

Local Law Filing

VILLAGE OF GREENWICH

Local Law No.2 of the year 2022

A local law entitled “A Local Law to Amend and Restate Greenwich Local Law No. 2 of 1995, as Amended, The Zoning Law of the Village of Greenwich, New York”.

Be it enacted by the Board of Trustees of the Village of Greenwich as follows:

Section 1-Title

Local Law No. 2 of 2022 is entitled “A Local Law to Amend and Restate Greenwich Local Law No. 2 of 1995, as Amended, The Zoning Law of the Village of Greenwich, New York”.

Section 2 – Legislative Intent

The intent of the Board of Trustees of the Village of Greenwich is to update the Zoning Law, create an “Overlay District” in the Downtown area, establish Site Plan Review and authorize the Zoning Board of Appeals to review site plans.

Section 3 – Authority

This local law is adopted pursuant to Municipal Home Rule Law section 10 and Village Law sections 7-700, 7-712-b, 7-725-a and 7-725-b.

Section 4 – Local Law No. 2 of 1995 “Zoning Law of the Village of Greenwich, New York”, is hereby amended and restated as follows:

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**ZONING LAW
VILLAGE OF GREENWICH, NEW YORK**

A law, regulating and restricting the location, construction and use of buildings and structures and the use of land in the Village of Greenwich for the said purpose of dividing the Village into districts. The Village Board of Trustees of the Village of Greenwich in the County of Washington, under the authority of the Municipal Home Rule Law and the Village Law of the State of New York, hereby enacts as follows:

***ARTICLE I – PURPOSE, ENACTING CLAUSE, SUPERSESSION AND
REPEAL OF PREVIOUS ZONING***

Section 101 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.

Section 102 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.

Section 103 Supersession 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.

Section 104 Repeal of Prior Zoning Laws and Ordinances

The Zoning Ordinance, Village of Greenwich, New York adopted by resolution of the Board, July 21, 1972, together with all charges and amendments thereto, are hereby repealed and declared to be of no effect. However, such repeal shall not affect, any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, and prosecuted, or inflicted as fully and to do the same extent as if such repeal had not been affected.

ARTICLE II – TITLE

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

ARTICLE III- DEFINITIONS

Section 301 General Word Meanings and Definitions

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:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

Section 302 Specific Word or Phrase Definitions

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

302.1 Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure (a tenant is an example of an accessory use).

302.2 Atmospheric pollution - Shall mean the same as “air contamination” which is 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.

302.3 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.

302.4 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.

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

302.6 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.

302.7 Certificate of occupancy- A certificate issued by the Village of Greenwich upon completion of construction, alteration, or change in occupancy or use of a building. The certificate acknowledges compliance with all the requirements of this code and any other applicable code of the Village, and any adjustments granted by the Zoning Board of Appeals.

302.8 Density (minimum area per dwelling unit)- This area is the total usable area of any parcel of land, lot, or plot to be developed or subdivided which is devoted to residential use or residentially related uses such as parks, playgrounds, open space, schools, or residential streets. The Planning Board shall have the responsibility of determining what is usable land for purposes of this computation.

302.9 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.

302.10 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.

302.11 Dwelling, Mobile home- A mobile home is any portable vehicle which is designed to be transported on its own wheels or those of another vehicle; which is used, designed to be used and capable of being used containing sleeping accommodations, a flush toilet, a tub shower, kitchen facilities and plumbing and definition includes uses to which mobile homes might be put.

302.12 Dwelling, Multi-Family- A residential building designed for or used as two or more dwelling units.

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

302.14 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 cooking and sleeping facilities and toilet facilities.

302.15 Electric Vehicle Charging Station – A dedicated, marked space that identifies the use thereof as exclusively for the charging of electric vehicles and plug-in hybrid electric vehicles.

302.16 Essential Services- The erection, construction, alterations or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarms boxes, police call boxes, traffic signals, hydrates, street signs, and similar equipment and accessories in connection therewith, but not including buildings, unless specifically permitted, by special permit, and reasonably necessary for the furnishing or adequate service by such public health or safety or general welfare.

302.17 Equalized Assessed Valuation- the equalized assessed value of a structure as identified in Washington County Real Property tax roll information at the time of first alteration or extension of an existing structure after the adoption of this law.

302.18 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.

302.19 Food Truck – A licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately owned lot where food items are sold to the general public.

302.20 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.

302.21 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.

302.22 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.

302.23 Lot- A lot is a parcel of land occupied by not more than one main building and the accessory buildings or uses customarily incident to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this law.

302.24 Lot Measurement- 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 in front measured at the edge of street pavement, or travelled way where there is no pavement, and the rearmost points of the side lot lines in the rear. 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, provided, however, that 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. [see also: APPENDIX A]

302.25 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.

302.26 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”.

302.27 Mobile home- Any structure, other than a travel trailer, originally so constructed as to be readily mobile, and use or designed or intended to be used as a dwelling, weather alone or in combination with another structure or structures.

302.28 Mobile home Park- Any parcel of land whereon two or more mobile homes are parked or located, or which is planned and improved for the placement of two or more mobile homes and which is held open to the public for the parking or placement of two or more mobile homes.

302.29 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.

302.30 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.

302.31 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.

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

302.33 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.

302.34 Site Plan Review - The review of the site plan by the Zoning Board of Appeals pursuant to Section 514 of this chapter.

302.35 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.

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

302.37 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.

302.38 Special Use Permit Use- A special permit use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, permit use, if specific provision for such special permit use is made in this zoning law.

302.39 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.

302.40 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.

302.41 Variance- A variance is a relaxation of the terms of the zoning law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the law would result in unnecessary and undue hardship.

302.42 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.

302.43 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.

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

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

Section 303 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 Board of Appeals under their powers of interpretation.

ARTICLE IV – ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 401 Zoning Map and Districts

The zoning map officially entitled “Village of Greenwich Zoning Map” is hereby adopted as part of this law. The Village of Greenwich Zoning Map shows a division of the Village into the districts:

- **“MDR”- Medium Density Residential**
- **“I” – Industrial**
- **“C-1” – Commercial One**
- **“C-2” – Commercial Two**
- **“DMS” – Downtown Main Street Overlay**

Section 402 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.

Section 403 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 definitely 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, he 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.

Section 404 Lots

404.1 Lots which abut on more than one street shall provide the required frontage along every street.

404.2 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 Section 5050 Non-Conforming Uses.

404.3 In any district, notwithstanding limitations imposed by other provisions of this law, a lot may be built upon subject to the following conditions:

- a. Such a lot must be in separate ownership, and not of continuous frontage with other such lots in the same ownership. This provision shall apply even through such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements for not involving area or width, of the lot shall conform to the regulations for the district in which the lot is located.
- b. If two or more lots or combinations of lots and portions of lots with continuous frontage are in single ownership at the time of the passage or amendment of this law, and if all or part of the lots do not meet the requirement for a lot width and area as established by this law, the lands involved shall be considered to be an individual parcel for the purpose of this law and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this law, nor shall any division of the parcel be made which does not meet lot width and area requirements established by this law, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this law.

