EAST HAMPTON

Zoning Regulations

Amended December 4, 2019
Effective December 20, 2019

Zoning Regulations
Effective date: September 15, 1990

Amended	Effective
July 15, 1992	
May 15, 1993	
November 1, 1993	
July 1, 1994	
June 1, 1994	
February 7, 1997	
December 1, 1997	
May 1, 1998	
November 1, 1999	
August 17, 2000	
July 11, 2001	
July 25, 2001	
April 3, 2002	April 24, 2002
June 5, 2002	June 21, 2002
December 3, 2003	Dec 6, 2003
January 7, 2004	Jan 12, 2004
May 10, 2006	May 15, 2006
June 5, 2006	July 8, 2006
Aug 2, 2006	Aug 10, 2006
Oct 4, 2006	Nov 13, 2006
May 9, 2007	May 19, 2007
August 1, 2007	August 24, 2007
October 3, 2007	October 15, 2007
December 5, 2007	January 1, 2008
August 4, 2008	August 4, 2008
August 6, 2008	August 16, 2008
September 2, 2009	October 1, 2009
April 6, 2011	July 1, 2011
July 6, 2011	August 1, 2011
August 3, 2011	September 1, 2011
October 5, 2011	November 1,2011
May 2, 2012	May 21, 2012
July 5, 2012	July 30, 2012
March 5, 2014	April 7, 2014
November 4, 2015	December 1, 2015
November 2, 2016	December 1, 2016
October 4, 2017	November 1, 2017
February 7, 2018	March 1, 2018
March 22, 2018	April 1, 2018
November 7, 2018	December 1, 2018
March 6, 2019	April 1, 2019
August 7, 2019	September 1, 2019
December 4, 2019	December 20, 2019

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ARTICLE 1 - INTRODUCTION

Section 1.1. Authority

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended.

Section 1.2. Purposes

These Regulations are adopted for the purposes of:

1. Guiding the future growth and development of the Town in accordance with the Plan of Conservation and Development.
2. Providing adequate light, air and privacy; securing safety from fire and other danger; and preventing overcrowding of the land and undue concentration of population.
3. Protecting the character and the historic, social and economic stability of all parts of the Town and ensuring that development is orderly and beneficial.
4. Protecting and conserving the value of land and buildings appropriate to the various zones established by these Regulations and throughout the Town.
5. Bringing about the gradual conformity of the uses of land and buildings to the Comprehensive Zoning Plan set forth in these Regulations and minimizing conflicts among the uses of the land and buildings.
6. Promoting the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian circulation appropriate to the various uses of land and buildings throughout the Town.
7. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.
8. Controlling development to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services, thereby facilitating adequate provision for vehicular and pedestrian circulation, water, sewerage, schools, parks and other public requirements.
9. Conserving and protecting the natural resources of the Town, especially groundwater and drinking water, in recognition of their importance to the health, safety and general welfare of East Hampton and its larger environs.
10. Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water for any project for which a permit is required or sought from the Town.
11. Encouraging the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs.

Section 1.3. Zoning Districts

A. Districts and Boundaries

1. For the purpose of implementing these Regulations and consistent with the provisions of Connecticut General Statutes Chapter 124, Section 8-2, the Town of East Hampton is hereby divided into zoning districts as enumerated in these Regulations.
2. The boundaries of the zoning districts shall be as shown on maps established by the Commission entitled, "Zoning Map of the Town of East Hampton", dated April 20,2018, revised as indicated, on file with the Town Clerk.
3. This map shall be declared to be a part of these Regulations.

B. District Interpretation

1. The water surface and land thereunder and islands, in any lake, pond, brook, stream, wetland or water course shall be subject to the provisions of the regulations of the district in which they are located.
2. Lots which are located in two zones shall be subject to the requirements of the more restrictive zone. (Revised - effective date Aug. 9, 2003)

C. Boundary Interpretation

If not clearly delineated on the Zoning Map, zone district boundaries shall be construed in the following sequence:

1. Following the center line of a street, highway, or railroad.
2. Where such lines are shown to be set back from streets, highways and railroads, they shall be considered parallel thereto and at distances as shown on the Zoning Map.
3. Where zoning district boundaries are shown approximately following property lines, such property lines shall be considered as zone boundaries.
4. Following the lines of a particular physical feature including brooks, streams, floodplains, or steep slopes.
5. In case of uncertainty regarding zone boundaries on the Zoning Map, the zone boundary shall be determined by the Commission.

Section 1.4. Interpretation Of Regulations

A. Permitted Uses and Activities

1. These Regulations shall be construed as being permissive in nature.
2. All permitted uses shall be described within these Regulations.
3. All uses not expressly permitted are prohibited.
4. For a principal use permitted by these Regulations, accessory uses which are customarily incidental and are actually subordinate thereto are permitted.
5. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

B. Minimum Requirements

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

C. In The Event of Conflict

It is not intended that these Regulations repeal, abrogate, annul or in any way impair or interfere with the provisions of any laws, regulations or ordinances, other than those specifically repealed by these Regulations. Where these Regulations impose restrictions upon land, buildings or structures, greater than is imposed by deed, covenant contract or other requirements, the provisions of these Regulations shall control.

Section 1.5. Conformity Required

A. Conformity Required

1. No building, structure or premises shall be erected, altered, raised, moved, placed, reconstructed, extended, enlarged, reduced, demolished, used, occupied, rented, leased, or sold, or shall any lot, parcel, tract or piece of land be used except in conformance with the regulations herein specified for the district, as shown on the official map referred to in Section 1.3, in which it is located.
2. No lot, parcel, tract or piece of land shall be divided, reduced or altered except in conformance with these Regulations.

Section 1.6. Administrative Provisions

A. Severability

Should any provision of these Regulations be declared unconstitutional or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

B. When Effective

These Regulations and any amendments hereto shall be effective from and after the effective date established by the Commission.

ARTICLE 2 - DEFINITIONS

Section 2.1. Use Of Terms

A. Definitions to be Applied

In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.

B. Specific Terms

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
    a. Words in the present tense include the future and vice-versa.
    b. Words in the singular include the plural and vice-versa.
    c. Words in the masculine include the feminine and vice-versa.
4. The word “lot” shall include the word “plot”.
5. The word “structure” shall include the word “building”.
6. The words "zone", "zoning district", and "district" have the same meaning.
7. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
8. “Filed” shall mean “submitted” and vice-versa.
9. The word “use” and the word “used” refer to:
    a. any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and
    b. any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt, with the intention or design of using the same.

C. Terms Not Defined

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:

1. The State Building Code, as amended.
2. The Connecticut General Statutes, as amended.
3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
4. Black's Law Dictionary.
5. A comprehensive widely recognized and accepted dictionary.

Section 2.2. Defined Terms

ABANDONMENT – The relinquishment of property, or a cessation of the use of the property, by owner with the intention neither of transferring rights of the property to another owner nor of resuming the use of the property.

ABUT – to physically touch or border upon or to share a common property line. See "adjoining lot or and" and "contiguous".

ACCESS – A way or means of approach to provide physical entrance to a property.

ACCESSORY– Subordinate and customarily incidental to a principal building or principal use on the same property.

ACCESSORY DWELLING UNIT- A dwelling unit with bedroom, kitchen and bathroom facilities created on a building lot that is separate and detached from the principal structure. See "Dwelling, Attached" and "Dwelling, Detached."

ACCESSORY STRUCTURE – A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE – A use customarily incidental to the principal use of a building, lot or land, or part thereof.

ACTIVE ADULT – See Section 8.5.

ADDITION – A structure added to the original structure at some time after the completion of the original.

ADJOINING LOT OR LAND – a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. See "abut" and "contiguous".

ADVERTISING DISPLAY – See "sign".

AGENT - An individual or group specifically authorized to act on behalf of or in the place of that individual or group giving such authorization. Proof of such specific authorization shall be supplied to the Commission and/or administrative staff in all matters as they relate to these Regulations.

AGRICULTURE – the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and dairy products; fur animals; trees and forest products; fruits of all kinds, including grapes , nuts and berries: vegetables.

AISLE – The traveled way by which cars enter and depart parking spaces.

ALTERATION – See Alteration of Building or Structure.

ALTERATION OF BUILDING OR STRUCTURE – Any change in supporting members of a building, except such change as may be required for its safety; any enlargement to a building; or removal of a building from one location to another. Ordinary repairs shall not be deemed to constitute alterations.

ANTENNA - Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

APARTMENT - One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

APPROVED PLAN – A plan which has been granted final approval by the appropriate approving authority.

AQUIFER - A geological unit in which porous and permeable conditions exist and thus capable of yielding usable amounts of water.

AREA OF PRINCIPAL BUILDING – The horizontal area measured around the outside of the foundation walls and of the floors of roofed porches and roofed terraces inclusive.

ASSISTED LIVING FOR THE ELDERLY – See Section 8.5.

ATTIC – That part of a building which is immediately below and wholly or partly within the roof framing. See "story, half".

AUTOMOBILE – A self-propelled free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.

AUTOMOBILE REPAIR - See "motor vehicle repair shop."

AUTOMOBILE WRECKING YARD – See "junkyard."

AWNING – A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BASE FLOOD ELEVATION – The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

BASEMENT - A space having ½ or more of its floor-to-ceiling height of not less than 61/2 feet.

BED AND BREAKFAST – an owner occupied dwelling, having 3 or less guest rooms without separate kitchen facilities, in which overnight accommodations and breakfast are provided to travelers for a fee and for not more than 14 days.

BERM – a mound of earth or the act of pushing earth into a mound.

BILLBOARD – See "sign, billboard."

BOARD OF APPEALS – The Zoning Board of Appeals of the Town of East Hampton.

BUFFER STRIP - Land area used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

BUILDABLE AREA – The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met.

BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING, ACCESSORY – A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

BUILDING HEIGHT – The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof. See "height."

BUILDING LINE – A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located. See "setback line."

BUILDING PERMIT – Written permission issued by the proper municipal authority for the construction, repair, alteration or addition of a structure.

BUILDING, PRINCIPAL – A building in which is conducted the principal use of the lot on which it is located.

BUSINESS SIGN – See "sign, business."

CAMPGROUND - An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural outdoor character. (See Section 8.4.F, Commercial Recreation)

CARRY-OUT RESTAURANT – An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.

CELLAR – A space with less than ½ of its floor-to-ceiling height above the average finished grade of the adjoining ground or with floor-to-ceiling height of less than 6 ½ feet.

CERTIFICATE OF COMPLIANCE – A document issued by the proper authority that the plans for a proposed use meets all applicable codes and regulations.

CERTIFICATE OF OCCUPANCY - A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

CHANGE OF USE – Any use which substantially differs from the previous use of a building or land.

CHILD-CARE CENTER – A private establishment enrolling four or more children between two and five years of age and where tuition, fees or other forms of compensation for the care of the children is charged and which is licensed or approved to operate as a child-care center.

CHIMNEY – a structure containing one or more flues for drawing off emissions from stationary sources of combustion.

CHURCH – A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

CLUB – A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

COMMERCIAL USE - Activity carried out for a pecuniary gain.

COMMERCIAL VEHICLE – Any motor vehicle licensed by the state as a commercial vehicle.

COMMISSION – The East Hampton Planning and Zoning Commission.

COMMON ELEMENTS – Land amenities, parts of buildings, central services and utilities and any other elements and facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

COMMON INTEREST FACILITIES – A structure within, or part of, the common elements.

CONGREGATE HOUSING – See Section 8.5.

CONDOMINIUM – A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONDOMINIUM ASSOCIATION - The community association which administers and maintains the common property and common elements of a condominium.

CONSERVATION EASEMENT - An easement granting a right of interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife.

CONTIGUOUS – Next to abutting or touching and having a boundary or portion thereof which is coterminous. See "abut" and "adjoining lot or land."

CONVALESCING HOME – See "health care facility."

CONVENIENCE STORE – Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 2,000 square feet.

COUNTRY INN - an owner occupied or managed building providing short term rentals of not more than 14 guest rooms, with a maximum of two persons per room, without separate kitchen facilities, in which overnight accommodations and meals may be provided for a fee for not more than 30 days.

CURB CUT - The opening along the curb line at which point vehicles may enter or leave the roadway.

DAY CARE CENTER/DAY NURSERY – See "child-care center."

DENSITY – The number of families, individuals, dwelling units or housing structures per unit of land.

DEVELOPMENT - Any construction or grading activities to improved or unimproved real estate.

DRAINAGE AREA – That area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream.

DRIVE-IN RESTAURANT – A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

DRIVEWAY - A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

DUPLEX – See "dwelling, two-family."

DWELLING – A structure or portion thereof which is used exclusively for human habitation.

DWELLING, ATTACHED - A one-family dwelling attached to two or more one-family dwelling by common vertical walls.

DWELLING, DETACHED – A dwelling which is not attached to any other dwelling by any means.

DWELLING, MULTI-FAMILY – A dwelling containing more than two dwelling units.

DWELLING, SINGLE-FAMILY – A building containing one dwelling unit.

DWELLING, SINGLE-FAMILY DETACHED – A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. See "dwelling, detached."

DWELLING, TOWNHOUSE – A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls.

DWELLING, TWO FAMILY - A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT – One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. See "housing unit."

DWELLING UNIT, EFFICIENCY - A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities.

EASEMENT – A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EASEMENT, CONSERVATION – An easement precluding future or additional development of the land.

EASEMENT, DRAINAGE – An easement required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

EAVE – The projecting lower edges of a roof overhanging the wall of a building.

EFFICIENCY UNIT – See "dwelling unit, efficiency."

ELDERLY OCCUPANCY – See Section 8.5.

ENCROACHMENT – Any obstruction in delineated floodway, right-of-way or adjacent land.

ENLARGEMENT - An increase in the size of an existing structure.

EROSION - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EROSION AND SEDIMENTATION CONTROL - (See Section7.7 for Erosion & Sedimentation Control definitions.)

EXISTING GRADE OR ELEVATION – The vertical location of the ground surface prior to excavating or filling.

EXISTING USE - The use of a lot or structure at the time of the enactment of a zoning ordinance.

EXTERIOR WALL - Any wall which defines the exterior boundaries of a building or structure.

FACADE – The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FACTORY – A building in which semifinished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated or processed.

FAMILY – One or more individuals occupying a dwelling unit and living as a single household unit.

FARM - A tract of land primarily used for agricultural uses. (See Agriculture)

FAST-FOOD RESTAURANT - An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to –consume state for consumption either within the restaurant building or off premises.

FENCE - Any artificially constructed barrier of any material or combination of materials erected, above grade, to enclose or screen areas of land. Any fence exceeding seven (7) feet in height shall require a building permit before it is installed, and must meet the building setback requirements for the zone in which it is located. (Effective: August 24, 2007)

FINAL APPROVAL – The last official action of the Planning and Zoning Commission taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, and the required improvements have been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.

FINANCIAL GUARANTEE – Any security that may be accepted by a municipality as a guarantee that improvements required as part of an application for development are satisfactorily completed (i.e. cash, irrevocable letter of credit, or surety bond).

FLAG LOT – A lot fronting on or abutting a public road and where access to the public road is by an access strip at least 25' wide (see Sec .8.3.F)

FLEA MARKET – An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOATING ZONE – An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

FLOOD RELATED DEFINITIONS – See Section 3.5 of these Regulations for definitions related to flooding and floodplain related activities.

FLOOR AREA, GROSS – The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

FRATERNAL ORGANIZATION - A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

FRONTAGE – That side of a lot abutting on a street; the front lot line.

FRONT LOT LINE – See "lot line, front."

FRONT YARD – See "yard, front."

FUNERAL HOME – A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE – A deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GLARE – The effect produced by brightness sufficient to cause annoyance, discomfort or loss I visual performance and visibility.

GRADE – The degree of rise or descent of a sloping surface.

GRADE, FINISHED - The final elevation of the ground surface after development. See "finished elevation."

GRADE, NATURAL – The elevation of the ground surface in its natural stated, before man-made alterations.

GROSS FLOOR AREA - See "floor area, gross."

GROUND COVERAGE – See "lot coverage."

GROUND FLOOR – The first floor or a building other than a cellar or basement.

HALF STORY – See "story, half."

HEALTH CARE FACILITY – A medical facility where medical services are dispensed, practiced, or administered (i.e. nursing homes, convalescing homes, doctors' offices, rehabilitation facilities).

HEIGHT – The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure. See "building height."

HISTORIC BUILDING – Any building or structure which is historically or architecturally significant.

HISTORIC PRESERVATION - The protection, rehabilitation and restoration of the district sites, buildings, structures and artifacts significant in American history, architecture, archaeology or culture.

HOME OCCUPATION - An occupation, profession, activity or use that is clearly a customary, secondary and incidental use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood (effective July 8, 2006).

HOME PROFESSIONAL OFFICE – A home occupation consisting of the office of a practitioner of a recognized profession, provided that not more than two persons are employed who are not members of the family, and that such office shall be in the main building only and shall not occupy more than the equivalent of 50% of the area of the first floor of the principal building. For the purpose of this definition, a "teacher" shall be restricted to a person giving individual instruction in a musical instrument, in singing or in

academic or scientific subjects to a single pupil at a time. A home professional office shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Dancing instruction, band instrument or voice instruction in groups, tea rooms, tourist homes, beauty parlors, barber shops, hairdressing and manicuring establishments, real estate offices, convalescent homes, mortuary establishments, travel agencies and stores, trades or businesses of any kind not herein excepted shall not be deemed to be home professional office.

HOSPITAL - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOTEL – A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreation facilities. See "boarding house," "motel," and "tourist home."

HOUSEHOLD – A family living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

HOUSING FOR THE ELDERLY - See Section 8.5.

HOUSING UNIT – A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate toilet and kitchen facilities. See "dwelling unit."

IMPERVIOUS COVERAGE – Total area of impervious surface.

IMPERVIOUS SURFACE – Any permanent material which reduces and prevents absorption of stormwater into the underlying ground.

INGRESS – Access or entry.

INSTITUTIONAL USE – A nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital or municipally owned or operated building, structure or land used for public purpose.

ISLAND - A land area totally surrounded by water.

ISLAND, PARKING - In parking lot design, built-up structures, usually curbed, place at the end of parking rows as a guide to traffic and also used for landscaping, signing or lighting.

JUNK – Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use in disposition.

JUNKYARD – Any area, lot, land, parcel, building or structure or part thereof used for storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

KENNEL - An establishment in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

LAND SURVEYOR – One who is licensed by the state as a land surveyor and is qualified to make accurate field measurements and mark, describe and define land boundaries.

LANDSCAPE – An expanse of natural scenery; or the addition of lawns, trees, plants and other natural and decorative features to land.

LEASE – A contractual agreement for the use of lands, structures, buildings or parts thereof for a fixed time and consideration.

LIGHT INDUSTRY – Any operation which assembles, improves, treats, compounds or packages goods or material in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, which does not require outside storage of goods or materials, and which does not generate (in the opinion of the Planning and Zoning Commission) objectionable amounts of truck traffic (effective July 8, 2006).

LIGHTING – See Section 7.3.

LOADING SPACE - An off-street or berth used for the loading or unloading of commercial vehicles.

LOT – A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

LOT AREA – The total area within the lot lines of a lot, excluding and street rights-of way.

LOT, CORNER – A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. For the purposes of these Regulations, corner lots shall be required to have two fronts and two sides when considering setbacks and yard dimensions. Corner lots shall be required to have required frontage on both streets.

LOT COVERAGE – See Impervious Coverage.

LOT DEPTH - The distance measured from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE - See "lot, through."

LOT FRONTAGE – The length of the front lot line measured at the street right-of-way line.

LOT LINE - A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT - The lot line separating a lot from a street right-of-way. The lot line or lines most parallel to the street accessed by the lot shall be considered the front line for the purpose of computing setbacks.

LOT LINE, REAR – The lot line opposite and most distant from the front lot line or, in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE – Any lot line other than a front or rear lot line.

LOT, MINIMUM AREA OF – The smallest lot area established by the Zoning Regulations on which a use or structure may be located in a particular district.

LOT OF RECORD – A lot which exists as shown or which is described on a plat or deed in the records of the East Hampton Town Clerk.

LOT WIDTH – The horizontal distance between the side lines of a lot measured at the minimum required building setback line.

MAINTENANCE BOND - Surety provided to the Town, for the purpose of ensuring that public improvements are viable for a period of one year after approval and acceptance by the Town of such improvements.

MALL, PEDESTRIAN - A shaded walk or public promenade;

MANUFACTURING – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of components parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins or liquors.

MOBILE HOME – A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent foundation when connected to the required utilities.

MOBILE HOME PARK – A site with required improvements and utilities for the long term parking of mobile homes which may include services and facilities for the residents.

MOTEL – As establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

MOTOR FREIGHT TERMINAL – A building or area in which trucks, including tractor or trailer units, are parked, stored or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

MOTOR VEHICLE REPAIR SHOP – Any building, place or location that is used or designed to be used for making repairs to motor vehicles by a "repairer," as defined in chapter 245, Section 14-51, of the General Statutes, as amended.

MULTIFAMILY DWELLING – See "dwelling, multifamily."

NATURAL GRADE – See "grade, natural."

NON-CONFORMING LOT – A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Regulations, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING SIGN – Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Regulations.

NON-CONFORMING STRUCTURE OR BUILDING – A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning regulation but which fails, be reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NON-CONFORMING USE – A use or activity which was lawful prior to the adoption, revision or amendment of a zoning regulation but which fails , by reason of such adoption, revision or amendment to conform to the present requirement of the zoning district.

NURSERY SCHOOL – See “child-care center.”

NURSING HOME – See “health care facility.”

OFFICE – A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

OFF SITE – located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or within a contiguous portion of a street or other right-of-way.

OFF-STREET PARKING SPACE – a temporary storage area for a motor vehicle that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way.

ON SITE – Located on the lot that is the subject of an application for development.

ON-STREET PARKING SPACE – A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

PARAPET – The extension of the main walls of a building above the roof level.

PARCEL – A lot or tract of land.

PARKING AREA – Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets. See “garage.”

PARKING AREA, PRIVATE – A parking area for the private use of the owners or occupants of the lot on which the parking area is located.

PARKING AREA, PUBLIC – A parking area available to the public, with or without compensation, or used to accommodate clients, customers or employees.

PARKING ISLAND – See “island, parking.”

PARKING LOT – An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. See “garages” and “parking area.”

PARKING SPACE - A space for the parking of a motor vehicle within a public or private parking area. See “off-street parking space” and “on-street parking space.”

PATH – A cleared way for pedestrians and/or bicycles which may or may not be paved.

PATIO – See “terrace.”

PEDESTRIAN MALL – See “mall, pedestrian.”

PERIMETER – The boundaries or borders of a lot, tract or parcel of land.

PERMITTED USE - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSONAL SERVICES- Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PERVIOUS SURFACE - Any material that permits full or partial absorption of storm water into the underlying ground.

PLOT - A single unit parcel of land that can be identified and referenced to a recorded plat or map.

PLOT PLAN - A plan, accurately depicting the dimensions of a lot and the existing uses and buildings thereon. Plot plans shall be prepared to a level of accuracy in compliance with A2 standards unless specifically allowed by designated agencies requiring such plan(s).

PORCH – A roofed open area which may be glazed or screened, usually attached to or part of and with direct access to or from a building.

PREMISES – A lot, parcel, tract or plot of land together with the buildings and structures thereon.

PRINCIPAL– The primary or predominate use, activity, or structure existing or being undertaken.

PRINCIPAL BUILDING – See "building, principal."

PRINCIPAL USE – The primary or predominate use of any lot.

PROFESSIONAL OFFICE - The office of a member of a recognized profession maintained for the conduct of that profession. See "home professional office."

PROPERTY LINES – See "lot line."

PUBLIC UTILITY – A closely regulated private enterprise with an exclusive franchise for providing a public service.

PUBLIC UTILITY FACILITIES – Telephone, electric and cable television lines, poles equipment and structures; water or gas pipes, mains, valves or structures: sewer pipes, valves or structures, pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or public utility.

REAR LOT – See Flag Lot.

REAR YARD – See "yard, rear."

RECREATION, ACTIVE – Leisure time activities, usually of a more formal nature and performed with others. Often requiring equipment and taking place at prescribed places, sites or fields.

RECREATION FACILITY – A place designed and equipped for the conduct of sports, leisure-time activities and other customary and usual recreational activities.

RECREATION, PASSIVE - Any leisure-time activity not considered active.

RELIGIOUS USE - A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

REPAIR GARAGE – See "motor vehicle repair shop."

RESIDENTIAL DENSITY – The number of dwelling units per acre of residential land.

RESTAURANT – An establishment where food and drink are prepared, served and consumed primarily within the principal building. See "carry-out restaurant," "drive-in restaurant," "fast-food restaurant" and "retail food establishment."

RETAIL FOOD ESTABLISHMENT – Any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale or for service with or without charge on or at the premises or elsewhere.

RETAIL SERVICES – See "services, retail."

RETAINING WALL – A structure constructed to hold back or support an earthen bank.

REUSE – A use for an existing building or parcel of land other than for which it was originally intended.

REZONE – To change the zoning classification of particular lots or parcels of land.

RIDING ACADEMY – An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.

ROAD – See "street."

ROOF – The outside top covering of a building.

ROOF, FLAT – A roof which is not pitched and the surface of which is parallel to the ground.

ROOF, GABLE – A ridged roof forming a gable at both ends of the building.

ROOF, GAMBREL - A gabled roof with two slopes on each side, the lower steeper than the upper.

ROOF, HIP – A roof with sloping ends and sides.

ROOF, MANSARD – A roof with two slopes on each of four sides, the lower steeper than upper.

ROOF, SHED – A roof with one slope.

SCHOOL – A public, private, or vocational institution for education.

SCREENING - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation: or

SERVICES – Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations including hotels and other lodging places; establishments providing personal, business, repair and amusement services; health, legal, engineering and other professional services; educational institutions; membership organizations, and other miscellaneous services.

SERVICES, RETAIL– Establishments providing services or entertainment, as opposed to products, to the general public including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

SETBACK – The distance between the street right-of –way line and the front line of a building or any project thereof, excluding uncovered steps.

SETBACK LINE – That line that is the required minimum distance from the street right-of –way line or any other line that establishes the area within which the principal structure must be erected or placed. See "building line."

SHOPPING CENTER – A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic consideration and protection from the elements.

SIDE YARD – See "yard, side."

SIDEWALK – A paved, surface or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIGN – Any object, devise, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbol, fixtures, colors, illumination or projected images.

SIGN AREA – The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SIGN, DIRECTIONAL – Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit."

SIGN, GROUND – Any sign placed upon or supported by the ground independent of any other structure.

SIGN, REAL ESTATE – A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

SIGN, TEMPORARY – A sign or advertising display designed or intended to be displayed for a short period of time.

SIGN, WALL – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign.

SIGN, WINDOW – A sign that is applied to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior or the structure through a window.

SINGLE-FAMILY DWELLING - See "dwelling, single–family."

SITE – Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN – The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, mashes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SLOPE – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. See "grade."

SOLID WASTE – Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

SPECIAL PERMIT – An approval process whereby the Commission may allow a use or activity in a particular location upon the applicant demonstrating that such use will conform to all applicable criteria and standards as specified in these Regulations.

STEEP SLOPE – Land areas where the slope exceeds 20%.

STORM SEWER – A conduit that collects and transports runoff.

STORY – That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

STORY, HALF – A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

STREET – Any vehicular way which is an existing state, county or municipal roadway; or is shown upon a plat approved pursuant to law; or is approved by other official action: or is shown on a plat duly filed and recorded in the office of the county Recording Officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats: and includes the land between the street lines, whether improved or unimproved.

STREET, ARTERIAL - A street which provides for traffic flow and capacity between communities and regions.

STREET, COLLECTOR – Street which collects traffic from local streets and connects with arterial streets.

STREET FURNITURE – Man-made, above-ground items that are usually found in street rights-of-way, including benches, plants, canopies, shelters and phone booths.

STREET LINE - See "right-of-way lines."

STREET, LOCAL – A street designed to provide vehicular access to abutting property and to discourage through traffic.

STRUCTURE – A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water. See "building"

SUBDIVISION – The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

SURVEY - The process of precisely ascertaining the area, dimensions and location of piece of land.

SWIMMING POOL - A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land or an above-surface pool, having a depth of more than thirty inches, designed, used and maintained for swimming and bathing.

