineate the dimensions of all buildings, building materials, and other permanent structures included in the proposal, including the dimensions and height of lighting facilities and signs.
- D. Plans. The Planning Board may require, as appropriate, engineering plans prepared by a licensed professional to illustrate and describe such development aspects as road improvements, drainage systems, grading plans, public or private utility systems sewer and water facilities and such other supporting data as may be necessary.
- E. State Environmental Quality Review Act. In addition to the above list, the applicant shall prepare and file with the site plan application the New York short environmental assessment form to allow the Planning Board to determine the applicability of the State Environmental Quality Review Act (SEQRA). Type II actions are not subject to review under SEQRA.
- F. Owner's permission. If the person filing the site plan application is the owner of the property on which the land use activity is proposed, a notarized statement to that effect shall be filed, giving the name(s) of the owner(s) of the property. For nonowner applicants, a notarized written permission of the owner(s) that references the proposed land use shall be filed with the Planning Board.
- G. Waiver. The Planning Board may waive some or all of the site plan submission requirements when, in the Board's judgment, such information is not required for its review of the proposal. The Board must state in writing its grounds for such a waiver. The affirmative vote of four or more Board members will be required for such a waiver.

§ 1-21 SITE PLAN REVIEW PROCEDURE

- A. The Planning Board shall, within 30 days of a site plan application being filed, determine whether to accept the application as complete and begin the review process or to reject the application as incomplete. Incomplete applications shall be returned to the applicant with a letter stating the application deficiencies.
- B. The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:
1. The location, size and intensity of the proposed activity shall be in harmony with the appropriate and orderly development of the district in which it is to be located.

2. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, and traffic controls.
 3. The location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience and safety.
 5. The adequacy of stormwater and drainage facilities.
 6. The adequacy of water supply and sewage disposal facilities.
 7. The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. The adequacy of fire lanes, other emergency zones and the provision of fire protection infrastructure.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 10. The overall impact of the project on the neighborhood, including compatibility of design considerations.
- C. No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Village Board after consultations with the Planning Board, Zoning Code Enforcement Officer, Village counsel and other appropriate parties.
- D. The Zoning Code Enforcement Officer shall be responsible for the overall inspection of site improvement including coordination with the Planning Board and other officials and agencies, as appropriate.
- E. Whenever the particular circumstances of proposed development require compliance with either the special use procedure in Article 5 of this zoning ordinance, or other requirements of the Village, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

§ 1-22 LESS INTENSE REVIEW FOR MINOR PROJECTS

- A. A less intensive review may be conducted for minor types of projects that do not generate a significant amount of traffic and/or that have little or no adverse impacts to neighboring properties and uses, except in the case of an existing or new small business. Requirements of § 1-21 of this chapter for such proposed uses may be waived by majority vote, where warranted. The Planning Board must state in writing its grounds for waiving certain submission

requirements and file such statement along with the site plan application and supporting documents.

- B. Any existing small business, defined as one occupying less than 2,500 square feet in area, may, at the discretion of the Planning Board, be eligible for a less intensive review of its application. Proof of small business status shall be submitted with the application. Any new small business, as defined herein, may, at the discretion of the Planning Board, initially be entitled to a less intensive review.

§ 1-23 SEGMENTATION PROHIBITED

The site plan applications and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant, together with a letter stating the basis for its determination.

§ 1-24 REFERRAL TO OTHER AGENCIES AND BOARDS

- A. Coordinated review. The Planning Board may refer the site plan for review and comment to local and county officials, or their designated consultants, and to representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the State Department of Environmental Conservation, and the State Department of Health.
- B. Required referral. Prior to taking the final action on the site plan and where applicable, the Planning Board will refer the site plan to an adjoining municipal authority or the Washington County Planning Board as required according to General Municipal Law § 239-m.

§ 1-25 SEQRA COMPLIANCE

The Planning Board shall determine compliance with SEQRA prior to site plan approval.

§ 1-26 PUBLIC HEARING ON SITE PLAN

The Planning Board shall hold a public hearing within 62 days of receipt of a complete application. This time period may be extended by written consent of the applicant and the Planning Board. The Planning Board shall mail notice of the public hearing to the applicant at least 10 days before the public hearing and shall advertise the public hearing in the Village's official paper at least five days prior to the date of the hearing. If the application also requires § 239-m review by the County Planning Board, the Planning Board shall mail a notice of the public hearing to the County Planning Board 10 days prior to the public hearing.

§ 1-27 PLANNING BOARD ACTION ON SITE PLAN

Within 62 days of the public hearing, the Planning Board shall render a decision. In its decision the Planning Board may approve, approve with modifications or disapprove the site plan. The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

- A. Approval. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall file the site plan and a written statement of approval with the Village Clerk. A copy of the written statement of approval shall also be sent to the Zoning Code Enforcement Officer.
- B. Approval with conditions or modifications. The Planning Board may approve the site plan and require that specific conditions be observed or attained, or that modifications be made and noted on or appended to the site plan. A copy of the written statement of approval describing modifications required by the Planning Board shall be mailed to the applicant. Upon approval, and after payment by the applicant of all fees and reimbursable costs to the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall file the site plan and a written statement of approval with modifications with the Village Clerk. A copy of the written statement of approval with modifications shall also be sent to the Zoning Code Enforcement Officer.
- C. Disapproval. Upon disapproval of the site plan, the decision of the Zoning Board of Appeals shall be filed with the Village Clerk, and a copy thereof mailed to the applicant, along with a letter stating the Planning Board's reasons for disapproval. A copy of the written statement of disapproval shall also be sent to the Zoning Code Enforcement Officer.

§ 1-28 EXTENSION OF TIME TO RENDER DECISION

The time period during which the Planning Board must render a decision may be extended by mutual consent of the applicant and the Planning Board.

§ 1-29 APPLICATION FEES

All fees associated with this ordinance, with the exception of § 1-30, Consulting fees, shall be the amount adopted by the Village Board and listed on the Fee Schedule.

§ 1-30 CONSULTING FEES

The Planning Board, in its review of site plan applications, may employ consultants, legal counsel, professional engineers and/or inspection services to provide assistance and advice in the review of any application. Cost incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.

§ 1-31 EXPIRATION AND EXTENSIONS

- A. No site plan approval shall be valid for a period longer than one year from the date of issuance if construction of the site plan has not begun. If construction of the site plan has actually begun within the first year and is thereafter diligently pursued to completion within the second year, the site plan approval shall remain in force. In the event that construction has not been completed two years from the date of the site plan approval, the site plan shall expire, unless extended by the Planning Board.
- B. One or more extensions of said time, each not to exceed one year, may be granted by the Planning Board to extend the effective life of a site plan approval if the facts which supported the granting of the approval have not materially changed.

ARTICLE 5. SPECIAL USE PERMITS

§ 1-32 PURPOSE AND AUTHORITY

- A. Purpose. The purpose of the special use permit review is to ensure that land development is compatible with surrounding uses and the human and natural environment, including the rural and historic character of the Village.
- B. Authority. Pursuant to Village Law § 7-725-b, the Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove special use permits for land uses within the Village as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this chapter.

§ 1-33 APPLICABILITY

Special use permit review shall be required for any use listed in § 1-11, Table 1-Use Table, as requiring special use permit review, including any change in existing use or to construct, improve, remodel, renovate, demolish or convert any building or structure listed as requiring a special use permit in § 1-11, Table 1-Use Table, or for any amendment to an approved special use permit.

§ 1-34 APPLICATION FOR A PERMIT

- A. A special use permit application shall be filed with the Village by the owner or owner's agent at least 10 prior to the Planning Board meeting at which it is to be introduced, on forms prescribed by the Planning Board.
- B. A special use permit application shall contain the following unless specifically waived by the Planning Board during preliminary sketch plan review. The application may be deemed to be complete at the Planning Board's discretion. A special use permit application shall contain the following to be deemed complete:
 - 1. Five copies of a completed application form, containing:
 - a. The applicant's name, address and interest in the property.
 - b. The name of the owner of the subject property (if different from the applicant).
 - c. The subject property address and Tax Map and lot number as shown on the tax records of the Village of Greenwich.
 - d. The current zoning district classification and present use of the subject property.
 - e. A written general description of the proposed project, the number and size of buildings to be constructed or converted, their present and proposed uses and the number and type (resident, employee, etc.) of occupants anticipated to be accommodated by the project after completion.
 - f. A written description of the uses of surrounding properties.
 - 2. A site plan review application containing those elements from § 1-20 as may be determined necessary by the Planning Board.
 - 3. Other elements integral to the proposed development may be required by the Planning Board where considered necessary to carry out the intent of this section, including but not limited to testing to assess environmental capabilities.

4. A complete Part 1 of an environmental assessment form (EAF) and, where necessary, a lead agency determination, a negative or positive declaration and the submission of an acceptable draft environmental impact statement (DEIS).

§ 1-35 FEES

Application fees for special use permits shall be in the amount adopted by the Village Board and listed on the Fee Schedule. Consulting fees may be charged in accordance with § 1-30.

§ 1-36 PUBLIC HEARING

Within 45 days of a complete special permit application being deemed complete by the Planning Board, the Planning Board shall hold a public hearing to receive comments on the application. The Planning Board shall give notice of the public hearing by publishing a notice of hearing in a paper of general circulation in the Village at least five days prior to the date thereof and, at least 10 days prior to that date, by mailing notice of the hearing to all owners of property within 500 feet of the nearest boundary of the property for which the special permit is sought. The Planning Board may elect to waive the notification for certain special permit requests if deemed appropriate.

§ 1-37 CONSIDERATIONS FOR A DECISION

Within 62 days of close of the public hearing and after considering the evidence presented at the public hearing and after making any further investigations considered necessary to ensure compliance with this chapter, the Planning Board shall determine whether or not to grant a special permit for the proposed use. A special use permit shall be issued if the use for which it is sought is consistent with all of the following standards:

- A. Operations in connection with any special use shall not be objectionable to nearby properties by reason of noise, fumes, vibration, illumination, flashing lights, or other potential nuisance than would be the operations of any permitted use.
- B. Community infrastructure and services, including but not limited to protective services, roadways, garbage collection, schools and water and sewer facilities, are currently or will be of adequate capacity to accommodate the proposed use.
- C. The proposed site possesses adequate soil capacity and natural features to safely support proposed facilities and structures, including water and septic services at the site.
- D. Stormwater will be managed in accordance with the regulations of the New York State Department of Environmental Conservation and of the Village of Greenwich.
- E. The proposed use, building design and site layout shall meet the provisions of the Zoning Ordinance, including the general provisions in Article V, and other regulations and ordinances of the Village and standards of New York State and comply with the intent of the Town and Village of Greenwich Comprehensive Plan.
- F. Vehicular and pedestrian traffic patterns associated with the proposed use will be appropriate and satisfactorily established and managed for the area involved. Factors for the Planning Board to consider in making this determination include turning movements in relation to traffic flow, proximity to and relationship to intersections, adequacy of sight

- distances, location and access of off-street parking, provision for pedestrian traffic, capacity of existing roads and minimizing pedestrian-vehicular circulation conflicts.
- G. The proposed use, design and layout will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
 - H. The proposed location and height of buildings or structures, walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage appropriate development or use of land adjacent to the proposed site or unreasonably affect its value.
 - I. In areas where there are patterns and similarities in the scale and design of neighborhood structures, the scale, design and material of the proposed structure(s) shall be compatible with existing structures within the vicinity of the site.
 - J. Adequate screening, landscaping, exterior lighting, signs and architectural designs compatible with the neighborhood and of appropriate size and style will be provided to protect neighborhood properties within the vicinity of the site from any adverse impacts that might result from the proposed use.
 - K. The development will be organized in a way which reflects the natural capabilities of the site to support such a use. Buildings, lots and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, such as wetlands, steep slopes, floodplains and unique natural features, will be maintained and preserved.
 - L. The development will be protective of agricultural and open space resources.
 - M. The existing landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil. Landscaping will be provided to adequately define street edges, buffer adjacent properties and break up parking areas.
 - N. As appropriate, the site will provide recreation areas and open space sufficient to meet the needs of users and residents of the development.

§ 1-38 DETERMINATION

The Planning Board shall decide upon the application within sixty-two (62) days after the conduct of the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Planning Board shall be filed in the office of the Village Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

- A. Denial. If the Planning Board determines that the proposed use would not comply with the requirements of this code and in particular with one or more of the standards stated in § 1-37, it shall deny the application.
- B. Approval. If the Planning Board determines that the proposed use will comply with this code and in particular with all of the standards stated in § 1-37, the Board may grant a special use permit for the proposed use. In rendering its decision, the Board shall issue a written decision that shall include any reasonable additional conditions imposed on the proposed use by the Board to prevent or minimize any potentially adverse impacts of the proposed use on adjacent or nearby property.
- C. Conditions. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon its granting of said special use permit, any such condition must be met in

connection with the issuance of permits by applicable enforcement agents or officers of the village.

- D. Permit Terms. The Planning Board, as a condition of granting a special use permit, may specify its term of validity. There are three types of permits which may be granted by the Planning Board, described as follows:
1. Permanent: permits a specific use to continue indefinitely until the specific use ceases for any reason for a period of 12 consecutive months.
 2. Temporary: permits a specific use to continue until a specific date, at which time the special use permit shall automatically terminate and the use shall be permanently discontinued. This type shall not be renewable.
 3. Renewable: permits a specific use to continue until a specific date, unless renewed or extended by the Planning Board for an additional period of time. If not extended, the use shall be permanently discontinued. It is the responsibility of the applicant and not the Village of Greenwich, or any board, officer or employee thereof, to initiate the request for the renewal or extension prior to the expiration of the original term of such renewable special use permit. If not extended or renewed prior to the date set for expiration, the right to continue such special use shall terminate on such expiration date, subject to the right of the applicant to seek an extension or renewal. Applications for permit extensions or renewals shall be made on the applicable form provided by the Village of Greenwich. The application shall include an affirmation that there have been no changes in the use since the date of the original approval. The Planning Board may waive the public hearing for extension or renewal of a special permit.
- E. Any applicant who receives a temporary or renewable special use permit and who decides to proceed with the special use does so realizing that the temporary special use permit has a fixed duration, that all rights to continue that use terminate upon the expiration of the specified time, and that the renewable special use permit may not be extended beyond its original term without approval pursuant to this section. The applicant, in accepting a temporary or renewable special use permit, acknowledges and agrees that such special use permit confers no rights or privileges other than those specifically contained therein.