Section 405 District Objectives and Land Use Controls

The following tables state the objectives of each district and the regulations for each district.

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:

- To exceed the height,
- To accommodate or house a greater number of families,
- To occupy a greater percentage of lot area, or
- To have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
- 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.

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
- Class 3 = On-lot water and sewage disposal

405.1 “MDR” Medium Density Residential

The medium density residential areas generally are accessible to other population centers and generally are feasible for being served with public water and sewer.

<u>405.1.1 Permitted Uses</u> 1. Single family dwellings 2. Accessory Uses 3. Home occupations 4. Public recreational facilities 5. Public or private school	<u>405.1.2 Special Use Permit</u> 1. Hospitals & Clinics 2. Nursing & convalescent homes 3. Multi-family residential 4. Public buildings 5. Planned unit development 6. Essential Service building 7. Church 8. Bank (11/80) 9. Business & professional office 10. Bed & Breakfast 11. Food Trucks 12. Mixed Use—limited to any combination of permitted uses or special permit uses set forth in numbers 1-11 above												
<u>405.1.3 Minimum Lot Size</u> <table><tr><td>Type of Utility</td><td>Area in Sq. Ft.</td><td>Width in Feet</td></tr><tr><td>Class 1</td><td>10,000</td><td>90</td></tr><tr><td>Class 2</td><td>10,000</td><td>100</td></tr><tr><td>Class 3</td><td>40,000</td><td>150</td></tr></table>	Type of Utility	Area in Sq. Ft.	Width in Feet	Class 1	10,000	90	Class 2	10,000	100	Class 3	40,000	150	<u>405.1.4 Minimum Area</u> Per Dwelling Unit in Square Feet <u>(Net Density)</u> 7,500 10,000 40,000
Type of Utility	Area in Sq. Ft.	Width in Feet											
Class 1	10,000	90											
Class 2	10,000	100											
Class 3	40,000	150											
<u>405.1.5 Minimum Yd. Dimensions in Ft. Each Side Yard</u>													
(See Appendix A for dimensional													

Type of Utility	Front (FY)	1 st Side Yard (S)	2 nd Side Yard (S)	Rear (R)	representation.)
Class 1	25	15	25	40	
Class 2	25	15	25	40	
Class 3	40	25	50	50	

405.2 “C-1” Commercial

<p><u>405.2.1 Permitted Uses</u></p> <ol style="list-style-type: none"> Office Research or testing laboratory Clinic Commercial accommodation Public facility Bank Eating and Drinking Establishments Personal service shop Retail store or shop Theater Commercial recreation Motor vehicle salesroom and garage Auto service station Accessory use Essential service Food Trucks All Permitted Use in MDR 	<p><u>405.2.2 Special Use Permit</u></p> <ol style="list-style-type: none"> Churches Essential service building Private club or school All Special Permit Use in MDR Mixed Use—limited to any combination of permitted uses or special permit uses set forth in numbers 1-4 above 				
<p><u>405.2.3 Minimum Lot Size</u></p> <table border="1"> <tr> <th>Area in Sq. Ft.</th><th>Width in Feet</th></tr> <tr> <td>10,000</td><td>50</td></tr> </table>		Area in Sq. Ft.	Width in Feet	10,000	50
Area in Sq. Ft.	Width in Feet				
10,000	50				

405.3 “C-2” Commercial

<p><u>405.3.1 Permitted Uses</u></p> <ol style="list-style-type: none"> Office Clinic Commercial accommodation Public facility Bank Personal service shop Retail store or shop Accessory use Essential service 	<p><u>405.3.2 Special Use Permit</u></p> <ol style="list-style-type: none"> Churches Essential service building Private club or school Mixed Use—limited to any combination of permitted uses or special permit uses set forth in numbers 1-3 above 		
<p><u>405.3.3 Minimum Lot Size</u></p> <table border="1"> <tr> <td></td><td></td></tr> </table>			

Area in Sq. Ft.	Width in Feet	
10,000	50	

405.4 “I” Industrial

<p style="text-align: center;"><u>405.4.1 Permitted Uses</u></p> <ol style="list-style-type: none">1. Any manufactory, compounding, processing, packing, treatment or warehousing of goods & products, provided the use meets standards of performance of this law2. Research or testing laboratories3. Office4. Public facility5. Warehousing or trucking terminals6. Essential service7. Accessory use	<p style="text-align: center;"><u>405.4.2 Special Use Permit</u></p> <ol style="list-style-type: none">1. Commercial use serving the industrial area2. Essential service building3. Mixed Use—limited to any combination of permitted uses or special permit uses set forth in numbers 1-2 above																					
<p style="text-align: center;"><u>405.4.3 Minimum Lot Size</u></p> <table><tr><th>Type of Utility</th><th>Area in Sq. Ft.</th><th>Width in Feet</th></tr><tr><td>Class 1 & 2</td><td>50,000</td><td>200</td></tr><tr><td>3</td><td>80,000</td><td>200</td></tr></table>	Type of Utility	Area in Sq. Ft.	Width in Feet	Class 1 & 2	50,000	200	3	80,000	200	<p style="text-align: center;"><u>405.4.4 Minimum Yd. Dimensions in Ft.</u> <u>Each Side Yard</u></p> <table><tr><th>Type of Utility</th><th>Front</th><th>Each Side Yard(s)</th><th>Rear(R)</th></tr><tr><td>Class 1 & 2</td><td>25</td><td>25</td><td>50</td></tr><tr><td>3</td><td>25</td><td>25</td><td>50</td></tr></table>	Type of Utility	Front	Each Side Yard(s)	Rear(R)	Class 1 & 2	25	25	50	3	25	25	50
Type of Utility	Area in Sq. Ft.	Width in Feet																				
Class 1 & 2	50,000	200																				
3	80,000	200																				
Type of Utility	Front	Each Side Yard(s)	Rear(R)																			
Class 1 & 2	25	25	50																			
3	25	25	50																			

405.4 “DMS” Downtown Main Street Overlay

The Downtown Main Street Overlay District (DMS) encompasses portions of the Commercial (C-1) and Medium Density Residential (MDR) districts generally along the Main Street corridor and select adjacent areas. With the exception of temporary uses (Temporary Structures, Roadside Stands, and Food Trucks) and Single-Family Dwellings and their incidental or related accessory uses and structures, development as defined in Section 302.9 shall be subject to Section 516, Site Plan Review, as well as the guidelines and standards within Section 520, Downtown Main Street Overlay District.