TEMPORARY HEALTH CARE STRUCTURE – A transportable residential structure that provides an environment in which a caregiver may provide care for a mentally or physically impaired person as defined in Public Act 17-155.

THEATER - A building or part of a building devoted to showing motion picture or for dramatic, musical or live performances.

TOPOGRAPHY - The configuration of a surface area showing relative elevations.

TOURIST HOME – See "bed-and-breakfast."

TRACT – An area, parcel, site, piece of land or property which is the subject of a development application.

TRANSITIONAL USE- A land use of an intermediate intensity between a more intensive and less intensive use.

TRIP – A single or one-way vehicle movement either to or from a subject property or study area.

UNDEVELOPED LAND – Land in its natural state before development.

UPPER CONNECTICUT RIVER CONSERVATION ZONE - Area of East Hampton, shown on the Zoning Map, under the authority of the Connecticut River Assembly with regard to certain development rights as described by Connecticut General Statutes Sec. S 25-102aa. - S25-102jj.

USE – The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

USE, ACCESSORY – See "accessory use."

USE, EXISTING – See "existing use."

USE, INSTITUTIONAL – See "institutional use."

USE, PERMITTED – See "permitted use."

USE, PRINCIPAL – See "principal use."

USE, RELIGIOUS – See "religious use."

USE, TRANSITIONAL – See "transitional use."

VARIANCE – Permission to depart from the literal requirements of the Zoning Regulations.

WAREHOUSE – A building used primarily for the storage of goods and materials.

WATERCOURSE – As defined in Section 22a-38 of the Connecticut General Statutes (Chapter 440).

WATERSHED – The area drained by a given stream, river or lake.

WETLANDS – As defined in Section 22a-38 of the Connecticut General Statutes (Chapter 440).

YARD – An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning regulation. See "buildable area," "lot line," "yard depth" and "yard line."

YARD DEPTH – The shortest distance between a lot line and a yard line.

YARD, FRONT – A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the ordinance.

YARD LINE – A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

YARD, REAR – A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed front eh ground upward except as may be permitted elsewhere in the ordinance.

YARD, REQUIRED – The open space between a lot line and the buildable area within which no structure shall be located except as provided in the Zoning Regulations.

YARD, SIDE – A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the ordinance.

ZONING BOARD OF APPEALS – See "board of appeals."

ZONING Certificate of Approval – A document signed by the Zoning Enforcement Officer which is required as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the Zoning Regulations or an authorized variance therefrom.

ARTICLE 3 - RESOURCE PROTECTION ZONES

Section 3.1. Lake Pocotopaug Protection Zone

A. Purpose

This regulation is intended to provide special protection to all land included in the watershed of Lake Pocotopaug and to help reduce the negative environmental effects of development within the watershed area.

B. Scope

1. All uses within the Lake Pocotopaug Protection Zone requiring Subdivision, Site Plan or Special Permit approval shall be subject to this regulation.
2. A public hearing will be required for all applications under this Section.
3. All proposals shall show that specific and adequate measures have been taken to.
    a. Reduce erosion and sedimentation during and after construction.
    b. Promote the removal of sediments and nutrients in stormwater.
    c. Limit the area of disturbance.
    d. Avoid slopes in excess of 20%.
    e. Protect native vegetation.
    f. Ensure that post development peak rates and volume of stormwater runoff do not exceed predevelopment levels.
    g. Promote infiltration of stormwater.
    h. Protect native wildlife.
    i. Provide adequate open space.
    j. Reduce the effort required to maintain systems proposed, (road drainage, septic systems, landscaping, etc.) to increase the likelihood of proper maintenance.
    k. Ensure that the proposed development is compatible with the surrounding area.
    l. Preserve scenic ridgelines and other natural features.
4. The following are some techniques recommended in the design of proposals in this zone.
    a. Use of slotted or perforated pipe.
    b. Use of vegetated swales in lieu of piped drainage.
    c. Use of stormwater recharge basins.
    d. Treatment of first flush. Systems should be capable of treating the first 1" runoff.
    e. Use of Universal Soil Loss equation.
    f. Environmental Impact Statements.
    g. Use of porous pavements.
    h. Use of check dams energy dissipaters.
    i. Use of bioengineered mulches, mats and rolls.
    j. Avoidance of steep slopes.
    k. Referral of proposal to SCS, DEEP, etc.
    l. Investigation of native wildlife.
    m. Recreational impacts statement.
    n. Rationale for open space proposed.
    o. Use of phasing to minimize disturbed area.
    p. Use of contract limit lines (plans & field).

C. Additional Requirements.

1. All proposals within the Lake Pocotopaug Protection Zone shall be subject to all provisions of Section 9.1 (Site Plan), Section 9.2 (Special Permit), or Subdivision, as applicable, and all relevant regulations, codes and laws. (Effective: October 15, 2007)
2. The Commission may request any such information it deems necessary to make their determination regarding any application, in addition to and exclusive of materials submitted to the Inland Wetlands and Watercourses Agency and the Conservation Commission, or any other review entity. (Effective: September 1, 1996).
3. In cases where the Commission decides that the development may have significant impact on Lake Pocotopaug, the applicant shall contact the Town Planner to make arrangements with the Town's Lake Consultant to review the proposed development and comment as to its effect on the lake.
    a. The cost of Consultant shall be paid by the Applicant.
    b. The consultant shall forward the report to the Town Planner who shall then forward it to the Planning and Zoning Commission. (Effective: May 19, 2007).

Section 3.2. Upper Connecticut Conservation Zone

A. Purpose

This regulation is intended to provide special protection to all land located within in Upper Connecticut River Conservation Zone and to help reduce the negative environmental effects of development within that area.

B. Referral of Land Use Applications

1. Whenever the East Hampton Planning and Zoning Commission receives an application for any of the following land uses for land that is located within the Upper Connecticut River Conservation Zone, the Commission shall forward a copy of the application to the Connecticut River Assembly (CGS Chapter 477) for information, review, comments, and recommendations:
    a. Business Uses: Any use of land for commercial, business, retail, or office use; or any combination thereof that requires a land area of more than seven and one-half (7.5) contiguous acres, a change of zone of more than seven and one-half contiguous acres, or a building floor area of more than 75,000 square feet.
    b. Industrial Uses: Any industrial or manufacturing use that requires a land area of more than ten (10) contiguous acres, a change of zone of more than ten (10) contiguous acres, or the employment of more than 250 employees.
    c. Residential Uses: Any residential use that requires more than 25 contiguous acres, a change of zone of more than 25 contiguous acres, or includes more than 50 dwelling units
    d. Municipal or Institutional Uses: Any municipal or institutional use that requires a land area of more than fifteen (15) contiguous acres.
    e. Public Service Uses: Any project that is submitted by a public service company for municipal approval and includes proposed land use of ten (10) acres or more.
    f. Parking Area: Any use having 100 or more parking spaces.
    g. Hazardous Waste Facilities: Any hazardous waste facility, as defined in Section 22a-115 of the General Statutes of Connecticut, as amended.
    h. Solid Waste Facilities: Any solid waste facility, as defined in Section 19-524a of the General Statutes of Connecticut, as amended.
    i. Petroleum Facilities: Any oil refinery or bulk fuel oil storage facility.
    j. Any bridge, dam or hydropower facility.
    k. Power Lines: Any electric transmission line of a design capacity of 69 kilovolts or more.
    l. Quarry Operations: Any soil and earth material removal operation involving 15,000 cubic yards of material or five (5) contiguous acres of land area.
2. The application shall be forwarded not later than 35 days before:
    a. a public hearing, if a public hearing is required or scheduled, or
    b. a decision is made on the application, if no public hearing is required or scheduled.

C. Assembly and Commission Action

1. The Assembly, upon receiving a copy of the application, may prepare and submit written comments concerning the regional impact of the proposed land use. The lack of comment by the Assembly shall not be considered in a negative or affirmative manner.
2. The Commission shall read any comments submitted by the Assembly into the record of any public hearing or public meeting held on the application.
3. Comments provided by the Assembly shall be advisory except that a two-thirds vote of all the members of the Commission shall be required to approve an application which has received a negative comment from the Assembly. (Effective date June 21, 2001)

Section 3.3. Aquifer Protection Overlay Zone

A. Purpose

The purpose of this regulation is to protect the aquifers likely to be used as the source of the Town's public water supply from the potentially adverse effects of development which might reduce both the quality and the quantity of this vital resource. This regulation exists to protect the health, safety and welfare of the citizens, both present and future, of the Town of East Hampton.

B. Establishment and Delineation of Boundary

The Aquifer Protection Area shall be all land so designated on the East Hampton Zoning Map, described in Section 1.3, and this area shall include primary and secondary recharge areas as measured from data established by the United States Geological Survey. This area may be revised by the Commission after a public hearing in accordance with Sec. 8-3 of the Connecticut General Statutes. Within the boundaries, as described above, no land shall be used, treated, sprayed or otherwise altered except in conformance with this Section and all other regulations applicable to such use.

C. Uses Permitted As Of Right

1. The following uses are permitted in the Aquifer Protection Area as of right.
    a. Single family dwellings in accordance with the applicable provisions of the zone in which they exist.
    b. Accessory uses and structures, incidental and subordinate to the primary single family use and in accordance with Section 8.3.I.
    c. Parking in accordance with Section 7.1.

D. Uses Permitted By Special Permit

1. The following uses are permitted in the Aquifer Protection Area as Special Permit Uses when specifically approved by the Commission in accordance with Section 9.2 and when consistent with the permitted uses found in these Regulations for the zone in which the parcel is located.
    a. Business offices
    b. Professional offices
    c. Retail stores
    d. Financial institutions
    e. Public utility structures
    f. Personal service shops
    g. Fire and Police Stations and other municipal uses and buildings
    h. Accessory uses incidental and subordinate to a permitted use in accordance with Section 8.3.I
    i. Parking in accordance with Section 7.1
    j. Signs in accordance with Section 7.2, for a permitted use, when carried out on the same premises.
2. In considering an application for a Special Permit under this regulation, the Commission shall evaluate the immediate and long range impact of the proposed use on the ground water and the possible effects of the proposed use upon the maintenance of safe and healthful conditions. In making such an evaluation, the Commission shall carefully consider such factors as:
    a. the amount and types of wastes to be generated and the efficacy of the disposal provisions,
    b. the capability of the land and water to sustain such use without degradation,
    c. the topography of the area as it relates to flooding and drainage, and
    d. the compatibility of the proposed use with the goals of the Commission with regard to land use.

3. The Planning and Zoning Commission, in approving an application for a Special Permit in the Aquifer Protection Area, may impose such reasonable restrictions concerning setbacks of buildings and structures, the cumulative quantity of potential pollutants to be permitted in the Aquifer Protection Area, and like matters as it deems advisable to protect its resources.

E. Special Provisions

1. On-site sanitary waste discharge shall not exceed the equivalent discharge from one single family dwelling per two (2) acres.
2. Underground storage of fuels shall be prohibited.
3. All special permit uses under Section 3.3.D shall be served by public sewer.

Section 3.4. Salmon River Protection Zone

A. Purpose

The purpose of this regulation is to secure the immediate vicinity of the Salmon River as it courses within or touches upon the boundaries of the Town, from the detrimental effects of unsuitable development or intense land uses.

B. Delineation of Area

The Salmon River Protection Zone is as shown on the Zoning Map of the Town of East Hampton, as described in Section 1.3, and encompasses those areas bounded on the west by Young Street, Tartia and Wopowog Roads, on the north, by Markham Road, on the east by Route 16, Waterhole Road and the eastern Town border at Colchester, and on the south by the Town's border at Haddam, East Haddam and Colchester.

C. Special Provisions for the Salmon River Protection Zone

1. The minimum lot size shall be one hundred thousand (100,000) sq. ft. (effective date Jan. 12, 2004)
2. A five hundred (500') foot setback, measured from the high water line of the Salmon River, shall be maintained. Any development or use, including single family dwellings, in this five hundred (500') foot setback shall:
    a. be by Special Permit only,
    b. be allowed by Section 7.4, and
    c. be specifically approved by the Planning and Zoning Commission in accordance with Section 9.2.

D. Special Provisions

1. Development within five hundred (500') feet of the high water line of the Salmon River cannot contain land having slopes greater than twenty (20%) percent.
2. Driveways within five hundred (500') feet of the high water line of the Salmon River shall not exceed ten (10%) percent slopes.
3. Activity proposed within one hundred fifty (150') feet of wetlands and watercourses within this area regulated by this Section shall be by Special Permit only and in accordance with the Inland Wetlands and watercourses Regulations (effective date 12/6/03).

Section 3.5. Floodplain Overlay Zone

A. Statutory Authorization

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the East Hampton Planning & Zoning Commission of the Town of East Hampton, Connecticut, does ordain as follows:

B. Finding Of Fact

The flood hazard areas of the Town of East Hampton are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of East Hampton has voluntarily participated in the National Flood Insurance Program (NFIP) since October 16, 1979. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

C. Statement Of Purpose

It is the purpose of this regulation to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. To protect human life and health, and prevent damage to property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions and other economic disruptions;
5. To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
6. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
7. To insure that potential buyers are notified that property is in a flood hazard area;
8. To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;
9. To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
10. To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

D. Objectives

In order to accomplish its purposes, this regulation includes objectives, methods and provisions that:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

E. Definitions

The words defined below shall apply to this Section of the Regulations. Unless specifically defined below, words and phrases used in this Section of the Regulations shall have the same meaning as they have in common usage and to give this regulation its most reasonable application.

AREA OF SHALLOW FLOODING *(for a community with AO or AH Zones only)* - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD – The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

BASE FLOOD ELEVATION (BFE) – The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT – Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING – see definition for "Structure".

LOST – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial

improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).

FINISHED LIVING SPACE – Fully enclosed areas below the base flood elevation (BFE) that are not considered a basement cannot have finished living space and needs to be designed to be exposed to flood forces. These spaces can only to be used for parking, building access or limited storage. Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

FLOOD OR FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990 may also show the limits of the regulatory floodway.

FLOOD INSURANCE STUDY (FIS) – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

FUNCTIONALLY DEPENDENT USE OR FACILITY – A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

HIGHEST ADJACENT GRADE (HAG) – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE – Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 3.5.F.4.b.1 of this regulation**.**

MANUFACTURED HOME – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE – The market value of the structure shall be determined by (an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's Actual Cash Value) prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

MEAN SEA LEVEL (MSL) – The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION – Structures for which the "start of construction" commenced on or after October 16, 1979, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, October 16, 1979, of the floodplain management regulation adopted by the community.

RECREATIONAL VEHICLE – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations

(BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

START OF CONSTRUCTION – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; not does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

SUBSTANTIAL DAMAGE – Damage of <u>any</u> origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten (10) year period. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a “historic” structure, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

VARIANCE - A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

VIOLATION – Failure of a structure or other development to be fully compliant with the community’s floodplain management regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

F. Administration

1. **Designation Of The Local Administrator** - The Planning and Zoning Official is hereby appointed to administer, implement and enforce the provisions of this regulation.
2. **Certification** - Where required under this regulation, a Connecticut registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Planning and Zoning Official.
3. **Establishment Of The Flood Management Section Of The East Hampton Building and/or Zoning Certificate of Approval** - The flood management section of the East Hampton Building and/or Zoning approval must be completed in conformance with the provisions of this regulation prior to the commencement of any development activities. Permits issued under this regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.
4. **Permit Application Procedures** - A Building Permit and/or Zoning Certificate of Approval is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a Building Permit and/or Zoning Certificate of Approval shall be made to the Planning and Zoning Official on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Planning and Zoning Official:
    a. Application Stage: The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.
        1. Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100-year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;
        2. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;
        3. Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;
        4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;
        5. A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction;

6. Where applicable the following certifications by a Connecticut registered engineer or architect are required, and must be provided to the Planning and Zoning Official. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 3.5.H.
    a. Non-residential flood-proofing must meet the provisions of Section 3.5.H.3.2.b;
    b. Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 3.5.H.3.3;
    c. No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 3.5.H.3.c;

b. Construction Stage: Upon completion of the applicable portion of construction, the applicant shall provide verification to the Planning and Zoning Official of the following as is applicable:
    1. Lowest floor elevation shall be verified for:
        a. A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement);
        b. A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);
        c. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

5. **Duties And Responsibilities Of The Local Administrator** - Duties of the Planning and Zoning Official shall include, but not be limited to:
    a. Review all permit applications for completeness, particularly with the requirements of Section 3.5.H.
    b. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
    c. Review all development permits to assure that the permit requirements of this regulation have been satisfied.
    d. Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Stream Channel Encroachment Line (SCEL) Permit, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
    e. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.
    f. Notify the adjacent communities and the Department of Energy and Environmental Protection (DEEP), Land and Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
    g. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
    h. Obtain record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.
    i. Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been flood-proofed.
    j. When flood-proofing is utilized for a particular structure, the Planning and Zoning Official shall obtain certification from a registered professional engineer or architect, in accordance with Section 3.5.H.3.2.b.

k. Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Planning and Zoning Official shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.
l. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.
m. When base flood elevation data or floodway data have not been provided in accordance with Section 3.5.G and Section 3.5.H.2, the Planning and Zoning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of Section 3.5.
n. All records pertaining to the provisions of this regulation shall be obtained and maintained in the office of the Planning and Zoning Official.

Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Planning and Zoning Official demonstrating compliance with the approved plans and standards set forth in Section 3.5.

G. General Provisions

1. **Areas To Which This Regulation Applies** - This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of East Hampton.
2. **Basis For Establishing The Special Flood Hazard Areas (SFHA)** - The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the Town of East Hampton, dated August 28, 2008, and accompanying Flood Insurance Rate Maps (FIRM) and/or Flood Boundary and Floodway Maps (FBFM), dated August 28, 2008, and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.
3. **Delineation Of Special Flood Hazard Areas (SFHA)** - The SFHA includes any area shown on the FIRM as Zones A, A1-30, AE, AO, and AH, including areas designated as a floodway on a FIRM or FBFM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM, FBFM and FIS are on file in the Building, Planning & Zoning Department, Town of East Hampton Ct. 06424
4. **Structures Already In Compliance** - A structure or development already in compliance with this regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.
5. **Abrogation And Greater Restrictions** - This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. **Interpretation** - In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.

7. **Warning And Disclaimer Of Liability** - The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of East Hampton or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of East Hampton, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of East Hampton.
8. **Severability** - If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

H. Provisions For Flood Hazard Reduction

1. **General Standards** - In all Special Flood Hazard Areas (SFHAs) the following provisions are required:
    a. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.
    b. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot.
    c. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.
    d. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
    e. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.
    f. The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated one (1.0) foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below the BFE plus 1.0 foot elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations.
    g. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
    h. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

i. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

k. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 5.3. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.

l. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (DEEP), Land and Water Resources Division prior to any alteration or relocation of a watercourse.

m. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.

n. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., VE zone is more restrictive than AE zone; structure must be built to the highest BFE). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.

o. *Compensatory Storage*. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

p. *Equal Conveyance*. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

2. **Standards For Watercourses Without Established Base Flood Elevations (Un-Numbered A Zone), Adopted Floodways And/or Flood Mapping**

a. The Planning and Zoning Official shall require base flood elevation (BFE) data be provide with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). A registered professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient

detail to allow thorough review and approval. The Planning and Zoning Official shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Section 3.5.H.2.If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.

b. When BFEs have been determined within Zones A1-30 and AE on the community's FIRM but a regulatory floodway has not been designated, the Planning and Zoning Official must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

c. The Planning and Zoning Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

d. The Planning and Zoning Official shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 3.5.

e. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by Section 65.12.

3. **Specific Standards**

a. *Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE*.

1. Residential Construction - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

2. Non-Residential Construction - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

a. Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE); or

b. In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Connecticut registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this Section. Such

certification shall be provided to the Planning and Zoning Official on the FEMA Floodproofing Certificate, Form 81-65.

c. The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

3. Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings. All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections (a)-(h) below:

   a. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

   b. The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawlspace, must be set equal to the outside finished grade on at least one side of the building;

   c. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by an a registered professional engineer or approved by the Planning and Zoning Official;

   d. Openings shall not be less than three (3) inches in any direction in the plane of the wall;

   e. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;

   f. All interior walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and resistant to flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.

g. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers and dryers hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated one (1.0) foot above the BFE in the space, will subject the structure to increased flood insurance rates.

h. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 3.5.H.3.3 (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 3.5.H.3.3 (a)-(c) In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 3.5.H.3.2.

b. *<u>Manufactured (Mobile) Homes and Recreational Vehicles (RVs).</u>*

1. In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the frame is located one (1.0) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 3.5.H.3. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE24. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
2. All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
3. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
4. Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standard of Section 3.5 and the elevation and anchoring requirement of Section 3.5.H.3.b.1, 3.5.H.3.b.2, and 3.5.H.3.b.3 . A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

c. *<u>Floodways:</u>*

1. Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway

Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut licensed professional engineer is provided demonstrating that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24.

2. Fences in the floodway must be aligned with the flow and be of an open design.
3. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.

d. *Standards for Development in Areas of Shallow Flooding (Zones AO and AH)* - Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:

1. For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade.

2. For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:
   a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade; or
   b. Together with attendant utility and sanitary facilities be completely flood-proofed to above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the FIRM, or if no depth number is specified at least three (3.0) feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a Connecticut licensed professional engineer or architect.
3. On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.
4. Fully enclosed areas below the lowest floor in AO and AH Zones must comply with the provisions of Section 3.5.H.3.3 for hydraulic flood vents.

I. Design Standards For Subdivision Proposals

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
4. The Planning & Zoning Official shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section 3.5.F.5.I. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut licensed professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions. The Planning and Zoning Official shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section 3.5.I.

J. Variance Procedures

1. Establishment Of Variance Process

a. The Zoning Board of Appeals, as established by the Town of East Hampton, shall hear and decide appeals and requests for variances from the requirements of this regulation.
b. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Planning and Zoning Official in the enforcement or administration of this regulation.
c. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court of Middlesex County, as provided in Section 8-8 of the General Statutes of Connecticut.
d. The Planning and Zoning Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

2. Specific Situation Variances

a. *Buildings on a Historic Register* - Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this Section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
b. *Functionally Dependent Use or Facility* - Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety, and meets all the requirements of Section 9.5.C.
c. *Floodway Prohibition* - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. **Considerations For Granting Of Variances** - In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as 9.5.C. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.
   a. The danger that materials may be swept onto other lands to the injury of others;
   b. The danger to life and property due to flooding or erosion damage;
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   d. The importance of the services provided by the proposed facility to the community;
   e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

f. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
g. The compatibility of the proposed use with existing and anticipated development;
h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
i. The safety access to the property in times of flood for ordinary and emergency vehicles;
j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

4. Conditions For Variances

a. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.
b. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
c. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
d. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE) and the elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

K. Enforcement

1. Each Building Permit and/or Zoning Certificate of Approval shall authorize, as a condition of approval, the Planning and Zoning Official or designated agents to make regular inspections of the subject property. The Planning and Zoning Official or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.

2. If the Planning and Zoning Official finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which is in violation of these regulations, the Planning and Zoning Official shall:
    a. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either obtain a Building Permit and/or Zoning Certificate of Approval prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.
    b. Notify the Building Official and request that any building and or zoning Certificate of Approval(s) in force be revoked or suspended and that a stop work order be issued.
    c. The Planning and Zoning Official may suspend or revoke a Floodplain Development approval if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the approval or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any approval, the Planning and Zoning Official shall issue notice to the applicant, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
    d. Failure to comply with any written order issued under this Section shall be considered a violation of these regulations and is subject to the penalties described in Section 9.4.
    e. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Planning and Zoning Official may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 9.4 of this regulation, or may direct the director of public works or appropriate agent to cause such work to be done and to place a lien against the property.
    f. Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Planning and Zoning Official to the Zoning Board of Appeals, in accordance with Section 9.5 of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Planning and Zoning Official was in error or unwarranted.

L. Penalties For Violation

Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special permits, shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of $250.00 per day [or imprisoned for not more than ten (10) days for each day of violation, or both,] and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of East Hampton from taking such lawful action as is necessary to prevent or remedy any violation.

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ARTICLE 4 - RESIDENTIAL ZONES

Section 4.1. R-1 Zone – Lakeside and Village Residential

A. Purpose

The primary purpose of this zone is to provide for residential use in the most established areas of town, principally in and around the Town central areas and in the immediate vicinity of Lake Pocotopaug. This area encompasses the major portion of the Town with lot sizes less than one (1) acre.

B. Uses Permitted As-Of-Right

The following uses are permitted in the R-1 Zone as of right:

1. Detached single family dwellings.
2. Dwellings for two families in accordance with the provisions of Section 4.6.
3. Accessory uses and buildings incidental and subordinate to a permitted residential use (Accessory buildings shall comply with Section 8.3.I).
4. Keeping of domestic livestock in accordance with Section 8.4.C.
5. Parking in accordance with Section 7.1.
6. Signs in accordance with Section 7.2.
7. Agricultural uses as described in Section 8.4.C.
8. Temporary Health Care Structure in accordance with Section 4.6.D and Public Act 17-155.

C. Uses Permitted With Site Plan Review

The following uses are permitted in the R-1 Zone following site plan review as described in Section 9.1:

1. Buildings used for the storing, processing and manufacture of site grown agricultural products and livestock as an accessory use of a farm
2. Buildings used for the storage of farm equipment and motor vehicles, when such equipment and vehicles are used in connection with the operation of such farm

D. Uses Permitted With Special Permit

The following are Special Permit uses, permitted in the R-1 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 9.2:

1. Uses providing essential community services including, but not limited to the following:
    a. Fire or Police stations or other Municipal buildings
    b. Public Utility buildings, structures or utility substations.
    c. Schools.
    d. Parks, playgrounds or public recreation areas.
    e. Libraries, churches, museums or auditoriums.
    f. Cemeteries and their extensions.
    g. Hospitals.
2. Roadside stands for the seasonal sale of farm produce and products grown or produced on the parcel on which they stand. Such stands shall be located no closer than fifty (50') feet from any street or lot line.
3. Active Adult, congregate and Senior Housing, as defined and described in Section 8.5 (revised – effective date Dec. 6, 2003)
4. Commercial recreation as defined and described in Section 8.4.F.
5. Conversions of existing single family dwellings for use as two family dwellings in accordance with the provisions of Section 9.2 and the following requirements:
    a. Building must have been built prior to 1941.

b. The existing building must contain at least two thousand (2000) square feet of habitable space.
c. The proposal shall be such that no exterior evidence of multi-family use shall be visible.
d. All applications for approval shall include:
    1. Photographs of the existing building from all sides
    2. Plans and exterior details of proposed conversion
    3. Adequate parking in accordance with Section 7.1
    4. Adequate provisions for water supply and sewage disposal

6. Accessory Dwelling Units in accordance with Section 8.4.M.

E. Area and Dimensional Standards

	With Sewer	Without Sewer
Minimum Lot Area (square feet)	20,000	60,000
Minimum Lot Width (feet)	125	150
Minimum Lot Depth (feet)	125	200
Minimum Lot Frontage (feet)	100	100
Maximum Lot Coverage (percent)	20%	10%
Minimum Front Setback (feet)	25	50
Minimum Side Setback (feet)	15	25
Minimum Rear Setback (feet)	25	50
Maximum Building Height (feet)	30	30

Section 4.2. R-2 Zone – Single Family Residential

A. Purpose

The purpose of this zone is to provide primarily for single family residential uses in those areas of the Town which have been predominately developed with single family dwellings and to provide a transition of density between those areas which shall remain rural in nature, due to environmental and topographical concerns (R-3 and R-4) and those areas more densely settled (R-1 Zone).

B. Uses Permitted As-Of-Right

The following uses are permitted in the R-2 Zone as of right:

1. Detached Single family dwellings
2. Accessory uses and buildings incidental and subordinate to a permitted residential buildings shall comply with Section 8.3.I
3. Keeping of domestic livestock in accordance with Section 8.4.C
4. Parking in accordance with Section 7.1
5. Signs in accordance with Section 7.2
6. Agricultural uses as defined in Section 8.4.C
7. Temporary Health Care Structure in accordance with Section 4.6.D and Public Act 17-155.