§ 1-39 EXPIRATION

A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than twelve (12) consecutive months for any reason, and a new permit shall be prepared for continuance for such special permit use.

§ 1-40 TIME EXTENSIONS AND RENEWALS

- A. No special use permit shall be valid for a period longer than one year from the date of issuance if construction of the special use has not begun. If construction of the special use has actually begun within the first year and is thereafter diligently pursued to completion within the second year, the special use permit shall remain in force. In the event that construction has not been completed two years from the date of the special permit issuance, the special use permit shall expire, unless extended by the Planning Board.

- B. One or more extensions of said time, each not to exceed one year, may be granted by the Planning Board to extend the effective life of a special permit if the facts which supported the granting of the permit have not materially changed.

§ 1-41 EXISTING VIOLATIONS

Where a request for special use is made for a property, use or lot containing a violation of this law, the Planning Board in its decision related to such request, shall consider such violation and may thereby condition any approval for said request to include requirements to remedy any such violation and to concurrently consider area and use variances appropriate to the particular conditions involved. Any approval for special use permit issued by the Planning Board shall grant no rights to continue a violation of this law or prevent the Village of Greenwich from maintaining separate action to have violations corrected.

ARTICLE 6. DESIGN STANDARDS

§ 1-42 APPLICABILITY

- A. Applicability. These standards shall apply to all uses that require site plan review or a special use permit except where listed in Attachment 1, Use Regulations.
- B. Objectives. Sites to be developed shall be of such character that they can be safely used for building purposes without danger to the public health or safety or peril from fire, flood or other causes. The proposed development shall be compatible with the character of the community. The development shall be protective of the environment as well as open space and agricultural resources. Vegetative screening shall separate commercial and industrial and other nonresidential uses from residential properties.

§ 1-43 LOT DEVELOPMENT CRITERIA

- A. Lots which abut on more than one street shall provide the required frontage along every street.
- B. All structures, whether attached to the principal structure or not, and, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard except as provided in Article 8, Non-Conforming Uses.

§ 1-44 PARKING

- A. Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or an existing use is enlarged. Parking areas shall not be located in front yards except in legally existing driveway or developed parking lot areas.
- B. Public or other off-street parking within 500 feet of such new or changed use, and on-street parking in the C Zoning District, in lieu of on-site parking, may be utilized to fulfill parking requirements when provided for this purpose, providing evidence is shown of such availability and legal access to such parking during all periods of use of operation of the new or changed use. For the purposes of computing on-street parking spaces,

each individual parking space located on-street immediately in front of a use shall constitute one parking space for each one-half hour of availability during the normal operating hours of such use [Example: 2 spaces located in front of restaurant operating from 5 A.M. to 9 P.M. where parking is prohibited on-street from 12 A.M. till 6 A.M. = 2 spaces x (15 hours of available parking/.5 hours) = 60 spaces]. Where on-street parking spaces are not delineated, or where delineated spaces are not entirely within the frontage area of a use, each eighteen feet of frontage along a street, shall constitute an individual parking space. Such computation shall apply only to those sections of street frontage where parking is allowed. Public and on-street parking shall not be used to meet the requirements for parking for any residential use.

- C. Off-street parking requirements. The minimum number of off-street parking spaces provided shall be as provided in Table 3, which is included as an Attachment at the end of this chapter.
 - 1. The Planning Board shall have the authority to waive, in whole or in part, the minimum off-street parking requirements set forth in Table 3, provided that the Planning Board finds that the reduced parking will not result in any adverse impacts on the surrounding neighborhood or compromise public safety.
 - 2. In considering a request for a waiver of minimum parking requirements, the Planning Board shall take into account the following factors:
 - a. The availability of on-street parking or public parking facilities in the vicinity of the use.
 - b. The potential for shared parking arrangements with nearby uses.
 - c. Any characteristics of the use or its location that may result in a lower parking demand than typically associated with similar uses.
- D. Americans with Disabilities Act Parking Standards and Requirements. In all instances, new or modified parking shall comply with the Americans with Disabilities Act (ADA) parking requirements as provided by the 2010 ADA Standards for Accessible Design (2010 Standards).
- E. In general, vehicle parking shall be provided on the same lot as the principal use. However, parking may be provided on a separate tax parcel or parcels if the separate tax parcel(s) is/are within 500 feet of the principal use, the parcels are under the same ownership with covenants which identify the shared parking arrangement, and there is a safe way to provide circulation between the parcels. In all instances, this provision shall not supersede D., Americans with Disabilities Act Parking Standards and Requirements, of this section.
- F. The respective reviewing agency may waive all or portions of the off-street parking requirements if a proposed use is within 500 feet of a municipally or privately owned off-street parking area that has sufficient capacity as demonstrated by the applicant. In all instances, this provision shall not supersede D., Americans with Disabilities Act Parking Standards and Requirements, of this section.
- G. The respective reviewing agency may also waive all or portions of the off-street parking requirements if an applicant can demonstrate how parking demands may be mitigated

or minimized based on trip generations, hours of operation, and/or number of employees. This includes further reductions in shared parking in accordance with this section. In all instances, this provision shall not supersede D., Americans with Disabilities Act Parking Standards and Requirements, of this section.

- H. In all instances, shared parking through private cross lot easements shall be encouraged. The respective reviewing agency may approve the use of a shared parking facility and a reduction in the parking requirements of up to fifty (50) percent by two or more principal buildings or uses, either on the same, adjacent or nearby parcels, where it is demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among the establishments. All shared parking shall have a perpetual covenant suitable for recording on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of said principal use.
- I. Electric vehicle charging stations shall be included in the calculation for minimum parking requirement.

§ 1-45 OFF-STREET LOADING

In the “C” district, off-street loading which is spaced logically, conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial uses. Duration of loading shall not exceed two hours for any individual pick-up or delivery. Required off-street loading space is not to be included as off-street parking space.

§ 1-46 PERFORMANCE STANDARDS FOR AIR POLLUTION, NOISE AND FIRE CONTROLS

- A. Atmospheric Pollution: It shall be unlawful within the Village of Greenwich for any person, owner agent, operator, firm or corporation to permit or cause, suffer or allow the discharge, emission or release into the atmosphere from any source whatsoever of soot, fly ash, dust, cinders, dirt, oxides, vapors, odors, toxic or any other materials in such place, manner or concentration as to constitute atmospheric pollution.
- B. Odor: Tanneries, stock yards, glue factories, oil refineries, soap factories, artificial gas manufacture, rubber manufacture, fertilizer manufacture, and similar uses must present detailed plans for elimination of obnoxious odors to the Zoning Code Enforcement Officer before a permit is granted.
- C. Noxious Gases: Detailed plans of any process likely to emit noxious gases must be presented to the Zoning Code Enforcement Officer, indicating elimination of such gases or fumes before permit is granted.
- D. Fire and Safety Hazards: Only structures are permitted which are in conformity with the State Uniform Fire Prevention and Building Code (Title 9 NYCRR), the Village of Greenwich Unsafe Structure Law, the Village of Greenwich Flood Damage Prevention Law and all other applicable codes, rules, regulations and laws.
- E. Noise: A maximum of 90 decibels at the property line shall not be exceeded.

§ 1-47 SIGNS AND WINDOW DISPLAYS

Except as provided in this section, no person shall erect, own, operate or maintain a sign without a permit issued by the Zoning Officer. The signage measurements identified in this section shall apply to each display side of signs; except in case of two-sided signs where there is identical subject matter on each side, one side shall be used to compute total square footage.

- A. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
- B. Announcing Signs. In any district, an announcing sign not exceeding two square feet in surface area are permitted which announces the name, address, or professional or home occupation of the occupant of the premises on which said sign is located.
- C. Bulletin Board Signs. A bulletin board sign not exceeding twenty-four (24) square feet is permitted in connection with any church, school or similar public structure.
- D. Political and Elections Signs. Signs advocating a political candidate or other ballot issues are permitted under the following restrictions:
 - 1. The sign shall not be placed on the site more than sixty (60) days prior to the election in issue and shall be removed within ten (10) days following the to which they pertain.
 - 2. No political sign shall be placed upon road right-of-way or upon any other location which may cause an obstruction of clear traffic visibility.
- E. Temporary Use Sign. Temporary use signs such as banners, pennants, and streamers are permitted to be displayed for a period not to exceed 30 days and require a temporary sign permit. Such signs shall be removed promptly when it has fulfilled its function. Temporary real estate signs not exceeding eight square feet in area which advertise the sale, rental or lease of the premises shall be exempt from permit requirements
- F. Business Signs and Window Signs. Business signs and windows signs shall be permitted in connection with any legal commercial use or industrial use for each such use located on any premises, and meeting the following requirements:
 - 1. Unless specified elsewhere in this law, two business signs are permitted with any legally established commercial use or industrial use, one free standing, and the other attached to the building.
 - 2. The building purpose of the business sign shall be for identification and not for advertising and may state only the owner, trade names, trademarks, products sold, and/or the business or activity conducted on the premises on which the sign is located.
 - 3. Business signs attached to buildings shall not extend above the roof or parapet of the building. The height of a free-standing sign shall not exceed fifteen (15) feet.
 - 4. Except for Home Occupations, window signs shall be allowed.
 - 5. Illuminated business signs and window signs shall be shielded in such a way as to produce no glare, shall be properly focused or from within the sign itself.

6. Signs, except as provided by § 1-47 H, shall not project over public rights-of-way or property lines.
 7. Sign size shall be in proportion to the land use, lot and building size but in no case exceed one-half (1/2) square foot per linear foot of lot frontage. Maximum square footage of any individual sign shall be twenty-five (25) square feet or a total of fifty (50) square feet for the two business signs and any announcing sign used in connection with a commercial use or industrial use. Window signs size shall be as allowed per definition of window signs in Article II.
- G. Permits required. All signs except “A-Frame”, announcing signs, political signs, temporary real estate and construction signs shall be required to have a permit indicating compliance with this law, and no sign requiring a permit shall be constructed, altered or extended until such permit has been issued. Permits for signs may be applied for concurrently with, and as part of any other required zoning permit application.
- H. “A-Frame” signs shall conform to the following:
1. Shall not exceed four (4) feet in height;
 2. If placed in or upon a public thoroughfare, shall allow for a minimum of five (5) feet of clear passage space through such thoroughfare;
 3. Shall have not more than two sides for display, neither side of which shall exceed twelve (12) square feet in area;
 4. Shall be secured so as not to create a hazard from accidental movement;
 5. Shall not be placed so as to obstruct the vision of motor vehicle, bicycle or other traffic within the public highways;
 6. Shall not be placed so as to obstruct access to any building, alley or street.
 7. Shall not obstruct clear access to fire hydrants or other emergency equipment.
- I. Prohibited Signs
1. Teardrop/feather flags
 2. Billboards
 3. Inflatable signs and displays
 4. Signs containing flashing, intermittent, rotating, or moving light or lights.
 5. Signs in excess of 50 square feet in area.
 6. Moving signs. Signs that move or contain visible parts which move.
 7. Signs containing luminous material, sequin studded letters, or lettering with fluorescent paint.

8. Business signs and windows displays which are animated, flashing, or with intermittent illumination
9. Vehicles used primarily as advertising displays. Vehicles parked or stationed primarily for the purpose of displaying advertising signs, rather than for transportation or active business use. This does not apply to commercial vehicles with business identification signs that are actively used in regular business operations.

§ 1-48 FENCES, WALLS, HEDGES AND DRIVEWAYS

A. Fences, Walls and Hedges; Yards Requirements

1. The yard requirements of this law shall not prohibit any necessary retaining wall, nor any fence, wall or hedge, provided that in the MDR Zoning District such fence, wall or hedge shall be no closer to any sidewalk, street line or property lot line than three (3) feet, except as provided by § 1-48A.2 and § 1-49F.2 of this law, and shall comply with requirements for visibility at street corners as provided in § 1-48C of this law.
2. Except as provided by § 1-49F.2 of this law, a fence, wall or hedge may be placed closer than three (3) feet from any lot line where the applicant wishing to place such a fence, wall or hedge provides notarized approval of the property owner adjacent to such lot line, that such adjacent property owner approves and agrees to the specific placement of such fence, wall or hedge closer than three (3) feet from their property lot line.

B. Front yards. In front yards, the following fences shall be permitted:

1. A retaining wall of a minimum height necessary to accomplish its purpose; or
2. A hedge, picket, lattice, wrought iron or wooden rail fence not in excess of four-and-one-half (4 ½) feet in height from the ground. Other materials and arrangements not permitted by this section may be permitted subject to granting of a Special Permit for such materials and arrangement by the Planning Board.

C. Corner Visibility. Within the area formed by any intersection of street or highway centerlines and a chord described at a radius of thirty (30) feet from the point of intersection of such lines, no wall, hedge, or other screening structure which is in excess of three and one-half (3.5) feet in height above the nearest pavement edge of either such intersecting streets or highways shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic.

D. Driveways and Developed Parking Areas. Driveways and areas developed for the purpose of parking motor vehicles shall meet the following requirements:

1. Driveways and developed parking areas shall be no closer to any street line or property lot line than two feet, except a driveway or developed parking area may be placed closer than two feet from any lot line where the applicant wishing to place such use provides notarized approval of the property owner adjacent to such lot

- line, that said adjacent property owner approves and agrees to the specific placement of such use closer than two feet from their property lot line.
2. This section shall not prevent entry onto or development of such uses within the street right-of-way where such is permitted by the highway authority having jurisdiction over such right-of-way areas.