ARTICLE V – GENERAL PROVISIONS

The following provisions shall apply to all districts except where listed:

Section 500 Parking

500.1 Parking Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use established or existing

use is enlarged. Parking areas shall not be located in front yards except in developed driveway or developed parking lot areas.

500.2. Public or other off-street parking within 500 feet of such new or changed use, and on-street parking in the “C-1” zone, 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 or 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.

500.3 Minimum parking spaces per use shall be as follows, except where calculation of required spaces results in a fractional amount, the number of spaces required shall be rounded up to the next whole number (example: 1.2 calculation =2, 2.5 = 3 spaces, etc.):

Use	Parking Spaces Required
Commercial Accommodation	0.75 for each lodging unit
Residential	1.5 per dwelling unit
Church and School	1 per 5 seats in principal assembly room; 1 per 3 students
Private Club or Lodge	1 per 4 members
Theater	Live theater: 1 per 3 attendees; Movie theater: 1 per 5 seats
Hospital, nursing and convalescent homes	Hospital: 1 per 4 beds; Nursing: 1 per 3 beds; (both 0.7 per employee)
Professional offices and business leasable area	1 for every 250 sq. ft. of gross services, medical clinics
Retail businesses, and personal services establishments	1 for each 250 sq. ft. of gross leasable area
Eating and drinking establishments	1 for every 3 seats
Industrial	Light Industrial: 1 for each 1.8 employees; Heavy Industrial and Warehousing: 1 for each 1.3 employees, based on the highest expected average employee occupancy per shift
Funeral Homes	1 for each 75 sq. ft. of floor space in slumber rooms, parlors, and individual service rooms
Home Occupations	2 spaces per residence and 1 additional space per each 250 square feet of floor space dedicated to the home occupation

Section 500.4 Americans with Disabilities Act Parking Standards and Requirements. In all instance, 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).

Section 500.5 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 Section 500.4, Americans with Disabilities Act Parking Standards and Requirements, of this article.

Section 500.6 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 Section 500.4, Americans with Disabilities Act Parking Standards and Requirements, of this article.

Section 500.7 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 Section 500.4, Americans with Disabilities Act Parking Standards and Requirements, of this article.

Section 500.8 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.

Section 500.9 Electric vehicle charging stations shall be included in the calculation for minimum parking requirement.

Section 501 Off-street Loading

In the “C-2” and “I” districts, of-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 and industrial uses. Duration of loading shall not exceed two hours for any individual pick-up or delivery. Required off-sheet loading space is not to be included as off-street parking space.

Section 502 Coverage

In the “MDR” and “I” districts, except as provided by Section 505 Non-Conforming Uses, 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.

Section 503 Height Regulation

503.1. Except as provided by this section and Section 503.2, in all district 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.

503.2. 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 life towers.

Section 504 Performance Standards Air Pollution, Noise and Fire Controls

504.1 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.

504.2 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.

504.3 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.

504.4 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.

504.5 Noise: A maximum of 90 decibels at the property line shall not be exceeded.

Section 505 Non-Conforming Uses

The lawful use of any building or land existing at the time of the enactment of this law may be continued by the existing or subsequent owners although such use does not confirm with the provisions of this law.

505.1 Unsafe structures. Any structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition.

505.2 Alterations. A non-conforming structure may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost the equalized assessed valuation of the building unless said building is changed to conforming use.

505.3 Extension. A non-conforming use may be extended on 50% of its equalized assessed valuation, but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this law shall not be deemed the extension of such non-conforming use.

505.4 Construction approved prior to adoption of or amendment to law.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit, and shall be completed according to such plans within one year from effective date of this law.

505.5 Restoration. Except for single-family residences in the “MDR” district, no structure damaged by fire or other causes shall be repaired or rebuilt to an extent of more than the equalized assessed valuation at the time of damage, except in conformity with the regulations of this law. Such restoration or repair shall be completed within one year from the time that damage occurred; however, the Zoning Board of Appeals may grant an additional one year’s time for the completion of such restoration or repair. No variance shall be required for such restoration or repair where such restoration or repair is made within the confines of the footprint of the structure as it existed prior to damage occurring unless said footprint is closer than three (3) feet to any lot line.

505.6 Discontinuance. Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this law.

505.7 Changes. Once changed to conforming use no building or land shall be permitted to revert to a non-conforming use, except by obtaining a Special Use permit or Use Variance. A non-conforming use may be changed to a use of the same or higher classification, and such use thereafter shall not be changed to a lower classification, except by obtaining a Special Use permit or Use Variance. Highest classification shall be those uses permitted in the “medium density residential” (MDR) district, the next classification lower shall be those uses allowed in the “commercial-2” (C-2) district, the next classification lower shall be those uses allowed in the “commercial-1” (C-1) district and the lowest classification shall be those uses allowed in the “industrial (I) district.

505.8 Displacement. No non-conforming use shall be extended to displace a conforming use, except by obtaining a Special Use permit or Use Variance.

505.9 District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

Section 506 Water Recreation and Water Storage Facilities

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

506.1 The facility shall conform with the setback requirements.

506.2 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.

506.3 The facility, if operated to attract visitors, shall comply with parking requirements established under Section 500 of this law.

506.4 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.

Section 507 Temporary Structures

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.

Section 508 Signs and Window Displays

The measurement of 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. Example and descriptive measurements applying to this section are displayed in APPENDIX B Supplement to Article V Section 508 Diagram of Sign, Window Displays and Flag Dimensions. Signs as defined in ARTICLE III are specifically prohibited except as herein provided:

508.1 All signs must be constructed of durable materials and shall be maintained good condition and repair at all times.

508.2 Announcing Signs. In any district an announcing sign not exceeding two square feet in surface area permitted which announces the name, address, or professional or home occupation of the occupant of the premises on which said sign is located.

508.3 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.

508.4 Temporary Real Estate or Construction Sign. A temporary real-estate or construction sign, not exceeding twelve (12) square feet is permitted on the property being sold, leased, or developed. Such sign shall be removed promptly when it has fulfilled its function.

508.5 Political and Elections Signs. Signs advocating a political candidate or other ballot issues are permitted under the following restrictions:

- a. The sign shall not be placed on the site more than forty-five (45) days prior to the election in issue and shall be removed within seven (7) days after the election in issue.
- b. 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.

508.6 Signs and Window Displays. Business signs and windows displays 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:

- a. Unless specified elsewhere in this law, two business signs are permitted with any legally established commercial use or industrial use, one free standing, the other attached to the building.
- b. 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.
- c. 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.
- d. Except for Home Occupations, window displays shall be allowed.
- e. Illuminated business signs and window displays shall be shielded in such a way as to produce no glare, shall be properly focused or from within the sign itself.
- f. Business signs and windows displays which are animated, gaudy, flashing, or with intermittent illumination are prohibited.
- g. Signs, except as provided by 508.6.i, shall not project over public rights-of-way or property lines.
- h. 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 display size shall be as allowed per definition of window displays in Article III.
- i. Permits required. All signs except “A-Frame”, announcing signs, temporary real estate or construction signs; and window displays and commercial displays flags, 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.