C. Uses Permitted With Site Plan Review

The following uses are permitted in the R-2 Zone following site plan review as described in Section 9.1:

1. Buildings used for the storing, processing and manufacture of site grown agricultural products and livestock as an accessory use of a farm.
2. Buildings used for the storage of farm equipment and motor vehicles, when such equipment and vehicles are used in connection with the operation of such a farm.

D. Uses Permitted With Special Permit

The following are Special Permit uses, permitted in the R-2 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 9.2:

1. Uses providing essential community services including, but not limited to the following:
    a. Fire or Police stations or other Municipal buildings
    b. Public Utility buildings, structures or utility substations
    c. Public and Parochial schools
    d. Parks, playgrounds or public recreations areas
    e. Libraries, churches, museums or auditoriums
    f. Cemeteries and their extensions
    g. Hospitals.
2. Roadside stands for the seasonal sale of farm produce and products grown or produced on the parcel on which they stand. Such stands shall be located no closer than fifty (50') feet from any street or lot line.
3. Commercial recreation as defined and described in Section 8.4.F

E. Area and Dimensional Standards

	With Sewer	Without Sewer
Minimum Lot Area (square feet)	40,000	60,000
Minimum Lot Width (feet)	150	150
Minimum Lot Depth (feet)	175	200
Minimum Lot Frontage (feet)	100	100
Maximum Lot Coverage (percent)	10%	10%
Minimum Front Setback (feet)	50	50
Minimum Side Setback (feet)	25	25
Minimum Rear Setback (feet)	50	50
Maximum Building Height (feet)	30	30

Section 4.3. R-3 Zone – Resource Residential

A. Purpose

The purpose of this zone is to provide primarily for one and two family residences in those areas of Town associated with resources requiring preservation and/or protection. This zone is focused on major resources encompassing but not limited to:

1. The Pine Brook Aquifer area (See Also Sec. 8)
2. The north and west Lake Pocotopaug watershed areas not presently served by public sewer

B. Uses Permitted As-Of-Right

The following uses are permitted in the R-3 Zone as of right:

1. Detached single family dwelling units
2. Dwellings for two families in accordance with the provisions of Section 4.6.
3. Accessory uses and buildings incidental and subordinate to a permitted residential use (Accessory buildings shall comply with Section 8.3.I).
4. Keeping of domestic livestock in accordance with Section 8.4.C
5. Parking in accordance with Section 7.1
6. Signs in accordance with Section 7.2
7. Agricultural uses as defined in Section 8.4.C
8. Temporary Health Care Structure in accordance with Section 4.6.D and Public Act 17-155.

C. Uses Permitted With Site Plan Review

The following uses are permitted in the R-3 Zone following site plan review as described in Section 9.1:

1. Buildings used for the storing, processing, and manufacture of site grown agricultural products and livestock as an accessory use of a farm.
2. Buildings used for the storage of farm equipment and motor vehicles when such equipment and vehicles are used in connection with the operation of such farm.

D. Uses Permitted With Special Permit

The following are Special Permit uses, permitted in the R-3 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 9.2:

1. Uses providing essential community services including, but not limited to the following:
    a. Fire or Police stations or other Municipal buildings.
    b. Public utility buildings, structures or utility substations
    c. Public and Parochial schools
    d. Parks, playgrounds or public recreation areas
    e. Libraries, churches, museums or auditoriums
    f. Cemeteries and their extensions
    g. Hospitals
2. Roadside stands for the seasonal sale of farm produce and products grown or produced on the parcel on which they stand. Such stands shall be located no closer than fifty (50') feet from any street or lot line.
3. Commercial recreation as defined and described in Section 8.4.F.
4. Commercial kennels in accordance with Section 8.4.C.
5. Conversions of existing single family dwellings for use as two family dwelling in accordance with the provisions of Section 9.2 and the following requirements:
    a. Building must have been built prior to 1941.
    b. The existing building must contain at least two thousand (2000 square feet of habitable space

c. The proposal shall be such that no exterior evidence of multi-family use shall be visible
d. All applications for approval shall include:
    1. Photographs of the existing building from all sides
    2. Plans and exterior details of proposed conversion
    3. Adequate parking in accordance with Section 7.1
    4. Adequate provisions for water supply and sewage disposal

6. Accessory Dwelling Units in accordance with Section 8.4.M.

E. Area and Dimensional Standards

	With Sewer	Without Sewer
Minimum Lot Area (square feet)	45,000	65,000
Minimum Lot Width (feet)	150	150
Minimum Lot Depth (feet)	175	200
Minimum Lot Frontage (feet)	100	100
Maximum Lot Coverage (percent)	10%	10%
Minimum Front Setback (feet)	50	50
Minimum Side Setback (feet)	25	25
Minimum Rear Setback (feet)	50	50
Maximum Building Height (feet)	30	30

Section 4.4. R-4 Zone - Rural Residential

A. Purpose

The purpose of this zone is to provide primarily for single and two family residential uses in those areas of the Town which are expected to rely upon site septic disposal and individual wells for water supply. These areas are considered key to the maintenance of the rural character that defines much of the Town's historical and social identity.

B. Uses Permitted As-Of-Right

The following uses are permitted in the R-4 Zone as of right:

1. Detached single family dwellings
2. Dwellings for two families in accordance with the provisions of Section 4.6
3. Accessory uses and buildings incidental and subordinate to a permitted residential use (Accessory buildings shall comply with Section 8.3.I)
4. Keeping of domestic livestock in accordance with Section 8.4.C
5. Parking in accordance with Section 7.1
6. Signs in accordance with Section 7.2
7. Agricultural uses as defined in Section 8.4.C
8. Temporary Health Care Structure in accordance with Section 4.6.D and Public Act 17-155.

C. Uses Permitted With Site Plan Review

The following uses are permitted in the R-4 Zone following site plan review as described in Section 9.1:

1. Buildings used for the storing, processing and manufacture of site grown agricultural products and livestock as an accessory use of a farm
2. Buildings used for the storage of farm equipment and motor vehicles, when such equipment and vehicles are used in connection with the operation of such farm

D. Uses Permitted With Special Permit

The following are Special Permit uses, permitted in the R-4 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 9.2:

1. Uses providing essential community services including, but not limited to the following:
    a. Fire or Police stations or other Municipal buildings
    b. Public Utility buildings, structures or utility substations
    c. Public and Parochial schools
    d. Parks, playgrounds or public recreation areas
    e. Libraries, churches, museums or auditoriums
    f. Cemeteries and their extensions
    g. Hospitals
2. Roadside stands for the seasonal sale of farm produce and products grown or produced on the parcel on which they stand. Such stands shall be located no closer than fifty (50') feet from any street or lot line.
3. Commercial recreation as defined and described in Section 8.4.F
4. Commercial kennels in accordance with Section 8.4.C
5. Conversions of existing single family dwellings for use as two-family dwelling in accordance with the provisions of Section 9.2 and the following requirements:
    a. Building must have been built prior to 1941
    b. The existing building must contain at least two thousand (2000) square feet of habitable space
    c. The proposal shall be such that no exterior evidence of multi-family use shall be visible

d. All applications for approval shall include:
    1. Photographs of the existing building from all sides
    2. Plans and exterior details of proposed conversion
    3. Adequate parking in accordance with Section 7.1
    4. Adequate provisions for water supply and sewage disposal

6. Accessory Dwelling Units in accordance with Section 8.4.M.

E. Area and Dimensional Standards

	With Sewer	Without Sewer
Minimum Lot Area (square feet)	85,000	85,000
Minimum Lot Width (feet)	150	150
Minimum Lot Depth (feet)	200	200
Minimum Lot Frontage (feet)	100	100
Maximum Lot Coverage (percent)	10%	10%
Minimum Front Setback (feet)	50	50
Minimum Side Setback (feet)	25	25
Minimum Rear Setback (feet)	50	50
Maximum Building Height (feet)	30	30

Section 4.5. VHO Zone – Village Housing Overlay (Village District)

A. Purpose

The Village Housing Overlay Zone is intended to:

1. Create additional housing opportunities within East Hampton.
2. Promote the revitalization of East Hampton's historic village center area.
3. Promote appropriate building and site design in order to enhance the village center and surrounding neighborhoods.

B. Nature of Zone / Declaration of Village District.

1. The Village Housing Overlay Zone enables a property owner to apply for approval of a development using the provisions of this Section instead of those for the underlying zone.
2. The provisions of the Village Housing Overlay Zone are not mandatory for existing uses or new development in the underlying zone. A property owner would voluntarily choose to comply with these provisions when or if new development is proposed.
3. In the event of any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.
4. Due to the importance of design in maintaining and enhancing the character of the village center area, the Village Housing Overlay Zone is hereby declared to be a "village district" as authorized by CGS Section 8-2j.

C. Description of Sub-Districts.

Due to the diversity of existing buildings and uses in the Village Center and the desired development patterns in different parts of the village center, the Village Housing Overlay Zone consists of three (3) different sub-districts as reflected on the zoning map:

1. **Multi-Family** (VHOZ-M) – these areas contain existing mill buildings with potential for redevelopment and other areas with potential for development with multi-family buildings.
2. **Townhouse** (VHOZ-T) – these areas have the potential for redevelopment with residential townhouse development (a residential building consisting of three or more attached units in which each unit shares a wall extending from foundation to roof with the adjacent unit(s) and has exterior walls on at least two sides), often in areas near to Pocotopaug Brook.
3. **Duplex** (VHOZ-D) – these areas have the potential for development with duplex housing units designed to be compatible with the single-family units in adjacent residential neighborhoods.

D. Uses Permitted With Special Permit

The following uses are permitted in the various sub-districts subject to granting of a Special Permit by the Planning and Zoning Commission:

1. Multi-Family Sub-District	a. Multi-family residential development at up to 20 units / acre of developable land as defined in Section 6.3.B. b. Townhouse residential development at up to 10 units / acre of developable land as defined in Section 6.3.B. c. Public parking area. d. Private parking area. e. Municipal facility.
2. Townhouse Sub-District	a. Townhouse residential development at up to 10 units / acre of developable land as defined in Section 6.3.B. b. Private parking area. c. Municipal facility.
3. Duplex Sub-District	a. Duplex residential development (two-unit buildings) at up to 6 units / acre of developable land as defined in Section 6.3.B. b. Single-family residential units at up to 3 units / acre of developable land as defined in Section 6.3.B.

E. Area and Dimensional Standards

	Multi-Family	Townhouse	Duplex
Minimum lot area	Same as underlying zone	Same as underlying zone	14,520 SF
Minimum lot frontage	Same as underlying zone	Same as underlying zone	100 feet
Build-to-line *	10 feet along Summit Street, Main Street, Watrous Street, or Skinner Street	10 feet along Watrous Street	None
Minimum front setback *	25 feet where no build-to-line (See Above) required	10 feet for building 5 feet for open porch	25 feet for building 20 feet for open porch
Minimum side setback *	10 feet	10 feet	10 feet
Minimum rear setback *	20 feet	20 feet	20 feet
Maximum building height (stories)	3.5 stories	2.5 stories	2.5 stories
Maximum building height (feet)	45 feet to mid-height of roof	35 feet to mid-height of roof	35 feet to mid-height of roof
Maximum lot coverage	50 percent	35 percent	20 percent
Minimum percentage of affordable housing units	20%	20%	20%

* When desirable in order to address on-site constraints, enhance the village center and surrounding neighborhoods, and/or be consistent with the setbacks of nearby buildings, the setback standards may be modified or waived by the Commission as a Special Permit

F. Special Provisions

1. **Façade Width Requirement** - Unless modified by the Commission by Special Permit, buildings fronting along Summit Street, Main Street, Water Street, or Skinner Street shall have building faces (facades) which occupy at least 70 percent of the lot width.
2. **Housing Affordability Requirements**
    a. At least twenty percent (20%) of all dwelling units constructed in a development approved under this Section of the Regulations shall be deed-restricted to be affordable to and occupied by households earning 80 percent or less of the area median income for East Hampton, as determined and reported by the United States Department of Housing and Urban Development (HUD).
    b. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next higher whole number.
    c. Each such affordable unit shall be subject to a housing restriction acceptable to the Town Attorney and the Commission, which shall be recorded on the East Hampton Land Records and shall, at a minimum, include the following:
        1. An identification of the affordable housing units within the development.
        2. A requirement that such affordable unit shall only be occupied by a household earning 80 percent or less of the area median income for East Hampton, as determined and reported by the United States Department of Housing and Urban Development (HUD).
        3. A statement of whether the affordable units will, at the time of initial occupancy, be rented or owner-occupied.
        4. A statement of the method for determining the rental rate or sale price or resale price of an affordable housing unit at any point in time.
        5. A statement that the term of the deed restriction for each affordable unit shall be a minimum of forty (40) years from the date of first occupancy of that affordable unit.
    d. The applicant shall also prepare and submit a final "Housing Affordability Plan" in accordance with CGS § 8-30g, Section 8-30g-1 et seq. of the Regulations of Connecticut State Agencies and the "Housing Affordability Plan Requirements" as adopted by the policy of the Commission and as the same may be amended from time to time, including:
        1. The name and address of the proposed administrator of the deed restricted affordable units.
        2. Provision that the proposed administrator shall file an annual report to the Commission, in a form specified by the Commission, certifying compliance with the provisions of this Section.
3. **Additional Provisions.**
    a. All developments approved under this Section shall be served by public water and public sewer.
    b. An developments approved under this Section shall provide for parking as follows :
        1. Multi-family development - 1.75 spaces/dwelling unit
        2. Townhouse development - 2 spaces/dwelling unit
        3. Duplex development - 2 spaces/dwelling unit
    c. In the Multi-Family sub-district, off-street parking and loading shall not be located between buildings and a public street unless approved by the Commission and any parking area visible from a public street or public sidewalk, shall be screened with landscaping, walls, fencing, or combination thereof.
    d. Any developments proposed under this Section shall, unless modified by the Commission, construct or improve the sidewalks abutting the project site in order to enhance the pedestrian nature and character of the village center area.
    e. Any developments proposed under this Section shall, unless modified by the Commission, provide for and construct trails for public use within the project site (especially in areas adjacent to the Airline Trail, Pocotopaug Brook or other water features) in order to enhance the pedestrian nature and character of the village center area.

4. **Building Design and Construction Guidelines** - Since design of buildings and sites is an important part of enhancing the village center and surrounding areas, the quality of the overall design will be an important consideration as part of the granting of any Special Permit. In evaluating the quality of the overall design, the Commission will consider the following guidelines and the pictorial design guidelines on the following pages:
    a. *Overall Character*
        1. Proposed development projects should enhance the overall flavor of a historic New England mill village and, where appropriate, complement the scale and architecture of adjacent buildings.
        2. The design guidelines on the following pages shall be used as a reference for desirable characteristics of buildings and sites.
    b. *Building Placement*
        1. In general, new buildings shall be placed near to the public street and shall be oriented with the main façade parallel to the public street in order to strengthen the overall streetscape.
        2. The Commission may modify or waive this requirement when the applicant demonstrates that a greater setback or alternative orientation will enhance the overall flavor of a historic New England mill village and/or allow for the creation of a public amenity (such as a wider sidewalk, a public seating area, etc.).
    c. *Building Mass*
        1. Monolithic building forms shall be avoided through the use of variations in wall placement, color, texture and/or material and variations in the height of buildings or use of architectural features such as balconies, cornices, step-backs, or other articulating features.
    d. *Exterior Materials and Colors*
        1. Exterior building materials and their placement on a building shall be consistent with the overall flavor of a historic New England mill village.
    e. *Doorways and Windows*
        1. Recessed doorways are preferred. Where a recessed doorway is not used, an awning or similar architectural overhang shall be used.
        2. Adequate lighting for the doorway shall be incorporated into the design of the doorway.
        3. Windows should be taller than they are wide and windows on upper floors should not be larger than windows on lower floors.
        4. Windows should be inset from the exterior wall surface and shall have visually prominent sills, lintels, or other forms of architectural detailing to add visual relief to the wall.
    f. *Roofs and Mechanical Equipment*
        1. Roof forms should complement the principal building in terms of style, detailing, and materials.
        2. Roof overhangs (eaves and cornices) should be a minimum of two feet (2').
        3. Any mechanical equipment shall be screened from public view using landscaping, walls, fencing, parapets or other architectural elements, or combination thereof.

Design Guidelines - Single Family Dwellings

Favorable Design Treatments

Unfavorable Design Treatments

Design Elements Which Are Encouraged / Required

1.5 to 2.5 story buildings
Building comprised of distinct parts with smaller footprints
Articulated forms and facades
Rich architectural details (porches, eaves, shutters, columns, dormers, chimneys, trim, etc.)
Classically proportioned facades
Entrances face the street
Pitched roofs
Windows with vertical proportions
Strong relationship to street / sidewalk
Parking on-street or behind buildings

Discouraged Elements

1.0 story buildings
Monolithic forms
Flat facades
Limited architectural detailing
Plain facades
Flatter roofs
Windows with horizontal proportions
Weak relationship to street / sidewalk
Dominant garages / parking

Design Guidelines – Duplex / Townhouse Dwellings

Favorable Design Treatments

Duplex Dwellings

Townhouse Dwellings

Unfavorable Design Treatments

Design Elements Which Are Encouraged / Required

2.0 to 2.5 story buildings
Articulated forms and facades and materials
Good architectural details (porches, eaves, shutters, columns, dormers, chimneys, trim, etc.)
Well proportioned facades
Good building materials
Pitched roofs
Windows with vertical proportions
Strong relationship to street / sidewalk
Parking on-street or behind buildings
Single-family appearance for duplex buildings
Entrances face the street

Discouraged Elements

1.0 story buildings
Monolithic forms
Overly repetitive forms
Monotonous materials
Flat facades
Limited architectural detailing
Plain facades
Flatter roofs
Windows with horizontal proportions
Weak relationship to street / sidewalk
Dominant garages / parking
Entrances face parking areas

Design Guidelines – Multi-Family Dwellings and Mixed Use Buildings

Favorable Design Treatments

Multi-Family Dwellings

Mixed Use Buildings

Unfavorable Design Treatments

Design Elements Which Are Encouraged / Required

2.0 to 3.5 story buildings
Articulated forms and facades
Good architectural details (lintels, dormers, trim, etc.)
Classically proportioned facades
Entrances face the street
Adaptive re-use of historic buildings
Pitched roofs / flat roofs, deep cornices
Windows with vertical proportions
Strong relationship to street / sidewalk
Mixed use – strong glass presentation on first floor

Discouraged Elements

5.0+ story buildings
Monolithic forms
Flat facades
Limited architectural detailing
Plain facades
Windows with horizontal proportions
Weak relationship to street / sidewalk
Dominant parking

Section 4.6. Special Provisions For Residential Zones

A. Two Family Dwellings/Duplexes

For the purpose of maintaining a balance of density in the R-1, R-3 and R-4 Zones, lots created after October 28, 1987 on which two family dwellings/duplexes are constructed shall contain twice the minimum area and frontage specified for the applicable zone.

B. Display Or Storage Of Materials

In all Residential zones, the permanent display, exhibition or storage of merchandise, material, vehicles or articles for sale in the required front yard and side yard (revision effective 7/8/06) shall be prohibited and the storage of such materials behind the building line shall be covered or screened from the street.

C. Access Driveways

1. A single access driveway shall service no more than two (2) residences.
2. A waiver may be granted by the Commission by a vote of three-fourths of all the members of the Commission. In no case shall a waiver be granted for access to more than three (3) residences, in which case the shared portion of the driveway shall be a minimum of 22 feet in width and shall be paved.
3. The Commission shall not grant a waiver unless it finds, based upon evidence presented to it in each specific case that:
    a. The granting of the waiver will not have an adverse effect on adjacent property or on the public health or safety;
    b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other land in the area;
    c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the applicant would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out; and
    d. The waiver will not in any manner vary the provisions of the Zoning Regulations or the intent of the Plan of Conservation and Development.
4. A request for any waiver shall be submitted in writing by the applicant at the time of application acceptance by the Commission. The request shall state fully the grounds for the request and all of the facts relied upon by the applicant.
5. The Commission shall state upon its records the reason for which a waiver is granted in each case. In approving a waiver the Commission may require such conditions that will, in its judgment, substantially conform to the objectives of the standards or requirements of these Regulations. (Effective: August 24, 2007)

D. Temporary Health Care Structures

In addition to the requirements set forth in the Connecticut General Statutes and Public Act 17-155 (The Act) and in accordance with the Act, the following shall apply:

1. A bond shall be submitted in an amount determined by the Planning and Zoning Department not to exceed $50,000 in the form of either cash or a Letter of Credit to be held by the Town of East Hampton until the structure is removed.
2. The property owner shall submit, on the yearly anniversary date of the permit, written verification of compliance with this section and the Act.
3. The property owner shall allow the Town to inspect the unit upon request at reasonable hours.
4. Failure to adhere to any requirements in this regulation or in the Act will result in revocation of the permit requiring the structure to be removed.

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ARTICLE 5 - BUSINESS ZONES

Section 5.1. VC Zone – Village Center (Village District)

A. Purpose / Village District Declaration

The purpose of the Village Center Zone is to encourage and support a vibrant and successful village center area by providing for a mixture of compatible public and private uses subject to specific standards and controls appropriate to the intensity, scale, and overall character of the area while stressing pedestrian circulation and amenities.

The village center area possesses distinct historical, economic, and environmental characteristics which are embodied in intermixed residential, manufacturing, commercial and public uses and which differentiate it from other areas in East Hampton. Due to the importance of promoting good design and protecting and enhancing the distinctive character, landscape, and historic values in this area, the Village Center Zone is hereby declared to be a "village district" as authorized by CGS Section 8-2j and as recommended in the East Hampton Plan of Conservation and Development.

B. Uses Permitted With Site Plan Review

The following uses are permitted in the VC Zone upon approval by the Planning and Zoning Commission of a site plan in accordance with Section 9.1 and the Special Provisions set forth in this Section:

1. Retail store (drive-in windows are prohibited)
2. Medical office
3. Professional office
4. Business office
5. Personal service shop (drive-in windows are prohibited)
6. Financial institution (drive-in windows are prohibited)
7. Restaurant (drive-in windows are prohibited)
8. Club or fraternal organization
9. Day care
10. Place of worship
11. Business school, including, but not limited to, secretarial, data processing, real estate, accounting/tax, administration, management
12. Corporate office
13. Shop for custom or craft work which is deemed not to be industrial in nature
14. Wholesale sales office, sample room
15. Sign in accordance with Section 7.2

C. Uses Permitted With Special Permit

The following uses are permitted in the VC Zone as Special Permit Uses approved by the Planning and Zoning Commission in accordance with Section 9.2, following a public hearing.

1. Establishments for retail and sale of alcoholic liquor for consumption as limited by Section 8.4.B
2. Hotels, inns
3. Theaters, cinemas
4. Places of assembly for recreation, entertainment or amusement
5. Uses providing essential community service including, but not limited to, government buildings, park playground or recreational area, museums or auditoriums, community houses and parking lots

D. Area and Dimensional Standards

Minimum Lot Area (square feet)	20,000
Minimum Lot Width (feet)	100
Minimum Lot Depth (feet)	150
Minimum Lot Frontage (feet)	100
Maximum Lot Coverage (percent)	75%
Minimum Front Setback (feet) *	10
Maximum Front Setback (feet) *	20
Minimum Side Setback (feet) *	10
Minimum Rear Setback (feet) *	20
Maximum Building Height (feet) **	30

* The yard setback requirements may be waived by the Commission by a ¾ vote of the members present where the Commission deems a waiver would enhance the overall streetscape; reason for the waiver shall be made a part of the record.

** The maximum building height limitation may be waived by the Commission by a ¾ vote of the members present where the Commission deems a waiver would enhance the overall streetscape provided the reason for the waiver shall be made a part of the record.

See Section 3.3.E of these Regulations for possible exceptions to these standards.

E. Special Provisions for Residential Use

1. Apartments may, by Special Permit, be permitted on the second and third floors of buildings.
2. In addition to building and other applicable code requirements, the residential uses shall have unobstructed access to the outside, separate from any business activity.
3. The business building shall be served by public water supply and sanitary sewer as available.
4. Soundproofing shall be designed and installed to isolate the normal sounds of business activity from the apartments.
5. On-site parking standards as set forth in Section 7.1 shall be adhered to and such spaces shall be designated as resident parking or tenant parking.

F. Special Provisions Applicable to All Uses in the Village Center Zone

1. At least seventy-five (75%) percent of the gross floor area of the first floor of a building located in the VC Zone shall be devoted to retail stores, personal service shops, financial institutions, restaurants, or day care uses.
2. No building, driving lane, parking or loading shall be located within twenty-five (25') feet of a residential zone boundary. This area shall have existing or installed evergreen plantings or fencing to provide maximum screening of not less than five (5') feet in height at the time of installation. The Commission reserves the right to waive this by a three-quarters (3/4) vote of members present, and reasons for such waiving shall be made part of the record. The buffer width may not be decreased to less than half of the requirement.
3. The front yard, the side yard, and ten (10') feet of the rear yard shall be retained for landscape or pedestrian amenities. The Commission reserves the right to modify this requirement by a three-quarters (3/4) vote of members present, and reasons for such modification shall be made part of the record.
4. A building may be built on a lot line on no more than one side and one rear parcel providing:

a. Such lot line separates two (2) parcels in the same zone.
b. Whenever parcels are owned by two different owners, the applicant shall submit a "zero-lot-line" agreement prepared by an attorney and executed by the owners and site plan(s) demonstrating coordinated floor plans and architectural designs. In the event of a phased "zero-lot-line" building project by a single owner of parcels, the Commission shall be provided with a site plan depicting the phased portions of the building, architectural design, and a time table for project completion.

5. Access to a lot shall be limited to one drive unless otherwise directed by the Traffic Authority and/or Fire Marshal. Common drives between lots are to be encouraged, per agreement, between owners.
6. All heating, ventilation, air conditioning, or other exterior mounted appurtenances, portable and fixed, shall be hidden from view.
7. All electric, telephone and other cable-like utility installation shall be located underground, except required or necessary light standards, etc.
8. No outside storage shall be permitted.
9. On-site dumpsters shall be placed in a location so as to be out of the public's view and be adequately screened.
10. Parking shall be located to the rear or on non-public street sides of the building so as to allow maximum building frontage exposure and pedestrian access. Provision shall be made for pedestrian access to the building's rear and to the public street.
11. Sidewalks, where not already present, shall be installed along the frontage of public streets according to the Town of East Hampton Road Standards.
12. When an existing structure is deemed to be of historic significance by the Commission, application for site plan approval shall contain a report detailing the manner of restoration. Any restoration shall be in keeping with the character of the Village Center.
13. New building style, signage, on-site amenities, etc. are encouraged to be in keeping with the overall character of the Village Center.
14. A development plan contributing to the implementation of public amenities such as courtyards, parks, benches, decorative sidewalks, landscaping along street, period lighting, etc. shall be granted a density bonus of twenty (20%) percent, as reflected in an increase in height of the building, and result in a decrease of lot coverage by a minimum of ten (10%) percent.

G. Design Review Provisions

1. **Design Review Required** - The Commission shall review an application in relation to the design guidelines of this Section and, in accordance with CGS Section 8-2j, shall obtain the assistance of a design consultant in evaluating such plans.
2. **Design Guidelines** - Since the architectural design, scale and mass of the buildings and other structures are important in determining the visual character of an area, the guidelines listed below are recommended so as to harmonize and be compatible with the neighborhood, to protect property values and to preserve and improve the appearance and the beauty of the community.
    a. *Relationship of Buildings to Site and Adjoining Areas*
        1. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
        2. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
        3. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
        4. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.
        5. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

6. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
7. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

b. *Landscape and Site Treatment*

1. The design of the development and the placement of buildings, driveways, walkways, parking facilities and other improvements shall be such that existing trees, watercourses, rock outcrops and similar natural features are preserved to the greatest extent possible.
2. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
3. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
4. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
5. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan.

c. *Building Design*

1. Architectural designs appropriate to a New England community are generally preferred (pitched roof buildings, colonial facades, etc.).
2. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
3. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
4. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
5. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.
6. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.
7. Rooftop mechanical equipment (other than solar energy panels) should be concealed.

d. *Signs and Lighting*

1. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
2. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
3. Lighting shall be restrained in design and excessive brightness avoided.
4. Roof lighting is prohibited.

e. *Additional Design Guidelines*

1. Special attention shall be paid to protecting the distinctive character, landscape, and historic structures within any Village District.
2. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
3. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of a Village District is encouraged.
4. The exterior of structures or sites shall be consistent with:
    a. the "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
    b. the distinctive characteristics of the district identified in the Plan of Conservation and Development.

5. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
6. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
7. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.
8. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

3. Procedures -

a. The Commission shall select and contract with one or more Village District consultants.
b. Such Village District consultant shall be:
    1. a registered architect or an architectural firm,
    2. a licensed landscape architect, or
    3. a planner who is a member of the American Institute of Certified Planners.
    4. Alternatively, an architectural design review board may be designated as the Village District consultant provided the members shall include at least one (1) architect, landscape architect or planner who is a member of the American Institute of Certified Planners.
c. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.
d. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
e. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
f. Failure of the Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
g. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, a historical society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.
h. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

Section 5.2. C Zone – Commercial

A. Purpose

The primary purpose of the Commercial Zone is to provide for the orderly development of those areas for commercial, professional and business uses. Its intention is to create an atmosphere conducive to the growth and maintenance of uses essential to serving the needs of the community.

B. Uses Permitted With Site Plan Review

The following uses are permitted in the Commercial Zone upon approval of a site plan in accordance with Section 9.1:

1. A retail store not to exceed 25,000 sq ft of gross floor area for a single entity (revision effective May 15, 2006).
2. Business offices
3. Professional offices
4. Financial institutions
5. Public utility structures
6. Signs in accordance with Section 7.2 for a use permitted under this Section and carried out on the same premise
7. Accessory structures and uses incidental and subordinate to a permitted use in accordance with Section 8.3.I
8. Personal service shops

C. Uses Permitted With Special Permit

The following uses are permitted in the Commercial Zone as Special Permit uses, when specifically approved by the Commission in accordance with provisions of Section 9.2:

1. Hotels, motels, inns
2. Restaurants
3. Establishments for the retail sale of alcoholic beverages under Section 8.4.B
4. Theaters, legitimate, or motion picture
5. Assembly halls
6. Places of worship
7. Hospitals
8. Active adult, congregate, and senior housing as described in Section 8.5 (revised effective date Aug. 9, 2003
9. Veterinary hospitals
10. Commercial kennels in accordance with Section 8.4.C
11. Fire and police stations or other municipal uses and buildings
12. Signs in accordance with Section 7.2 for a use permitted under this Section and carried out on the same premise
13. Accessory structures and uses incidental and subordinate to a permitted use under this Section in accordance with Section 8.3.I
14. Newspaper and job printing, publishing establishments
15. Food preparation, bakeries, caterers
16. Storage/self-storage uses
17. Accessory use for auto body repair, not to exceed the storage of more than 10 motor vehicles with valid work orders or registration in place. Complete neutral opaque screening must be utilized either by vegetation or fencing.
18. Research labs

19. A retail store containing more than 25,000 sq ft and not exceeding 40,000 sq ft of gross floor area for any single entity (revision effective May 15, 2006).
20. Day care (effective: August 24,2007)

D. Area and Dimensional Standards

Minimum Lot Area (square feet)	40,000
Minimum Lot Width (feet)	150
Minimum Lot Depth (feet)	175
Minimum Lot Frontage (feet)	100
Maximum Lot Coverage (percent)	60%
Minimum Front Setback (feet) *	50
Minimum Side Setback (feet) *	25
Minimum Rear Setback (feet) *	25
Maximum Building Height (feet) **	35

See Section 3.3.E of these Regulations for possible exceptions to these standards.

E. Special Provisions

1. In the Commercial Zone, where any lot or parcel or part thereof, adjoins any residential zone, there shall be a landscaped strip, a minimum of fifteen (15') feet wide, consisting of evergreen plantings a minimum five (5') feet tall at time of installation, (revision effective May 15, 2006) forming an effective visual buffer between the commercial and residential uses. Such strip may be in either zone, but the ownership of such strip must be and remain in the same person, persons, firm or corporation as the premise devoted to such commercial use. Failure to maintain this area as an effective buffer shall constitute a violation of these Regulations.
2. Buildings erected for principle, permitted uses in the C Zone, shall contain a minimum square footage of fifteen hundred (1500) sq. ft. on the ground floor.
3. Premises with more than one principle use shall meet the provisions of the most restrictive regulations applicable to the entire premise.
4. There shall be a minimum 6 foot wide vegetative buffer on each parcel, between commercial properties, *not to include interconnections between properties for access and common easements.* (Amended 4/3/02)

Section 5.3. I Zone – Industrial

A. Purpose

The purpose of the Industrial (I) Zone is to encourage the best and most reasonable use of the land so designated, to broaden the tax base and to increase the opportunities for local employment. It shall promote the logical and orderly separation of land uses, encouraging reasonable growth within the Industrial Zone, unimpaired as much as possible by non-industrial uses.

B. Uses Permitted With Site Plan Review

The following uses are permitted in the Industrial (I) Zone upon approval of a site plan prepared in accordance with Section 9.1:

1. The manufacturing, assembly, processing, packaging of products deemed by the Commission as non-toxic, non-noxious and non-hazardous
2. Warehousing and shipping facilities
3. Machine and tool shops
4. Wholesale sales rooms
5. Facilities for the rental of equipment and motor vehicles
6. Lumber yards, saw and planing mills
7. Printing establishments
8. Research facilities
9. Signs in accordance with Section 7.2, for a use permitted under this Section and carried out at the same premise
10. Accessory uses incidental and subordinate to a use permitted under this Section and in accordance with Section 8.3.1

C. Uses Permitted With Special Permit

The following uses are permitted in the Industrial Zone as Special Permit uses when specifically approved by the Commission in accordance with the provisions of Section 9.2:

1. Manufacturing and storage of alcohol, plastic and chemicals
2. Manufacture, processing and storage of asphalt products
3. Manufacture of masonry products, bricks, concrete, tile, etc.
4. Bulk storage and processing of cement, sand, stone, concrete mixing and batch plants
5. Bulk storage of petroleum products
6. Contractor storage/service/office
7. Public utility power plants
8. Commercial kennels in accordance with Section 8.4.C
9. Motor vehicle sales and storage, garages for the repair of motor vehicles, gasoline or motor fuel filling stations, in accordance with Section 8.4.A, only after approval of the location by the Zoning Board of Appeals as required by Sec.14-54 of the Connecticut General Statutes, as may be amended
10. Signs in accordance with Section 7.2, for a use permitted under this Section, carried out at the same premise
11. Accessory uses incidental and subordinate to a use permitted by this Section and in accordance with Section 8.3.I
12. Day care (effective: August 24, 2007)

D. Area and Dimensional Standards

Minimum Lot Area (square feet)	40,000
Minimum Lot Width (feet)	150
Minimum Lot Depth (feet)	175
Minimum Lot Frontage (feet)	100
Maximum Lot Coverage (percent)	50%
Minimum Front Setback (feet) *	65
Minimum Side Setback (feet) *	25
Minimum Rear Setback (feet) *	50
Maximum Building Height (feet) **	45

See Section 3.3.E of these Regulations for possible exceptions to these standards.

E. Special Provisions

1. In the Industrial Zone, where any lot or parcel or part thereof, adjoins any residential zone, there shall be a landscaped strip, a minimum of fifteen (15') feet wide, consisting of evergreen plantings a minimum of five (5') feet tall at time of installation (effective July 8, 2006) forming an effective visual buffer between the industrial and residential uses. Such strip may be in either zone, but the ownership of such strip must be and remain in the same person, persons, firm or corporation as the premise devoted to such commercial use. Failure to maintain this area as an effective buffer shall constitute a violation of these Regulations.
2. Any use which is dangerous by reason of fire, radiation or explosion; injurious or detrimental to the surrounding area by reason of the possible emission of excessive dust, odor, fumes, gas, smoke, wastes, refuse matter, noise, vibration or because of any other objectionable situation which is likely to be a hazard, presently or in the future, to adjacent property or the community at large, shall be deemed prohibited by the Commission after solicitation and review of reports submitted by appropriate departments and agencies, including, but not limited to Fire, Police, Building, Planning and Health Departments.

Section 5.4. PO/R Zone – Professional Office / Residential

A. Purpose

The purpose of this zone is to allow for professional uses in the areas fronting on both sides of West High (Rt. 66) between North Main Street and North Maple Street as well as Main Street up to a distance of 400' from the intersection of West High Street supplementing uses in the adjacent C Zone while retaining the residential character of the area.

B. Uses Permitted As Of Right

The following uses are permitted in the PO/R Zone as of right:

1. All uses allowed in the R1 Zone and as limited by the provisions of Section 4.1

C. Uses Permitted With Site Plan Review

The following uses are permitted in the PO/R Zone upon approval of a site plan submitted in accordance with Section 9.1.

1. Professional offices
2. Financial institutions
3. Executive and administrative offices
4. Business offices
5. Signs in accordance with Section 7.2.C, for a use permitted under this Section, carried out on the premise
6. Accessory uses and structures incidental and subordinate to a permitted use under this Section, in accordance with Section 8.3.1

D. Uses Permitted With Special Permit

The following uses are permitted in the PO/R Zone as Special Permit Uses, when specifically approved by the Commission in accordance with Section 9.2.

1. Shop for custom work, including repair, fabricating and making of such articles incidental to such work
2. Printing and publishing
3. Public utility structures
4. Fire and police stations and other municipal uses and structures
5. Day care (effective: August 24, 2007)

E. Area and Dimensional Standards

Minimum Lot Area (square feet)	20,000
Minimum Lot Width (feet)	125
Minimum Lot Depth (feet)	125
Minimum Lot Frontage (feet)	100
Maximum Lot Coverage (percent)	20%
Minimum Front Setback (feet) *	25
Minimum Side Setback (feet) *	15
Minimum Rear Setback (feet) *	25
Maximum Building Height (feet) **	30

See Section 3.3.E of these Regulations for possible exceptions to these standards.

F. Special Provisions

1. All uses in Sections 5.4.C and 5.4.D shall be limited to the ground floors of any buildings in the PO/R Zone.
2. Residential use located in the same premise as a use permitted under Sections 5.4.C and 5.4.D shall be limited to one dwelling unit.
3. There shall be no exterior evidence of the conduct of non-residential uses, except for the placement of signage complying with the provisions of these Regulations, as stated in Section 7.2.C
4. Expansion of a permitted use of the ground floor to an existing second floor of a structure may be allowed under Section 9.2, Special Permit, with following conditions:
    a. The expanded use on the second floor must be the same as the ground floor.
    b. The Commission determined the expanded use would be beneficial to the community

Section 5.5. DD Zone – Design Development

A. Purpose

The purpose of the Design Development Zone (DD) is to permit the development of selected office, professional, laboratory, commercial/retail and light industry on tracts with good access to Rte. 66 and Rte. 2. High standards are required in this zone to ensure the harmonious integration of these types of development with the rural residential uses common to these areas. Low intensity of land uses with substantial buffering for adjacent residential areas are key characteristics in this zone. An important concept in this zone is that rough and less desirable land shall be incorporated into proposals for development to serve as a buffer, thereby lessening the effect of the development on the natural topographical and environmental features of the area.

B. Uses Permitted With Special Permit

The following uses are permitted as Special Permit Uses in the Design Development Zone (DD), upon specific approval by the Commission in accordance with Section 9.2:

1. Business, executive, professional or administrative offices
2. Research facilities
3. Financial institutions
4. Publishing establishments
5. School, colleges and universities
6. Retail and Commercial uses as described in Section 5.2 and strictly limited by Section 5.5.D.1
7. Light industry
8. Police and Fire stations and other municipal uses and structures
9. Accessory uses and structures incidental and subordinate to permitted uses in accordance with Section 8.3.I
10. Signs in accordance with Section 7.2, for a use permitted under this Section and carried out on the same premise
11. Emergency medical center/immediate medical care facility
12. Day care (effective: August 24, 2007)
13. Libraries, churches, museums or auditoriums (Effective: September 1, 2011)

C. Area and Dimensional Standards

Minimum Lot Area	5 acres
Minimum Lot Width (feet)	150
Minimum Lot Depth (feet)	175
Minimum Lot Frontage (feet)	100
Maximum Lot Coverage (percent)	50%
Minimum Front Setback (feet) *	See Section 5.5.D
Minimum Side Setback (feet) *	See Section 5.5.D
Minimum Rear Setback (feet) *	50
Maximum Building Height (feet) **	30

See Section 3.3.E of these Regulations for possible exceptions to these standards.

D. Special Provisions

1. **Retail and Commercial Use in the DD Zone** - The following requirements, in addition to all other provisions of this and any other applicable sections of these Regulations shall apply to any and all commercial/retail uses proposed in the Design Development Zone.
    a. Retail uses shall be limited to not greater than thirty (30%) percent, expressed as square feet of occupiable floor area of the total developed proposal.
    b. The proposal shall be so phased that construction and development of commercial/retail use(s) shall commence after or concurrent with the total development proposal.
    c. The applicant shall demonstrate that commercial/retail uses are of such nature to enhance and augment the development proposal and that all uses shall be compatible and inter-related.
    d. Occupancy of commercial/retail uses shall not be permitted prior to substantial completion of all buildings proposed for each phase. In developments consisting of multiple phases, no more than thirty (30%) percent of the development of each phase shall contain commercial/retail use. Buildings proposed for exclusive commercial/retail use shall not be permitted unless, or until the seventy percent: thirty percent (70%:30%) use ratio is evident.
2. **Special Provisions for All Uses**
    a. Public sewers and all available utilities are required to serve any development in this zone. All utilities including electricity, telephone and cable television shall be underground.
    b. Lot coverage shall not exceed fifty (50%) percent of the lot area.
    c. Landscaped open space is subject to review and approval by the Commission and shall cover a minimum of fifty (50%) percent of the lot area.
    d. There shall be a minimum effective buffer of at least fifty (50') feet between any proposed building or parking area or lot in this zone and any existing residential property line. This buffer shall be one hundred (100') feet to any existing residence.
    e. For any proposed use in this zone, the applicant shall supply, in sufficient quantities, architectural drawings of all buildings, structures and signs. Such drawings shall consist of, but not be limited to: exterior elevations, general floor plans, at least one perspective drawing showing structures, where applicable, types of exterior materials proposed for use and proposed signs as to their location and general design.
    f. The design of all buildings and structures to be erected in this zone shall be subject to the approval of the Commission. The design of all buildings and other structures including the building materials and exterior elevations shall be of such a character as to be harmonious with the area in which it is located, to accomplish an effective, non-abrupt transition of styles between it and areas of established development. The design shall preserve and enhance the appearance of the community and shall not have any detrimental effect on the property values of the area.
    g. The proposal shall include a forty (40') foot effective buffer around the entire perimeter of the parcel except for that portion that abuts a major thoroughfare, or those areas requiring larger buffers as described in Section 5.5.D.2.D. Only access drives, utilities, and natural or landscaped vegetation shall be allowed in these areas.
    h. The minimum first floor area of any principal building in this zone shall be ten thousand (10,000) square feet.
    i. Access drives, roadways, etc. shall be designated as "No Parking" areas.
    j. The Commission reserves the right to waive any of the special provisions of this Section 5.5.D.2 by a three-quarter (3/4) majority vote of all the members seated if, in the opinion of the Commission, the proposal would be in keeping with the purpose of the regulation and would not have a detrimental effect on the area.

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ARTICLE 6 - PLANNED DEVELOPMENT DISTRICTS

Section 6.1. Overall Purpose

This Section of the Regulations is intended for the adoption, by the Commission, from time to time, of regulations authorizing the implementation of Planned Development Districts, which shall be floating zones, designed to provide flexibility, but with regulatory control, to achieve targeted developmental objectives within the Town of East Hampton which will enhance and diversify the residential, commercial, recreational and cultural opportunities within the municipality, and which development cannot be feasibly achieved pursuant to the regulatory framework created by other sections of these regulations. Each Planned Development District adopted by the Commission hereunder shall be a floating zone.

Development within any Planned Development District may only be accomplished by:

1. obtaining from the Commission a zone change attaching the Planned Development District regulation to a parcel or parcels of land proposed for inclusion within the zone, which zone change shall only be granted in conjunction with the approval of a preliminary site development plan and land use concept plan (Master Plan) as provided in these Regulations, and
2. obtaining final site plan approval for the development as proposed.

Section 6.2. RL Zone – Reserved Land

A. Purpose

The purpose of this zone is to provide for uses of public land, within the boundaries of the Town of East Hampton that is owned by the Federal, State or Local Government.

B. Uses Permitted With Special Permit

All uses within the RL Zone shall be demonstrated to be in the best interest of the public and shall be permitted as a Special Permit only. All such uses shall be proposed in accordance with Sections 9.1 & 9.2.

C. Area and Dimensional Standards

As established by the Commission as part of the approval process.

Section 6.3. HOD Zone - Housing Opportunity Development

(effective 08/04/08)

A. Intent and Purpose

This regulation (hereinafter referred to as the "HOD Regulation") is adopted for the following purposes:

1. To allow, on a long-term basis, for the development of diverse housing types, including affordable housing to help address identified housing needs;
2. To encourage the construction of housing that is both affordable as defined by state statutes and is consistent with design and construction standards present in the community;
3. To promote housing choice and economic diversity, including housing for low and moderate income households;
4. To efficiently utilize existing infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices, while also providing substantial public and private open space and recreational areas;
5. To guide a proposed development so that it helps accomplish the above purposes while being consistent with soil types, terrain and infrastructure capacity and is consistent with the statutory purpose of protecting the public health, safety, convenience and property values; and
6. To encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation.

B. Definitions

HOUSING OPPORTUNITY DEVELOPMENT ("HOD") - A proposed housing development in which, for at least forty (40) years after the initial occupancy of units within the proposed development, (1) not less than fifteen percent(15%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in CGS § 8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (2) not less than fifteen percent (15%) of the dwelling units shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.

HOUSING OPPORTUNITY UNIT - As used in this HOD Regulation, "Housing Opportunity Unit" means a housing unit within a Housing Opportunity Development for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) or sixty percent (60%) as applicable, of the lesser of area median income for the Hartford PMSA or statewide median income, as determined by the U.S. Department of Housing and Urban Development.

DEVELOPABLE LAND- The land area of the parcel after deducting any area defined as an inland wetland or watercourse, located within a special flood hazard area as defined by the Federal Emergency Management Agency or exhibiting pre-development slopes of 25 percent (25%) (a 12.5 foot rise over a 50 foot distance) or steeper. If an HOD is proposed within the Lake Pocotopaug Protection Area, the term developable land shall be defined as aforesaid except that any area exhibiting pre-development slopes of 20 percent (20%) or steeper shall be deducted.

C. Primary Uses and Structures Permitted

1. Single-family detached dwellings, on either common interest ownership property or subdivided lots.
2. Attached single-family dwellings consisting of two or more residential units except that there shall be no more than four units per building, unless the dwellings are located within a Common Interest Ownership Association in which case there shall be no more than six units per building.

3. Public utility and infrastructure uses.
4. Water supply tanks.

D. Permitted Accessory Uses and Structures

1. On-site facilities for active and passive recreation, including community buildings and clubhouses, swimming pools, athletic fields, walking trails, bicycle routes, tennis courts, basketball courts, playgrounds and picnic areas.
2. Uses or structures accessory to the primary uses to the extent permitted by and subject to the procedures, limitations and conditions of Section 8.3.I of the Zoning Regulations.
3. Uses of a residence for personal business purposes to the extent permitted by and subject to the procedures, limitations and conditions of the Zoning Regulations.

E. Uses Prohibited in an HOD Zone

Burial of fuel storage tanks, except liquid propane, shall be prohibited.

F. Generally-Applicable Standards

1. All areas within the Lake Pocotopaug Protection Area shall remain subject to its requirements as set forth in Section 3.1 of the Zoning Regulations.
2. Unless modified by the Commission, each HOD shall make provision for facilities to help meet the social and recreational needs of residents of the HOD.
    a. A community building / clubhouse or other arrangement for common interest activities may be required if the HOD development contains 100 or more units and if so required, such community building / clubhouse shall be provided as part of the construction phase resulting in 100 or more units within the HOD development.
    b. Recreational amenities such as, but not required to be, tennis courts, basketball courts, bocce courts and /or other recreational facilities as proposed by the applicant.
3. All attached dwellings shall be served by sewers.
4. To maintain long-term affordability, the applicant shall demonstrate, as part of the Conceptual Plan and Final Plan, what strategies have been employed to provide for energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation in a cost effective manner.

G. Parcels Eligible for to HOD Zone District

No parcels of land shall be rezoned to HOD Zone District unless it satisfies the following criteria:
1. Not less than 10 nor more than 200 total acres;
2. Currently zoned for residential use; and
3. Not less than 50 feet of frontage on a Town road.

H. Height, Area and Yard Requirements

1. Overall Housing Opportunity Development	
Maximum Density	5.0 units per acre of developable land
Maximum Coverage by Impervious Surfaces	25 percent
Total Minimum Open Space	15 percent

2. Single-Family Detached Dwellings on Subdivided Lots	
Minimum Lot Width	70 feet
Minimum Lot Frontage	50 feet
Minimum Front Yard	30 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	25 feet
Maximum Building Coverage	20 percent
Maximum Building Height	35 feet
Maximum Stories	2 ½

3. Single-Family Detached Dwellings on Common Land	
Minimum Setback from Perimeter of HOD Zone	30 feet
Minimum Setback from Existing or Proposed Public Road Right-of-way	30 feet
Minimum Setback from Existing or Proposed Private Road	30 feet
Minimum Principal Building Separation	20 feet
Minimum Accessory Building Separation	15 feet
Maximum Building Coverage	20 percent
Maximum Principal Building Height	35 feet
Maximum Accessory Building Height	15 feet
Maximum Stories	2 ½

4. Attached Dwellings on Common Interests Lands	
Minimum Setback from Perimeter of HOD Zone when Abutting Existing Residential	75 feet
Minimum Setback from Existing Public Road Right-of-way	100 feet
Minimum Setback from Proposed Public Road Right-of-way	30 feet
Minimum Setback from Existing or Proposed Private Road	30 feet
Minimum Principal Building Separation	30 feet
Minimum Accessory Building Separation	15 feet
Maximum Principal Building Height	35 feet
Maximum Accessory Building Height	15 feet
Maximum Stories	2 ½

5. Common Interest Facilities		
Minimum Setback from Perimeter of HOD Zone or Existing Public Road Right-of-way		100 feet
Community Building/Clubhouse:		
	Maximum Height	35 feet
	Maximum Stories	2 ½

I. Road Construction Standards and Road Dedication Requirements

Within an HOD Zone District, all roads, whether public or private, shall be constructed in conformance with the Town standards except that the Commission may, by a simple majority vote, modify sidewalk requirements, cul-de-sac length limits, and/or road widths. However, for projects that shall be developed as Common Interest Ownership Associations, private roads shall not be required to be constructed in accordance with Town standards. For these, the Commission may establish project-specific sidewalk requirements, cul-de-sac length limits, and road widths only to the extent the same promote and protect the public health and safety.

J. Common Interest Ownership Requirements

1. A common interest ownership association formed and governed in accordance with the Connecticut General Statutes shall be established whenever a development proposed within an HOD Zone District includes private roads, includes units on common land or attached dwellings, includes common recreation facilities, when the required open space is to be owned by a homeowner association, or when there are any other circumstances which would require common maintenance or management responsibilities (for maintenance of dwelling units not situated on subdivided lots, maintenance of infrastructure, neighborhood coordination, or other purpose).
2. When so required, all dwelling unit owners in an HOD Zone District, including the owners of single-family detached homes on subdivided lots, shall be members of the common interest ownership association.
3. An application for approval of Conceptual or Final Plans shall include, in draft form, a declaration and bylaws prepared in conformance with the Connecticut Common Interest Ownership Act, CGS § 47-200 et seq. In order to avoid fundamental differences between different components of the HOD, including affordable and non-affordable units, such common interest ownership documents shall provide for one owners association unless, for valid reason proposed by the developer, the Commission allows establishment of a master unit owners association comprising the entire HOD, as well as subsidiary association of development areas or clusters within the HOD.
4. The declaration and bylaws prepared in conformance with the Connecticut Common Interest Ownership Act shall provide that any fees set by the association shall not result in a person or family occupying a Housing Opportunity Unit having monthly expenditures for housing which will exceed the “maximum monthly payment” for an affordable unit as provided in State Statute, Regulation of Connecticut State Agencies, or the required Affordability Plan.

K. Open Space and Exclusive Use Area

1. Within an HOD, not less than fifteen percent (15%) of the gross area shall be set aside as open space to be deeded to the Town, a recognized land trust, or another recognized conservation organization as approved by the Commission. With approval of the Commission, such open space may be retained by the common interest ownership association subject to a conservation easement. Such areas may include, but are not limited to, areas for active or passive recreational uses; perimeter buffers or trees belts as described in this HOD Regulation; and upland regulated areas surrounding wetlands or watercourses. The Commission shall encourage the open space to be contiguous to or to interconnect existing or potential future open space. Any open space subjected to a conservation easement shall preserve it for such uses in perpetuity.
2. The common interest ownership documents for an HOD may provide for an exclusive use area for each dwelling unit located in a common interest ownership area of the HOD

L. Parking Requirements

1. Within an HOD, off-street parking shall be provided at a rate of not less than two (2.0) space per dwelling unit.
2. An application for a Housing Opportunity Development shall identify on the Conceptual and Final Plans the location and number of parking spaces that will serve all units located in the common interest ownership areas.

M. Signage

Signage within a Housing Opportunity Development shall comply with Section 7.2 of these Zoning Regulations.

N. Trash Removal

The Conceptual and Final Plan for a Housing Opportunity Development shall provide information about the number, location and screening of dumpsters or trash receptacles at community facilities and for servicing dwelling units. For individual units, the Final Plan and, if applicable, a Subdivision Plan shall make adequate provision for trash storage and removal.

O. Landscaping

Landscaping of buffers and perimeters and the aesthetic quality achieved thereby shall be considered a critical part of the Conceptual and Final Plans and if applicable, a Subdivision Plan, for a Housing Opportunity Development. Such Plans, therefore, shall provide at a minimum for the following:

1. For all dwellings except single-family detached dwellings on subdivided lots, one shade tree per unit, along with an illustration or detail of minimum foundation plantings per unit.
2. Between all proposed single-family detached dwellings on subdivided lots and fronting on an existing Town road, a minimum 25 foot wide “tree belt” in which trees are to be planted with one row of deciduous trees no more than 50 feet apart on center.
3. Between any proposed attached dwellings and any existing offsite single-family detached dwellings on subdivided lots, a landscaped or natural area, called a “perimeter buffer,” of not less than 25 feet wide containing plantings to achieve visual screening from adjacent properties.
4. When and where appropriate, the Commission may allow existing vegetation to be used in lieu of new landscaping materials.

P. Sidewalks and Bus Shelters

Sidewalks, trail and bus shelters shall be provided in suitable locations: however, sidewalks shall not be required on both sides of the street.

Q. Lighting

Conceptual and Final Plans and if applicable, a Subdivision Plan, for a Housing Opportunity Development shall provide, with illustrative detail, for exterior street lighting fixtures at intersections of Town roads, and as may be required for the safety of vehicular or pedestrian traffic.

R. Utilities

1. All electrical and telephone lines shall be located in conformance with applicable Town highway specifications.
2. No certificate of occupancy shall be issued for any dwelling unit until such unit has been connected to all required utilities.