§ 1-49 MAIN STREET OVERLAY DESIGN GUIDELINES AND STANDARDS

Design Guidelines and Standards. All projects subject to site plan review within the DMS Overlay District shall be subject to the following design guidelines and standards. Note, some of the provisions of this document are minimum requirements which must be met, while others are optional recommendations which should be applied where possible. For the purposes of this document, the word “shall” will be used for all mandatory requirements, and the words “may” or “should” will be used for recommendations that the Planning Board shall consider but may modify or waive based on the criteria in § 1-21, Site Plan Review Procedure, and § 1-8 A.5., Purpose and Intent. Where there are any conflicts between this section and any other section of this zoning ordinance, this section shall supersede.

A. Site Organization and Building Placement.

1. Buildings should present their main facade and entrance toward the street. Buildings shall be oriented parallel or perpendicular to public sidewalks and allow for parking in the rear or side of the proposed structure.
2. Minimum building setbacks should be encouraged to facilitate pedestrian access and to create a consistent streetwall along the front property and sidewalk areas that reflects the Village’s historic building patterns.
3. Modification of existing uses or proposed new uses that do not meet these building placement and setback guidelines shall incorporate to the maximum extent practical any and all relevant pedestrian access and landscaping guidelines and standards herein. When reviewing such project, Planning Board shall consider pedestrian access from sidewalks through parking areas, as well as landscaping treatments that improve the visual character of the project and/or screen parking areas and other site features that do not contribute to the historic character of the Village.

B. Site Access and Parking. Where there is a discrepancy between other sections herein and this section (§ 1-49), this section shall supersede.

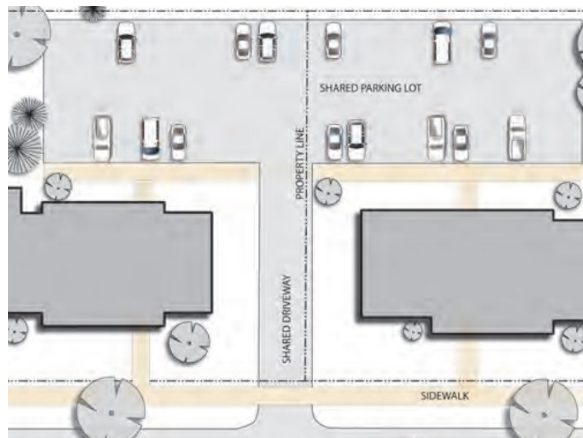
1. The number of curb cuts for vehicle access shall be limited to one curb cut for vehicle access unless the Planning Board determine that additional access points are necessary for traffic circulation or emergency access.
2. The width of curb cuts shall be limited to the number of access or drive lanes in order to minimize gaps within the sidewalk network.
3. Shared curb cuts, driveways and parking lots should be strongly encouraged to reduce the amount of paved parking area and provide access management

improvements. When used, easements shall be used to formalize shared access arrangements.

4. Adjacent parking lots should have shared access points to reduce curb cuts.
5. Internal access roads shall create or continue an interconnected network of streets including connections to neighboring parcels and side streets.
6. New internal access roads shall be required for development involving more than one principal building on one parcel.
7. In order to facilitate fewer curb cuts, alleys should be used for access to loading areas and rear parking lots behind buildings.

C. Off-Street Parking.

1. Placement of off-street parking areas at the rear of the building shall be strongly encouraged.
2. Parking areas located on the front and sides of buildings are strongly discouraged and shall be limited to a single row of convenience parking and shall include the requested number of ADA Accessible spaces. Wherever possible, the spaces should be located up against the building/walkway area, leaving the access drive lane toward the road, buffered from the sidewalk with adequate landscaping.
3. Where parking is proposed at the side and/or front of buildings the Planning Board of Appeals shall strictly apply the pedestrian access and landscaping standards and guidelines herein.
4. One (1) bicycle parking or storage space should be considered for each commercial use. When determining the number of bike storage spaces, the Zoning Board of Appeals shall take into consideration the size and location of the proposed project. For smaller projects, a single space may satisfy the requirements of this section. For larger project, multiple spaces may be necessary. In all instances, the bike storage provision may be waived if it inhibits pedestrian access along the sidewalk. As a general design principle (1) bicycle storage space should be provided for each commercial use or building, plus an additional one (1) bicycle storage space for every (25) required automobile parking spaces. For residential uses, one (1) bicycle storage space should be provided for every (5) dwelling units.
5. A limited number of Electrical Vehicle (EV) Charging Terminals should be considered and encouraged when included by an applicant. The Planning Board shall consider the total number and location of these terminals when reviewing related site plans. The Planning Board may require select hours of operation and appropriate screening if necessary.



Building Placement, Rear Parking, and Shared Access Example

D. Pedestrian Access and Activation

1. Public sidewalks shall be provided along the full width of all public street frontages, a minimum of five feet wide and constructed of concrete and other ADA compliant treatments. Sidewalks shall be continued across all driveway curb cuts to provide an uninterrupted pedestrian path and visual cue for motorists to watch for people. Where curbs are provided, sidewalk ramps shall be installed to maintain a fully ADA accessible route across the driveway.
2. If parking is located at the front of buildings, or in larger parking lot areas, a dedicated pedestrian path from the sidewalk or through the parking lot that provides a reasonable protected route for pedestrians shall be provided. This may include pedestrian islands, at-grade concrete walkways, crosswalks, and raised medians that make a continuous and well-defined point of pedestrian access.



Parking Lot Pedestrian Path Examples

3. Additional provisions for pedestrians that are accessible from the public right-of-way shall also be strongly encouraged. This may include:

- d. Benches;
- e. Outdoor dining areas;
- f. Small pedestrian gathering areas such as patios and plazas; and
- g. Pedestrian-scaled wayfinding signage.

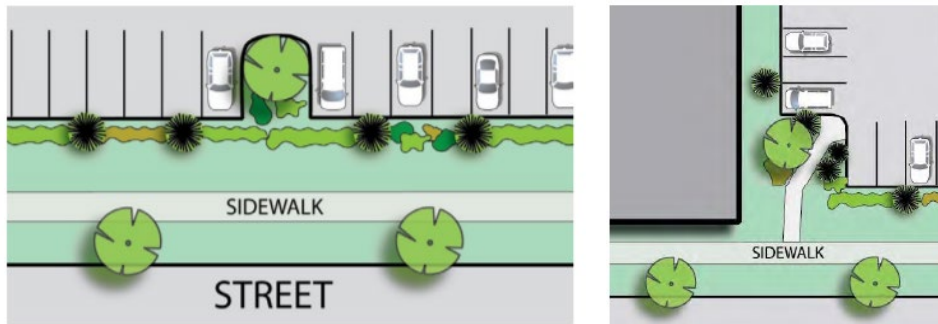
E. Parking Lot and Streetscape Landscaping

1. All new or modifications to preexisting surface parking areas abutting public streets shall be screened by an attractive low wall or landscaping planting bed. The Planning Board should consider screening that is between two and three feet in height.
2. Parking areas abutting a side or rear yard to a different residential property shall provide screening in the form of both deciduous and coniferous trees, flowers, shrubs and a low wall or fence to screen the parking area from the adjacent property, no closer to the property lot line than one (1) foot, except in places where adjacent parking lots connect as part of a shared parking arrangement. The Planning Board may waive the need for both plantings and a fence if it is deemed impracticable due site-specific limitations.



Side & Rear Yard Screening Example

3. A landscaped bulb-out should be located at the ends of any perimeter parking rows, such as parking lot corners, or abutting a vehicle travel lane. The bulb-out should be equal in width and depth to the adjacent parking spaces, shall include at least one ornamental tree, as well as groundcover including grass, shrubs or flowers where not more than 50% of the groundcover is mulch or gravel. These corner conditions are ideal locations to include pedestrian walkways.



Parking Lot Screening & Bulb-Out Examples

4. In larger parking areas, internal parking rows should provide landscaped islands at either end of the rows of parking, as well as at intermediate locations in order to breakup large stretches of continuous parking spaces. The islands shall be equal in length to the rows and at least 9 feet wide, or of equivalent size if an irregular shape is necessary. Islands shall include at least 2 trees with shrubs, flowers, grass or other plantings so that not more than 50% of the groundcover is mulch or gravel.



Internal Parking Landscaping

5. Required parking lot landscaping areas may be suitably replaced with, and are encouraged to incorporate, integrated stormwater management areas such as rain gardens which capture rainwater on the site, provided they are adequately engineered, landscaped and maintained.
6. The front yard area between the building facade and the road, where not occupied by permitted convenience parking or driveway, shall be limited to acceptable landscaping, pedestrian walkways, amenities, and outdoor patios or dining areas only.
7. Pedestrian walkway and outdoor patio plaza areas should be accented where possible with a dense planting of a variety of shrubs and flowers to create an attractive and welcoming setting.
8. Street trees may be provided along all public road frontages. The location, number of street trees, and associated streetscape and landscape treatment

shall be generally consistent with the Village of Greenwich Main Street Streetscape Plan. Typical distances should be approximately 50 feet on center, depending upon tree species and other local conditions, but closer proximities shall be considered as well. Wherever possible, the trees shall be provided either within a minimum five-foot-wide continuous lawn strip/planting bed between the public sidewalk and the road. The size of the tree grate should consider the size of the mature tree's root flare and be a minimum five foot by five foot and set within the sidewalk for areas with on-street parking. Street trees shall be shade trees (not ornamental) with a minimum caliper of three inches and a minimum height of eight feet at mature size. The choice of street trees should consider the use of native species and/or salt/disease resistant strains.

- F. Architectural Design Guidelines. Architecture design guidelines are provided to encourage development of new buildings or restoration of existing buildings that preserve and complement traditional areas in the Village, remove obstacles to redevelopment, and encourage appropriate flexibility in land use development.
1. New construction and/or renovations shall be compatible with local building traditions and existing commercial building styles and type which include most of the typical late 19th and early 20th Century styles such as Victorian, Neoclassical, shingle and bungalow styles.
 2. Building colors shall blend with the natural landscape so that development does not take a visual prominence.
 3. Prohibited in commercial applications are: A-frame structures, Geodesic domes, Mediterranean motifs, highly ornate Victorian, New England colonial, Caribbean, Southwestern, and Corporate franchise(s).
 4. Scale is size relative to surroundings and to other buildings of similar type. Transition should be made from small-scale elements to large-scale elements. Any structure greater than 25,000 square feet shall be broken down into architectural components of not more than 25,000 square feet, thus producing an appearance of clustering which will reduce the perceived scale of the structure and the impact on smaller buildings.
 5. Facade lengths shall be varied. The objective of this requirement is to ensure that buildings do not become overpowering. A change in the planes of walls, changing the direction or providing some variety in the roof form gives diversity and visual interest.
 6. Massing is the arrangement of forms, elements, or individual components of a building design. Building components may be multistoried and interconnected by intersecting roofs, by porches, or by covered or uncovered walkways. Box-like massing shall not be allowed.
 7. Simple roof types are encouraged on small buildings, and roofs of larger buildings shall be more complex and shall continue a main roof with a lower, intersecting

secondary roof type rather than use only a single-type roof. Gabled and hip roof pitches are encouraged. Roof overhangs, where feasible, should be 12 inches to 24 inches. Visible roofing materials should be asphalt or composite shingle, slate, cedar shake or standing seam metal. Colors shall be neutral to dark. Untreated "galvanized" roofing and highly reflective roofing shall not be allowed.

8. Doors and windows should be balanced in their placement on building facades. Though symmetry is not necessary, a general balance between facade elements is harmonious to the eye. Glass areas per floor should be greater at ground floors than at upper-level floors. Doors should be at least fifty percent glazed. Replacement doors should fit the original opening(s).
9. The window style should be consistent across the entire exterior of a building. Double hung and casements are encouraged. Replacement windows should be in keeping with original style. Windows should be vertical, in proportion ranging from 1:2 to 3:5 ratio of width to height. Horizontal windows are acceptable when grounded with vertical side windows. Transoms are encouraged both on storefronts and second-story windows. Window frames should appear as substantial building elements. Picture windows combined with triangular, curved, and sloped windows are discouraged, as are too many decorative windows. Windows should be consistent with the architectural style of the building.
10. Standard architectural designs of regional or national businesses shall be modified in such a way so as to be compatible with the scale and massing of the adjacent land uses (existing and proposed).
11. Buildings or buildings within historic districts that are listed on the State and/or Federal National Historic Register should comply with the following standards:
 - a. Preserve and enhance the features among existing buildings and structures, taking into consideration economic and technical feasibility.
 - b. Encourage development of new buildings or restoration of existing buildings that complements rather than overwhelms traditional areas in the Village, while encouraging diversity in the community tax base through appropriate flexibility in land use and land use development.
 - c. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic structure should be preserved to the extent practicable.
 - d. To the extent practical, new building additions or exterior alterations visible to the public should not destroy historic materials that characterize the structure. Consideration should be given so that the new work is differentiated from the old and is compatible with the massing, size, scale and architectural features to protect the historic integrity of the structure.

- e. When repainting, re-staining or replacing existing exterior siding, trim and other major exterior building components of historic buildings and buildings in historic districts colors shall be chosen from a historic color palette approved by the Director and developed by the National Historic Trust, reputable paint manufacturers, or other qualified professionals. The palette shall be appropriate for the historic architecture of the building and surrounding Historic District.