508.7 Flags, Moveable and Non-permanent Commercial Displays

- a. Flags. Commercial display flags shall not project more than five (5) feet from the edge of any building to the furthest point of the flag or its holder, and not closer than five (5) feet from the edge of curb or street line where there is no curb.
- b. “A-Frame” Signs. “A-Frame” signs shall conform to the following:
 - 1) Shall not exceed five (5) 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 twenty-five (25) 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.

Section 509 Home Occupations

Any home occupation such as art studies, 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.

509.1 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.

509.2 The home occupation shall be carried on within the principal or accessory structures.

509.3 Exterior displays or signs other than those permitted under Section 302.26a., 302.26b., 302.26c, 302.26d., and Section 508.2, exterior storage indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

509.4 Objectionable circumstances such as noises, vibration, smoke, dust, electrical disturbances, odors, heat, or glare shall not be produced.

509.5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.

509.6 Parking shall be provided off-street and shall not be located in front yards except for the first three cars.

Section 510 Roadside Stands

Roadside stands for seasonal sale of agricultural products shall be permitted if:

510.1 They are erected at least twenty (20) feet back from the nearest edge of roadway surface;

510.2 They are used primarily for the sale of agricultural products grown locally;

510.3 Parking spaces are provided off the road right-of-way;

510.4 Signs shall conform to provisions set forth in Section 508.

Section 511 Food Trucks

511.1 Purpose and Intent. The food truck regulations are intended to promote and protect the health, safety, and general welfare of the community and the 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.

511.2 Approvals required. Food trucks shall obtain a License for the Peddling and Sale of Goods, Wares and Merchandise from the Village.

511.3 Location.

- a) Food trucks shall be permitted on private property within the C-1 district. Food trucks are a special permit use in the MDR district.
- b) 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.
- c) 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.
- d) 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.

511.4 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.

511.5 Signage. Food truck signage shall conform to provisions set forth in Section 508.

Section 512 Electric Vehicle Charging Stations

512.1 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.

512.2 Location.

- a) 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.
- b) 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.

Section 513 Storage of Mobile homes, Boats, Trailers and Trucks 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.

Section 514 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 Zoning Board of Appeals or as otherwise presented under chapter. This shall apply to all movement of materials in excess of fifteen (15) cubic yards.

514.1 the Zoning Board of Appeals 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:

- a. For all excavations and filling subject to this section:
 - 1) Distance between edge of excavation and neighboring properties or ways.
 - 2) The allowable hours of operation of the excavation or filling operation.
 - 3) Methods approved by the State of New York Department of Environmental Conservation or Department of Transportation for the control of dust and debris.
 - 4) Barriers for the control of access and location of entrances and exits.
- b. 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:
 - 1) Extent of time.
 - 2) Area and depth of excavation.
 - 3) Steepness of slopes excavated.
 - 4) Temporary or permanent drainage in a manner to be approved by an Engineer for the Village.
 - 5) The posting of security or bond in a dollar amount to be determined by the Zoning Board of Appeals on the advice of an Engineer for the Village, to be sufficient to guarantee fulfillment of conditions imposed.
 - 6) 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,

- 7) 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.

514.2 No such permit shall be issued except upon written application therefore to the Zoning Board of Appeals until after a public hearing by the Zoning Board of Appeals on such application.

514.3 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.

514.4 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.

514.5 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.

514.6 Earth Removal and Fill Exceptions

- a. 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.
- b. 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.
- c. 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.
- d. 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.

Section 515 Planned Unit Development

515.1 Proposals for Planned Unit Project shall be submitted to the Zoning Code Enforcement Officer who shall submit copies to the Zoning Board of Appeals, Planning Board and to the Village Board. They shall have thirty (30) days to review and submit comments on such plan. The material accompanying the proposal shall contain the following:

- 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. All utilities shall also be shown and described. Typical elevations and floor plans of all buildings may also be required. However, elevations for all signs shall be provided. 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.

515.2 The Zoning Board of Appeals shall, after due public hearing, approve or deny the proposal. Approval by the Zoning Board of Appeals, however, does not eliminate the necessity for Planning Board approval maintenance and upkeep of common or public land and facilities within the Planned Unit Project. Any development contrary to the approved unit plan shall constitute a violation of this law.

515.3 The purpose of Planned Unit Development shall be to encourage a development which will result in:

- a. 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 town.
- b. Open space and recreation areas.
- c. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
- d. An efficient use of land resulting in smaller networks of utilities and streets.
- e. An environment in harmony with surrounding development.
- f. A more desirable environment than would be possible through the strict application of other sections of the law.

515.4 The area of the land to be developed shall not be less than five acres.

515.5 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.

Section 516 Site Plan Review

516.1 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 and any formally adopted, relevant plans.

516.2 Applicability. Any land use or development listed in Section 405, District Objectives and Land Use Controls, identified as a use subject to site plan review in Section 405.4, shall not be undertaken until the Zoning Board of Appeals 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 this zoning ordinance, this section shall supersede.

516.3 Authorization for Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals, showing the arrangement, layout and design of the proposed use of the land shown on such plan.

516.4 Procedure for Zoning Board of Appeals Site Plan Review.

- a. Sketch Plan Review.
 - 1) Prior to submission of an application for site plan review, an applicant may meet in person with the Zoning Board of Appeals 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.
 - 2) 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 Zoning Board of Appeals may, if appropriate, in the case of small developments with little impact on adjoining lands, waive select site plan review application requirements.

- b. Application Requirements. Applications shall consist of the following, unless specifically waived by the Zoning Board of Appeals during the preliminary sketch plan review. The sketch plan may be deemed to be the final plan at the Zoning Board of Appeals' discretion.
- 1) The name and address of the applicant and any licensed professional consultants.
 - 2) Authorization of the owner, if the applicant is not the owner of the property in question.
 - 3) A location map, at a convenient scale, showing the applicant's entire property and all easements and streets and existing structures within 500 feet of the applicant's property.
 - 4) The proposed location, size, use and architectural design of all buildings and structures.
 - 5) The proposed layout of streets and other vehicular and pedestrian circulation facilities, including the location and widths of driveways on the site and access to existing roads and highways.
 - 6) The amount, location and dimensions of all street parking and loading areas and access thereto.
 - 7) The location, description and design of all existing and proposed site improvements, including pavement, walks, curbing, retaining walls and fences, parks, open space and recreation facilities.
 - 8) Existing topography, with areas with slopes in excess of 15% highlighted, and proposed grade elevations at a contour interval of not more than two feet, unless otherwise specified by the Zoning Board of Appeals.
 - 9) The limits of any natural water resources including waterbodies, wetlands, and one-hundred-year floodplain areas.
 - 10) The extent and amount of cut and fill for all disturbed areas.
 - 11) A stormwater management plan that has adequate provisions for quantitative and qualitative control of stormwater runoff.
 - 12) The location, type and screening details for all waste disposal containers.
 - 13) The character and location of all power distribution and transmission lines.
 - 14) The location and description of all subsurface site improvements and facilities.
 - 15) The location and arrangement of any landscaping and transitional areas, and identification of proposed landscaping and buffer screening areas.
 - 16) The location and design of outdoor lighting.
 - 17) The location, height, design and size of all signs.