S. Zone Change and Conceptual Plan Requirements

1. An application to establish a HOD zone requires a zone change application which will be processed in accordance with Section 9.3 of the Regulations.
2. In addition no zone change to HOD shall be granted without simultaneous submission and simultaneous approval of Conceptual Plans demonstrating that the area of the proposed zone change and the design of the proposed development is consistent with the purpose of the Zone and, as provided in CGS § 8-2, is appropriate for the site given soil types, terrain and infrastructure capacity.
3. The Conceptual Plan(s) shall contain an overall plan showing the following:
    a. Key Map at 1" = 2000' scale
    b. For the parcel to be rezoned and other properties within 500 feet, a map at 1" = 100' scale depicting:
        1. The parcel to be rezoned to HOD with the boundaries of the property certified to a State of Connecticut A-2 Map Survey Standard,
        2. Parcel to be rezoned the existing zoning of parcel to be rezoned, and
        3. The existing zoning of adjacent land, and
        4. The Assessor's parcel numbers of the parcel to be rezoned and other properties within 500 feet,
    c. 500 foot perimeter map, with Assessor's parcels listed.
4. The conceptual Plan(s) shall show the following information, at a scale no greater than 1"=100'.
    a. Title block, north point, scale, location map, and names of the engineer, architect, landscape architect, and/or surveyor preparing the plan.
    b. Approval blocks
    c. Location and extent of watercourses and waterbodies.
    d. Location and extent of wetlands as defined by soil type.
    e. Location and extent of floodplains.
    f. Location and extent of areas with pre-development slopes of 25 percent or more (for land not located within the Lake Pocotopaug Protection Area) or 20 percent or more (for land located within the Lake Pocotopaug Protection Area).
    g. Location of existing buildings and structures.
    h. Location and layout of proposed property lines and building setback lines.
    i. Location of proposed property lines and building setback lines.
    j. Existing and proposed roads, pedestrian walkways, driveways, loading and parking areas and spaces.
    k. Conceptual building elevations and floor plans.
    l. Conceptual grading plan based on ten (10) foot contours from a USGS map.
    m. Conceptual plan of existing and proposed storm drainage.
    n. Conceptual plan of existing and proposed water supply facilities.
    o. Conceptual plan of existing and proposed sewage disposal facilities.
    p. Conceptual profiles for roads to be constructed to Town standards and dedicated to the Town in areas where road grades will exceed eight percent.
    q. Proposed Open Space Plan identifying the areas of the development what will be preserved as open space; the areas and facilities to be used for active or passive recreation; connections to existing Town open space; and any improvements, structures, buildings or accessory uses to be located in open space.

r. A Conceptual Schedule of Construction, explaining the sequence of construction of the development areas in coordination with construction of infrastructure and recreational uses.

5. Traffic study prepared by a licensed engineer including, if off-site traffic improvements are proposed or required, a schematic plan with existing and proposed conditions.
6. Sufficient information for the Commission to determine that there is or will be adequate water available to service the proposed development (quantity, quality, pressure) as evidenced by:
    a. A letter from an existing water company indicating that it can and will service the development,
    b. A report from a hydro-geologist or other appropriate professional, based on field testing and other relevant information, or
    c. Both.
7. Sufficient information for the Commission to determine that there is or will be adequate provision for the sewage disposal needs of the proposed development as evidenced by:
    a. A letter from the water pollution control authority indicating that it can and will service the development,
    b. A report from a Connecticut-licensed civil engineer, based on field testing and other relevant information, that the soils are adequate for septic systems to be installed as part of the proposed development, or
    c. Both.
8. A preliminary "Housing Affordability Plan" in accordance with CGS § 8-30g, Section 8-30g-1 et seq. of the Regulations of Connecticut State agencies and the "Housing Affordability Plan Requirements" as adopted by the policy of the Commission and as the same may be amended form time to time.

T. Final Plan Requirements

1. Following approval of the Conceptual Plan or in lieu of filing a Conceptual Plan, the applicant shall submit a Final Plan for review and approval.
2. The Final Plan application shall be processed in accordance with Section 9.1 of the Zoning Regulations.
3. If applicable, a Subdivision Plan shall be processed in accordance with the requirements of the Subdivision Regulations.
4. Nothing in this HOD Regulation shall be interpreted as prohibiting as applicant from seeking concurrent conceptual and Final Plan approvals.
5. Such Final Plan application shall include a final "Housing Affordability Plan" in accordance with CGS § 8-30g, Section 8-30g-1 et seq. of the Regulations of Connecticut State Agencies and the "Housing Affordability Plan Requirements" as adopted by this policy of the Commission and as the same may be amended from time to time.

U. Duration of Final Approval

Following approval of a Final Plan and/or Subdivision Plan, all work associated with such approval(s) shall be completed in accordance with CGS § 8-3(i), CGS § 8-3(j), CGS § 8-26c and /or CGS § 8-26g, as applicable.

V. Start of Construction

An HOD may be built in phases provided each phase is consistent with the overall requirements of the HOD. In accordance with CGS § 8-3(i) and/or § 8-26c, each phase, including public improvements, shall be completed within five years of the start of construction of such phase, provided that the overall HOD shall proceed in accordance with Section 7.1 of the HOD Regulation.

W. Bonding of Public Improvements shown on Final Plan and Subdivision Plan

When a phase includes a public improvement, including a phase within a common interest community, the posting on any performance or other bond or financial security to ensure the completions of any such public improvements, shall occur prior to the start of construction of that phase of the HOD or in the case of a subdivision approval, including a conditional approval as authorized by CGS 8-25. The posting of any such bond or other financial security shall be done in accordance with the provisions contained in Section 9.1.E of the East Hampton Subdivision Regulations.

X. Enforcement

A violation of the provisions of the approved Affordability Plan shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under CGS § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

Section 6.4. MUDD Zone - Mixed Use Development District

(Effective 08/04/)

A. General

The Planning and Zoning Commission recognizes that areas exist in the Town of East Hampton which are in close proximity to infrastructure required to support larger scale planned development incorporating a cohesive mixture of commercial, residential, recreational and lifestyle uses which will augment the economic development of the Town of East Hampton and provide employment, housing and lifestyle opportunities within the Town which currently do not exist. The Commission further recognizes that the assimilation of mixed uses which can occur in such a setting is not permitted under any individual zoning classification which is currently incorporated into the Town of East Hampton zoning ordinance. The Commission desires to create a legislative framework which will allow the type of development contemplated by this Section 6.4 of the Town of East Hampton zoning ordinance with stringent controls which will allow the Commission to ensure that the uses proposed within the district can be developed in harmony with each other, giving due consideration to the availability of infrastructure to support such development in the district; and that the uses proposed in the district will be in harmony with adjoining neighborhoods and compliment, rather than detract from, the orderly development of the Town.

B. Nature Of The Zone

1. The Mixed Use Development District (MUDD) will be a floating zone governed by a Master Plan, in accordance with Article 6 of these Regulations. The Master Plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and all other applicable terms and conditions of these Regulations.
2. It is recognized that the Master Plan may require fluidity in order to accommodate market changes during the complete development of any project. Notwithstanding the foregoing, any substantial and material change will be subject to the same procedural requirements for a zone change as required by the original zone change application adopting the Mixed Use Development District. For purposes hereof, a Substantial and Material Change is:
    a. any reduction to any component of the MUDD in excess of ten (10%) percent thereof or (ii) any increase in the net square footage of all buildings in the MUDD by more than ten (10%) percent or (iii) any substantial change in the general layout and arrangement of uses and neighborhoods in the MUDD which would alter the general character of the neighborhood settings of each phase of the MUDD as approved by the Commission.
    b. Notwithstanding anything herein contained to the contrary, no such reduction to any component of the MUDD shall be authorized which would increase the percentage of residential to non-residential uses in the MUDD without the approval of a new Master Plan.
3. Except as provided in Article 6 hereof, the Mixed Use Development District will supersede all pre-existing zoning, and any development of the zoned property owned and/or controlled by the Applicant, will be subject to the specific requirements for the Mixed Use Development District set forth herein and as delineated in the approved Master Plan.

C. Intent

1. **Unified and Comprehensive Design**. The Mixed Use Development District is designed to encourage mixed-use developments incorporating a neighborhood concept for separate and distinct neighborhoods within the Mixed Use Development District which are laid out, planned and designed to create a single integrated community on large blocks of land, whether or not the Applicant is the owner of all of the parcels within the district boundaries. Such unified design shall include comprehensive standards for the architectural style of buildings within each neighborhood of the MUDD; provision of open spaces and recreational areas, including pedestrian linkages and linked community facilities; the design of utilitarian

elements such as street furniture, lighting fixtures, and signage; preliminary designs for sewer, water and stormwater management and renovation for the district.

2. **Maximum Utilization of Infrastructure**. To direct more intensive development to areas of the Town where the highway connections, pedestrian linkages, public transportation utilities, water and sewer facilities and topography will support such development, in accordance with the recommendations of the Town's Plan of Conservation and Development.
3. **Expand Property Tax Base and Employment Opportunities**. Use the incentives of higher density residential development and increased flexibility in overall development density and intensity to create an expanded non-residential tax base for the Town; to create attractive commercial, recreational and lifestyle environments which address the needs of Town and regional residents for shopping, services and recreational opportunities; to create employment opportunities for existing and future residents; and to create open space and recreational facilities that do not rely on public funds for their establishment and/or operation.
4. **Increased Residential Diversity and Opportunity**. Provide housing for persons who, due to age, income, health or lifestyle choice, require or demand more compact residential patterns than are possible with either (i) conventional single-lot subdivisions or (ii) development which can occur under existing multi-family development regulations; encourage varied housing types and to require the clustering of housing on land most capable of supporting it, and to create open space corridors between such clusters. Nothing herein contained shall be construed to prevent the incorporation of single family subdivision building lots within a MUDD; provided, however, that any such single family residential building lot shall comply with any bulk requirements established by the Master Plan, and not based upon the bulk regulations contained in the underlying zoning district.
5. **Health, Safety, and Welfare; Plan of Conservation and Development**. To encourage mixed use development, including recreational and lifestyle opportunity development at such degrees of intensity as can be conveniently accommodated by available infrastructure, or such infrastructure that may be developed or improved at the Applicant's expense, in a manner which is consistent with the Plan of Conservation and Development of the Town of East Hampton and which promotes the health, safety, economic development and general welfare of the Town.

D. Mixed Use Development District

1. **Applicants**. Any owner of property within a proposed MUDD may apply to the Commission for a change of zoning district classification from the underlying zoning district to MUDD. Such owner, herein referred to as the Applicant, need not own all land within the proposed MUDD, and failure to own all land within such proposed district shall not prevent the Commission from hearing or granting any such application; provided, however, that the owner of each parcel delineated on the Master Plan for which MUDD approval is requested consents, in writing, to the filing of the application for the MUDD. For the purpose of this Section, the term "underlying zoning district" shall be defined as the zone(s) or district(s) existing on the subject parcel prior to the filing of an application for a MUDD.
2. **Limitations on Underlying Zoning Districts**. An Applicant can only apply for MUDD zoning district classification in existing Commercial and Design Development zones.
3. **Uses Allowed and Required**. A MUDD may include any use of land set forth in the following Sections of these Regulations, developed at the density and in accordance with the design parameters permitted by this Section 6.4 of these Regulations, in distinction to the density and design requirements set forth in the hereinafter referenced underlying districts:
    a. **Residential District Uses**: Any use permitted by right or by special permit in the R1 District, the R2 District, the R3 District, and specifically including zero lot line subdivisions and two-family and multi-family residential uses, but excluding farms, seasonal roadside stands, kennels, wineries, excavation and filling operations other than for construction-related site grading, and cemeteries. The permitted uses expressly include housing types which would be compatible with a neighborhood or village type development. The overall residential density of the MUDD shall not exceed six (6) dwelling units for each acre of land in the MUDD, including open space and

recreational areas. In the event that the residential component of a MUDD includes not less than 10 percent of the proposed dwelling units as dwelling units which are designated as affordable housing units as defined in Connecticut General Statutes Section 8-30g, the overall maximum residential density of the MUDD shall be increased to eight (8) dwelling units for each acre of land in the MUDD, including open space and recreational areas. Residential components of the MUDD shall contain, be linked to, or be supported by new neighborhood, regional, commercial and/or recreational and lifestyle commercial development.

b. **Commercial Uses**: Any use permitted as of right or by special permit in the Commercial Zone, the Design Development Zone or the Village Center Zone, including bars, taverns and night clubs; and any use, which would otherwise be considered residential, which (i) has been submitted to a timesharing plan or a fractional interest plan pursuant to which the owner of any interest therein is limited to the use thereof for less than six (6) consecutive months in any one calendar year or (ii) which has been submitted to an age restricted housing plan with at least one household member being not less than fifty-five (55) years of age and no household member being less than eighteen (18) years of age; excluding, however, convenience gasoline sales establishments, gasoline filling stations, and automotive repair, as principal uses.

c. **Accessory Uses**:
    1. As defined in Section 2.2 of these Regulations.
    2. Work areas and facilities within residential units; provided, however, that the work space within each residential unit is clearly subordinate to the primary residential use.

d. **Performance Standards for MUDDs**. Any MUDD established pursuant to the provisions of this Section 6.4 of the East Hampton Zoning Regulations shall satisfy the following minimum standards:
    1. The MUDD shall contain a minimum of sixty (60) contiguous acres of land.
    2. The MUDD shall have direct access to a state highway which is classified as a Major Arterial Street pursuant to the provisions of Section 2.2 of these Regulations, which arterial street shall be utilized in the design of the MUDD as the primary point of ingress and egress to and from all uses within the MUDD for vehicular travel.
    3. All uses in the MUDD shall be served by public water and municipal sewer facilities.

E. Application Procedure For Mixed Use Development Districts

1. **Informal Preliminary Review**: The Commission recommends that, prior to the submission of an official application for MUDD approval, the Applicant initiate a pre-application conference with the Commission and its staff and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the Applicant proceeds with the official application and the preparation of submittable maps, plans and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. The pre-application conference and the informal consideration of the preliminary plan shall not be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. Neither the Applicant nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the Applicant, and the Commission upon the future receipt, if any, of a formal application for a MUDD. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for change of zone.

2. **Formal Application**:
    a. **Application Form and Fee**. All applications for a MUDD shall be submitted to the Commission on a form prescribed by it and accompanied by an application fee for a zone change in accordance with the Ordinances of the Town of East Hampton. In addition, each application shall be accompanied by a list of names and addresses of the owners of all properties within and abutting the subject zone change, as such names and addresses appear in the most recent Grand List of the Town Assessor.
    b. **General Statement**. Applications for change of zone to MUDD shall include a general statement describing the following:
        1. The specific types of proposed uses on the site and the approximate square footage of each use;
        2. The methods by which site utilities will be provided;
        3. The proposed timetable for development, including a description of phases, if any;
        4. A list of all additional licenses, permits, and approvals which will be required for the development together with a delineation of the agency responsible for the issuance of such permits, licenses and approvals;
        5. The open space and/or recreational resources of the site, and the amount of open space to be retained, and the method of preservation, if any;
        6. The pattern/method of ownership and maintenance of any interior roadways, public facilities, the sewerage disposal system(s), the water supply system(s), and other common elements;
        7. For residential portions of the site, a schedule of bedrooms per dwelling unit, total numbers of units, and such other data as may be required to evaluate compliance with the standards and criteria of these Regulations; and
        8. A statement outlining how the proposed development conforms to the Comprehensive Plan embodied in these Regulations and the adopted Plan of Conservation and Development of the Town.
    c. **Zone Change Map for Recording**. All applications for a MUDD shall be accompanied by a property boundary survey, suitable for filing in the Office of the Town Clerk, indicating the area of the proposed zone change relative to existing property boundaries, and the names of all property owners owning property located within the MUDD and the names of all abutting property owners of record. Abutting property owners shall be determined by the most recent records of the Assessor of the Town of East Hampton as of the date of filing of the zone change application for the MUDD. Said survey shall include a key map. Said property boundary survey shall be certified by a Connecticut licensed land surveyor certifying that the survey conforms to the standards of survey and map accuracy respectively of Class A-2 as defined in the Minimum Standards for Surveys and Maps in the State of Connecticut, as the same may be amended from time to time. In the event that the Commission approves a zone change of a lesser area than that requested, the Applicant shall provide an amended zone change map reflecting the zone change as approved.
    d. **Master Plan**. All applications for a MUDD shall be accompanied by a Master Plan as required below:
        1. The Plan shall be drawn clearly and legibly at a scale of 1” = 100' or less. Sheet size shall not exceed 24” x 36” and the plan shall be drawn by a professional engineer, architect, landscape architect, or land surveyor registered in the State of Connecticut. The Town Planner may require that up to ten (10) paper prints be provided. Where appropriate, supporting information may be provided in textual rather than graphic form. The Town Planner may approve an alternative scale for all or some of the plan sheets.
        2. Any and all of the following information may be required at the discretion of the Commission in accordance with the scale of the proposed development:
            a. Key Map. A key map at a scale of 1” = 1000' showing the location of the proposed development and its relationship to existing Town and State roads.

b. Adjacent Land Uses. The boundary of the subject parcel or parcels to be rezoned and/or developed, owners of these parcels and adjacent parcels, roadways, structures, and land uses.
c. Existing Site Features. Existing structures, roads, land uses, topography at a contour interval of five (5') feet or less, major and unique natural, scenic, historic, and open space features of the parcel and their relationship to the proposed development.
d. Proposed Land Uses. The proposed density of land uses intended for different parts of the parcel, including the number of residential and commercial units, and the amount of land to be devoted to each land use including the amount and general location of proposed open spaces, recreational areas and facilities, parking, walkways, and other amenities.
e. Proposed Buildings. The general height, bulk, use and location of buildings, including conceptual elevations of the buildings in each phase of the MUDD sufficient to demonstrate to the Commission a consistent architectural theme which will be maintained throughout each phase of the MUDD.
f. Circulation. The proposed location of roads, ownership of roads, parking and pedestrian circulation including tie-ins with existing Town, state and public utility facilities.
g. Water Supply. The name of the water company which will supply potable water to the development and a projection of the number of gallons per day to be consumed by the entire MUDD upon completion.
h. Sewage Disposal. The proposed method for the collection and disposal of all sanitary waste.
i. Stormwater. A comprehensive stormwater quality and management plan that will incorporate low impact development techniques and processes.
j. Surface Water Quality. A statement indicating the quality of existing watercourses through or near the site.
k. 11. Erosion Control. A statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control. All erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.
l. Watercourses. The location of any inland wetland and watercourse as defined by the town Inland Wetlands and Watercourses Regulations, and map, as amended.
m. Traffic Impact Study. A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of existing streets and highways to accommodate the projected traffic which will be generated by the MUDD uses.
n. Pedestrian Impact Study. An impact analysis prepared by a Connecticut licensed professional engineer evaluating the movement of pedestrian traffic within the MUDD and between the MUDD and adjacent uses, which impact analysis shall incorporate recommendations to facilitate pedestrian traffic both within the MUDD as well as between the MUDD and adjacent uses.
o. Parking Analysis. A parking plan for the MUDD prepared by a licensed professional engineer specializing in parking needs and design, which analysis shall determine the amount and location of parking required by the MUDD. The recommendations of the parking analysis shall be incorporated into the Master Plan by the Applicant's consulting civil engineer; and, when approved by the Commission, shall supersede any and all parking requirements otherwise contained in these Regulations.
p. Constructability Review. A review of the design of the MUDD performed by a licensed professional engineer to determine that the Master Plan, as

formulated, is constructible giving due consideration to stormwater drainage, environmental constraints, soil conditions, utility layout and availability and access.

q. Signage Plan. A general signage plan delineating the general signage program for the MUDD, including directional signage. Signage within the MUDD shall not be required to comply with the requirements of Section 7.2 of these Regulations, but shall be subject to the approval of the Commission. In approving the Master Plan, the Commission shall approve, or modify and approve, as the case may be, the signage program for the MUDD. In conjunction with each site plan application for a specific element or phase of development within the MUDD, the Applicant shall present the specific signage proposal for that element or phase of the MUDD, including the size, location, illumination and design of all signage, which signage shall be determined by the Commission to be consistent with the general signage program for the MUDD approved in the Master Plan approval, and which signage shall be consistent with the architectural character and theme of the specific neighborhood within the MUDD.

r. Scheduling. A detailed schedule of development in terms of time and site development area for all proposed phases.

s. Restrictions. The substance of any proposed covenants, easements and restrictions.

t. Further Documentation. Other documentation as may reasonably be required by the Commission to make an adequate determination of the appropriateness of the proposal to the site and of its fulfillment of the intent of these Regulations. The Commission may require information generally required in the final site development plan if it feels such information is necessary to make an informed judgment. Preliminary findings for all site investigations shall be indicated.

e. **Subdivision Application**. If the Master Plan depicts the division of the subject property so as to create a subdivision or resubdivision, as those terms are defined in the East Hampton Subdivision Regulations, an application under such Regulations shall be required prior to any conveyance of land requiring approval pursuant to such Regulations.

f. **Additional Information**. A zone change application calls upon the Commission to exercise a legislative function, and to determine that the MUDD applied for will be superior to the underlying zone in achieving the purposes of these Regulations as set forth in Article 6 and Section 6.4.A hereof. It is the obligation of the Applicant to provide any additional information which the Commission may request or require in order to make such a determination. Such information may include, but is not limited to: additional information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; and an environmental impact statement prepared by professionals qualified to prepare such studies.

3. **Public Hearing, Personal Notice, and Action**:

a. **Procedure, Notice**. The Commission shall act in such manner, and in accordance with such time limits, as are designated for changes of zone in accordance with Section 9.3 of these Regulations and in accordance with the applicable provisions of Section 8-7d of the Connecticut General Statutes. In the event of conflict between the procedures set forth in these Regulations and the General Statutes, the latter shall prevail. In lieu of any notice provided by Section 9.3 of these Regulations, the Applicant shall mail personal notice of the proposed zone change to MUDD to each owner of property within or abutting the MUDD, as their names and addresses appear in the most recent Grand List of the Town Assessor, said notice to be by United States First Class Mail, evidenced by a Certificate of Mailing issued by the Unites States Postal Service. Said notice shall be mailed no less than ten (10) days prior to the initial public hearing on the zone change, and the Applicant shall submit to the Town Planner, at least five (5) days prior to such hearing,

evidence of such mailing. The Applicant need not provide similar notice of any continuation of the initial public hearing. The Commission may approve all or part of the zone change requested.

b. **Action on Master Plan**. The Commission shall approve, modify and approve, or disapprove the Master Plan. Any site plan approval subsequently granted for any use within the approved MUDD shall substantially conform to the approved Master Plan, except to the extent that the Commission approves a departure therefrom. No Certificate of Zoning Compliance or Building Permit shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved Master Plan, until such time as a site plan approval in accordance with Section 9.1 of these Regulations has been issued for development to be located in the phase, or on the lot or site, where such development is to occur.

c. **Notice of Action and Filing of Map**. Upon approval of a MUDD and Master Plan, the Commission shall provide notice to the Applicant and the public, as provided in the General Statutes, and shall cause the approved MUDD zone map to be noted on the official zoning map of the Town of East Hampton by outlining the boundaries of the land affected thereby and indicating the approval date.

d. **Recording**. The Applicant shall, within ninety (90) days of approval of any MUDD, record notice thereof in the East Hampton Land Records under the name of the record owner(s) of land affected thereby, giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the Applicant shall file in the East Hampton Land Records a copy of the approved plan(s) and map(s), endorsed by the signature of the Commission's Chairman or Secretary.

4. **Criteria for Decisions on Change of Zone and Master Plan**: In acting on the application for change of zone and the Master Plan, the Commission is performing a legislative function and shall be allowed the discretion granted to Zoning Commissions acting in a legislative capacity by Connecticut law. The Commission shall, in acting upon the Master Plan, consider the Plan of Conservation and Development adopted by the Commission as well as make a determination that the Master Plan is in conformance with the Comprehensive Plan of the Town of East Hampton.

a. **General Findings**: In general, the application shall allow the Commission to make the following findings in support of any decision to approve the MUDD:

1. The proposed MUDD shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.
2. The location and size of proposed uses, the intensity of operations involved in connection with such uses, the site layout, and their relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use or uses, shall not be detrimental to the character of the neighborhood.
3. The establishment of such MUDD will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
4. The proposed uses permit the development of the site without the destruction of valuable natural assets or pollution of lakes, streams, and other water bodies while providing a design of structures and land uses which is compatible with the shape, size, topography and natural character of the development site.

b. **Site Plan Approval**:

1. Upon the adoption of a MUDD by the Commission, the Applicant shall prepare a final site plan for the development of each phase of the MUDD. Each phase of the MUDD shall be capable of being fully developed without dependence upon any subsequent phase of the MUDD.
2. Any application for site plan approval shall be submitted to the Commission on a Per Phase basis. All phases of the MUDD shall be designated and approved on an integrated basis and site plan applications for single uses or buildings within a MUDD shall not be

approved by the Commission. Any site plan approval granted by the Commission shall require a finding that the architectural style and placement of buildings within the Phase of the MUDD will not adversely impact residential neighborhoods and residential properties abutting the MUDD. In order to assist the Commission in making these findings, the Applicant shall, in conjunction with a site plan application for a Phase of the MUDD, provide architectural information with respect to all buildings in the Phase including screening, building and site illumination, landscaping plans, the location and construction material of any fences, walls, walkways, trash disposal areas and the like.

F. Specific Requirements for All MUDDs

1. **Access** - Access and circulation ways shall be designed to permit appropriate firefighting equipment, fuel trucks, refuse collection, deliveries and snow removal equipment to operate in a safe and efficient manner.
    a. The MUDD shall be served from, or have access to, at least one through improved State owned and maintained Major Arterial Street (as defined in Section 2.2 of these Regulations) which provides adequate circulation and access to other sections of the Town. The design of the highway system in a MUDD shall be formulated to facilitate ingress to and egress from the MUDD without significantly adversely impacting traffic flow and traffic safety on interconnecting Town or State Highways. The Applicant shall bond and construct in the first phase of any MUDD any public highway(s) depicted on the Master Plan, unless the Commission expressly waives this requirement. Nothing herein contained shall limit the use of community owned and maintained streets within a MUDD.
    b. The Commission may require temporary turnarounds and street connections to adjoining undeveloped land as necessary for its proper development, except where topography does not permit or where such street connections would adversely affect the neighborhood.
    c. The street system shall be designated to permit connection to existing and proposed facilities where necessary for proper functioning of the utility systems or the extension of utilities to adjoining properties.
    d. Buildings, walls, fences, planting and other sight obstructions shall be so located and designed that a driver backing out of any garage, carport or parking space has an unobstructed view of approaching traffic.
2. **Parking** - Parking for all uses shall be in accordance with the requirements of the parking analysis and plan for the MUDD incorporated into the Master Plan and approved by the Commission. The Commission shall, where possible, seek to minimize the construction of parking spaces, and encourage the use of shared parking facilities, mass transit and pedestrian connections.
3. **Underground Utilities**. All development in a MUDD shall provide for underground installation of all utilities in both public ways and private streets within the MUDD. All development shall provide proper design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwater, prevent erosion and the formation of dust. Utilities and maintenance facilities shall be in accordance with the requirements and regulations of the appropriate authority having jurisdiction.
4. **Pedestrian and Bicycle Circulation**. The Commission may, where deemed appropriate, require walkways and/or bikeways within the development to facilitate non-vehicular movement to community facilities within the development and on adjoining properties.
5. **Streets**.
    a. Public Streets. Streets designated on the Master Plan and approved by the Commission to be dedicated to the Town shall conform to the specifications prescribed by the Road Ordinance of the Town of East Hampton, regardless of whether the development requires Subdivision approval in accordance with the East Hampton Subdivision Regulations.
    b. Private Streets and Driveways. All private streets and driveways within a MUDD shall be developed in conjunction with a street classification schedule which shall be prepared by a

licensed professional engineer and submitted with the Master Plan for approval by the Commission. The schedule shall be developed based upon the nature of the uses which will be served by the street, the anticipated volume of traffic on the street, the street grade and its alignment with intersecting streets, whether public or private. The street classification schedule shall be developed by a licensed professional engineer in order to design a street scheme for the MUDD which adequately accommodates the vehicular and pedestrian traffic which will be generated by the uses to be served within the MUDD, but not to overdesign any such private streets, driveways and pedestrian walkways in order to minimize the amount of impervious area created within the MUDD. Construction specifications for private streets within the MUDD shall be consistent with the construction specifications for a municipally owned street as contained in the East Hampton Road Ordinance (i.e. depth of subbase and base material, application of bearing surfaces, etc., but shall not be required to conform to the typical street cross-section requirements contained therein).