§ 1-50 WATERFRONT DISTRICT DESIGN STANDARDS

Design Standards. The following guidelines shall apply to development in the Waterfront District. These guidelines provide general standards for building massing, siting, and articulation. It is understood that buildings and structures may not be able to comply with all of the following guidelines, but buildings and structures should comply if it is physically possible. For projects located in the WD, the following design guidelines shall apply:

- A. Retail, restaurant and other pedestrian friendly uses are encouraged.
- B. Blank walls without windows or entrances facing onto pedestrian areas and/or alleyways shall be avoided to the extent possible.
- C. Site lighting should be considered an integral element of the landscape design of a property. It should help define activity areas and provide interest at night. At the same time, lighting should facilitate safe and convenient circulation for pedestrians, bicyclists and motorists. To minimize overspill and light pollution, outdoor lighting should utilize downcast, fully shielded, or full cutoff fixtures that direct light only where needed.
- D. Development should be designed to complement and harmonize with adjacent land uses (existing and proposed) with respect to architecture and scale.
- E. The standard architectural designs of regional or national businesses shall be modified in such a way so as to be compatible with the scale and massing of the adjacent land uses (existing and proposed).
- F. All development should be designed to facilitate, accommodate, and encourage use by pedestrians, as much as, if not more so than, use by motorized vehicles.
- G. Parking facilities should be appropriately screened from both pedestrian walkways and the Battenkill River as to not deter activity in these areas.
- H. All uses and buildings should provide sidewalk or trail access to the Greenway Corridor Overlay District.

§ 1-51 GREENWAY CORRIDOR OVERLAY DISTRICT DESIGN STANDARDS

Design Guidelines and Standards. All of the following environmental for the Battenkill Shoreline shall be mandatory in the GCO:

- A. No structure may be located within 100 feet of the mean high-water mark of the Battenkill River.

- B. No land disturbance may take place nor existing vegetation may be cut within 35 feet of the river's edge, except that one access path not to exceed 12 feet in width may be cut on each lot through the existing low-growing vegetation.
- C. Low-growing vegetation may be cut between 35 feet and 65 feet of the river's edge.
- D. Dead or diseased trees may be removed within 65 feet of the river's edge if they present health or safety concerns.
- E. All distances specified in the river's edge specifications are measured horizontally.

ARTICLE 7. SUPPLEMENTAL STANDARDS

§ 1-52 ACCESSORY DWELLING UNITS

- A. Accessory Dwelling Units (ADU) can be no more than two bedrooms and no larger than 1,000 sf.
- B. The property must provide one (1) off-street parking space per ADU.
- C. Must meet all applicable property line setbacks for a principal structure in the zoning district in which it is located. For detached apartments (accessory buildings) all applicable principal structure setbacks with the exception of front yard setbacks must be met.
- D. The addition of an ADU may trigger the need to update an already on-site sanitary system and/or the installation of a new one.

§ 1-53 CANNABIS FACILITIES

- A. Location requirements.
 - 1. Fixed location. All cannabis facilities shall be operated from a fixed location and shall not be operated from a movable structure or vehicle.
 - 2. Home occupation is prohibited. No cannabis facility shall be permitted as a home occupation.
- B. Security.
 - 1. All cannabis facilities shall provide proper security at the premises meeting minimum standards set forth by the Office of Cannabis Management to deter and prevent illegal activities from taking place on or near the applicant's premises and avoid conduct that has an adverse effect on the health, safety and/or welfare of employees, customers, and the surrounding neighborhood.
 - 2. A security plan shall be provided with the special use permit application.
- C. Outdoor storage. With the exception of cannabis cultivation facilities, no cannabis facilities shall be permitted to store products, materials, or other supplies outdoors.
- D. Control of emissions and waste.

1. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a cannabis facility shall be provided at all times.
 2. All special use permit applications for cannabis facilities shall provide an odor and waste control plan that provides for proper and adequate ventilation and demonstrates that any odors and waste associated with the cannabis facility shall be effectively confined to the premises and so treated to avoid any negative impacts to neighboring properties.
 3. The facility operator shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.
- E. Signage. All signage shall comply with the MRTA, applicable regulations established by the Office of Cannabis Management, and shall obtain a Village sign permit in accordance with this chapter.
- F. Cannabis cultivation, cannabis nursery and cannabis microbusiness facilities. The following standards shall apply to cannabis cultivation, cannabis nursery and cannabis microbusiness facilities:
1. All cannabis cultivation activities must be conducted within an enclosed, secured indoor facility. Outdoor cultivation, including greenhouses, is prohibited. Indoor facilities must meet security, ventilation, lighting, and environmental control requirements as established by the Cannabis Control Board. Violation of these requirements may result in license suspension, revocation, and/or civil penalties.
 2. No fertilizers, compost soils, materials, machinery, or equipment shall be stored within the front yard or required front, side, and rear yard setbacks.
 3. Microbusiness cultivation areas shall not exceed 3,500 square feet of total canopy space dedicated to mature cannabis plants. Canopy space shall be calculated by aggregating the total floor area utilized for plant growth, including all aisles, walkways and workspace between growing areas.

§ 1-54 ELECTRIC VEHICLE CHARGING STATIONS

Purpose and Intent. The Electric Vehicle Charging Station regulations are designed to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such a transition necessitates.

A. Location

1. Charging stations are permitted in every zoning district, when accessory to the primary permitted use of said district. Charging stations located at single-family and multiple-family dwellings shall be designated as private use only. Installation of charging stations shall be subject to building permit approval.
2. If the primary use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered an auto service station for zoning purposes. Installation of such

charging stations shall be located solely in zoning districts that permit gasoline service stations.

§ 1-55 EXCAVATION; REMOVAL AND FILLING OF LANDS

The use of land for the excavation, removal, filling or depositing of any type earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products is hereby prohibited in any zoning district except upon issue of approval by the Zoning Code Enforcement Officer and, as required, State of New York Department of Environmental Conservation, and upon prior approval by the Planning Board or as otherwise presented under chapter. This shall apply to all movement of materials in excess of fifteen (15) cubic yards.

A. The Planning Board in granting any such approval may impose reasonable conditions protective of health, safety and welfare in the community and of individuals in the community. Without limiting the generality of the foregoing limitation, such conditions may include limitation of removal in respect of all or any of the following:

1. For all excavations and filling subject to this section:
 - a. Distance between edge of excavation and neighboring properties or ways.
 - b. The allowable hours of operation of the excavation or filling operation.
 - c. Methods approved by the State of New York Department of Environmental Conservation or Department of Transportation for the control of dust and debris.
 - d. Barriers for the control of access and location of entrances and exits.
2. For excavation operations removing or depositing less than 750 cubic yards, or 1,000 tons of material in one year; and filling operations subject to this section:
 - a. Extent of time.
 - b. Area and depth of excavation.
 - c. Steepness of slopes excavated.
 - d. Temporary or permanent drainage in a manner to be approved by an Engineer for the Village.
 - e. The posting of security or bond in a dollar amount to be determined by the Planning Board on the advice of an Engineer for the Village, to be sufficient to guarantee fulfillment of conditions imposed.
 - f. The replacement of not less than six (6) inches of topsoil over the whole of any area from which earth materials are removed where the location of such removal is afterward to become a residential subdivision, or,
 - g. In the case of continuing clay-pit or sand or gravel pit operations in one general locus (but not in locus) recovering finished out banks with not less than six (6) inches of topsoil and permanent protective erosion control measures.

- B. No such permit shall be issued except upon written application therefore to the Planning Board until after a public hearing by Planning Board on such application.
- C. Such application shall include a licensed land survey to scale of the land concerned indicating existing and proposed elevations in the area to excavated and starting the ownership and boundaries of the land for which such permit is sought, the names of all adjoining owners as found in the most recent tax list and the approximate locations of existing public and private ways nearest such land.
- D. Notice of said public hearing shall be given by publication in a newspaper in general circulation in the Village of Greenwich ten (10) days at least before the date of such hearing.
- E. Permit or Denial Promptly Mailed. A copy of any approval granted hereunder by the Zoning Board of Appeals stating all of the conditions imposed, if any, or a copy of the denial by the Zoning Board of Appeals of any such application stating the reasons for such denial, shall be mailed forthwith by the Board to the parties in interest and to the Zoning Code Enforcement Officer, and a copy filed with the Village Clerk within five (5) business days of such decision.
- F. Earth Removal and Fill Exceptions
 - 1. The foregoing regulations shall be deemed not to prohibit such removal of soil, loam, sod, clay, sand, borrow, gravel or stone as may be incidental to and necessitated by any building construction for which a building permit has lawfully been issued under the Village of Greenwich Zoning Law prior to such earth material's removal.
 - 2. The foregoing regulations shall also be deemed not to prohibit the removal from any lot or way of earth materials so far as may be necessitated by the construction or installation of utilities or other engineering works on such lot or in such way, or as may be necessitated in constructing ways, provided the layout lines and grades of such works have been duly approved by the Zoning Board of Appeals prior to such removal.
 - 3. The foregoing regulations shall also be deemed not to prohibit the removal of any or all of the above specified earth materials by any person, firm or corporation who on the effective date of this chapter shall be lawfully engaged in the business of dealing in or with any of such materials, or shall be a party to any agreement for the removal of any thereof, regardless of the annual average rate of any such removal, provided such person, firm or corporation shall, within thirty (30) days after such effective date, apply to the Zoning Board of Appeals for a permit for such removal, and further provided that the time within which such removal may be carried on under this paragraph without a permit shall end on the date of formal action by the Board on such application, or, if no such application shall have been filed, on the thirtieth day after the effective date of this chapter.

§ 1-56 FARMSTANDS

Farmstands for seasonal sale of agricultural products shall be permitted if:

- A. They are erected at least twenty (20) feet setback from the nearest edge of roadway surface;
- B. They are used primarily for the sale of agricultural products grown locally;
- C. Parking spaces are provided off the road right-of-way;
- D. Signs shall conform to provisions set forth in § 1-47, Signs and Window Displays.
- E. Roadside stands shall not exceed 20 square feet.

§ 1-57 FOOD TRUCKS

- A. Purpose and Intent. The food truck regulations are intended to promote and protect the health, safety, and general welfare of the community and further the policies of the 2019 Village of Greenwich Main Street Streetscape Plan, by providing for efficient pedestrian, bicycle and vehicular circulation. These regulations apply solely to food trucks located on private property.
- B. Approvals required. Food trucks shall obtain a License for the Peddling and Sale of Goods, Wares and Merchandise from the Village.
- C. Location.
 - 1. Food trucks shall be permitted on private property within the C district. Food trucks are a special permit use in the MDR district.
 - 2. Food trucks shall not be permitted within 100 feet of the primary entrance of a restaurant that is open to the public. This requirement shall be waived if written permission from the food truck is first obtained from the owner of the restaurant.
 - 3. Food trucks shall be located a minimum distance of five feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrances, exits, or emergency access/exit ways or emergency call boxes.
 - 4. Owners of property on which a food truck is located must ensure that adequate ingress and egress from the property is provided to prevent traffic congestion or safety hazards and that the location does not adversely affect the minimum off-street parking requirement, as required by zoning or site plan approval.
- D. Trash Receptacles. All food trucks must provide trash receptacles of sufficient capacity to contain all trash and waste generated in association with the business of the food truck.
- E. Signage. Food truck signage shall conform to provisions set forth in § 1-46, Signs and Window Displays.

§ 1-58 HOME OCCUPATIONS

Any home occupation such as art studios, dressmaking, hairdresser, teaching or the professional office of a physician, dentist, lawyer, engineer, architect or accountant shall be permitted as an accessory use if it complies with the requirements of this section.

- A. The home occupation shall be carried on by a member of the family residing in the dwelling unit only. Two employees who are not part of the family are permitted.
- B. The home occupation shall be carried on within the principal or accessory structures.
- C. Exterior displays or signs other than those permitted under § 1-47, Signs and Window Displays, shall not be permitted.
- D. Objectionable circumstances such as noises, vibration, smoke, dust, electrical disturbances, odors, heat, or glare shall not be produced.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
- F. Parking shall be provided off-street and shall not be located in front yards except for the first three cars.

§ 1-59 MIXED USES

Where permitted, mixed uses on a single lot shall conform to the most restrictive standards for each such use for all setback, height and performance standards required by this law. Each individual use constituting a mixed use shall meet the parking and signage requirements for such individual use.

§ 1-60 SOLAR ENERGY SYSTEMS

- A. General requirements.
 - 1. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Uniform Fire and Building Code, as well as may be required by the Public Service Commission regulations.
 - 2. A building permit shall be required for installation of all solar energy systems.
 - 3. Solar energy systems are prohibited within floodplains.
- B. Solar as an accessory use or structure.
 - 1. Roof-mounted solar energy systems.
 - a. Roof-mounted solar energy systems that use the electricity on-site or off-site are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure. No site plan or special use permit review is required for a roof-mounted solar energy system installed as an accessory use.
 - b. Roof-mounted solar energy systems shall not exceed the maximum height restrictions of the zoning district in which they are located and are permitted the same height exemptions granted to building-mounted mechanical equipment.
 - 2. Ground-mounted solar energy systems.

- a. Ground-mounted solar energy systems that use the electricity primarily on-site are permitted as accessory structures in all districts. No site plan or special use permit review is required for a ground-mounted solar energy system installed as an accessory use.
- b. Ground-mounted solar energy systems shall adhere to the height, setback and lot coverage requirements of the underlying zoning district in which they are located.
- c. In all districts ground-mounted solar energy systems shall be installed in side or rear yards. The Code Enforcement Officer, at his or her discretion, may require that ground-mounted solar energy systems be screened from adjoining properties. The Code Enforcement Officer may require that such screening be installed within one year of the date of installation of the system.