- 18) A signature block for Zoning Board of Appeals' endorsement of approval, the applicant's name and address, North arrow, scale and date.
- 19) Any additional information requested by the Zoning Board of Appeals that may be necessary to determine and provide for the proper enforcement of specific provisions of this chapter shall also be provided.
- 20) No application shall be deemed complete without compliance with State Environmental Quality Review (SEQR), including 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).

c. Site Plan Procedure and Approval.

- 1) The Zoning Board of Appeals shall begin the site plan review process upon determining that it has a properly completed site plan application with the information necessary to commence review.
- 2) The Zoning Board of Appeals' review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:
 - i. 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.
 - ii. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, and traffic controls.
 - iii. The location, arrangement, appearance and sufficiency of off-street parking and loading.
 - iv. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience and safety.
 - v. The adequacy of stormwater and drainage facilities.
 - vi. The adequacy of water supply and sewage disposal facilities.
 - vii. 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.
 - viii. The adequacy of fire lanes, other emergency zones and the provision of fire protection infrastructure.
 - ix. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - x. The overall impact of the project on the neighborhood, including compatibility of design considerations.

- 3) The Zoning Board of Appeals, 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 Zoning Board of Appeals for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.
- 4) The Zoning Board of Appeals 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 Zoning Board of Appeals. The Zoning Board of Appeals 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 Zoning Board of Appeals shall mail a notice of the public hearing to the County Planning Board 10 days prior to the public hearing.
- 5) Within 62 days of the public hearing, the Zoning Board of Appeals shall render a decision. In its decision the Zoning Board of Appeals may approve, approve with modifications or disapprove the site plan. The time period in which the Zoning Board of Appeals must render its decision can be extended by mutual consent of the applicant and the Zoning Board of Appeals.
 - i. Approval. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Village, the Zoning Board of Appeals 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.
 - ii. Approval with conditions or modifications. The Zoning Board of Appeals 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 Zoning Board of Appeals shall be mailed to the applicant. Upon approval, and after payment by the applicant of all fees and reimbursable costs to the Village, the Zoning Board of Appeals 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.
 - iii. 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 Zoning Board of Appeals' reasons for disapproval. A copy of the written statement of disapproval shall also be sent to the Zoning Code Enforcement Officer.
- 6) 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 Zoning Board of Appeals, Zoning Code Enforcement Officer, Village counsel and other appropriate parties.

- 7) The Zoning Code Enforcement Officer shall be responsible for the overall inspection of site improvement including coordination with the Zoning Board of Appeals and other officials and agencies, as appropriate.
- 8) Whenever the particular circumstances of proposed development require compliance with either the special use procedure in Section 516 of this zoning ordinance, or other requirements of the Village, the Zoning Board of Appeals shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

Section 517 Special Use Permits

517.1 General Provisions. The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

517.2 Required Plan. A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this law. No application shall be deemed complete without compliance with State Environmental Quality Review (SEQR), including 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).

517.3 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.

517.4 Existing Violations. Where a request for special use is made for a property, use or lot containing a violation of this law, the Zoning Board of Appeals 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 Zoning Board of Appeals 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.

517.5 Standards Applicable to all Special Uses

- a. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing future streets giving access to it, shall be such that it will be inharmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

- b. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing lights, than would be the operations of any permitted use.

517.6 Procedure for Zoning Board of Appeals Issuance of Special Use Permit

- a. Plans to Board of Appeals and Planning Board. Copies of the required plan for the development of a special permitted use shall be forwarded by the Zoning Enforcement Officer to the Zoning Board of Appeals. The Planning Board shall have the opportunity to review such plans and make any recommendations to the Zoning Board of Appeals for approval, modification or disapproval of the plans.
- b. Application for area variance. Where a proposed special use contains one or more features which do not comply with the area requirements of this law, application for an area variance may also be submitted concurrently with the application for special use permit, without the necessity of a decision or determination by the Zoning Enforcement Officer.
- c. Conditions may be attached. The Zoning Board of Appeals shall have the authority to impose reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit.
- d. Public hearing and decision. The Zoning Board of Appeals shall conduct a public hearing within sixty- two (62) days from the day an application is received on any matter referred to it under this section. Public notice of said hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the date thereof. The Zoning Board of Appeals shall decide upon the application within sixty-two (62) days after the conduct of the public hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Zoning Board of Appeals on the appeal 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.
- e. Notice to applicant and county Planning Board. At least ten days before such hearing, the Zoning Board of Appeals shall mail notices thereof to the applicant and the Washington County Planning Board as may be required by section two hundred thirty-nine (§239-m) of the general municipal law.

Section 518 Fences, Walls and Hedges and Driveways

518.1 Fences, Walls and Hedges; Yards Requirements

- a. The yard requirements of this law shall not prohibit any necessary retaining wall, nor any fence, wall or hedge, provided that in the "MDR" 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 Section 518.1.(b) and 520.5.(d)(2) of this law, and shall comply with requirements for visibility at street corners as provided in Section 515.3 of this law.

- b. Except as provided by Section 520.5.(d)(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.

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

- a. A retaining wall of a minimum height necessary to accomplish its purpose; or
- b. 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 Zoning Board of Appeals.

518.3 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. See diagram: APPENDIX C Corner Visibility.

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

- a. 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. 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.

Section 519 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.

Section 520 Downtown Main Street Overlay District

Section 520.1 Purpose and Intent. The Downtown Main Street Overlay (DMS) District is based on the recommendations identified in 2019 Village of Greenwich Main Street Streetscape Plan and is intended to:

- a. Preserve traditional mixed-use downtown development and to encourage redevelopment 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; and
- 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.

520.2 Definitions.

- a. Note: Any item not defined in Section 301 shall take the definitions from 520.2. Where there is a discrepancy between definitions in Section 301 and Section 520.2, development in the Downtown Main Street Overlay (DMS) District shall take the definitions in Section 520.2.
- b. As used in this section, the following shall have the meanings indicated:

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.

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

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.

Facade- The vertical face of a building or structure.

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

520.3 District Boundaries. The DMS Overlay District is established as a mapped overlay zoning district as shown on the Village of Greenwich Zoning Map. The overlay is intended to include parcels that abut Main Street and other select areas within the Village of Greenwich historic downtown.