6. **Waste Disposal**. Adequate sight screening must be provided for all common and commercial garbage collection areas.
7. **Setback Requirements, Building Proximity**.
    a. Where the MUDD abuts any residentially zoned property outside of the MUDD, all buildings or structures shall be at least fifty (50') feet from any residentially utilized building on any parcel adjoining the exterior boundaries of the MUDD.
    b. Where a commercial MUDD or a commercial component of a MUDD adjoins an existing single-family home development or approved residential subdivision, the Commission may require sufficient screening to insure privacy from adjoining residences.
    c. Setbacks between buildings and structures within the MUDD shall be such as to provide reasonable access to light and air, and access space for service, fire protection and maintenance equipment and operations.
8. **Design**. The design of any MUDD shall protect neighborhood property values, prevent future deterioration, promote good community living standards, provide for preservation of the character of the Town, provide for feasible management and control of the premises, and serve the purposes of this Section 6.4 and Section 1.2 of these Regulations, specifically including the protection of the public health, safety, and welfare. Site and architectural design shall take advantage of topographic features, provide for landscaping and restoration of all areas disturbed by construction, and complement any adjoining neighborhood. Consistency of scale and complementary architectural design and landscaping standards shall be maintained throughout the various components of the MUDD.
9. **Open Space**:
    a. Definition: All land designated as open space on the Master Plan and not used for the construction of dwellings, commercial buildings, supporting facilities, parking, vehicular circulation, or private yards shall be considered open space. It shall be so arranged and defined that its area, permanent use and control can be established with restrictions or covenants governing any development upon it.
    b. Minimum Open Space Requirement: The Master Plan shall provide for not less than twenty (20%) percent of the MUDD to be permanent open space. This requirement shall be satisfied by open space vehicles specifically permitted by this Section 6.4 of the East Hampton Zoning Regulations.
    c. Ownership of Open Space: Open Space within a MUDD shall be held in any of the following forms of ownership as shall be approved by the Commission.
        1. Owned by a corporation composed of the owners of all lots or other ownership units within the MUDD. When ownership of open space is held by such a corporation, membership in said corporation shall be mandatory for all unit or lot owners, and said corporation shall have powers of assessment and enforcement as set forth in Chapter 828 of the Connecticut General Statutes, the Connecticut Common Interest Ownership Act.
        2. Owned by a private conservation trust, the State of Connecticut, the Town of East Hampton, or such other corporate or governmental entity as shall assure the

preservation and maintenance of such open space in perpetuity. No application for a MUDD shall be deemed complete without written evidence from the proposed entity that it is willing to accept the ownership and maintenance of such open space.

3. Ownership by the developer or its successors. Ownership of open space by the developer or its successors shall only be permitted in MUDDs where no subdivision of the property is proposed, i.e. where the entire contiguous component of open space is owned and/or managed by a single commercial entity.
4. Any other method of perpetual preservation for open space, active or passive recreation, agricultural, wildlife, or similar purposes; provided, however, that no area reserved for open space shall be used or occupied by commercial buildings or uses, or otherwise available for a charge or fee to the general public, such as riding academies or stables, nurseries, day care centers, retail uses, and the like. Such uses may be included in a MUDD if permitted by the Commission, but shall not be considered "open space". Notwithstanding the provisions of this paragraph, any golf course and driving range contained within the MUDD shall be considered as open space.

d. General Requirements for Open Space: Regardless of the method employed for the ownership of open space, the instrument of conveyance must include provisions suitable to the Commission for guaranteeing:
    1. The continued use of such land for the intended purposes;
    2. Continuity of proper maintenance for those portions of open space land requiring maintenance;
    3. When appropriate, the availability of funds required for such maintenance;
    4. Adequate insurance protection; and
    5. Recovery for loss sustained by casualty, condemnation or otherwise.
    6. In any event, the Applicant shall file in the East Hampton Land Records prior to the commencement of construction of any Phase of the MUDD, legal documents, including a conservation easement in favor of the Town of East Hampton, which will produce the aforesaid guarantees and assure the use of open spaces for their designated purposes.

e. Alternative Provisions for Open Space: The Applicant may, in complete or partial satisfaction of the open space requirements contained in Section 6.4.F.9.E hereof propose the development of open space or recreational facilities at a location extraneous to the MUDD parcel. The Commission shall have discretion to approve or disapprove any offer of offsite open space or recreational dedication or improvement in complete or partial satisfaction of the open space requirements set forth in this Section of these Regulations.

10. **Phasing**:
    a. Each phase proposed for a MUDD shall be capable of independent existence and operation and shall be consistent with the approved Master Plan.
    b. Amenities, such as recreation areas, community buildings, open space, and other similar improvements shall be divided as equally as possible among phases, or shall be completed in the earlier phase(s) of the development, as the Commission may require.
    c. Any amenities or improvements for each phase which are designated on the Master Plan for dedication as municipally owned improvements in accordance with the requirements of this Section 6.4. Phases of a MUDD need not be contiguous.
    d. For any phase of a MUDD containing dwelling units, such phase shall also include not less than 10,000 square feet of floor area of commercial or recreational development for every seventy (70) bedrooms of residential development contained in such phase, which calculation shall be made on a cumulative basis; i.e. in the event that the commercial or recreational development in any phase of development in a MUDD contains in excess of the minimum required floor area of commercial or recreational development, the excess contained in such phase over the requirement for such phase shall be applied to the satisfaction of the minimum commercial and recreational use development required in future phases of development of the MUDD.

e. For purposes hereof, recreational development shall be limited to recreational facilities located entirely contained in a building such as, but not limited to, bowling alleys, video golf facilities, arcades, swimming pools, exercise facilities and gymnasiums.
f. It is recommended that non-residential uses in a MUDD be generally clustered in a village setting, with the residential and commercial development occurring apace either in each phase, or in cumulative phases.
g. Small-scale commercial uses may be included within mixed-use buildings or complexes within a phase, provided that no Certificate of Zoning Compliance at either the Building Permit or Certificate of Occupancy stages shall be issued for any residential use until construction has commenced on the commercial uses within the applicable phase of the MUDD.

11. **Other Standards of These Regulations**: In addition to the foregoing standards, the Commission shall also apply the standards set forth in all other applicable Sections of these Regulations, other than the bulk regulations, except as otherwise provided herein.

G. Specific Requirements for Residential Development in a MUDD

1. **Multi-family Dwellings** - In addition to other applicable standards of this Section, Multi-family dwelling complexes within the MUDD shall comply with the following additional requirements:
   a. Each multi-family dwelling building shall contain not more than twenty (20) dwelling units nor less than three (3) dwelling units.
   b. Each multi-family dwelling building shall not exceed the lesser of (i) fifty-two (52’) feet in height (ii) such height, based upon the location of and access to the building, as has been approved for fire protection purposes by the fire marshal of the Town of East Hampton or (iii) two (2) floors of residential units above commercial or office use.
   c. Exterior walls longer than fifty (50') feet shall include an offset for each fifty (50') feet of length of at least four (4') feet, or shall include a commonly accepted architectural feature that breaks the building wall plane.
   d. No outside storage or clothes drying area will be provided unless it is completely screened from view from any adjoining property or street. Refuse containers shall be screened from view and provided in sufficient numbers to accommodate refuse from all residents in a sanitary and odorless manner. All accumulated refuse shall be removed from the premises at least once each week.
   e. Sidewalks abutting any street, driveway, access or interior circulation road shall only be required in those locations in which the Commission determines, in its discretion, sidewalks are convenient in order to provide for the efficient movement of pedestrian traffic within the MUDD and to and from the MUDD from the adjoining State owned and maintained Major Arterial Street. Proposed sidewalk locations shall be determined by the Applicant’s licensed professional engineer and delineated on the circulation plan included with the Master Plan submitted to the Commission for approval in conjunction with a zone change application for a MUDD.
   f. The landscaping and architectural design of multi-family dwellings shall be in harmony with that of the MUDD of which it is a part, and the maintenance of the approved architectural style shall be enforced by declarations and covenants acceptable to the Commission’s legal counsel. Building and site design, lighting, landscaping, walkways, and other site improvements shall create a consistent, complimentary visual atmosphere, and shall incorporate layout, architectural, development and landscaping plans and techniques including, but not limited to: varied, but complimentary roof lines and styles, complimentary building styles, sizes, orientations and exterior finishes, foundation plantings, street trees, bollard lighting for walkways, ornamental gardens, gazebos and courtyard park settings to accomplish the desired effect.
   g. Satellite Receivers: A single satellite receiver may be provided for each building in the MUDD; or, each unit may be served by cable television service. Any receiver serving a building or complex of buildings shall be located in a manner which will minimize its visibility.

h. Suitable landscaping, as determined by the Commission, shall be provided on all lots on which a multi-family dwelling is located, preserving, wherever possible, the natural landscape. The Commission, may, where necessary to screen abutting single family residential land uses, require the installation of a buffer strip.

2. **Zero Lot Line Subdivision** - In addition to other applicable standards of this Section, single family dwellings located on individual lots within a MUDD shall comply with the following additional requirements:
    a. Lot Size: The minimum lot size shall be 4,000 square feet.
    b. Bulk Requirements: Front and rear yard setbacks shall be fifteen (15') feet. There shall be no side yard setbacks requirements in zero lot line subdivisions in a MUDD. The maximum building height for structures in zero lot line subdivisions in a MUDD shall be thirty-five (35') feet.
    c. Sidewalks/Walkways: Sidewalks abutting any street, driveway, access or interior circulation road on which the development is located shall not be required unless, in the discretion of the Commission, they are deemed necessary in order to accommodate the safe passage of pedestrian traffic to non-residential components of the MUDD. Walking trails may be proposed by the Applicant as a suitable substitute for sidewalks. All sidewalks shall be owned and maintained by either (i) an association created in accordance with the Connecticut Common Interest Ownership Act or (ii) a developer or phase developer within the MUDD.

H. Specific Requirements for Commercial and Mixed Use Development in a MUDD

In addition to other applicable standards of this Section, commercial and mixed use development within the MUDD shall comply with the following additional requirements:

1. There shall be no required building set back from any streetline within a MUDD, it being the intention of these Regulations to allow the development of a lifestyle community, in the heritage of a traditional New England village, with buildings situated in close proximity to the adjoining street.
2. Building placement shall be subject to the discretion of the Commission in approving a Master Plan for a MUDD.
3. Rear yard setbacks shall be twenty-five (25') feet.
4. Building height in a MUDD shall not exceed fifty-two (52') feet.
5. The Commission may increase the setbacks contained in this Regulation in the event that greater setbacks are required in order to adequately screen the proposed commercial use or building from an adjoining residential development or residential structure located exterior to the MUDD.
6. The architectural design and landscaping of the commercial use or building shall be in harmony with that of the MUDD, and the maintenance of the approved architectural style shall be enforced by declarations and covenants acceptable to the Commission's legal counsel.
7. Building and site design, lighting, landscaping, walkways and other site improvements shall create a consistent, complimentary, visual atmosphere, and shall incorporate layout, architectural, development and landscaping plans and techniques including, but not limited to:
    a. varied, but complimentary roof lines and styles,
    b. complimentary building styles, sizes,
    c. orientations and exterior finishes,
    d. foundation plantings,
    e. street trees and bollard lighting for walkways to accomplish the desired effect.

I. Conformance to Recorded Documents

Land included in a MUDD shall be used and developed only in accordance with the recorded documents. Any site plan approval issued for any phase in the MUDD shall substantially conform to the design, use, and other standards of the approved Master Plan, unless modified as provided hereunder.

J. Amendment or Extension of Approved MUDDs

1. An application to extend an approved MUDD shall specify the nature of the planned extension(s) and shall be accompanied by a scale plan of the proposed extension(s) in the same detail as is required in an initial application for Master Plan approval and shall be accompanied by a fee in accordance with the applicable fee ordinance establishing fees for land use applications in the Town of East Hampton. Such application shall be initiated by the original applicant or a successor in interest; See Section 9.3 (Amendment) of these Regulations.
2. Any amendment to the Master Plan involving a change of use or any other substantial alteration of the Plan may be requested and acted upon as part of the application for, and action on, an application for site plan approval in accordance with Section 9.1 of these Regulations, as required in this Section 6.4 of the East Hampton Zoning Regulations; or, alternatively, if the Commission determines that such amendment constitutes a Substantial and Material Change in the Master Plan, the Commission may act upon such amendment as a new and separate application for a MUDD under this Section. Such application may be initiated by the original Applicant, a successor in interest, or, where the Commission initiated the original MUDD approval, by the Commission itself, following a public hearing and other procedures as prescribed for a change of zone. See Section 9.3 (Amendment) of these Regulations.

K. Commencement and Completion of Construction

1. For any MUDDs approved pursuant to this Section 6.4, the construction of any building or structure or the establishment of any use depicted on the Master Plan, or any phase thereof, shall be completed by the Applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within five (5) years from the effective date of any site plan approval of each individual Phase of the MUDD, as the case may be, which has been issued in accordance with the approved Master Plan.
2. Upon application, the Commission may grant one (1) or more extensions of the aforesaid time limit for a total period of up to five (5) additional years.
3. The foregoing time limits shall be tolled during the pendency of any court appeal of the approval of the MUDD or, for any particular phase or portion of the MUDD, or of any site plan approval issued thereunder.

L. Performance Bonds

The Commission may require performance bonds to insure the completion of any public improvements in connection with any MUDD, for the installation of any infrastructure which, in accordance with the MUDD documents will be available for public use, and for the maintenance of erosion and sediment control measures until each phase of the MUDD is stabilized as delineated on any site plan approved for a use in the MUDD in a form satisfaction to the Town Attorney.

M. Deeds

Any conveyances of Town roads, open space, drainage easements, or other interests in real property to be conveyed to the Town of East Hampton shall be by Warranty Deed, and shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut or a policy of title insurance issued by a title insurance company licensed to transact title insurance business in the State of Connecticut, and certifying or insuring, as the case may be, that title to the real property conveyed or the interest therein conveyed is free and clear of, or superior in right to, any mortgage lien, restriction or other encumbrance materially affecting the use thereof for its intended purpose.

N. Outside Storage Applicable to Uses in a Mixed Use Development District

4. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.

ARTICLE 7 - BASIC STANDARDS

Section 7.1. Parking and Loading

(Effective 08/01/2011)

A. Purpose

These parking regulations are adopted for the purpose of providing sufficient parking facilities to serve all existing and proposed uses, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties.

B. Number of Parking Spaces

1. Facilities for parking shall be provided to serve all building erected, moved, altered or enlarged in excess of twenty-five (25%) percent of their present floor area.
2. Unless modified or waived by the Commission as provided in Section 7.1.D, parking shall be provided and maintained such that the number of spaces shall be:
    a. Higher than the number of spaces indicated by the lower threshold, and
    b. Lower than the number of spaces indicated by the upper threshold.

Residential-Type Land Uses	**Lower Threshold**	**Upper Threshold**
One- and Two-Family Residential	2 per dwelling unit	-
Multi-Family Residential	1 per dwelling unit	2 per dwelling unit
Resident Trailer Parks	1 per dwelling unit plus 0.5 per employee	1 per dwelling unit plus 1 per employee
Boarding and Rooming Houses, Dormitories	1 for each resident plus 1 for the resident manager	1.5 for each resident plus 1 for the resident manager
Active Adult and Senior Housing	1 per dwelling unit plus 1 per employee	2 per dwelling unit plus 1 per employee
Congregate and Assisted Living	0.5 space per dwelling unit plus 1 per employee	1 space per dwelling unit plus 1 per employee
Lodging-Type Land Uses		
Bed and Breakfast & Country Inn	1 spaces per guest room or suite	1.2 space per guest room or suite
Hotels	1 per guest room plus 0.5 per employee on the largest shift	1 per guest room plus 1 per employee on the largest shift
Motels, Tourist Homes	1 per guest room plus 1 for the manager	1 per guest room plus 1 per employee on the largest shift
Office-Type Land Uses		
Business Offices and Financial Institutions	3 per 1,000 square feet GFA	5 per 1,000 square feet gross floor area (GFA)
Medical and Dental Offices	4 for each doctor engaged at the office on the largest shift	5 for each doctor engaged at the office plus 1 for every other employee on the largest shift
Commercial-Type Land Uses		
Retail, Personal Services	2 per 1,000 square feet GFA	5 per 1,000 square feet GFA

Restaurants	1 for every 3 seats	1 per 100 square feet of seating area or 1 for every 4 seats (whichever is greater)
Small Shopping Centers	3 per 1,000 square feet GFA	6 per 1,000 square feet GFA
Industrial-Type Land Uses		
Industrial and Manufacturing	3 per each 1,000 square feet GFA	3 per each 1,000 square feet GFA or one per each employee on the largest shift, whichever is larger
Light Industrial	2 per 1,000 square feet GFA	8 per 1,000 square feet GFA
Warehouse	1 per 1,000 square feet GFA	1 per 1,000 square feet GFA
Institutional-Type Land Uses		
Churches and Places of Worship	1 space per 5 seats in	1 space per 3 seats in
Elementary, Middle, and High Schools	1 space per 5 seats in the auditorium	1 space per 3 seats in the auditorium
Museum and Libraries	1 per 1,000 square feet GFA	2 per 1,000 square feet GFA
Social, Fraternal Clubs and Organizations	3 per 1,000 square feet GFA	4 per 1,000 square feet GFA
Recreation-Type Land Uses		
Gymnasiums, Physical Fitness Centers, Health Spas, Martial Arts Centers, and Dance Studios	2 per 1,000 square feet GFA	4 per 1,000 square feet GFA
Indoor Recreation Facilities	5 per 1,000 square feet GFA	5 per 1,000 square feet GFA
Outdoor Recreation Facilities	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Theaters and Places of Assembly	1 for every 6 potential occupants at maximum capacity plus one for each employee	1 for every 3 potential occupants at maximum capacity plus 1 for each employee
Automotive-Type Land Uses		
Automotive Sales and/or Rental	1 per 1,000 square feet GFA	3 per 1,000 square feet GFA
Automotive Repair and/or Service	2 per 1,000 square feet GFA	4 per 1,000 square feet GFA
Other Land Uses		
Roadside Stands	1 beyond residential requirement	5 beyond residential requirement
Day Care Centers	1 space per 8 children at maximum capacity	1 space per 4 children at maximum capacity
Funeral Homes	1 for each "Official Vehicle". 1 for each employee and 1 for every 8 visitors at maximum capacity	1 for each "Official Vehicle". 1 for each employee and 1 for every 4 visitors at maximum capacity
Hospitals, Sanitariums, Nursing or Convalescent Homes	1 for every 6 beds plus 0.5 per employee on the largest shift	1 for every 4 beds plus 1 per employee on the largest shift
Commercial Kennel	1 per 1,000 square feet GFA	3 per 1,000 square feet GFA

3. For uses not listed in this Section, the lower threshold and the upper threshold for number of parking spaces required shall be comparable to the closest other similar use as determined by the Commission.
4. Notwithstanding Section 7.1.B, such parking facilities shall be sufficient to accommodate vehicles for all occupants, employees, customers and others normally visiting the building or premise at any one time. The Commission may require, at its discretion, that an applicant provide justification for the number of proposed parking spaces through case studies of similar uses, shared parking analyses, parking demand management, or other means.

5. Said parking shall be part of the site plan or prepared as a separate plan and shall include boundary screening and landscaping, landscaped islands, parking sites, traffic circulation patterns, loading areas, storm drainage facilities and traffic access and egress including driveways.

C. Parking Space Requirements for People with Disabilities

1. All off-street parking areas shall include paved parking spaces accessible to people with disabilities.
2. Pursuant to subsection (h) of Section 14-253a of the Connecticut General Statutes, parking spaces for passenger motor vehicles designated for people with disabilities shall be as near as possible to a building entrance or walkway and shall be at least 15 feet wide including 5 feet of cross hatch and twenty feet long.
3. Handicap accessible parking spaces and access aisles shall be provided in the following amounts relative to the total number of spaces provided in the parking area:
    a. One parking space accessible to people with disabilities for every 25 parking spaces, rounded up to the nearest whole number.
    b. For every six parking spaces accessible to people with disabilities, at least one shall be a van-accessible parking space. Van parking spaces shall be 20 feet long, 16 feet wide including 8 feet of cross hatch.

D. Waivers and Exceptions

1. **Intent** - This Section of the regulations is intended to set standards for conditions under which a waiver or exception from the general parking requirements may be allowed. The Commission may require the submission of a parking demand analysis as part of any request for a waiver or exception from the general parking requirements.
2. **Waivers** - Except for buildings used or occupied for residential use, all or part of the parking requirements may be waived by the Commission where the proposed planning, design, and construction includes the following:
    a. Sufficient publicly owned or shared parking spaces within 500 feet of the proposed development site.
    b. Access to a regularly scheduled transit stop within 500 feet of the proposed development, with service available during the hours necessary to serve the activities of the use for which a waiver is sought.
3. **Requests for Parking Below the Lower Threshold** - In the case that an applicant believes that the lower threshold parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission for a reduction in parking space requirements. The Commission will consider and act on this request concurrent with and as part of the application process.
4. **Requests for Parking Beyond the Upper Threshold** - The Commission may approve parking lots with more spaces than the allowed maximum provided that all of the spaces above maximum number are constructed of a pervious surface. The Commission may also approve parking lots with additional impervious parking spaces above the allowed upper threshold spaces where the use of pervious spaces would not be environmentally sound and where stormwater management is provided that complies with the Town's standards.
5. **Parking Space Held in Reserve** - For phased developments, the Commission may provide that up to 50 percent of the parking spaces required by this Section will not be immediately constructed and may be kept in reserve. Such reserve parking areas must be kept planted and maintained rather than surfaced for parking until such time as the additional parking space is necessary to serve completed phases of the associated development. No above ground improvements shall be placed or constructed upon such reserve parking areas. The areas designated as reserve parking must be clearly depicted on the phased development site plan and the terms and conditions of phasing of the parking area completion, as determined by the Commission, must clearly be set forth in notations on the approved site plan.

Stormwater management systems must either be sized to accommodate the full parking area at buildout or developed along with the phased construction of parking areas.

E. Parking Lot Design

At a minimum, all parking lots shall:

1. Have a minimum stall size of nine feet by eighteen feet (9' x 18').
2. Be installed at 90- or 45-degree angles (unless parallel parking is being used).
3. Have a 12-foot travel lane for each direction of traffic.
4. Have no greater than three percent (3%) slope.
5. Have a number and location of access drives compatible with traffic circulation patterns both within the site and on the abutting street system.
6. Provide sufficient stacking area (area where cars may need to wait in line to exit onto the street or to enter to circulate in the parking lot), and stacking for at least two (2) vehicles at the inbound access drives to the site.
7. Be designed to not allow any vehicle to protrude or overhang sidewalks or any landscaped area.
8. Minimize potential conflict points between pedestrians, bicycles, and motor vehicles.
9. Required off-street parking facilities shall be maintained as long as the use or structure exists for which the facilities are designed to serve.

F. Pervious Parking Area

1. Parking areas composed of pervious surfaces (such as pervious asphalt, pervious concrete, open course pavers, and other techniques from the Connecticut Stormwater Quality Manual and as approved by the Commission) are encouraged for all land uses and lots, unless there are overriding environmental limitations.
2. Parking areas composed of pervious surfaces may be provided to meet all or part of any required parking spaces on a lot unless prohibited by the Commission.
3. Measures that shall be considered to reduce the amount of impervious surfaces in all proposed parking lots include:
    a. Provide pervious parking stall surfaces.
    b. Provide pervious overflow parking.
    c. Provide pervious snow-storage space.
    d. Conserve existing natural areas, including trees on-site.
    e. Minimize clearing to the extent practicable while retaining access, sight distance, and safe vehicle flows.

G. Shared Parking

1. **Shared Parking** - The Commission encourages parking lots for different structures or uses, or for mixed uses, to be shared in any zoning district. At the applicant's request, shared parking may be provided, subject to the following provisions:
    a. A reciprocal written agreement has been executed by all the parties concerned that assures the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.
    b. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking agreement. This information includes but is not limited to:
        1. the type and hours of operation and parking demand, for each use,
        2. a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot,

3. a description of the character of land use and parking patterns of adjacent land uses, and
4. an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

c. Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.
d. Uses sharing the parking facility do not need to be contained on the same lot, but shall be a maximum of 500 feet from the parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage, and adequate lighting. A waiver of the maximum allowable distance from the proposed use to the parking area may be approved by the Commission with written justification and supporting information provided by the applicant.
e. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Zoning Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking.

2. Reduction in Parking Space Required for Shared Parking - Where shared parking is provided for a mixed use of land, the Commission may allow the following, at the applicant's request:

a. Up to 30% of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.
b. Up to 90% of parking spaces required for uses such as theaters (Movie and Live), public auditoriums, bowling alleys, nightclubs, movie theaters, and similar predominately evening uses may be shared with such uses such as banks, offices, and similar predominately daytime uses.
c. Up to 90% of the parking spaces required for such uses such as Houses of Worship and other uses exclusively in operation during the weekend may be shared with such uses as medical offices, banks, and other similar uses predominately in operation on weekdays.
d. Other reductions may be allowed by the Commission if the applicant produces a credible peak parking demand study that demonstrates a different reduction value is appropriate.

H. Bicycle and Pedestrian Accommodations

1. **Intent** - This Section of the regulations is intended to promote and support access by bicycle and walking throughout the community. To this end, all parking lots, where practical, must be designed to provide safe and convenient pedestrian and bicycle access as a part of any parking area or parking structure design including safe and convenient pedestrian and bicycle movement to and from public walkways and/or bikeways, streets, or transit stops.
2. **Bicycle Access Design Standards** - A minimum of two bicycle parking space shall be provided for every 40 off-street automobile parking spaces. Bicycle parking facilities, where practical, shall be designed and installed to include:
   a. Spaces that are a minimum of 2 feet by 6 feet per bicycle.
   b. The minimum number possible of potential conflict points between bicycles and motor vehicles.
   c. Lighting.
   d. Provision for locking of bicycles to the rack or bicycle locker.
   e. Adequate spacing for access to the bicycle and locking device when the spaces are occupied.
   f. Where possible, bicycle parking shall be located within view of building entrances or in view of windows, and/or security personnel stations.
3. **Pedestrian Access Design Standards** - Provision for safe and convenient pedestrian access shall be incorporated into landscaping plans for any parking area or parking structure. This shall be clearly shown on all site plans. Any parking area designed, constructed, and maintained, as part of a development must be designed such that the flow of pedestrians can be directed though a system of convenient routes that

bring them to central walkways leading to main entrances. All walkways, where practical, shall be constructed to provide for:

a. Safe separation of all walkways from motor vehicle traffic through the use of raised sidewalks and/or landscaping between sidewalks and parking spaces and/or driving aisles.
b. Safe, well-articulated pedestrian crossings demarcated with pavement markings, pedestrian warning signs, and lighting.
c. A minimum of 4 feet in width.
d. Inclusion of plantings, benches, and lighting along walkways and at all pedestrian crossings.
e. Design, construction and maintenance to accommodate disabled individuals per Americans with Disabilities Act (ADA) requirements.

I. Landscaping Standards for Parking Lot Stormwater Management:

The landscaping requirements in this Section are intended to maximize the natural areas retained in any parking area in order to optimize natural infiltration of rainwater, intercept and manage stormwater runoff, and provide an aesthetic setting for development. In order to accomplish these goals the following standards shall apply:

1. **Minimum Landscape Area** - Developments with proposed parking areas of fifteen (15) spaces or more shall provide a minimum of fifteen percent (15%) of the total parking area as landscaped open space. Such landscaped open space may be provided in the form of islands, aesthetic landscape treatments, pedestrian refuge/oasis areas, and may include the perimeter buffer between the parking area and adjacent streets, residential/commercial developments, or open space areas.
2. **Planting Required** - Such landscaped islands and perimeter landscaping shall be planted with a mix of shrubs and trees. Planting plans shall not include invasive species. This list is available from the Department of Energy and Environmental Protection.
3. **Location** – Unless modified or waived by the Commission, such islands and perimeter plantings should be located:
    a. At each parking lot entrance;
    b. At the ends of each parking aisle;
    c. As intermediate islands in long rows of spaces, located every 15 spaces;
    d. As separation between long rows of parking spaces that abut other rows; and
    e. As separation between pedestrian walkways and parking spaces and/or driving aisles.
4. **Elevation and Grading** – Where feasible, landscaped islands should be situated below the grade of the parking spaces and driving aisles such that stormwater runoff flow is directed to and trapped by such islands.
5. **Maintenance** - Failure to maintain any landscaped area or buffer strip shall constitute a violation of these Regulations.