C. Approval standards for large-scale solar systems as a special use.

1. No more than 20% of a large-scale solar system, and the access roads and infrastructure related thereto, may be underlain by prime farmland, farmland of local importance, farmland of statewide importance, or farmland of unique importance as classified by the USDA.
2. No solar array shall be installed until evidence has been provided to the Code Enforcement Officer that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator.
3. All on-site utility and transmission lines are, to the extent feasible, placed underground.
4. The system shall be designed and situated to be compatible with the existing uses on adjacent and nearby properties.
5. Lighting shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Lighting shall be directed downwards unless determined infeasible by the Planning Board and shall incorporate full cut-off fixtures to reduce light pollution.
6. Visual impacts shall be minimized by preserving natural vegetation, screening abutting properties and roadways and other means as determined necessary by the Planning Board.
7. The Planning Board may, at its discretion, require that the facility be enclosed by fencing to prevent unauthorized access. The type of fencing, if required, will be determined by the Planning Board. If fencing is required, that shall be a 6-inch gap at the bottom for wildlife.
8. Signage shall provide warning against unauthorized access and provide the owner's contact information.
 - a. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

- D. Decommissioning. To ensure the proper removal of large-scale solar energy systems, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section. The decommissioning plan must specify that after the large-scale solar energy system can no longer be used, it shall be removed by the applicant or any subsequent owner. Removal of large-scale solar energy systems must be completed in accordance with the decommissioning plan. The decommissioning plan shall include the following:
1. Provisions describing the triggering events for decommissioning of the solar energy system.
 2. Provisions for the removal of structures, foundations, equipment, debris, and cabling, including those below the soil surface.
 3. Provisions for the restoration of the soil and vegetation with native seed mixes and/or plant species suitable to the area, which shall not include any invasive species. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation, backfilling and grading shall be conducted to return the parcel to its original state prior to construction.
 4. Provision for erosion control and stormwater management.
 5. Provisions for removal of debris, waste management and cleanup associated with removal of infrastructure.
 6. Provision for the restoration of the site for agricultural crops or forest resource land, as applicable.
 7. Provision for the disposal of all solid and hazardous waste in accordance with all local, state, and federal waste disposal regulations.
 8. Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Village.
 9. A timetable approved by the Planning Board for site restoration.
 10. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a Professional Engineer. Cost estimates shall consider inflation.
 11. Financial assurance. A performance bond or other financial surety suitable to the Village Board shall be assigned to the Village of Greenwich for decommissioning purposes.
 12. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator or any of their successors, assigns, or heirs.
 13. A provision that the Village of Greenwich, its officials, employees, agents, or contractors shall have the right to access the site, pursuant to reasonable notice, to effectuate or complete removal and decommissioning.
 14. Removal of machinery, equipment, tower, and all other materials related to the project is to be completed within one year of decommissioning.
 15. The decommissioning plan shall also include an expected timeline for execution.
- E. Site Plan Application. For a large-scale solar system requiring a special use permit, site plan approval shall be required. Any site plan application shall include the following information:
1. Property lines and physical features, including roads, for the project site.
 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

3. Stormwater runoff calculations and drainage plan.
4. The location of all equipment to be installed on site including utility connection point(s) an accessory equipment.
5. Equipment specification sheets shall be submitted for all photovoltaic panels, significant components, mounting systems, and inverters proposed to be installed.
6. A plan for the operation and maintenance of the solar array, which shall include measures for maintaining safe access to the installation, measures for managing vegetation growth, and general procedures for operation and maintenance of the system.
7. A statement provided by the developer, installer or owner detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations. Based on this information the Planning Board may require reasonable mitigation. Mitigation may include angle of panels, details on the anti-reflective nature of the panel coating or any additional specific screening to eliminate resulting impacts.
8. Agricultural Impact Assessment and Agrivoltaic Integration Plan. The applicant shall submit an assessment prepared by a qualified agricultural professional that includes:
 - a. A detailed soil survey identifying Prime Farmland, Farmland of Statewide Importance, and actively farmed areas within the project site;
 - b. Documentation of current and historical agricultural uses of the property for the past five (5) years;
 - c. Analysis of the project's temporary and permanent impacts on agricultural resources; and
 - d. Evaluation of soil characteristics relevant to agricultural productivity and suitability for agrivoltaic systems.
9. Agrivoltaic Feasibility Evaluation. The applicant shall provide a comprehensive evaluation of the site's potential for agrivoltaic integration, including:
 - a. Assessment of suitable agricultural activities considering: Panel height, spacing, and configuration; Light penetration and distribution patterns; Available growing space between and under arrays; Access requirements for agricultural equipment; and Water management and irrigation potential
 - b. Analysis of potential crop types or grazing operations compatible with the proposed solar installation, including: Growth requirements and characteristics; Expected yields under partial shading conditions; Seasonal considerations; and Market potential
10. Agricultural Management Plan. If agrivoltaic integration is determined to be feasible, the applicant shall submit a detailed management plan including:
 - a. Description of proposed agricultural activities and operational procedures;
 - b. Timeline for implementation of agricultural components;

- c. Identification of responsible parties for agricultural operations;
 - d. Maintenance requirements and schedules;
 - e. Methods to avoid conflicts between solar and agricultural operations;
 - f. Provisions for monitoring and reporting on agricultural productivity; and
 - g. Contingency measures if agricultural operations prove unsuccessful.
- 11. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- 12. Emergency Operations Plan. A copy of the approved site-specific Emergency Operations Plan shall be given to the local fire department and the local fire code official. The emergency operations plan shall include the following information:
 - a. Access to the site for emergency response shall be provided and detailed to scale on the plans.
 - b. A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response shall be provided.
 - c. Contact information for the solar energy system owner/operator shall be posted on site at the access way and provided and updated to the municipality.
 - d. The Fire Chief shall inspect the system after completion to review safety measures and accessibility to the site prior to the system being activated.
- F. All large-scale solar systems must enter into a payment in lieu of taxes agreement with the Greenwich Village Board. Evidence of such agreement must be provided to the Planning Board prior to granting approval.
- G. Operators of large-scale solar energy systems shall submit an annual operational report to the Code Enforcement Officer by January 31 of each calendar year. Failure to provide the required annual report may be considered a violation of this zoning code. This report shall include, at a minimum:
 - 1. Total energy produced (in kilowatt-hours) over the previous year.
 - 2. Maintenance and repair activities conducted.
 - 3. Any significant system modifications.
 - 4. Confirmation of continued compliance with all applicable local, state, and federal requirements.
- H. At the time that an application for site plan review for a large-scale solar system is submitted, or an application for a building permit for any other solar energy systems is submitted, all such applicants shall pay an application fee in the amount adopted by the Village and listed on the Village's Fee Schedule.
- I. Abandonment. Solar energy systems are considered abandoned after one year without electrical energy generation and must be removed from the property. An extension from the Planning Board may be applied for using the procedures in Article 5. A large-scale solar collection system shall be deemed abandoned when it ceases to generate electricity for a

continuous period of twelve (12) months, as evidenced by any of the following conditions: (a) Disconnection from the electrical grid; (b) Lack of regular maintenance as required by this Code; (c) Failure to submit required operational reports; (d) Physical deterioration of the facility resulting in significantly reduced generation capacity; (e) Written notice from the operator of intent to permanently cease operations; or (f) Removal of essential equipment without replacement. The determination of abandonment shall not apply to:

1. Temporary shutdowns for repairs or upgrades lasting less than twelve (12) months, provided the owner/operator has submitted written notice to the Code Enforcement Officer detailing the reason for shutdown and expected duration;
2. Force majeure events beyond the owner/operator's control, provided operations resume within a reasonable time period as determined by the Village; or
3. Seasonal variations in power generation that are consistent with the facility's operational plan.

Within 180 days of notice being served, the owner and/or operator shall implement the decommissioning plan as outlined in § 1-60D or restore operation equal to 80% of approved capacity.

- J. Any special permit approval granted under this article shall have a term of 20 years, commencing from the issuance of a certificate of occupancy or certificate of compliance, which may be extended for an additional five-year term upon application to the Village Board.
- K. If the applicant does not complete construction of the project within 24 months after beginning construction, this may be deemed an abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
- L. In the course of delivery, installation, maintenance, dismantling, removal, or transport of the solar energy system, or any components thereof, the property of the Village of Greenwich, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is/are damaged by the efforts of the applicant or any agents thereof, the applicant shall, within thirty (30) days of completing construction, completely replace and/or repair all damage in consultation with the Village Department of Public Works.

§ 1-61 STORAGE OF MOBILE HOMES, BOATS, TRAILERS, TRUCK AND OTHER VEHICLES

No mobile home, boat, trailer, truck or other vehicle shall be stored in the front yard in any district. In addition, when such vehicles or boats are stored elsewhere, they shall be stored in a manner that is not conspicuous to those passing by the lot upon which such items are stored, nor shall such items be stored in such a manner as to block emergency access to any structures or be situated so as to create other potential risks to individuals or property. Such items shall also be secured properly to prevent accidental movement or unauthorized entry. This section shall not permit the storage of any vehicle for any period of more than twelve (12) consecutive months, or any vehicle incapable of being restored for registration as required for legal operation or those vehicles not in a condition to be restored to a working condition.

§ 1-62 TEMPORARY STRUCTURES

Article 8. Nonconforming Uses, Structures and Lots | § 1-63 Water recreation and water storage facilities

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period. Residing in basement or foundation structures before the completion of the total structure shall not be permitted.

§ 1-63 WATER RECREATION AND WATER STORAGE FACILITIES

Any facility for water recreation such as private swimming pools, outdoor water storage tank, swimming clubs, fish hatcheries, and commercial fishing pond, or any other water storage facility such as reservoirs shall comply with the following requirements.

- A. The facility shall conform with the setback requirements of the applicable zoning district.
- B. The facility shall be enclosed per requirements of the State Uniform Fire Prevention and Building Code (Title 9 NYCRR), and all other applicable state and federal regulations.
- C. The facility, if operated to attract visitors, shall comply with parking requirements established under § 1-44, Parking, of this law.
- D. Before a permit shall be issued to the operator or owner of the facility, a plan shall be submitted to the Zoning Code Enforcement Office showing size of facility, proposed use, parking arrangement and use of buildings on the site, surrounding properties and their usage and any other pertinent information.

ARTICLE 8. NONCONFORMING USES, STRUCTURES AND LOTS

§ 1-64 CONTINUATION AND PRIOR APPROVAL

The use of land, buildings or structures lawful at the time of adoption or subsequent amendment of this chapter may continue although such use does not conform to the provisions of this chapter. Nothing herein contained shall require any change in the plans, construction or designated use of a building or parcel complying with previous laws or for which a final permit had been duly granted prior to the date of adoption of this chapter or any applicable amendment thereto.

§ 1-65 CHANGE OF USE; REPAIRS, MAINTENANCE, AND STRUCTURAL ADDITIONS

Except as provided herein, no nonconforming uses or structure may be enlarged, extended, reconstructed, substituted or structurally altered.

- A. Change of use.
 - 1. A nonconforming use may not be changed into another nonconforming use.
 - 2. A nonconforming use may be changed into a conforming use in accordance with this chapter.
- B. Repairs, maintenance and structural additions.
 - 1. Nonconforming uses.
 - a. Normal maintenance, repairs and alterations incidental to a building or other structure containing a nonconforming use are permitted, provided that they do not

extend the area or volume of space occupied by the nonconforming use. If the building or structure containing the nonconforming use needs to be replaced for the reasons set forth in § 1-65 B.2, the provisions set forth herein shall apply.

- b. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no alterations shall be made which would increase the number of dwelling units or square footage.

2. Nonconforming structures.

- a. A nonconforming structure may be the site of a minor exterior structural addition or alteration (defined as an unenclosed porch, deck, stairway or other similar facility), provided that such proposed construction conforms in all other respects to the affected district's height, setback and yard requirements and does not increase the degree of any yard, bulk, parking or other nonconformity of the existing property.
- b. A nonconforming structure which houses a conforming or nonconforming use which has deteriorated (through the normal use or age of that structure) to a point where the structure needs to be replaced in order to ensure that the health, safety and general welfare of the occupants is safeguarded, or if the cost of maintenance and repair of the structure is not cost effective, may be replaced, provided that there is no increase in any nonconformity by the replacement. A structure of larger size may be placed on the same footprint after a site plan review by the Planning Board. It is the owner's responsibility to provide documentation of existing nonconforming conditions prior to securing a zoning compliance certificate from the Code Enforcement Officer. Failure to notify the Code Enforcement Officer prior to demolition shall constitute abandonment of the nonconforming structure, and any new structure must be in compliance with all current regulations, unless a variance is received.

§ 1-66 TERMINATION OF NONCONFORMING USES

- A. Abandonment. The discontinuance of a nonconforming use for a period of one year shall be considered abandonment thereof, and such nonconforming use shall not be revived.
- B. Change of use. The change of a nonconforming use to a more restricted or conforming use for any period of time shall be considered abandonment thereof, and such nonconforming use shall not be revived.

§ 1-67 DAMAGE OR DESTRUCTION

- A. Partial damage.
 - 1. Where any nonconforming structure or use is partially damaged or destroyed, other than by demolition, to the extent of 50% or less of the cost of replacement of the entire structure new, the proof to be supplied by the applicant in written estimate form of replacement value and work to be done by a minimum of two reputable agencies, repairs may be made to reconstruct the structure as it existed prior to the damage. No

repairs or restorations shall be made which increase the degree of any yard, bulk, parking or any other nonconformity existing prior to the damage.