520.4 Site Plan Review Requirements. With the exception of Single-Family Dwellings and related accessory uses, all principally permitted uses, permitted accessory uses, and special permit uses shall be subject to Section 516, Site Plan Review, as well as the guidelines and standards set forth in Section 520, Downtown Main Street Overlay District.

520.5 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 Zoning Board of Appeals shall consider, but may modify or waive based on the criteria in 516.4.C, Site Plan Procedure and Approval, and 520.1, Purpose and Intent. Where there are any conflicts with between this section and any other section of this zoning ordinance, this section shall supersede.

a. Site Organization and Building Placement.

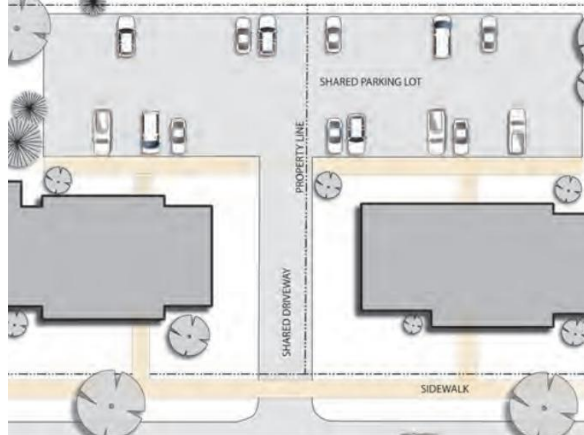
- 1) Buildings should present their main facade and entrance toward the street. Buildings shall be oriented parallel or perpendicular to public sidewalks and allow for parking in the rear or side of the proposed structure.
- 2) Minimum building setbacks should be encouraged to facilitate pedestrian access 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, the Zoning Board of Appeals 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 (Section 520), this section shall supersede.

- 1) The number of curb cuts for vehicle access shall be limited to the maximum extent practicable. In all instance, one curb cut is preferred.
- 2) The width of curb cuts shall be limited to the number of access or drive lanes in order 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.
- 8) Off-Street Parking.
 - i. Placement of off-street parking areas at the rear of the building shall be strongly encouraged.
 - ii. 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.
 - iii. Where parking is proposed at the side and/or front of buildings the Zoning Board of Appeals shall strictly apply the pedestrian access and landscaping standards and guidelines herein.
 - iv. 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 instance, 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.
 - v. A limited number of Electrical Vehicle (EV) Charging Terminals should be considered and encouraged when included by an applicant. The Zoning Board of Appeals shall consider the total number and location of these terminals when reviewing related site plans. The Zoning Board of Appeals may require select hours of operation and appropriate screening if necessary.



Building Placement, Rear Parking, and Shared Access Example

c. 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 in 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.

P



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:
 - i. Benches;
 - ii. Outdoor dining areas;
 - iii. Small pedestrian gathering areas such as patios and plazas; and

iv. Pedestrian-scaled wayfinding signage.

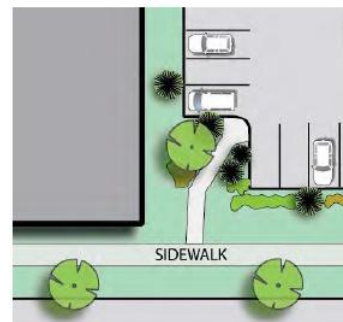
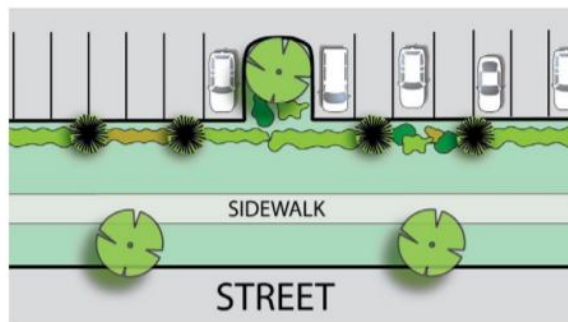
d. Parking Lot and Streetscape Landscaping

- 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 Zoning Board of Appeals 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 Zoning Board of Appeals 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.

ARTICLE VI - ADMINISTRATION

Section 600 Enforcement

600.1 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.

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

- a. Issue and deny zoning permits.
- b. Scale and interpret district boundaries on zoning maps.
- c. Inspect and certify that the regulations of this law at the time of inspection, have been adhered to.
- d. Refer appropriate matters to the Zoning Board of Appeals and the Village Board of Trustees.
- e. 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.
- f. Issue "Stop Work" orders, investigate violations and refer violations to the Village Justice, or the Village Board of Trustees.

600.3 Authority to Issue Appearance Tickets. 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.

Section 601 Permits

601.1 Zoning Permit. No structure shall be altered, except as provided by Section 601.4, 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.

601.2 Special Use Permit. The following shall require special use permits issued pursuant to the provisions of Section 517 of this law:

ZONES

MDR	C-1, C-2	I
Hospitals & clinics Nursing & convalescent homes Multi-family Residential Public Buildings Planned Unit Development Essential Service Building Church Bank Business & Professional Office Bed & Breakfast Food Trucks	Churches Essential Service Building Private Club of School Mixed Use All Special Uses in MDR	Commercial Use Serving the Industrial Area Essential Service Building Mixed Use

601.3 Reply Upon Completion. Upon the completing of work, or full establishment of any role for which a zoning 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.

601.4 Alterations and Repairs. A Zoning Permit shall not be required for the performance of routing maintenance or repair of 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.

Section 602 Matter Accompanying Application for Zoning Board of Appeals Special Permits and Zoning Variances

602.1 Plan and Other Materials. Each application for a Zoning Board of Appeals special permit or zoning variance to erect a new building or structure or to enlarge an existing one or to move an existing one shall be accompanied by a site plan showing the measurements of the lot of all buildings, setbacks, and parking spaces, existing and proposed, the intended use or uses of the land and buildings, and plans for provision of essential services. Such 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.

602.2 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.

602.3 Additional Information. Any other application for a zoning permit shall be accompanied by a description of the intended use or uses of the land and buildings and

such further details as the Zoning Enforcement Officer may require for a clear understanding of the case.

Section 603 Schedule of Fees

603.1 Fees Established. The fees for zoning permits and applications to the Zoning Boards of Appeals shall be at the following rates:

- a. Fees for zoning permits, site plan approval, and special use permits shall be based on the estimated cost of new construction, cost of alternations or cost of conversion of a use as follows.