J. Loading Space Requirements

On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other building where large amounts of goods are received or shipped, erected in any district after the date of the adoption of these Regulations, loading and unloading space shall be provided as follows:

1. Every building or block of building containing more than five thousand (5,000) square feet gross floor area – one loading space.
2. Every building or block building containing more than twenty thousand (20,000) square feet gross floor area – one loading space for each twenty thousand (20,000) square feet or fraction thereof.
3. A required loading space shall be not less than ten (10') feet wide, forty (40') feet long and fourteen (14') feet high.

Section 7.2. Outdoor Signs

A. Purpose

The purposes of this Regulation are to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment, to further the ability of the Town to attract sources of economic development and growth, to improve pedestrian and traffic safety, to reduce the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign regulations.

B. General Requirements

No sign, billboard, or outdoor advertising structure shall be erected, moved, enlarged, reconstructed, or maintained except in accordance with the following:

1. Abandonment: Signs which are unrelated to an active land use, other than a real estate sign or an existing off-premise outdoor advertising sign, shall be considered abandoned or derelict and shall be removed from public view.
2. Interference with traffic: No sign shall be permitted at any location, for any purpose, which could interfere with or obstruct the view of traffic or could be confused with any authorized traffic sign, signal or device.
3. Location: Free standing signs shall be set back a minimum of fifteen (15') feet from the edge of any paved roadway intended for vehicular traffic or use. All signs must be on the property of the intended use and shall not be within the public right of way. Ingress and egress signs may be located on the property of the intended use, immediately adjacent to the public right of way provided that such signs shall not exceed one square foot in area or twenty-four (24") inches in height.
4. Height: Free standing signs shall not exceed ten (10') feet in height. Signs affixed to buildings shall not extend above the highest portion of the building.
5. Materials: Signs shall be comprised and constructed of opaque materials and shall not include any translucent or transparent materials or components for the purpose of transmitting or reflecting light from the sign.
6. Illumination: Any and all illumination used for the purpose of enhancing the visibility of signs shall be arranged so that all light is concentrated on the sign and no light directly or by reflection shall be cast on the street, sidewalk, or adjacent property.
7. Free standing signs: Free Standing signs shall be ground based with the lowest edge of the sign face to be located not greater than thirty-six (36") inches from the ground. This shall be construed as prohibiting signs elevated by poles or other vertical supports unless such elevation does not exceed thirty-six (36") inches.
8. Grade clearance: Signs which are affixed to buildings shall provide at least ten (10') feet of clearance from the lowest portion of the sign to grade.
9. Incidental Signs: Incidental signs, informational in nature, such as "No Parking", "Loading", etc. shall be permitted subject to review by the Commission. No sign with a commercial message shall be considered incidental.
10. Prohibited Signs: All signs not expressly permitted by this regulation are prohibited. Such signs shall include but are not limited to: beacons, pennants, dynamic signs, inflatable advertising devices and temporary signs unless specifically provided for in this regulation or by operation of law.
11. All traffic control signs shall comply with the "Manual on Uniform Traffic Control Devices." (Amended 4/3/02)

C. Signs Permitted in Residential Districts

1. **Resident Identification:** One sign bearing the name and address of the resident of the premises, not to exceed two (2) square feet in area.

2. **Sale of Real Estate:** One non-illuminated, real estate sign not permanently affixed to the subject land or building, pertaining to the sale or lease of the land or building upon which it is displayed, not to exceed four (4) square feet in area.

3. **Sale of Personal Property:** One non-illuminated, sign not permanently affixed to the land or building at which the sale of personal property owned by a person residing on the same premises may be displayed, provided it does not exceed two (2) square feet in area.

4. **Sign Advertising Public Auction/Foreclosure:** One non-illuminated, sign not permanently affixed to the land or building at which a public auction of property may be displayed on the premises to be auctioned, or on which the property is located, provided it does not exceed six (6) square feet in area.

5. **Sign on Construction Sites:** One non-illuminated, sign not permanently affixed to the land or building provided it does not to exceed twelve (12) square feet in area.

6. **Traffic Signs:** State and town traffic locational and directional signs installed for public purposes.

7. **Farm Operations:** Farm operations may include two (2) free-standing signs, or attached to or painted on the wall of an accessory building, or any combination of the above, provided the total area of the sign or signs does not exceed twelve (12) square feet and no sign is located within fifty (50') feet of a street intersection.

8. **Bulletin Boards:** Bulletin boards shall not exceed twelve (12) square feet in area not more than six (6') feet in height above the ground.

9. **Entrance Signs to Commercial Recreation Areas:** One sign at the entrance of a commercial recreation area, not to exceed twenty (20) square feet in area.

10. **Off-Premises Meeting Signs:** Off-premises signs listing the location of an organization's meeting, the time and place of meeting, and other pertinent directional information, shall not exceed three (3) in number and each sign not to exceed three (3) square feet in area.

11. **Identification of Apartment Houses:** Apartment houses may display one sign which shall not exceed twelve (12) square feet in area and shall include the name and address of the building, and the name and address of the management.

D. Signs Permitted in Non-Residential Districts

1. **Approval Required** - All signs proposed in non-residential districts shall be subject to approval by the Planning and Zoning Commission prior to erection.
2. **Identification of Business, Proprietor, or Products** -
    a. Every place of business may have upon the property on which the business is conducted signs indicating the name of the owner or proprietor, the character of the business and/or the products made or sold on the premises.

b. Parcels designed for use by, or occupied by multiple uses or tenants shall utilize signage of uniform size, construction, location and character and shall be depicted to scale in the architectural and/or site elevations as part of the application for site plan approval.

3. **Area of Affixed Signs** -
   a. The total area of all signs affixed to buildings shall not exceed the following maximums:
   b. Sq. ft. for each linear foot of building frontage:
      1. C Zone - 1.5
      2. DD Zone - 1.5
      3. I Zone - 1
      4. VC Zone - 1
4. **Area of Free Standing Signs** - In the C, I and DD Zones the area of free standing signs shall not exceed the following maximums:

Building square foot size (Non-Residential Use)	Maximum Free Standing Signage
<5000 sq ft	25 sq ft
5001-10,000 sq ft	50 sq ft
10,001-15,000 sq ft	75 sq ft
15,000 sq ft	100 sq ft

5. **Directory Signs** - For sites, subdivisions and/or industrial or business parks in the C, I and DD Zones, utilizing multiple tenants, directory signs may be approved when specifically deemed appropriate by the Planning and Zoning Commission. Such signs shall be directory in nature and shall not exceed fifty (50) square feet.
6. **Sale or Lease of Land or Buildings** - One temporary sign pertaining to the sale or lease of the land or building upon which it is displayed, not to exceed thirty-two (32) square feet in area, provided it is removed within ten days following consummation of the sale or lease.
7. **Identification of Land Developers** - One temporary sign identifying an engineer, architect, or contractor engaged in the development of land or construction or alteration of buildings provided they are removed within thirty (30) days of the completion of work and not to exceed thirty-two (32) square feet in area.

E. Banners Across Public Roads and Highways

Temporary banners across public roads and highways are permitted providing that the following conditions are met:

1. The banner advertises a special event.
2. No more than one banner may be displayed in Town at any one time.
3. No banner shall be displayed more than two (2) weeks prior to the event advertised; the banner shall be removed within two (2) days of the completion of the event.
4. All appropriate agencies shall review the proposal.

Section 7.3. Lighting

A. Purpose

The purpose of these lighting regulations is to provide specific standards that promote adequate, energy efficient, non-intrusive lighting as required for public safety while reducing and eliminating adverse effects (such as light pollution, light trespass, glare, and sky glow, consistent with the goals of the International Dark-Sky Association) from on-site illumination upon the use, value, and enjoyment of nearby properties and the community in general. These regulations seek to promote an environment free from elements that may jeopardize the health or welfare of the general public or degrade the quality of life in this town and neighboring towns.

B. Definitions

Candela - The power emitted by a light source in a particular direction.

Foot-candle - A unit of illumination, equal to the illumination of a surface, one (1) square foot in area, on which there is a luminous flux of one (1) Lumens uniformly distributed, or equal to the illumination of a surface all points of which are at a distance of one (1) foot from a uniform point source of one (1) Candela; equal to approximately 10.7639 lux. Abbreviated fc.

Foot-lambert - A unit of Luminance equal to 1/Π Candela per square foot or 3.4262591 Candelas per square meter (nits). It describes the amount of light that passes through or is emitted from a particular area.

Full Cutoff - See fully shielded.

Fully Shielded - A light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane. See Section 7.3.J for examples.

Glare - Light produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

High Intensity and High Contrast Lighting - For the purpose of this regulation, the term high intensity and high contrast lighting refers to any lighting source that produces text, symbols, shapes, or images resulting in a visual effect that is perceived by the eye as intense or distracting, and may include incandescent, vapor/gas discharge, LED, LCD, plasma, holographic, lasers, or any other technology that produces a high contrast with light from ambient sources or high intensity effect.

Light Fixture - Complete lighting unit, consisting of one (1) or more lamps (bulbs or tubes that emit light), along with the socket and other parts that hold the lamp in place and protect it, wiring that connects the lamp to a power source, and a reflector that helps direct and distribute the light.

Light Trespass - Light being transmitted across property boundaries, onto property not containing the originating light source. See Section 7.3.D.5.

Lumen - A measure of the amount of light emitted by lamps.

Luminaire - See light fixture.

Luminance - The intensity of light reflected or emitted from a unit area of surface, such as a sign face — measured in Nits.

Luminous Tube - A transparent or translucent tube filled with a gas or gas mixture (including neon, argon, mercury, or other gasses), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs, such as a neon tube. Does not include common fluorescent tubes or compact fluorescent lamps.

Nit - A unit of Luminance equal to one (1) Candela per square meter.

Outdoor Athletic Lighting - The illumination of any area, outside of a fully enclosed building, in order to facilitate the conduct of a sport, recreational activity, athletic event, competition, or other outdoor event. Outdoor athletic lighting shall include, but not be limited to, the illumination of tennis courts; miniature golf; tennis courts; football, soccer, baseball, lacrosse, field hockey, track, or other fields; golf driving ranges; equestrian rinks; pitch and putt courses; ice skating or hockey rinks; and all similar uses. Outdoor athletic lighting shall include such activities regardless of sponsorship of the event or ownership of the property.

Searchlight - A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Such lights are used commonly to sweep the sky for advertisement purposes.

Temporary Lighting - Lighting which will not be used for more than one (1) seven (7) day period within a calendar year with not more than one (1) seven (7) day extension. Temporary lighting is intended for uses which by their nature are of a limited duration (e.g. civic events, construction projects, etc.). See Section 7.3.G.

Temporary Transitional Athletic Lighting - Temporary lighting on property owned by the town which has been authorized by the zoning enforcement official and the Board of Education for a contiguous period of not more than ninety (90) days for illumination of outdoor athletic activities.

Uniformity (Horizontal) - The ratio of maximum vs. minimum Luminance over an area.

C. Standards for All Districts

1. Applicability - The standards set forth in this Section, 7.3.C, shall apply to all new or significantly updated or modified lighting or illuminated signs, except as provided in Section 7.3.G below
2. Glare - All outdoor illumination shall be provided and maintained in a manner that safeguards against glare off the property.
3. Shielding - All outdoor light fixtures with an initial output greater than or equal to one thousand four hundred (1,400) Lumens (typical output of a sixty (60) watt incandescent lamp) shall be full cutoff, and except as provided in Section 7.3.C.6 shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained. The goal is to minimize or eliminate visibility of the light source at the property boundary to the extent practical. All outdoor lighting light fixtures with an initial output less than one thousand four hundred (1,400) Lumens are exempt from this shielding requirement.
4. Efficiency - The preferred standard for lighting efficiency shall be not less than sixty (60) Lumens per electrical watt.
5. Unintentional Luminous Sources: Light emanating from inside a building shall comply with the requirements for light trespass at the property boundary as set forth herein for the applicable Zoning District.
6. Architectural Lighting - Illumination of buildings, flagpoles, signs, architectural, and landscape features shall conform to the following:
    a. Light fixtures shall be shielded, such as by visors or baffles, to control spillage of light beyond the outside edge of the object intended to be illuminated.

b. Light fixtures shall be aimed only at the targeted architectural features and not be aimed across streets, driveways, parking spaces, or sidewalks.
c. Illumination of objects other than signs shall not result in the Luminance of the illuminated object exceeding five (5) foot-candles in a Residential District or ten (10) foot-candles in a Business District, Industrial District, PUD, or PDD. For maximum illumination of signs, see Sections 7.3.D.10.c. and 7.3.E.4.

7. Prohibited Lighting - The following types of lights are prohibited in all Districts:
    a. Strips of light intended to outline or highlight a structure, whether composed of linear light tubes or a sequence of individual illumination sources except as provided in Section 7.3.G.
    b. Light sources that oscillate or vary in intensity or color to the degree that the modulation is perceptible to the human eye.
    c. Lasers.
    d. Luminous tube lights.
    e. Searchlights.
    f. Light sources that emit color temperatures in the yellow range (< 2700K) such as sodium vapor lights or in the blue range (> 6500K).
    g. Illumination of entire buildings. Building illumination shall be limited to security lighting and lighting of specific architectural features pursuant to Section 7.3.C.6.
    h. Electronic sign boards (i.e. digital billboards), dynamic signs, and signs containing visible high intensity and high contrast lighting other than provided for in Section 7.3.F.3.

D. Commercial and Industrial Standards

1. Applicability - The standards set forth in this Section, 7.3.D, shall apply in all Business and Manufacturing Zones, Planned Development Districts, Planned Development Units, Public Utility Districts, and Special Exception Uses in a Residential Zone. Additionally, any commercial or industrial use that is located in a Residential Zone that submits an application for a change to the site will be subject to the more stringent requirements of Sections 7.3.D or 7.3.E. The standards defined herein shall apply to all exterior lighting as well as lighting that is located within a building or structure and which illuminates the exterior.

    Exemptions: The following uses are exempt from the standards of this Section, 7.3.D:
    a. Pre-existing, nonconforming lighting installations may be maintained unless the modifications listed below occur and are deemed substantial in the judgment of the planning commission:
        1. Replacement, modification, relocation, or addition to light fixtures.
        2. Addition to or relocation of lighting poles.
        3. Change in light source intensity.
        4. Change of use of the site.
        5. Replacement, modification, relocation, or addition to buildings on the site.
        6. Change in parking lot layout or on-site traffic flow.

    When a substantial modification occurs, the entire outdoor lighting installation on the site shall be subject to this Section, 7.3.D. Where modifications are proposed which the commission does not consider to be substantial, it may require or permit lighting which more nearly complies with this Section, 7.3.D, even if such lighting does not fully comply with this Section.
    b. Lighting subject to Section 7.3.F, Outdoor Athletic Facility Standards, shall not be subject to this Section, 7.3.D.
    c. Lighting specified in Section 7.3.G.
2. General Standards and Guidance - The commercial and industrial lighting standards set forth herein have been developed to minimize illumination while providing safe and efficient entry onto, travel within, and

exit from the site. Lighting sources shall be fully shielded and shall not impart an illumination footprint on-site nor off-site greater than the values defined herein. Lighting sources within a site shall generally consist of a uniform color, intensity, and technology.

3. Source, Footprint and Intensity - The following standards for minimum and maximum exterior illumination shall be based on the activity at each site. Foot-candles shall be measured at finished grade level. When more than one (1) activity type (as specified below) is proposed, the illumination level for each activity type shall be between the specified minimum and maximum levels.

Activity Type	**Average Illumination Levels per Grid Cell (Ft-Candle)**		
	Minimum	**Maximum**	**Notes**
Parking Lots, Driveways, and Security Lights	0.5	2.5	
Walkways and Building Entrances	3.0	10.0	
Gas Station Pumps	2.0	10.0	Applies to the area located within 10 feet of the outside edge of the canopy. Areas beyond 10 feet outside the canopy shall meet the illumination standards defined for Parking Lots.
ATMs	2.0	5.0	Applies to the area located within 10 feet of the ATM machine face or outside edge of canopy, whichever is greater. Areas beyond 10 feet outside the canopy shall meet the illumination standards defined for Parking Lots.
Loading Docks	2.0	10.0	Must be time-limited and automatically controlled such that the lighting source is off after activity on or near the dock has been completed.

4. Vertical Distribution and Cutoff - No upward lighting is permitted except as provided in Section 7.3.C.6. Details of such proposed lighting shall be submitted to the planning commission for review and approval.
5. Light Trespass - No more than 0.05 foot-candles is permitted at any property boundary within or abutting a residential zone; no more than two and one-half (2.5) foot-candles permitted at the property boundary where abutting sites have contiguous parking lots and driveways; and no more than one-half (0.5) foot-candles is permitted at any other property boundary. Illuminance generated from a single Luminaire placed at the intersection of a vehicular driveway and public roadway accessing the site is allowed to use the centerline of the public roadway as the site boundary for a length of two (2) times the driveway width centered at the centerline of the driveway.
6. Location of Lights - Exterior lighting shall be subject to the following restrictions:
    a. Lighting on buildings shall not be mounted on canopy fascias or rooftops. All light fixtures shall be mounted under or below the canopy. Light fixtures within canopies shall be downward facing and mounted flush or recessed.
    b. Light fixtures shall be located not more than seventeen (17) feet above the finished grade if supported by or attached to a pole or other structure.

7. Hours of Primary Illumination - Outdoor lighting shall be automatically shut off or reduced to not more than the minimum level as defined in Section 7.3.D.3 within one (1) hour after the hours of activity (as defined in the statement of use for the site) have ended. Lighting that illuminates a loading dock must be equipped with the capability to automatically reduce or turn off the lighting sources (via motion detection or similar technology) when not in use. Details of the lighting controls shall be presented to the planning commission for review and approval.
8. Unintentional Luminous Sources - Large expanses of internally illuminated windows or wall openings visible from the property boundary are to be avoided. Buildings with a window-wall ratio greater than thirty-five (35) percent on walls that are visible from the property boundary shall be automatically shut off within one (1) hour after the hours of activity (as defined in the statement of use for the site) have ended.
9. Interior Lights - Any interior light fixture with initial output great than one thousand four hundred (1,400) Lumens and mounted such that any part of the light fixture is lower than the upper edge of a window, wall opening, or exterior door must be fully shielded.
10. Data Submission - Certification from a qualified lighting professional shall be provided to the planning commission, stating that the lighting plan complies with the standards of this Section. A computer-generated print-out of the illuminated area in grid plan view using five (5) foot grid spacing is the preferred format and shall depict the average light level at each grid point. Iso-contours may be provided as a less desirable format. Cut sheets with light source distribution curves for all proposed lighting sources shall be provided as part of the application. All lighting sources includes, but is not limited to, architectural lighting, and building- and pole-mounted light fixtures. Exact model, type, and intensity of each illumination source (i.e.; lamp element or elements) installed in each lighting fixture shall be specified. Lighting analyses will take into account the effect of aging and will use the illumination values predicted at ninety (90) percent of lamp life.

    After installation a qualified lighting professional shall measure the resultant light intensity, and the applicant shall submit documentation that the lighting complies with these regulations. The applicant may request that the planning commission or a designated representative conduct a site visit in lieu of the certification if the applicant believes that the lighting is in conformance with these regulations. The planning commission reserves the right to require as-built measurements following a site inspection.

13. Performance Bonds - No certificate of zoning compliance or certificate of occupancy shall be issued until the improvements required by this regulation and as depicted in the applicant's lighting plan are completed as certified by the authorized land use official, or until their completion has been guaranteed by the posting of a performance bond from a banking institution of sufficient amount to cover the estimated cost of materials and labor, as approved by the zoning enforcement officer. Such performance bonds shall be in the form of cash, passbook assignment, letters of credit, or, if required by Connecticut General Statues, surety bonds. The form of the surety bond shall be to the satisfaction of the commission's legal counsel.

E. Residential Standards:

1. Applicability - The standards set forth in this Section, 7.3.E, shall apply to properties located in Residential Zones except for those uses subject to Sections 7.3.D or 7.3.F. Any commercial or industrial use that is located in a Residential Zone that submits an application for a change to the site will be subject to the more stringent requirements of Sections 7.3.D or 7.3.E.

   Exemptions: The following uses are exempt from the standards of this Section, 7.3.E:
   a. Pre-existing, nonconforming lighting installations may be maintained unless the modifications listed below occur and are deemed substantial in the judgment of the planning commission:
      1. Replacement, modification, relocation, or addition to light fixtures.
      2. Addition to or relocation of lighting poles.
      3. Change in light source intensity.
      4. Change of use of the site.
      5. Replacement, modification, relocation, or addition to buildings on the site.
      6. Change in parking lot layout or on-site traffic flow.

      When a substantial modification occurs, the entire outdoor lighting installation on the site shall be subject to this Section, 7.3.E. Where modifications are proposed which the Commission does not consider to be substantial, it may require or permit lighting which more nearly complies with this Section, 7.3.E, even if such lighting does not fully comply with this Section, 7.3.E.
   b. Lighting subject to Section 7.3.F, Outdoor Athletic Facility Standards, shall not be subject to this Section, 7.3.E.
   c. Lighting specified in Section 7.3.G.
2. Light Trespass - No more than 0.05 foot-candles is permitted at any property boundary.
3. Location of Lights: Light fixtures mounted to free standing poles shall be installed at a height of twelve (12) feet or less.

F. Outdoor Athletic Facility Standards

1. Applicability - This Section, 7.3.F, shall apply to all outdoor athletic lighting as defined in these regulations, regardless of zoning designation.

   Exemptions: The following uses are exempt from the standards of this Section, 7.3.F.:
   a. Pre-existing, nonconforming lighting installations may be maintained unless the modifications listed below occur and are deemed substantial in the judgment of the planning commission:
      1. Replacement, modification, relocation, or addition to light fixtures.
      2. Addition to or relocation of lighting poles.
      3. Change in light source intensity.
      4. Change of use of the site.

      When a substantial modification occurs, the entire outdoor athletic lighting installation on the site shall be subject to this Section, 7.3.F; however, the commission may permit lighting which more nearly complies with this Section, 7.3.F, even if such lighting does not fully comply with this Section.
   b. Lighting specified in Section 7.3.G.
2. Permitted Use - Outdoor athletic lighting with an illuminated play surface of three thousand (3,000) square feet or less and no light fixture(s) mounted to a pole at a height greater than twelve (12) feet are considered an ancillary use and are permitted as of right, subject to the provisions of Section 7.3.C. Outdoor athletic lighting with an illuminated play surface greater than three thousand (3,000) square feet or light fixture(s) mounted to a pole at a height greater than twelve (12) feet is prohibited unless a special exception is approved by the planning commission.

3. High Intensity and High Contrast Lighting Scoreboards: Scoreboards comprised of visible high intensity and high contrast lighting sources are permitted for the display of only information directly related to the current athletic activity (such as team names, play time remaining, scores, timeouts, etc.) subject to the provisions of this Section, 7.3, and further subject to the following standards:
    a. Scoreboards must be turned off thirty (30) minutes after an athletic event.
    b. Two (2) levels of brightness shall be provided and shall be automatically adjusted for day and night conditions. The preferred technique is a photocell sensor that changes the source brightness for day/night conditions. Timer-based control is an acceptable alternative if the day/night transition is adjusted for seasonal changes. Specific proposal for the day/night change technique shall be defined in the applicant's application.
    c. The maximum brightness shall not exceed one thousand (1,000) ft.-lamberts for day mode, and shall not exceed one hundred twenty (120) ft.-lamberts for the night mode.
    d. The applicant shall provide a written certification from the sign manufacturer that day and night time light intensity and color coordinates have been factory pre-set not to exceed the Luminance limits and to not allow changes to the color coordinates, and that these settings are protected from end-user modification by password-protected software or other method as deemed appropriate by the planning commission or their designee.
4. Hours of Operation: Lights shall be shut off within thirty (30) minutes after the event has ended or 10:00 p.m., whichever is earlier; however, operation past 10:00 p.m. may be permitted for special occasions by the zoning enforcement officer if he/she deems such extended operation to be in the greater public interest.

G. Exemptions

The following uses are exempt from the lighting requirements of these regulations:

a. Temporary lighting as defined in Section 7.3.B.
b. Temporary transitional athletic lighting, as defined in Section 7.3.B.
c. Lighting required by federal regulations (cell towers, etc.).
d. Emergency lighting no greater than required by CT Fire Safety Code, or other applicable public safety regulations or codes.
e. Subdued, decorative light strings that do not vary in intensity or color such as C-7, C-9, or mini-lights (including LEDs) rated at less than three (3) Volts/string may be used to accent landscaping, trees, or ornamental features of a structure, but not to the extent of drawing attention to the use or site for commercial purposes, nor to attract attention from passing motorists or pedestrians.
f. Light strings on property owned by the town, including public highway rights of way of the town or the state.
g. Submerged pool lighting.

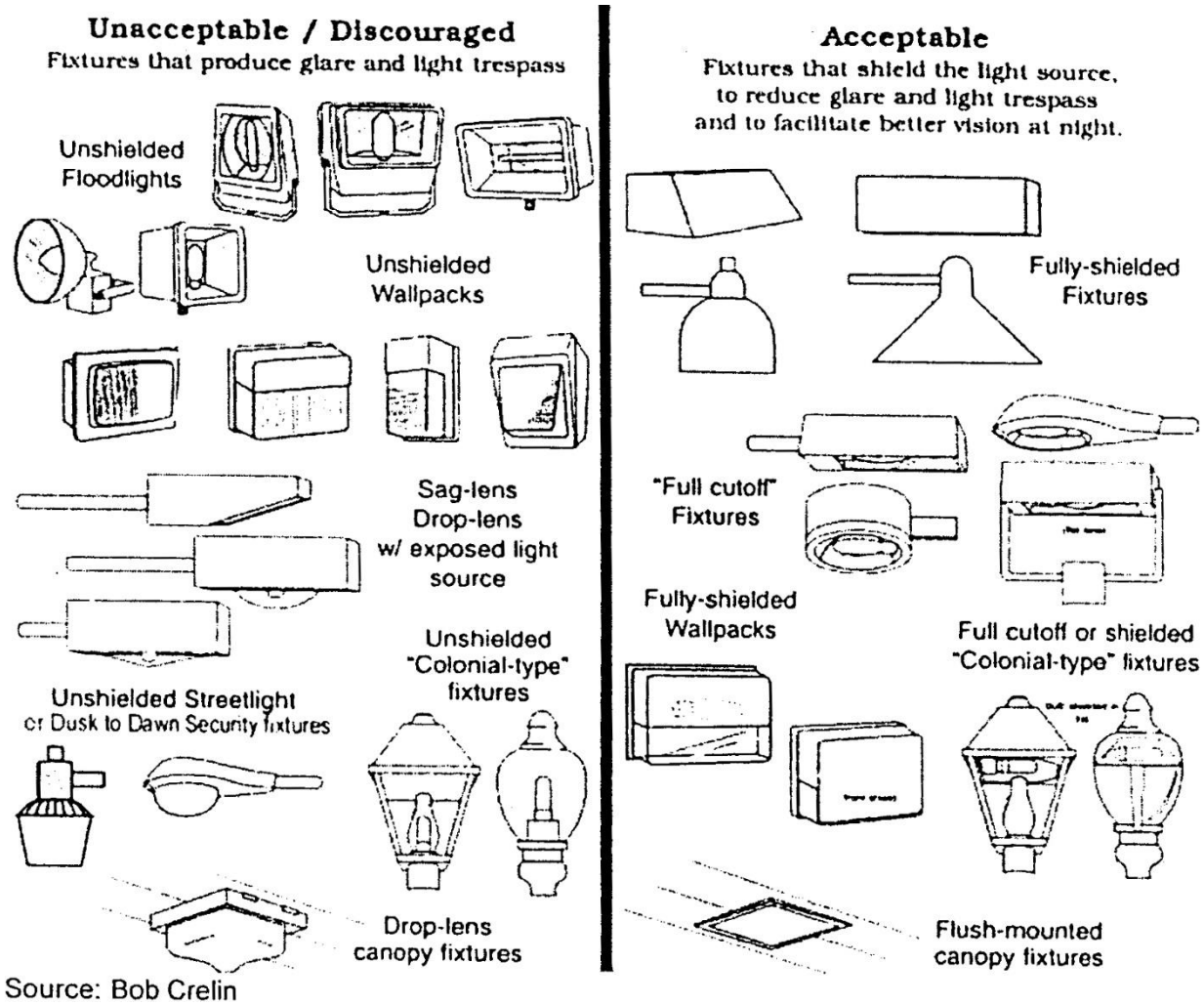
H. Severability

If any of the provisions of this Section, 7.3, or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Section which can be given effect, and to this end, the provisions of this Section, 7.3, are declared to be severable.