2. In the event that a structure remains vacant due to partial damage, the owner or agent shall have one year to receive a building permit. In the event that the building remains vacant for one year without the issuance of a building permit, it shall constitute an abandonment as regulated under § 1-66, Termination of nonconforming uses, and shall not be restored. Proof of proper application within allowable time periods shall be the responsibility of the applicant.
- B. Substantial damage or destruction. In the event that any nonconforming structure or use is substantially damaged or destroyed, by any means other than demolition, to the extent of more than 50% of the cost of replacement of such structure new, proof should be supplied by the applicant in written estimate form of replacement value and work to be done by a minimum of two reputable agencies. Such structure shall not be restored unless, if within six months after the substantial damage, the owner of said nonconforming use notifies the Code Enforcement Officer, in writing, of his intent to restore said nonconforming use substantially to the conditions existing prior to the disaster. It is the owner's responsibility to provide documentation of existing nonconforming conditions prior to the disaster to satisfy the Code Enforcement Officer. In that instance, the Code Enforcement Officer shall permit the issuance of a building permit within 30 days of receipt of the written notice of intent for such substantial restoration without further action. Restoration under this section shall be commenced within six months of the date of issuance of a building permit, and restoration shall be completed within one year of the issuance of the building permit. In the event that the Code Enforcement Officer is not notified of the intent to restore the nonconforming use within the time limit stated, such structure shall not be restored unless the structure and use thereof shall conform to all current regulations of this chapter.
- C. Demolition. Except as provided in § 1-67 B, where any nonconforming structure or use is partially or substantially damaged or destroyed by demolition, repairs may not be made to reconstruct the nonconforming use as it existed prior to the damage. Any and all restoration shall conform to all current regulations of this chapter.

§ 1-68 NONCONFORMING LOTS

- A. Single unimproved lots. A nonconforming lot held in single ownership as of the date of adoption of this chapter, which is not contiguous with another lot owned by the same party, may be used as if it were a conforming lot, provided that all of the following conditions are met:
1. The proposed use is permitted by current regulations of the particular district.
 2. The lot conforms spatially to all requirements of the particular district for the use for which it is proposed, except for frontage and depth, or a variance has been obtained from the Zoning Board of Appeals.
 3. The use conforms to all other applicable local and state land use regulations.

- B. A required yard setback may be reduced to reflect the extent of the nonconformity in lot width. That is, a nonconforming lot that provides 90% of the lot width required in a zoning district would have the yard setbacks reduced by up to 10%.
- C. Multiple unimproved lots. Two or more contiguous, unimproved nonconforming lots held in the same ownership of record as of the date of adoption of this chapter shall be combined to the extent necessary to comply with the space and bulk regulations of the district in which they are located and thereafter shall be considered under the provisions of § 1-68 A. This shall include unimproved nonconforming lots contiguous to improved nonconforming lots held in the same ownership of record.
- D. Lots within approved subdivisions.
 - 1. Any lot in a subdivision whose final plat has been approved by the Planning Board and properly filed with the officer of the county prior to passage of this chapter with an area of less than the specified minimum lot requirements of this chapter for that district but in compliance with the minimum standards set forth in § 1-11, District use and area regulations,, other than the lot size, may be considered in compliance with this chapter, and no variance shall be required.
 - 2. Any lot in a subdivision whose final plat has been approved by the Planning Board and properly filed with the officer of the county prior to the passage of this chapter, with an area of less than the specified minimum lot requirement of this chapter and not in compliance with the minimum standards set forth in § 1-11, District use and area regulations, shall be exempt from compliance with such revised minimum lot requirements after the filing of the subdivision plat or first section thereof, except that any construction shall comply with the setback requirements of the district in which it is located.

ARTICLE 9. ZONING BOARD OF APPEALS

§ 1-69 ENABLING AUTHORITY AND LEGISLATIVE INTENT

- A. Legal Authority. A Joint Zoning Board of Appeals, pursuant to authority granted under General Municipal Law Articles 5-G (Municipal Cooperation) and 5-J (Intermunicipal Cooperation in Comprehensive Planning and Land Use Regulation), New York State Village Law Article 7, and New York State Town Law Article 16, is hereby created by the governing boards of the Town and Village of Greenwich.
- B. The Village Board of Trustees finds that the establishment of a Joint Zoning Board of Appeals with the Town of Greenwich will:
 - 1. Foster collaborative zoning administration and appeals processes between the Town and Village to ensure consistent application of zoning regulations across municipal boundaries.

2. Ensure uniform interpretation and application of zoning regulations and consistent decision-making on variance requests and appeals that affect both jurisdictions.
 3. Reduce duplicative administrative processes and create cost savings through shared resources, expertise, and operational expenses for zoning appeals and variance proceedings.
 4. Provide consistent legal interpretations of zoning regulations and uniform standards for granting variances and hearing appeals across both municipalities.
 5. Create a unified and efficient zoning appeals and variance review process that reduces complexity for applicants while maintaining appropriate due process protections.
- C. Intermunicipal Agreement. The establishment, operation, powers, duties, and administrative procedures of the Joint Zoning Board of Appeals are governed by the Intermunicipal Agreement between the Town of Greenwich and Village of Greenwich, as may be amended from time to time. The detailed terms and conditions of the Joint Zoning Board of Appeals' operation are set forth in said Intermunicipal Agreement, which is incorporated herein by reference.

§ 1-70 CREATION AND MEMBERSHIP

- A. Board Creation. There is hereby created and established the "Joint Zoning Board of Appeals of the Town and Village of Greenwich, New York" (hereinafter "Zoning Board of Appeals" or "ZBA"), which shall serve both municipal corporations in accordance with the terms of this section and the Intermunicipal Agreement.
- B. Dissolution of Individual Town Zoning Board of Appeals. Upon the effective date of the Joint Zoning Board of Appeals as established herein, the individual Village of Greenwich Zoning Board of Appeals is hereby dissolved, and all powers, duties, and responsibilities previously vested in said individual board are transferred to and assumed by the Joint Zoning Board of Appeals.
- C. Board Composition. The Joint Zoning Board of Appeals shall consist of seven (7) voting members, structured as follows:
1. Three (3) members appointed by the Town Board of the Town of Greenwich
 2. Three (3) members appointed by the Village Board of Trustees of the Village of Greenwich
 3. One (1) member jointly appointed by both the Town Board and Village Board of Trustees
- D. Member Qualifications. All members of the Joint Zoning Board of Appeals shall be residents of either the Town of Greenwich or the Village of Greenwich at the time of their appointment and throughout their term of service.
- E. Term of Office

1. Initial Appointments: Initial appointments shall be staggered to ensure continuity of board operations, with terms ranging from one (1) to seven (7) years as determined by the appointing authorities.
 2. Subsequent Appointments: Following initial appointments, all subsequent appointments shall be for full seven-year terms.
 3. Vacancy Provisions: Vacancies occurring during a term shall be filled by the original appointing authority for the remainder of the unexpired term.
 4. Inability to Fill Appointments: If either municipality is unable to fill their designated appointments, both parties must mutually agree to honor appointments made by the other municipality to maintain board functionality.
- F. The Chairperson of the Zoning Board of Appeals shall be jointly appointed by both the Town Board and Village Board of Trustees. An appointment to a vacancy occurring prior to expiration of a term shall be for the remainder of the unexpired term.
- G. Board of Trustees ineligible. No person who is a member of the Village Board of Trustees shall be eligible for membership on such Zoning Board of Appeals.
- H. The ZBA shall adopt bylaws consistent with state law and this chapter.

§ 1-71 ORGANIZATION AND PROCEDURE

- A. Meetings of the ZBA shall be held at the call of the Chairman and at other such time as the ZBA may determine.
- B. The presence of a majority of the members shall constitute a quorum. The Chairman and, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.
- C. All meetings and hearings of the ZBA shall be public.
- D. The ZBA shall keep minutes of its proceedings, showing the action taken, the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its inspections and other official actions, all of which shall be a public record.

§ 1-72 POWERS AND DUTIES

- A. The ZBA shall have the following powers and duties under this chapter:
 1. Administrative appeals: to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter.
 2. Grant variances: to approve, approve with conditions or disapprove appeals for variances from the strict enforcement of only the provisions of this chapter which relate to the use, space and bulk standards of the district regulations and performance standards.

3. Permit building in bed of mapped streets: The ZBA may grant a permit for the erection of a building located within the right-of-way of a mapped street or highway shown upon the Official Map of the Village of Greenwich or Town of Greenwich.
4. Interpret district boundaries of this chapter: Upon appeal from a decision by the official to decide any question involving the interpretation of any provision of this chapter or where uncertainty exists as to the boundaries of any zoning district, the ZBA shall, upon written application or upon its own motion, determine the location of such boundaries of such districts as are established and as designated on the Official Zoning Map of the Village of Greenwich or Town of Greenwich.

§ 1-73 INITIATION OF PROCEEDINGS

A. Procedure for appellant.

1. An appeal to the ZBA pertaining to a ruling of any Village officer administering any portion of this chapter may be made by any person aggrieved or by an officer, department, board or bureau of the Village affected. Such appeal shall be made by filing a notice of appeal, specifying the grounds of the appeal, with the Chairman of the Zoning Board of Appeals and the officer whose action is the subject of the appeal within 60 days after said ruling.
2. All applications and appeals made to the Zoning Board of Appeals shall be in writing on forms provided by the Zoning Board of Appeals. Every applicant must be in compliance with all sections of the Village of Greenwich Zoning Law, except for the item or items contained in that particular application, for that application to be considered. Every application or appeal shall contain the following information:
 - a. The name, address and phone number of the applicant or appellant.
 - b. The name and address of the owner of the lot to be affected by such proposed change or appeal. A brief written description and location of the lot to be affected by such proposed change or appeal, including the present zoning classification of the lot in question, the improvements thereon and the present use thereof and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction details. Five complete copies of any application form prescribed by the ZBA and fees as may be adopted by the Village Board.
 - c. Applications shall also be accompanied, at a minimum, by a Short Environmental Assessment Form (Short EAF) pursuant to the provisions of 6 NYCRR Part 617 State Environmental Quality Review (SEQR). A Full EAF or Draft Environmental Impact Statement (DEIS) may be submitted in place of the Short EAF and may be required by the Zoning Enforcement Officer or Zoning Board of Appeals.
 - d. Interpretations and variances.
 - (1) If seeking an interpretation, a written description of the specific provision of the rule in question and the interpretation claimed and a sketch plan of the

real property to be affected, indicating the location and size of the lot and the size of improvements proposed to be completed.

- (2) If seeking a variance, five copies of a preliminary site plan as required by Article IV, a legal description of the property, plans and elevations necessary to show the proposed variance and other drawings or information reasonably considered necessary by the ZBA to fully assess the proposed use and its relationship to surrounding properties.

B. Procedure for Administrative Official.

1. A notice of appeal from any order, requirement, decision or determination made by the administrative official charged with the enforcement of this chapter shall be filed with such administrative official and with the ZBA within 60 days after the filing of the order, requirement, decision or determination. The official shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken.
2. It shall be incumbent upon the official to recommend to the ZBA a modification or reversal of his action in cases where he believes substantial justice requires the same but where he has not himself sufficient authority to grant the relief sought.

C. Referral to Planning Board.

1. At least 14 days before the date of the public hearing held in connection with any application to the ZBA, the ZBA may, at its discretion, transmit a copy of said application to the Planning Board and shall request that the Planning Board submit to the ZBA its advisory opinion on said application. When a referral occurs, the Planning Board shall submit a report of such advisory opinion prior to the time set for the ZBA to render its decision. Failure of the Planning Board to submit such report shall be interpreted as a no-recommendation opinion by the Planning Board.
2. In the case of a request or an application to build in the bed of a mapped street, the official shall transmit a copy of the application, plans and other available data to the Planning Board not less than 10 days prior to a public hearing on the application. Prior to or at the time of hearing, the Planning Board shall submit a report to the ZBA as to the probable effect such an application would have on the Comprehensive Land Use Plan, public health, safety and welfare of the Village of Greenwich.

§ 1-74 PUBLIC HEARING AND NOTICE

- A. Notice. The ZBA shall fix a reasonable time for the hearing on the appeal application and give public notice thereof by publishing a notice of such hearing in a paper of general circulation in the Village at least 10 days prior to the date thereof and, at least 10 days prior to the date of the hearing, by mailing notices of the hearing:

1. To the parties, and to the county, metropolitan or regional planning agency, as required by § 239-m of the General Municipal Law. The notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.
 2. In case of an appeal for a variance, to all owners of property within 500 feet of the nearest line of the property for which the variance is sought, and such other property owners as the Chairman of the ZBA may direct.
- B. Adjournment of hearing. The ZBA may adjourn any hearing upon the mutual consent of the ZBA and the applicant.

§ 1-75 DECISIONS

The ZBA shall decide each appeal within 62 days from the date of the final hearing. The time within which the ZBA must render its decision may be extended by mutual consent of the applicant and the ZBA. Upon the hearing, any party may appear in person or be represented by an agent or attorney. In the exercise of its functions upon such appeals, the ZBA may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and shall have all the powers of the administrative official from whose order, requirement, decision or determination the appeal is taken and may make such order, requirement, decision or determination in accordance with the provisions hereof.

- A. Voting. The ZBA shall act by resolution. The concurring vote of a majority of the total members of the ZBA shall be necessary to make a determination on any issue in accordance with this chapter. Each action by the ZBA shall immediately become part of the public record and shall be filed with the Village Clerk within five business days after the decision is rendered and a copy mailed to the applicant.
- B. Standards for granting appeals. The ZBA shall grant an appeal only when it finds that the following standards have been met:
1. Administrative appeals: that the official at whom the appeal is directed erred in either interpretation of the law or in the application of the Code to the particular circumstances of the application. If the ZBA finds that the official misinterpreted or misapplied the provisions of this chapter, the decision of the official shall be reversed, and the ZBA shall make an official interpretation of the law to be used by the official.
 2. Area variances.
 - a. The ZBA shall have the power to grant area variances from the area or dimensional requirements of this chapter.
 - b. In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the ZBA shall also consider:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (3) Whether the requested area variance is substantial;
 - (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
 - c. The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
3. Use variances.
 - a. The ZBA shall have the power to grant variances authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this chapter.
 - b. No use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the ZBA:
 - (1) That under applicable zoning regulations the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (2) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
 - (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (4) That the alleged hardship has not been self-created.
 - c. The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Conditions of approval. In granting any appeal, the ZBA may impose conditions on that approval that it finds necessary to ensure full satisfaction of the standards imposed for the granting of the appeal and other applicable provisions of the law. Violations of these

conditions shall be a violation of this chapter. Such conditions may include but are not limited to specifications for the following:

1. Vegetation, buffering and screening.
2. Increased setbacks and yards and access restrictions.
3. Hours of use and operational controls.
4. Location of signs, parking and lighting.
5. Conservation easements and other deed restrictions.
6. Professional maintenance and inspection of facilities or improvements necessary to ensure adequate maintenance and inspection.