Minimum Fee and Fee for Projects with an estimated value under \$1,000	\$25.00
Projects with an estimated value of \$1,000-\$5,000	\$30.00
Projects with an estimated value of \$5,000-\$15,000	\$35.00
Projects with an estimated value of \$15,000-\$25,000	\$40.00
Projects with an estimated value of \$25,000-\$100,000	\$60.00
Projects with an estimated value of \$100,000	\$120.00

- b. Fees to Zoning Board of Appeals. Fees for application to the Zoning Board of Appeals for request for variance or interpretation shall be fifty dollars (\$50).

603.2 Change of Fees. The Board of Trustees of the Village of Greenwich, may, upon resolution after public hearing, from time to time amend the fees established by this law.

Section 604 Zoning Board of Appeals.

604.1 Creation. Appointment and Organization

- a. Continuation of Existing Zoning Board of Appeals. The five (5) member Zoning Board of Appeals of the Village of Greenwich, as created with appointments prior to the adoption of this local law, shall continue as established in membership, with the purpose, membership and duties as provided for by this local law.
- b. Training of members. The Village Board of Trustees may require Zoning Board of Appeals members to complete training and continuing education courses in accordance with any local requirement for the training of such members.
- c. 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.
- d. Terms of members now in office. Members now holding office for terms which do not expire at the end of the Village Official year shall, upon the expiration of their term, hold office until the end of the Village Official year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Board.
- e. Increasing membership. The Board of Trustees may, by resolution, increase a three-member Zoning Board of Appeals to five members. Additional members shall be first appointment for single terms as provided in such resolution in order that the terms of members shall expire in each of five successive years and their successors shall thereafter be appointment to full terms of five years No such additional member shall take part in

the consideration of any matter for which an application was on file with the Zoning Board of Appeals at the time of his or her appointment.

- f. Decreasing membership. The Board of Trustees which has increased the number of members of the Zoning Board of Appeals to five may, by resolution, decrease the number of members of the Zoning Board of Appeals to three to take effect upon the next two expirations of terms.
- g. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Board of Trustees shall appoint the new member for the unexpired term.
- h. Removal of members. The mayor shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause and may also, after public hearing, remove any member of the Zoning Board of Appeals for the following:
 - 1) failure to attend three (3) consecutive regularly scheduled meetings of the Zoning Board of Appeals; or,
 - 2) failure to attend two (2) regularly scheduled meetings of the Zoning Board of Appeals within any three (3) month period.
- i. Chairperson, Vice-Chairperson and Secretary. The Village Board of Trustees shall designate the Chairperson of Zoning Board of Appeals and the Zoning Board of Appeals shall appoint a vice-chairperson and secretary and shall prescribe rules for the conduct of its affairs in keeping with the provisions of this law.
- j. Chairperson duties. All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as such Board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- k. Chairperson Authorized to Set Public Hearings. The Chairperson shall have the authority to set the time and place for public hearings upon applications submitted to the Zoning Board of Appeals upon his or her determination that such application is complete.

Section 604.2 Powers and Duties.

- a. Orders, requirements, decisions, interpretations, determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision or determination the appeal is taken.
- b. Use variances
 - 1) The Zoning Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of this local law, shall have the power to grant use variances as defined herein.

- 2) No such use variance shall be granted by the Zoning Board of Appeals 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 Zoning Board of Appeals that:
 - i. Under applicable zoning regulations that applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
 - ii. 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.
 - iii. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - iv. 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 use variance.
 - 3) The Zoning Board of Appeals, in the granting of uses variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved 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. Area variances.
- 1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administration official charged with the enforcement of this local law, to grant area variances as defined herein.
 - 2) In making its determination, the Zoning Board of Appeals 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 Board shall also consider:
 - i. Whether an undesirable change will be produced in the character of neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - ii. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - iii. Whether the requested area variance is substantial;
 - iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - v. Whether the alleged difficulty was self-centered; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
 - 3) The Zoning Board of Appeals, 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.

- d. Special Use Permits. The Zoning Board of Appeals shall have the power to issue special use permits for any of the uses for which this law requires obtaining of such permits from the Zoning Board of Appeals.
- e. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of special use permits, use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of property, or the period of time such special use permit or variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this local law, and shall be imposed for the purpose of minimizing any adverse impact such specially permitted use or variance may have on the neighborhood or community.

Section 604.3 Zoning Board of Appeals procedure.

- a. Meetings, minutes, records. Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in article seven of the public officers law. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- b. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within five business days and shall be a public record.
- c. Assistance to Zoning Board of Appeals. The Board shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village Board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance. At least 20 days before the date of the hearing required by law on an application or appeal to the Zoning Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Zoning Board of Appeals its opinion on said application or appeal, and the Planning Board shall submit a report as such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.
- d. Hearing appeals. In addition to other duties as otherwise provided by this or other local law, the jurisdiction of the Zoning Board of Appeals shall include appellate for the hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by an administrative official charge with the enforcement of this local law. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Village.
 - 1) Time of appeal. Such appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the

administrative official charged with the enforcement of this local law by filing with such administrative official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

- 2) Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
- 3) Hearing on appeal. The Zoning Board of Appeal shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the Village of a notice of such hearing, at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing partying and shall be paid to the Board prior to the hearing of such appeal upon the hearing, any party may appear in person, or by agent or attorney.
- 4) Time of decision, The Zoning Board of Appeals shall decide upon appeal within sixty-two days after the conduct of said hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- 5) Filing of decision and notice. The decision of the Zoning Board of Appeals on the appeal 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.
- 6) Notice to park commission or county planning agency. At least five days before such hearing, the Zoning Board of Appeals shall mail notices thereof to the parties, to the regional state park commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal and to the county planning agency as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.
- 7) Compliance with state environmental quality review act. The Zoning Board of Appeals shall comply with provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.

- e. Procedures for Special Use Permits. Application and review procedures for special use permits shall be those established by Section 517 of this law.

Section 605 Violations

605.1 Violations is an Offense Anyone found to be in violation of this law shall be guilty of an offense. Each week's continued violation shall constitute a separate offense.

605.2 Violation Remedy Procedures. The following shall be the procedures used for remedy of violation of this law:

- a. Initiating a Complaint – Whenever a violation of this law occurs, the Zoning Code Enforcement Officer, Village Officer or an aggrieved citizen may initiate a complaint.
- b. Recording the Complaint- The Zoning Code Enforcement Officer shall accurately record the complaint and file it appropriately. The Zoning Code Enforcement Officer shall investigate said complaint and report the findings of such investigation, and actions taken on violation to the Village Board of Trustees and the Zoning Board of Appeals.
- c. Notice of Violation – The Zoning Code Enforcement Officer is then to inform the landowner that he or she is in violation of this law. The landowner shall be notified as to the manner in which he or she is in violation of this law. The landowner shall have fourteen (14) calendar days, or other longer time period as specified by the Zoning Code Enforcement Officer, to respond to the situation, and thirty (30) calendar day thereafter to remedy the situation. The Zoning Code Enforcement Office may informally contact the landowner about the situation before this step is taken.
- d. Stop-Work-Order – A “Stop-Work Order” may be issued to the landowner in the same manner as a “Notice of Violation”. This requires though, that all construction or other use in violation of this law stop immediately.
- e. Local Proceedings – If a violation persists, the Zoning Code Enforcement Office may issue an appearance ticket to compel the person in violation to appear in the local justice court to answer for such violation, and in such instance shall also file an “Information and Complaint” with the local Justice or an injunction proceeding in the appropriate court. The “Information and Complaint” charges the landowner with violating one or more sections of this law.