§ 1-76 EXPIRATION OF DECISION

Unless otherwise specified by the ZBA, a decision of any appeal or request for a variance shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorized permit within one year from the date of authorization.

§ 1-77 SUBSEQUENT HEARINGS

After hearing all evidence presented upon an application or appeal under the provisions of this chapter, the ZBA shall refuse to hold further hearings on said or a substantially similar application or appeal by the same applicant, its successors or assigns for a period of one year, except and unless the ZBA shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified.

ARTICLE 10. ADMINISTRATION AND ENFORCEMENT

§ 1-78 JOINT PLANNING BOARD ENABLING AUTHORITY AND LEGISLATIVE INTENT

- A. A Joint Planning Board, pursuant to authority granted under General Municipal Law Articles 5-G (Municipal Cooperation) and 5-J (Intermunicipal Cooperation in Comprehensive Planning and Land Use Regulation), New York State Village Law Article 7, and New York State Town Law Article 16, is hereby created by the governing boards of the Town and Village of Greenwich.
- B. Purpose. The Village Board of Trustees finds that the establishment of a Joint Planning Board with the Town of Greenwich will:
 1. Foster collaborative planning efforts between the Town and Village to address shared community interests and regional planning objectives.
 2. Ensure consistent and coordinated land use planning decisions across municipal boundaries that affect both jurisdictions.
 3. Reduce duplicative administrative processes and create cost savings through shared resources, expertise, and operational expenses.
 4. Provide comprehensive protection of natural resources, historic assets, and community character that transcend municipal boundaries.

5. Create a unified and efficient development review process that reduces complexity for applicants while maintaining appropriate regulatory oversight.
- C. Intermunicipal Agreement. The establishment, operation, powers, duties, and administrative procedures of the Joint Planning Board are governed by the Intermunicipal Agreement between the Town of Greenwich and Village of Greenwich, as may be amended from time to time. The detailed terms and conditions of the Joint Planning Board's operation are set forth in said Intermunicipal Agreement, which is incorporated herein by reference.

§ 1-79 CREATION AND ESTABLISHMENT OF JOINT PLANNING BOARD

- A. Board Creation. A Joint Planning Board of the Town and Village of Greenwich, to be referred to as “the Planning Board” is hereby created to carry out the duties prescribed for the Planning Board under this Code.
- B. Board Composition. The Joint Planning Board shall consist of seven (7) voting members and one (1) alternate member, structured as follows:
 1. Three (3) members appointed by the Town Board of the Town of Greenwich
 2. Three (3) members appointed by the Village Board of Trustees of the Village of Greenwich
 3. One (1) member jointly appointed by both the Town Board and Village Board of Trustees
 4. One (1) alternate member jointly appointed by both the Town Board and Village Board of Trustees
- C. Member Qualifications. All members of the Joint Planning Board, including alternates, shall be residents of either the Town of Greenwich or the Village of Greenwich at the time of their appointment and throughout their term of service.
- D. Terms of Office
 1. Initial Appointments: Initial appointments shall be staggered to ensure continuity of board operations, with terms ranging from one (1) to seven (7) years as determined by the appointing authorities.
 2. Subsequent Appointments: Following initial appointments, all subsequent appointments shall be for full seven-year terms.
 3. Vacancy Provisions: Vacancies occurring during a term shall be filled by the original appointing authority for the remainder of the unexpired term.
 4. Inability to Fill Appointments: If either municipality is unable to fill their designated appointments, both parties must mutually agree to honor appointments made by the other municipality to maintain board functionality.
- E. The Chairperson of the Joint Planning Board shall be jointly appointed by both the Town Board and Village Board of Trustees.

F. Alternate Members

1. Participation: Alternate members may participate in board discussions but may vote only when serving in place of an absent regular member.
2. Succession: The alternate member shall serve as a voting member when any regular member is absent, unable to participate due to a conflict of interest, or when a vacancy exists pending appointment of a replacement.

G. Powers and Duties.

1. The Joint Planning Board shall have all the powers and duties granted to planning boards under New York State Town Law Section 271 and Village Law Section 7-718, as applicable to each municipality, including but not limited to site plan review, special use permit review, subdivision review, and advisory functions regarding zoning amendments and comprehensive planning.
2. The Planning Board shall not approve any application that fails to comply with the provisions of this Zoning Code. Where relief is required from dimensional or use regulations, such relief must first be granted by the Zoning Board of Appeals or other body having lawful jurisdiction prior to Planning Board approval.
3. The Planning Board may, at its discretion, review multiple applications required for the same project concurrently provided that all public notice and SEQRA requirements are met. Final action on any such application shall be contingent upon approval of all required applications and final approvals must be issued separately for each application type.

§ 1-80 CONFORMANCE REQUIRED

- A. No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein set forth for the district in which it is located.
- B. Permits
1. Zoning permit. No structure shall be altered, except as provided by § 1-80 D (Alterations and repairs) or constructed, unless a zoning permit for such action has been issued by the Zoning Code Enforcement Officer, and a Zoning Permit shall also be required for any of the following.
 - a. Establishment of a dwelling unit.
 - b. Establishment of a professional office in a dwelling as permitted by this law.
 - c. Change in the non-conforming use of building or land to the same or higher classification.
 - d. Occupancy of any vacant land for purpose except the raising of crops.
 - e. Excavation, removal and filling of land.

- f. Signs, except for announcing, temporary real estate, construction, window displays and political signs. This section shall not require a permit for the change in information or printed matter upon any sign. However, all signs shall conform to all other requirements of this law and any specific permit conditions applied pursuant to approval of such sign.
 - g. Fences, driveways and developed parking areas.
- 2. See Attachment 1, Use Regulations, for land use and development projects that require Site Plan review and/or Special Use Permits from the Planning Board.
- C. Reply Upon Completion. Upon the completion of work, or full establishment of any role for which a zoning permit or special use permit has been issued, the person to whom such permit has been issued shall, within five (5) working days of the date of such completion, send notification to the Zoning Enforcement Office of such completion of work or establishment of use.
- D. Alterations and Repairs. A Zoning Permit shall not be required for the performance of routine maintenance or repair of a structure so long as such maintenance or repair shall not result in the enlargement of any structure or use or result in any change in use.
- E. Health Department Approval. For new construction without public sewers, no zoning permit shall be issued unless approval is received by an appropriate Board of Health or other agency having jurisdiction over such matters.

§ 1-81 DESIGNATION OF ENFORCING OFFICIAL

This law shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the mayor and approved by the Village Board of Trustees. In the case of vacancy of the office of Zoning Enforcement Officer, the mayor shall be the acting enforcement officer. No building permit or certificate of occupancy shall be issued by the Zoning Enforcement Officer except where all provisions of this law in force at the time have been complied with.

§ 1-82 POWERS AND DUTIES OF ENFORCING OFFICIAL

The Zoning Code Enforcement Officer's powers and duties shall include:

- A. Issue and deny zoning permits.
- B. Interpret definitions.
- C. Scale and interpret district boundaries on zoning maps.
- D. Inspect and certify that the regulations of this law at the time of inspection, have been adhered to.
- E. Refer appropriate matters to the Zoning Board of Appeals and the Village Board of Trustees.
- F. Revoke permits where there is false, misleading or insufficient information; and revoke permits where the applicant has not done what was proposed on the application.

- G. Investigate violations, issue “Stop Work” orders and “Notices of Violation”, and commence enforcement actions in local Justice Court after consultation with the Village Board of Trustees
- H. In addition to any and all other authority vested in the official by state law and this chapter, pursuant to the authority conveyed by State Municipal Home Rule Law Section 10, paragraph 4, the Zoning Enforcement Officer is hereby empowered and authorized to issue appearance tickets for failure to comply with the provisions of this law, including failure to comply with any stop work order or order to correct a violation issued by said officer. Following the filing of information, the official shall have the authority to appear at any and all actions and proceedings in furtherance of said prosecution in any court of competent jurisdiction.

§ 1-83 FEES

- A. Fees provided for by this code shall be paid upon the submission of petitions, applications and appeals, in such amount or amounts as shall be established by the Board of Trustees from time to time by resolution. Said fees will be posted on the official website for the Village of Greenwich. Actions that require fees include, but are not limited to:
 - 1. Permit application
 - 2. Application for site plan review
 - 3. Application for special use permit
 - 4. Application for Planned Unit Development
 - 5. Appeals for variance (use and area) application to ZBA
 - 6. Petition for interpretation to Planning Board
 - 7. Subdivision application
 - 8. Petition for amendment of this code and/or the Zoning Map to the Board of Trustees
 - 9. Sign permits
- B. In the review of any application under this code by the Planning Board or ZBA, the applicant may be required to pay for professional services deemed necessary for the review of such application. As part of the application fee, a deposit in an amount sufficient to reimburse the Village for reasonably estimated costs of such professional services may be required. Said amount shall be based on the specific fee schedule of the particular professional retained as well as the scope of services to be provided. The Village shall hold such deposit in escrow for the sole purpose of paying the costs and fees of the professional(s) retained for review of the application. The professional(s) retained shall provide the Village with detailed invoices showing the services rendered for the time period billed, and the Village shall provide the applicant with an opportunity to review said invoices prior to payment. Initial or additional deposits may be required as the review process continues. Any deposit amounts that remain at the end of the process shall be returned to the applicant. Any outstanding fees due to the Village must be paid in full prior to the issuance of a permit and/or building permit.
- C. Payment of fees.

1. All fees shall be paid, at the time of application. No application shall be deemed complete unless required fees have been paid.
2. No fee shall be allowed to be substituted for any other required fee.

§ 1-84 VIOLATIONS AND PENALTIES

Whenever, in the opinion of the official after proper examination and inspections, there appears to exist a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall serve a written notice of violation upon the owner or occupant of the premises.

- A. Initiating a Complaint. Whenever there is a violation of this law or any rule or regulation adopted pursuant thereto, the Zoning Code Enforcement Officer, any Village Officer or any aggrieved citizen may initiate a complaint. The Zoning Code Enforcement Officer shall accurately record the complaint, file it with the Village Clerk and conduct an investigation.
- B. The Notice of Violation. If the Zoning Code Enforcement Officer determines that a violation exists, the Zoning Code Enforcement Officer shall cause a written notice to be served upon the property owner informing the owner of the nature of the violation(s) and the sections of the law that have been or are being violated. The Village Code Enforcement Officer may, if he or she deems it appropriate, include in the Notice of Violation, a Stop Work Order, ordering that all construction or other use in violation of this law stop immediately. The Notice of Violation shall be substantially as set forth in section “G” below and shall be filed with the Village Clerk.
- C. Enforcement. If the Zoning Code Enforcement Officer determines that the owner has failed to abate the violation or stop construction and use within the time period set forth in the Notice of Violation, the Village of Greenwich may take one or all of the following actions: (1) extend the Abatement Period for a period determined by the Zoning Code Enforcement Officer to be sufficient to abate the violations; (2) commence a civil proceeding for civil penalties in local justice court; or (3) commence a proceeding for civil penalties and an Injunction and Order of Abatement in New York State Supreme Court. If the Zoning Code Enforcement Officer determines that the owner has abated all violations he or she shall issue a Certificate of Zoning Compliance to the owner and file it with the Village Clerk.
- D. Service.
 1. Service of Notice of Violation or Stop Work Order. Service of the Notice of Violation or Stop Work Order may be made by (1) personal delivery to the owner of the property; or (2) sending a copy by certified mail, return receipt requested to the owner of the property at the last known address.
 2. Service of Summons in Local Justice Court. Service of a summons or appearance ticket shall be made according to the procedures set forth in Article 4 of the Uniform Justice Court Act.
 3. Service of Summons in Supreme Court. Service of a summons shall be made according to the procedures set forth in Article 3 of the Civil Practice Law and Rules.
- E. Liability for Civil Penalties. Any civil penalties imposed by local Justice Court or by Supreme Court shall be assessed against the owner of the property, a lien will be imposed on the property and the Village will levy such costs as a special assessment against the property.

- F. Appeals. Appeals from an order or judgment of the local Justice Court are governed by the Uniform Justice Court Act. Appeals from an order or judgment of Supreme Court are governed by the Civil Practice Law and Rules.
- G. Content of Notice. The Notice of Violation shall be substantially as set forth below.

**VILLAGE OF GREENWICH
NOTICE OF VIOLATION
STOP WORK ORDER
UNDER LOCAL LAW NO. __ of 2025
VILLAGE OF GREENWICH ZONING LAW**

To: _____

Property. [insert address and tax parcel I.D. #]

Notice of Violation. You are hereby notified that your property described above is in violation of the following sections of the Village of Greenwich Zoning Law:
Sections _____

Description of the Violations:

Stop Work Order (if applicable). You are hereby ordered stop all construction or use in violation of the law as described above.

Abatement. You are directed to provide documentary proof that the violations described above have been abated to the Code Enforcement Officer of the Village of Greenwich, Municipal Building, 6 Academy Street, Greenwich, NY 12834 within __ business days of the date of this Notice (the “Abatement Period”). If the Zoning Code Enforcement Office determines that the violations have not been abated by the end of the Abatement Period, the Village of Greenwich may take one or all of the following actions:

Article 10. Administration and Enforcement | § 1-85 State Environmental Quality Review Act (SEQR)
Compliance

- (1) extend the Abatement Period for a period determined by the Zoning Code Enforcement Officer to be sufficient to abate the violations;
- (2) commence a civil proceeding for civil penalties in local justice court; or
- (3) commence a proceeding for civil penalties and an Injunction and Order of Abatement in New York State Supreme Court.

Civil Penalties. Any person found to have violated any provision of the Village of Greenwich Zoning Law in a civil proceeding shall be liable as follows: (1) for a first offense a civil penalty not to exceed \$350.00; (2) for a second offense within a five year period, a civil penalty of not less than \$350.00 and not more than \$700.00; and (3) for a third or subsequent offense, all of which were committed within a five (5) year period, a civil penalty of not less than \$700.00 and not more than \$1,000.00. Each week of continued violation shall constitute a separate additional violation.

Date: _____, 20__

VILLAGE OF GREENWICH

By: _____
Zoning Code Enforcement Officer

A copy of the foregoing Notice of Violation was served on _____ BY PERSONAL DELIVERY BY Code Enforcement Officer _____; or

A copy of the foregoing Notice of Violation was served on _____ by Certified Mail Return Receipt Requested on _____, 20__ by Village Attorney _____).

§ 1-85 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) COMPLIANCE

- A. The State Environmental Quality Review (“SEQR”) regulation was enacted in 1975. It is codified in Article 8 of the NYS Environmental Conservation Law (“ECL”). SEQR requires all local, regional, and state government agencies to equally examine the environmental impacts along with the social and economic considerations for a certain project, or action, during their discretionary review. Examples of these proposed actions include adopting land use plans, sub-dividing land, building a housing development or roadway, filling wetlands or issuing a variance. SEQR broadly defines the environment as “the physical conditions that will be affected by a proposed action including land, air, water, minerals, flora, fauna, noise; existing patterns of population concentration, distribution or growth; existing community or neighborhood character; and human health.” SEQR 617.2(l). Virtually all land use actions affect a physical condition which falls within SEQR’s broad definition of the environment and thus are subject to some level of SEQR analysis.
- B. Before any agency in the Village of Greenwich makes a decision to approve, undertake or fund a private or public project, it must complete the SEQR assessment and follow SEQR review and findings procedures.

ARTICLE 11. AMENDMENTS, INTERPRETATION, SEVERABILITY, WHEN EFFECTIVE

§ 1-86 AMENDMENTS

- B. The Village Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of the law after public notice and hearing.
- C. Advisory report by Planning Board. Every such proposed amendment or change whether initiated by the Village Board of Trustees or by petition shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Planning Board shall submit to the Village Board its advisory report within 30 days after receiving notice from the Village Clerk of the proposed change. The failure to make such report within 30 days shall be deemed to be a favorable recommendation.
- D. Effective date. This chapter or any amendment of this chapter shall take effect immediately upon filing with the Secretary of State, and in addition, such chapter or amendment shall take effect from the date of its service against a person served personally with copies thereof, certified by the Village Clerk under the Village Seal and showing the date of adoption and entry in the minutes.
- E. Public notice and hearing. The Village Board of Trustees, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendments.
 - 1. No such change in the text or a zoning district boundary of this chapter shall become effective until after a public hearing is held by the Village Board in relation thereto, at which the general public shall have an opportunity to be heard.
 - 2. At least 10 days prior to the date of such public hearing, a notice of the time and place shall appear in a newspaper of general circulation in the Village, and such notice shall also be posted in the Village Hall. Such notice shall describe the area, boundaries, regulations or requirements that such proposed change involves.
 - 3. The Village Clerk shall promptly transmit to the Washington County Planning Board any matters required to be referred pursuant to the provisions of 239-m of the General Municipal Law.
 - 4. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of a state park or parkway shall be given to the regional State Park Commission having jurisdiction over such state park or parkway at least 10 days prior to the date of such public hearing.
 - 5. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any city, village, town or county, shall be given to the Clerk of such municipality and to the Clerk of the Board of Trustees at least 10 days prior to the date of such hearing.

6. In case, however, of a protest against such proposed change or of that immediately adjacent extending 100 feet therefrom or of that directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least four members of the Village Board.

§ 1-87 INTERPRETATION OF PROVISIONS

In interpreting and applying the provisions of this chapter, the regulations shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, propriety and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, this chapter shall control.

§ 1-88 SEVERABILITY

Should any section or provisions of this law be decided of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 1-89 METHOD OF PROCEDURE TO BECOME EFFECTIVE

This law shall not become effective until after a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least ten day notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village. This zoning law and every amendment thereof (including any map incorporated therein) adopted shall be entered in the minutes of the Village Board of Trustees and a copy thereof (exclusive of any map incorporated therein), or a summary of said law or amendment, shall be published once in a newspaper published in the Village, if any, or in such newspaper published in the county, and a copy of such law or amendment together with a copy of any map incorporated therein shall be posted on the signboard maintained by the Village Clerk pursuant to the laws of the State of New York and affidavits of the publication and posting thereof shall be filed with the Village Clerk. This law shall take effect ten days after publication and posting, but such law or amendment shall take effect from the date of its service against a person served personally with a copy thereof, certified by the Village Clerk under the corporate seal of the Village and showing the date of its passage and entry in the minutes.

Attachment 1

**Village of Greenwich
Table 1
Use Regulations**

KEY:

P = Permitted

SPR = Site Plan Review

SUP = Special Use Permit

Use	Medium Density Residential ³	Commercial ³	Rural Ag - Village	Waterfront ⁴
Accessory Dwelling Unit	P ¹	P ¹	P ¹	P ¹
Accessory Uses	P ¹	P ¹	P ¹	P ¹
Agricultural Structure/Use			P	
Auto Service Station		SPR		
Automobile Sales & Service		SPR		
Bank	SUP	SPR		
Bed & Breakfast	SPR	SPR	SPR	SPR
Campground		SUP		SUP
Cannabis Cultivation Facility			SUP	
Cannabis Microbusiness		SUP	SUP	SUP
Cannabis Nursery		SUP	SUP	
Cannabis On-Site Consumption Facility		P		
Cannabis Processing Facility			SUP	SUP
Cannabis Retail Dispensary		P	SUP	P
Cemetery			P	
Childcare Center			P	
Composting Facility			SUP	
Contractor's Yard			SUP	
Craft Beverage & Food Production Facility		SPR	SPR	SPR
Cultural Building or Use		SPR		SPR
Eating & Drinking Establishments		P	P	P
Farm Worker Housing			P	
Farmstand	P ¹	P ¹	P ¹	P ¹
Food Trucks	SUP	P	SUP	P
Home Occupations	P	P	P	P
Horse Farm			P	
Hospital/Clinic	SUP	P		
House, Multi-family	SUP	SUP		P
House, Single-family	P	P	P	P

Use	Medium Density Residential³	Commercial³	Rural Ag - Village	Waterfront⁴
House, Two-family	P	P	P	
Industry, Heavy				
Industry, Light			SUP	SUP
Junkyard			SUP	
Kennel			SUP	
Large-scale Solar Energy System			SUP	
Manufactured Home	P	P	P	P
Manufactured Home Park				
Membership Club		SUP	P	
Mixed-Use	SUP ²	SUP ²		SPR
Motel/Hotel/Inn		P	SUP	SUP
Municipal Building/Use/Service	SUP	P	P	
Nursery		SPR	P	
Nursing & Convalescent Home	SUP	SUP		
Office	SUP	P	SUP	SPR
Personal Service Shop		P		P
Planned Unit Development	SUP	SUP		SUP
Public Utility Building/Use/Service	SUP	SUP	P	
Recreation, Commercial		P		SPR
Recreation Facility, Public	P	P		SPR
Religious Building/Use	SUP	SUP	P	
Research and Development Facility		P		
Retail		P	P	SPR
School	P	P		
Self-Storage Facility			P	
Shooting Range			P	
Telecommunications Tower			SUP	
Theater		P		
Veterinary Establishment			P	
Waterfront Improvements				SUP

¹ Accessory structures or uses not permitted in the front yard except farmstands that meet criteria in § 1-56

² Uses are limited to any combination of uses allowed within the district, including permitted uses or those requiring site plan review or special use permit.

³ Downtown Main Street Overlay - With the exception of temporary uses (Temporary Structures, Farmstands, and Food Trucks) and Single-Family Dwellings and their incidental or related accessory uses and structures, development (as defined within § 1-7) within the Downtown Main Street Overlay District shall be subject to site plan review in accordance with Article 4, Site Plan Review, (and Article 5, Special Use Permit if applicable) and shall comply with the design guidelines established in § 1-49 Main Street Overlay design guidelines and standards.

⁴ Waterfront District – With the exception of temporary uses (Temporary Structures, Farmstands, and Food Trucks) development in the Waterfront District shall be subject to site plan review in accordance with Article 4, Site Plan Review, (and Article 5, Special Use Permit if applicable) and shall comply with the design guidelines established in § 1-50 Waterfront District design standards. If the development is located within the Greenway Corridor Overlay (GCO) District, then the development shall also comply with § 1-51 Greenway Corridor Overlay District design standards. Uses within the GCO District are limited to interpretive signs, pedestrian and bicycle trails, trailheads, fishing and viewing platforms, and non-motorized boat access.

Attachment 2

**Village of Greenwich
Table 2
Dimensional Standards**

In the following tables, the classes shall refer to the type of utilities provided.

Type of Utility:

- Class 1 = Public water and sewer
- Class 2 = Either public water or sewer

Rural Agricultural - Village District					Minimum Yard Dimensions in Feet			
RA-V District	Minimum Lot Size in S.F.	Minimum Width in Feet	Minimum Area per Dwelling Unit (Net Density)	Maximum Height in Feet ¹	Front Yard	1st Side Yard	2nd Side Yard	Rear Yard
Class 1 Utility	12,000	65	7,500	35	10	20	20	50
Class 2 Utility	12,000	100	10,000	35	10	20	20	50

Medium Density Residential (MDR) District						Minimum Yard Dimensions in Feet			
MDR District	Minimum Lot Size in S.F.	Minimum Width in Feet	Minimum Area per Dwelling Unit (Net Density)	Maximum Lot Coverage for Structures	Maximum Height in Feet ¹	Front Yard	1st Side Yard	2nd Side Yard	Rear Yard
Class 1 Utility	7,500	50	7,500	30%	35	10	8	8	40
Class 2 Utility	7,500	50	10,000	30%	35	10	8	8	40

Waterfront District					Minimum Yard Dimensions in Feet			
WD District	Minimum Lot Size in S.F.	Minimum Width in Feet	Minimum Area per Dwelling Unit (Net Density)	Maximum Height in Feet ¹	Front Yard	1st Side Yard	2nd Side Yard	Rear Yard
Class 1 Utility	10,000	50	NA	35	25	25	25	50
Class 2 Utility	10,000	50	NA	35	25	25	25	50

Commercial (C) District					Minimum Yard Dimensions in Feet			
C District	Minimum Lot Size in S.F.	Minimum Width in Feet	Minimum Area per Dwelling Unit (Net Density)	Maximum Height in Feet ¹	Front Yard	1st Side Yard	2nd Side Yard	Rear Yard
Class 1 Utility	10,000	50	NA	35	NA	NA	NA	NA
Class 2 Utility	10,000	50	NA	35	NA	NA	NA	NA

¹ See Section 1-11 District use and regulations for exceptions.

Attachment 3

Village of Greenwich

Table 3
Parking Requirements

Use	Parking Requirement
Adult use	1 per 250 square feet of floor area
Agricultural structure or use	2 plus 1 per employee
Automobile sales and services	2 plus 2 per repair bay
Bank	1 per 250 square feet of floor area
Bed-and-breakfast	2 plus 1 per guest room
Campground	1 per campsite plus 1 per 200 square feet of building area
Cannabis Cultivation Facility	2 plus 1 per employee
Cannabis Microbusiness	1 per 250 square feet of retail floor area
Cannabis Nursery	1 per 2 employees on the maximum shift
Cannabis Processing Facility	1 per 1.8 employees on the maximum shift
Cannabis Retail Dispensary	1 per 250 square feet of gross leasable floor area
Cannabis On-Site Consumption Facility	1 per 3 seats
Cemetery	1 per 5 acres
Childcare center	1 per 2 employees on the maximum shift
Composting facility	1 per employee on the maximum shift
Contractors yard	1 per 300 square feet of office space plus 1 per company vehicle
Craft Beverage and Food Production Facility	1 per 250 square feet of retail floor area
Cultural building/use	1 per 4 seats plus 1 per 500 square feet of floor area
Eating and drinking establishment	1 per 3 seats
Farm worker housing	1.5 per unit
Horse farm	As determined by the Planning Board
Hospital/clinic	1 per 4 beds plus 0.7 per employee on the maximum shift
House, multi-family	1.5 per unit
House, single-family	1.5 per unit
House, two-family	1.5 per unit
Junkyard	As determined by the Planning Board
Kennel	1 per 1,000 square feet devoted to the use
Light industry	1 per 1.8 employees on the maximum shift
Manufactured home park	1.5 per dwelling unit

Use	Parking Requirement
Membership club	1 per 4 members
Mixed-use development	Same as each underlying use
Motel/hotel/inn	1 per guest room plus 1 per 2 employees on the maximum shift
Municipal building/use/service	1 per 200 square feet of floor area
Nursery	1 per 2 employees on the maximum shift
Nursing/convalescent home	1 per 3 bedrooms plus 0.7 per employee on the maximum shift
Office	1 per 300 square feet of gross leasable floor area
Personal service shop	1 per 400 square feet of gross leasable floor area
Public utility building, use or service	As determined by the Planning Board
Recreational use, public or private	As determined by the Planning Board
Religious building/use	1 per 5 seating spaces in the main assembly area
Research & Development Facility	As determined by the Planning Board
Retail	1 per 250 square feet of gross leasable floor area
School	1 per 3 students
Self-storage facility	1 per 5 storage units
Shooting range	1 per 2 shooting structures
Telecommunications tower	One per tower
Theater	1 per 5 seats
Veterinarian	1 per 400 square feet of floor area plus 1 per 2 employees on the maximum shift
Warehouse	1 per 1.3 employees on the maximum shift