605.3 Penalties. A violation of this law is punishable by a fine not to exceed \$350.00 for a first offense. For a second offense committed within a 5-year period, by a fine of not less than \$350 and not more than \$700. For a third offense committed within a 5-year period, by a fine of not less than \$700 and not more than \$1,000. Each week's continued violation shall constitute a separate additional violation.

ARTICLE VII - AMENDMENTS

Section 700 Amendments.

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.

Section 701 Procedure for Amendments.

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 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 and cause notice to be given as follows:

- a. By publishing a notice of time and place of said hearing in a paper of general circulation in the Village at least 10 days prior to the said.
- b. A written notice of any proposed change or amendment affecting property within the protectively zoned area of a zoning map filed with the building inspector, shall be given to the housing authority erecting or owning the project and to the government providing financial aid for assistance thereto at least 10 days prior to the date of such hearing.
- c. 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.
- d. 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.
- e. 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.

ARTICLE VIII MISCELLANEOUS

Section 800 Interpretation, Conflict with Other Laws

In their interpretation and application, the provisions of this law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations, or laws, the most restrictive, or that imposing the higher standards, shall govern.

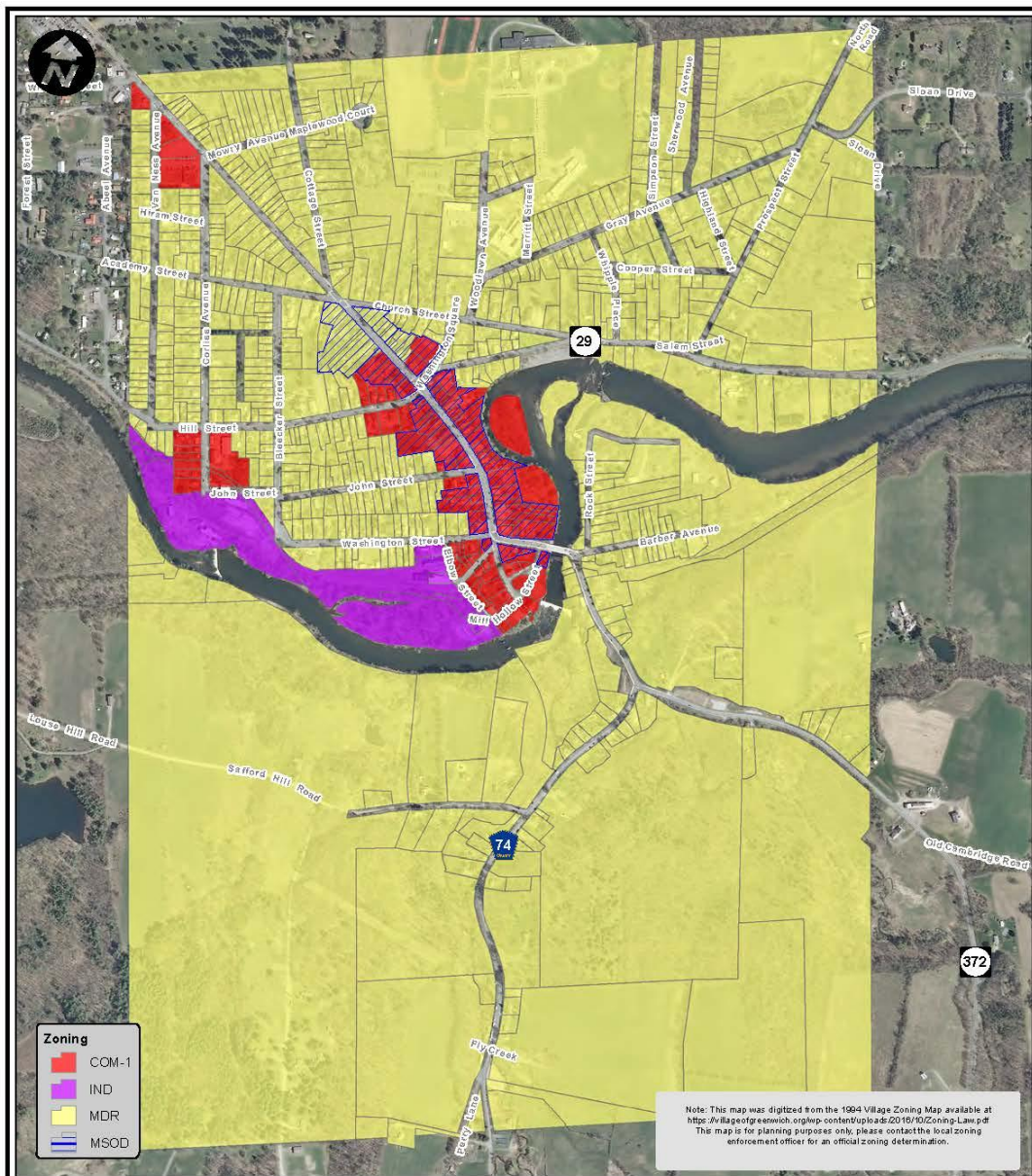
Section 801 Validity

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.

Section 802 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.



<p>THE Chazen COMPANIES</p> <p><small>Proud to be Employee-Owned</small></p> <p><small>ENVIRONMENTAL & SAFETY ENGINEERING LANDSCAPE ARCHITECTURE</small></p>	<p>Dutchess County Office: 21 Fox Street, Poughkeepsie, NY 12601 Phone: (845) 454-3980</p> <p>Capital District Office: 547 Faver Street, Troy, NY 12180 Phone: (518) 273-0055</p> <p>North Country Office: 20 Elm Street, Glens Falls, NY 12801 Phone: (518) 812-0513</p>	<p>Zoning Code Updates</p> <p>Village-wide Zoning</p> <p>Village of Greenwich, Washington County, NY</p>	<p>Drawn: EJJ</p> <p>Date: 02/05/2021</p> <p>Scale: 1:11,268</p> <p>Project: 92026.00</p> <p>By: _____</p>

Section 803 – Effective Date

These regulations shall take effect upon filing with the Secretary of State.

ENACTED this 11th day of April, 2022 by the Board of Trustees of the Village of
Greenwich, Washington County, New York.

[SEAL]

ATTEST:

JANE DOWLING
Village Clerk
Village of Greenwich