I. Law Governing Conflicts

Where any provision of federal, state, county, or town law or ordinance conflicts with any provision of this Section, 7.3, the most restrictive shall govern unless otherwise required by law.

J. Examples of Light Fixtures



Source: Bob Crelin

Section 7.4. Landscaping

A. Purpose

These landscaping regulations are adopted for the purpose of protecting the general welfare and property values by preserving existing vegetation; providing for the planting of new materials; providing privacy from visual intrusion, light, soil, and noise; preventing the erosion of soil; providing water recharge areas; and improving the quality of the environment and attractiveness of the Town of East Hampton.

B. Applicability / Considerations

Landscaping; grading, vegetation (existing and proposed), retaining walls, walkways, patios, buffers, fences, siting of the building/s and like elements shall be incorporated into all site plans presented for approval. The cohesiveness of the design of landscaping in relation to the site and the general area shall be considered critical to the success of the proposal. The goals of such landscaping shall include the enhancement of architectural features, providing a desirable transition from the streetscape, the preservation of desirable natural features of the site, providing effective separation between properties, providing shade, stabilization of the soils, and providing an attractive visual appearance.

C. Standards

The following standards shall be considered in the design of all site plans presented for approval.

1. Preference shall be given to the utilization of plant species indigenous to the area. Major, existing trees shall be utilized to the greatest extent possible. The use of exotics shall not be encouraged except for areas designed to provide specific visual interest.
2. Trees shall be used when possible and shall meet the following standards:
    a. Deciduous trees shall be a minimum of two (2") inch caliper when spaced twenty (20') feet or less apart and shall be a minimum of 3.5 inches when more than twenty (20') feet separate such trees from other plantings.
    b. Evergreen trees shall be a minimum of five (5') feet in height (this requirement shall not apply to evergreen shrubs or groundcovers.
    c. Flowering, decorative trees shall be a minimum of thirty-six (36") inches in height.
    d. All trees shall be installed with proper care and structural support and existing trees must be provided with adequate protection during construction.
3. Shrubs and groundcovers shall be utilized to provide soil stabilization and effective visual and physical separations between buildings, walks, drives and parking areas. The 'live' screening of mechanicals, foundations, and building elements is encouraged.
4. Retaining walls shall not exceed six (6') feet in height, unless expressly permitted by the Commission, and if visible from the street or neighboring properties, shall be of materials having a pleasing textural appearance. The use of natural materials shall be encouraged. All retaining walls must be of a design proven capable of withstanding all forces imposed thereon.
5. Planting beds shall be protected from vehicular or pedestrian traffic through the use of curbing, walks or planters.
6. Buffers, fences and berms shall be utilized alone or in combination to achieve the desired results of visual screening, property delineation, sound attenuation and the like. Visual screening as required by this or other sections of these Regulations, shall utilize evergreen trees not less than five (5') feet in height. Existing buffering shall be considered by the Commission where appropriate.
7. A maintenance bond, as further described in this Section, shall be retained for a period of one year after final approval and certification of zoning compliance is granted, for the purpose of ensuring viability of all plantings.

Section 7.5. Storm Drainage and Storm Water Management

A. Purpose

This Section of the regulations is intended to manage the quantity of storm water runoff generated by development, limit water quality impacts from development, minimize hazards due to flooding from storm water runoff, minimize impacts to environmentally sensitive lands, implement the provisions of federal and state regulations, and protect the public health, safety, and welfare.

B. Applicability

All site plans presented for approval shall comply with the following standards.

C. References

The following documents are suggested and/or required as references in using this document:

1. State of Connecticut, Department of Transportation Standard Specifications for Roads, Bridges, and Incidental Construction, Form 813, 1986, and any subsequent amendments or issues.
2. Town of East Hampton Plan of Conservation and Development.
3. Drainage Manual, Connecticut Department of Transportation.
4. Hydraulic Charts for the Selection of Highway Culverts, Circular #5 Federal Highway Administration.
5. Design Charts for Open-Channel Flow, Hydraulic Design Series No. 3, Federal Highway Administration.
6. Urban Hydrology for Small Watersheds TR #55, U.S. Department of Agriculture, Soil Conservation Service.
7. Ponds for Water Supply & Recreation Handbook #387, U.S. Department of Agriculture, Soil conservation Service.
8. Flood Flow Formulas for Connecticut, Connecticut Department of Energy and Environmental Protection.
9. Concrete Pipe Installation Manual, American Concrete Pipe Association.
10. Erosion and Sediment Control Handbook, U.S. Department of Agriculture, Soil Conservation Service, Storrs, CT.
11. Design methods other than those found in the above documents may be utilized if such methods are appropriate for the drainage system in question and approved by the Town Engineer.

D. General

1. In the design of all surface and subsurface drainage systems for the construction and/or improvements of land for residential, commercial, institutional, industrial sites, and other facilities, it is imperative that the designer apply the utmost care to protect the life and property of the residents, the public, the Town and the State. All facilities shall be planned and located so as to minimize the potential for damage to the property and all adjacent and/or downstream properties.
2. Proposed drainage facilities shall be designed to accommodate the runoff from the entire upstream drainage area with full consideration given to the effects of potential land development that could reasonably occur under the most current zoning regulations.

E. Drainage Design and Calculations

1. **General**: All drainage must be designed and certified by a Professional Engineer registered in the State of Connecticut. Storm water flows may be computed by use of the Rational Method or by use of the methods described in the most current edition of the U.S. Soil Conservation Service Technical Release No. 55. Other methods of computing storm water flows may be utilized provided they conform to sound engineering practice. When the Rational Method is used, rainfall intensity-duration-frequency curves for

the Hartford area and runoff coefficients contained in the Connecticut Guidelines for Soil Erosion and Sediment Control shall be used. In general, the use of the rational Method shall not be used in computing flows from watershed drainage areas in excess of two hundred (200) acres.

2. **Design Storm Criteria**: All storm drainage facilities shall be designed based on the following storm return frequency criteria:
    a. On-site storm drainage system and minor channels — 10 years
    b. Discharge pipes at low points including minor cross culvert — 25 years
    c. Minor Streams (Upstream drainage area less than 1000 acres) — 50 years
    d. Major Streams (Upstream drainage area greater than 1000 acres) — 100 years
3. **Submission of Drainage Information** - The following data shall be submitted for review by the Town:
    a. Topography contour map(s) with sufficient detail to adequately show the existing and proposed drainage characteristics of the watershed. Drainage area(s) shall be delineated on the map(s).
    b. Narrative and calculations addressing at least the following:
        1. Method used to calculate stormwater runoff.
        2. Storm water runoff characteristics of the property before and after development.
        3. Maximum velocity and peak flow at point(s) of discharge from the system(s).
        4. Design calculations for all drainage piping, structures and appurtenances. The design engineer shall submit a drainage system summary sheet, similar to that shown in the Connecticut DOT "Drainage manual". A plan identifying the tributary watershed associated with each structure shall also be submitted. A gutter flow analysis sheet, also shown in the Connecticut DOT "Drainage Manual" shall be required by the Town for access drive designs.
        5. Calculations addressing the adequacy of off-site drainage features, as applicable.
        6. Investigation of the effect large magnitude storm(s) will have on a drainage system designed for a smaller return storm (i.e., what happens to a system sized for a 10 year storm during a 100 year storm event).
4. **Hydraulic Design** - Except where substantiated by special design studies, storm drain pipes and culverts shall be designed to flow full for the "design storm(s)". Total allowable headwater depths on pipes and culverts should normally be restricted to less than 1.2 times the clear height of the pipe or culvert provided flooding or damage does not occur to roadways, drives, adjacent buildings, sewage disposal systems, water supply systems or other significant features.
5. **Drainage at Intersections** - Necessary drainage structures shall be installed to properly drain all intersections with existing roads. Intersection grading plans may be required to demonstrate adequate grading at all intersections. Intersection grading plans shall be at a scale of 1"=10' with grading contour intervals of 0.2 feet (max.). Improvements to surface drainage at existing intersections shall be as required to adequately drain the intersections(s).
6. **Diversion** - The diversion of stormwater runoff from one watershed or watercourse to another shall be avoided whenever possible. Where it is absolutely necessary to create such a diversion, special provisions shall be made to minimize the potential damages which may occur as a result of such diversion and perpetual rights for such diversion, running with the land shall be secured by the developer when required by the Town.
7. **Pipe** - All pipe for storm drains shall conform to DOT Standard Form and shall be approved for use by the Town. The minimum pipe size shall be fifteen (15") inches. In the event that groundwater or wet conditions are encountered during construction, slotted pipe may be required by the Town.
8. **Minimum Pipe Slope** - All storm water piping shall be designed to provide a self-cleansing velocity of at least two and one-half (2.5') feet per second when flowing full. Generally stormwater piping shall have a minimum pitch of one half (0.5%) percent. Lesser pitch may be approved by the Town provided the self-cleansing velocity is maintained.
9. **Pipe Cover** - The minimum clear cover over all pipes shall be three (3') feet.
10. **Outlet Structures** - All storm drain systems shall be terminated with a flared end section or other approved structure. Special energy dissipaters may be required to prevent erosion.
11. **Placement of Drainage Structures** - Spacing between sets of catch basins shall be located as necessary to collect runoff and at a maximum of three hundred (300') feet. When outfall pipes exceed four hundred

(400') feet, maximum distance between structures shall be four hundred (400') feet. Drainage structures shall be placed at each grade change along a storm drain and at each junction point of two or more storm drains. Inlet structure shall also be located and connected to the drainage system to pick up low spots in areas of the right-of-way or in adjacent lots.

12. **Underdrains** - The Town may require underdrains to be installed where localized seeps, springs, or high groundwater less than three (3') feet below the proposed grade of an access drive or other traveled way are observed. Underdrains shall be not less than six (6') inches in diameter and shall be perforated PVC. Outlets for underdrains shall be connected directly to drainage structures or shall be terminated with an approved outlet. Underdrains shall be placed in a two (2') foot wide (min.) trench, filled with 3/4 inch stone and the trench lined with filter fabric.
13. **Channels** - The use of channels to carry stormwater to natural watercourses will not be allowed except in special cases and then only with the approval of the Town.
14. **Special Structures** - Bridges, box culverts, deep manholes, non-standard endwalls, and other special structures shall be designed in accordance with good engineering practice and shall be subject to the approval of the Town.

F. Drainage of Off-Site Properties

1. No increase in stormwater peak flows or volume of runoff from 2, 10, 25, 50, and 100 year storms shall be allowed unless downstream increases are compatible with the overall downstream drainage system. The following items shall be investigated in determining whether increased peak flows or runoff volumes are compatible with the overall downstream drainage system:
    a. The timing of peak flows from sub-watersheds.
    b. The increased duration of high flow rates.
    c. The adequacy of downstream drainage features.
    d. The distance downstream that the peak discharges are increased.
2. When it is determined that stormwater detention structures are required, they shall be designed so that the peak flow(s) or volume of runoff after development shall not exceed nor be substantially less than the peak flow(s) or volume of runoff prior to development for each of the design storm events specified above.

G. Detention Basins

1. **Purpose Of Detention** - Detention basins, surface or subsurface, shall be constructed for the purpose of limiting peak discharge from the storm drainage system of the developed area where such discharge would adversely affect receiving streams and/or storm systems. The developer shall be responsible for establishing short and long term maintenance of detention structure(s) and appurtenances.
2. **Information Required** - The following information, as a minimum, shall be submitted for detention structures:
    a. Inflow and outflow hydrographs for detention area.
    b. Maximum storage volume.
    c. Design of emergency spillway or other measures for the release of excess flows beyond that of the design capacity of the structure.
    d. Flood routing of all runoff greater than the design capacity of the detention structure.
    e. Time which is required for the structure to drain completely.
    f. Outlet structure detail.
    g. Materials used in construction of the structure.
    h. Methods used in construction of the structure.
    i. Methods employed to avoid clogging or the discharge outlet.
    j. Safety features
    k. Proposed landscaping and vegetative measures used to stabilize slopes and bottom surfaces.

3. **Storm Return Frequency** - Detention basins shall be designed and stormwaters regulated for storm return frequencies of 2, 10, 25, 50, and 100 years.
4. **Design Procedure** - The procedure for computing the outflow from the detention areas shall consist of the development of an inflow hydrograph and the routing of the inflow through the detention basin to develop an outflow hydrograph.
5. **Inflow Hydrograph** - The inflow hydrograph may be developed by appropriate Soil Conservation Service or other acceptable methods. Routing through the detention basin shall be by application of the standard storage equation.
6. **Detention Structure Design** - Types and requirements for the detention structure design shall be appropriate for the site and be in general accordance with the SCA Field Engineering Handbook, Connecticut DOT Drainage Manual, or the CT Guidelines for Erosion and Sedimentation Control. All designs shall be approved by the Town.
7. **Maintenance Roads** - Maintenance roads and easements shall be provided for all detention facilities. The road shall be a minimum of twelve (12') feet wide, capable of providing access for maintenance and emergency vehicles. Grades shall not exceed ten (10%) percent.
8. **Fire Protection** - Where proposed detention basins involve permanently ponded water and where deemed practical by the Town, access to storm detention basins should be provided for firefighting equipment. The addition of dry hydrants and related firefighting appurtenances within the detention basins shall be coordinated with the Fire Marshal.
9. **Fencing** - Safety fencing shall be provided as prescribed by the Commission

H. Easements and Rights-To-Drain

1. **General** - All applications proposing easements as a part of the development shall submit properly executed written easements and deeds describing the land involved and privileges of the Town and/or property owners(s) in a form eliminating any Town liability for installation and maintenance, satisfactory to the Town. Said easements shall be submitted to the Town prior to final approval.
2. **Easements Dedicated to the Town** - Drainage easements for drainage systems located outside of the street right-of-way lines shall be a minimum of twenty (20') feet wide centered on the pipe and shall be adequate to provide access and maintenance to all drainage features. Easements shall be provided for channels and shall be of minimum width to include a ten (10') foot access strip in addition to the width of the channel from top of bank to top of bank.
3. **Easements Not Dedicated to the Town** - The location and size of these easements shall be established in the same manner as easements for establishing short and long term maintenance for the drainage system within said easements. The Town shall be granted the right to enter such easements to maintain, repair, and/or modify the installations.
4. **Rights-To-Drain** - Where downstream drainage features are not adequate to handle the increase in flows, the applicant shall secure drainage rights from the affected property owners, in writing. Such rights shall be noted on the final plans and shall be secured prior to final approval. Rights-to-Drain shall include the right for the Town to enter and maintain existing and proposed facilities if the drainage system is to be owned by the Town and shall be in a form satisfactory to the Town.
5. **State Highway Department (DOT) Permit** - Where a proposed storm drainage system connects with a State Highway for its appurtenances, the developer shall obtain a permit for the connection from the Connecticut Department of Transportation and shall present a copy of said permit to the Town prior to final approval.

Section 7.6. Excavation, Filling And Grading

A. Purpose

It is the intent of this Section to regulate the excavation or removal of earth materials, and the filling and grading of land within the Town to protect the public health and safety, to encourage the orderly development of the Town and to provide for the restoration of property following any excavation, grading or filling to minimize any unnecessary accelerated erosion and sedimentation.

B. General

No excavating or removal of earth materials, no filling or grading of land, by any means shall be permitted except in conformance with these Regulations.

C. Permit Requirement

1. A Permit as herein described, shall be required for all excavation, filling or grading except as follows:
    a. Earth moving activities in connection with and clearly essential to the construction or alteration of a building on the same premises, or the installation of appurtenances to the use of the land, such as septic systems, swimming pools, utilities, walls or fencing, provided that required permits (i.e. Building, septic, zoning, etc.) for such construction or installation and the proposed earthwork is specified in such permit application.
    b. Excavation, filling or grading in accordance with specific plans that have been approved by the Planning and Zoning Commission covering the lots, roads, drainage and other improvements in an approved subdivision, site development plan or Special Permit Use, provided that an erosion and sedimentation control plan was approved as part of any such approval.
    c. Incidental filling, grading or excavation related to normal maintenance, repairs or landscaping of developed property.
2. If excavation, filling or grading under any of the exclusions listed above is conducted in such a manner as to circumvent the purpose of this Section, or so as to appreciably change the ground water table or alter drainage basins or flows in a manner inconsistent with public health, welfare or safety, the Zoning Enforcement Officer or the Planning and Zoning Commission may pursue any enforcement procedure described in the Connecticut General Statutes, and require the owner of the property to obtain a permit as described in this Regulation prior to resuming such work.

D. Special Permit

1. **Application Requirements** - The Planning and Zoning Commission may grant a Special Permit authorizing the excavation, filling or grading of land subject to the following standards and conditions, in addition to those described in Section 9.1 and 9.2, where applicable: (effective 12/06/03)
    a. An application fee of one hundred dollars ($150.00)
    b. A map of the property to be excavated, filled or graded at a scale of one inch equals forty feet (1"=40'), with existing and proposed contours at two (2') foot intervals. Existing contours shall be shown for a minimum of twenty (20') feet beyond the perimeter property lines.
    c. Existing and proposed drainage plans
    d. Names of current adjacent property owners, streets and access
    e. Proposed commencement and completion dates
    f. Purpose of work
    g. Detailed plans, specification and other information necessary to describe the method, measures and other devices to be utilized to prevent and/or minimize erosion and sedimentation during

and after any proposed activities. This plan shall be in accordance with the provisions of Section 7.7.

h. Other such information as the Commission may require.

2. **Considerations for Approval** - The Commission, in considering and reviewing such application shall consider and be guided by the following: (effective 12/06/03)
    a. Actions from the Inland Wetlands and Watercourses Agency and Advisory comments received from the Conservation Commission (All applications must be presented to the Inland Wetlands and Water Courses Agency and the Conservation Commission prior to Special Permit Public Hearing.)
    b. Potential effects of erosion and sedimentation affecting the area, both on and off site
    c. Slopes, grades and elevations of abutting streets and properties
    d. Property values and uses in the surrounding area
    e. Effects on roads and traffic
    f. Any approval by Connecticut DEEP or Army Corps of Engineers
    g. The recommendations of the Town Engineer, Town Staff, or any expert testimony the Commission requests or receives.
    h. Possible effects of the proposed work with regard to flood or pollution, either before or after completion of the proposal.
    i. The suitability, character and development potential of the finished project.
    j. A site plan and/or narrative to reestablish and restore the excavated area, in part and/or in whole, upon completion of work. (Amended 4/3/02)
3. **Bond Required** - The Commission shall require a bond, performance and/or maintenance, in a form acceptable to the Commission, for the purpose of ensuring the faithful performance of the approved work. The amount of this bond shall be based on the estimated cost of the work entailed in the proposal, shall be submitted by the applicant, and be reviewed and approved by the Town Engineer. No bonds shall be released until the Commission receives certification by Staff that the work is completed as approved. A Bond shall be required for restoration in an amount as approved by the Town Engineer. (Amended 4/3/02)
4. **Time Limits** - Special Permits issued by the Commission shall be for a period not to exceed one year. Permits are renewable by the Commission upon receipt of:
    a. Application fee as described in Section 7.7.D
    b. Evidence indicating compliance with the permit as approved, consisting of progress plans, photographs, and/or a report from Town Staff attesting to such compliance.
    c. Compliance with the Requirement of Section 9.2, Special Permit, including all appropriate fees. (Amended 4/3/02)
5. **Progress Report** - The Commission, at any time, may ask for a progress report and/or copies of project logs for the purpose of determining compliance with the provisions of this Section. Failure to comply shall result in revocation of the permit and the applicant's surrender of the bond for the purpose of restoring the site to a condition consistent with the purposes of this Section.

E. Administrative Permits

In certain cases where the area to be worked does not exceed five thousand (5000) square feet, an administrative permit may be issued by the Zoning Enforcement Officer after review of the proposal by appropriate Town Staff, subject to all provisions set forth in these Regulations with the following exceptions.

1. No public hearing is required
2. Application fee shall be $25.00
3. Administrative permits shall be issued for a period not to exceed six (6) months.

Section 7.7. Erosion and Sediment Control

A. Purpose

This Section of the regulations is intended to implement methods and techniques for minimizing erosion and sedimentation in East Hampton.

B. Applicability

A soil erosion and sedimentation control plan shall be submitted with any application for development when the disturbed area of such development totals more than one-half (1/2) acre. Only a single family dwelling that is not a part of a subdivision of land shall be exempt from the submission of a soil erosion and sedimentation control plan.

C. Review Agency

For the purposes of this regulation, the East Hampton Inland Wetlands and Water Courses Agency shall be the review body, or agent, to the East Hampton Planning and Zoning commission for all proposed disturbances of land greater than one (1) acre. Nothing in this Section shall be construed as limiting the agent(s) described above from submitting applications to the State of Connecticut Department of Energy and Environmental Protection, the Soil Conservation Service or other relevant parties for review prior to final recommendation for certification or denial. It shall be the responsibility of the applicant to submit all required plans to the relevant agencies for review.

D. Definitions

Certification - A signed, written approval by the Planning and Zoning Commission that a soil erosion and sedimentation control plan complies with the applicable requirements of these Regulations.

County Soil and Water Conservation District – Connecticut River Coastal Conservation District established under Subsection (a) of Section 22a-315 of the General Statutes. (effective 12/06/03)

Development - Any construction or grading activities to improved or unimproved real estate.

Disturbed area - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Erosion - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Grading - Any excavating, grubbing, filling (including hydraulic fill), or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Inspection - The periodic review of sedimentation and erosion control measures shown on the certified plan.

Sediment - Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Soil - Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sedimentation Control Plan - A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

E. Requirements for Certification/Approval of Erosion and Sedimentation Control Plan

1. To be eligible for certification, a soil erosion and sedimentation control plan shall contain provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology.
2. Such principles, methods and practices necessary for certification are found in the 2002 Connecticut Guidelines for Soil erosion and Sediment Control, as amended.
3. Alternative principles, methods and practices may be used with prior approval of agents of the Commission. (effective 12/06/03)
4. **Plan Requirements** – The soil erosion and sedimentation control plan shall contain, but is not limited to:
    a. A narrative describing:
        1. The development
        2. The schedule for grading and construction activities including:
            a. Start and completion dates
            b. Sequence of grading and construction activities;
            c. Sequence for installation and/or application of soil erosion and sedimentation control measures
            d. Sequence for final stabilization of the project site
            e. Name, address and evening telephone number of individual(s) responsible for implementation of the Erosion and Sediment Control Plan
    b. The design criteria for proposed soil erosion and sedimentation control measures
    c. The construction details for proposed soil erosion and sedimentation control measures
    d. The installation and/or application procedures for proposed soil erosion and sedimentation control measures
    e. The operation and maintenance program for proposed soil erosion and sedimentation control measures
    f. A site plan that is in compliance with Section 9.1 of the East Hampton Zoning Regulations
    g. Any other information deemed necessary and appropriate by the Commission or its designated agent.
5. **Minimum Acceptable Standards** -
    a. Plans for soil erosion and sedimentation control shall be developed in accordance with these Regulations using the principles as outlined in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended. Soil erosion and sedimentation control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation. (effective 12/06/03)
    b. The minimum standards for individual measures are those in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented, that accomplish the same goals as the Connecticut Guidelines. (effective 12/06/03)

F. Certification or Denial of Erosion and Sedimentation Plans:

1. The Planning and Zoning Commission shall certify a soil erosion and sedimentation control plan after it is determined by its designated agent(s) that said plan complies with the requirements and objectives of this regulation. When the soil erosion and sedimentation control plan fails to comply with these Regulations, the Commission shall deny certification of the plan.
2. When the Planning and Zoning Commission or its agent(s) requires that a soil erosion and sedimentation control plan be submitted to the Soil and Water Conservation District and/or other agencies for review and comment, it shall be the responsibility of the applicant to submit the plans to the appropriate agencies. Comments from review agencies shall be submitted to the Planning and Zoning Commission as part of the application.

G. Conditions of Approval

The following conditions shall be required of all applicants upon approval/certification of plans in accordance with this Section:

1. The estimated cost of measures required to control soil erosion and sedimentation and for site stabilization shall be covered in a performance bond in accordance with the provisions specified under Section 9.1.E of the East Hampton Zoning Regulations.
2. Zoning Approvals shall not be issued for construction on the site until the erosion and sedimentation control plan is:
    a. Certified by the Planning and Zoning Commission, and
    b. The specified control measures, as outlined in the plan, are installed properly.
3. The developer/owner shall be responsible for maintaining all erosion and sedimentation control measures and facilities in proper working order throughout the life of the project.

H. Inspection

Inspections shall be made by the Commission or its designated agent(s) during development to ensure compliance with the certified plan and that control measures and facilities are properly installed and maintained. Weekly or daily logs of inspections performed by the applicant may be required, as requested by the agent(s) referred to in this Section.

I. Enforcement

Enforcement of the Soil Erosion and Sedimentation Control Regulations shall be the responsibility of the Planning and Zoning Commission or its designated agent(s). Failure to properly install and/or maintain any erosion and sedimentation control measure may result in the issuance of a stop work order until the problem is satisfactorily corrected.

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ARTICLE 8 - SPECIAL REGULATIONS

Section 8.1. Prohibited Uses

1. Any use not specifically permitted by the East Hampton Zoning Regulations.
2. Junk yards, including, but not limited to motor vehicles. (More than one unregistered motor vehicle or parts thereof shall constitute a violation of this regulation.)
3. Solid waste disposal sites, not including municipal transfer stations.
4. Uses or activities which constitute or involve the treatment storage, or disposal of hazardous waste, hazardous materials, hazardous substances or toxic waste as the above terms are defined in the Federal and State Resource Conservation Recovery Act, Comprehensive Environmental Response Compensation Liability Act or Toxic Substance Control Act, or other relevant Acts or Documents. This provision shall in no way be construed to permit or allow by Special Permit other uses or activities not otherwise provided for in this Regulation or Section.

Section 8.2. Non-Conforming Conditions

Any non-conforming use or building, lawfully existing at the time of adoption of these Regulations or of any amendments thereto, may be continued, and any building so existing, housing such non-conforming use, may be reconstructed in accordance with this Section.

A. Interpretation

Nothing in these Regulations shall be construed as authorizing or approving the continuance of the use of a structure or premise in violation of the Zoning Regulations in effect at the time of the adoption of these Regulations. The burden to prove valid non-conforming status shall rest on the owner of the premise in question.

B. Rendering to Safe Condition

Nothing in these Regulations shall be construed to relieve a property owner from the responsibility of maintaining or rendering a building, structure or premise to a condition deemed safe and healthful by proper authorities.

C. Alteration, Repair and Reconstruction

Any legal existing non-conforming building or structure may be:

1. Reconstructed, repaired or rebuilt, only to its previous floor area, when damaged or destroyed by fire, flood, collapse or other such accidental event, only if such work is commenced within twelve (12) months of such damage.
2. Repaired or reconstructed as made necessary by normal wear and tear. (Effective January 1, 2008)

D. Change in Use

No non-conforming use may be changed except to a conforming use or, with the approval by the Planning and Zoning Commission of an application for a Special Permit, in accordance with Section 9.2 to another non-conforming use, not more objectionable, and deemed to be more conforming, provided any aspect of the use is not extended or enlarged (revision effective July 8, 2006).

E. Reversion

No part of a conforming lot, use or building may return to non-conformity once such non-conformity is abandoned or extinguished.

F. Non-Conforming Lots of Record

1. Lots made non-conforming by changes made to Zoning Regulations may be developed in conformance to these Regulations. Such lots must be legally existing at the time of any such changes in the Regulations, and the burden to prove such non-conforming status shall be on the applicant for such development.
2. Subject to the provisions of Section 8-26a(b) of the Connecticut General Statutes, contiguous, non-conforming lots created prior to adoption of Subdivision Regulations (5/1/49), or existing as the result of divisions not requiring subdivision, shall be considered one non-conforming lot when such lots are of the same ownership and have contiguous frontage.

G. Maximum House Size Allowed on Non-Conforming Lots of Record in the R-1 Zone

For the purposes of preventing the overcrowding of land, promote public safety, and allow for the orderly development of neighborhoods; the following shall be the maximum house sizes permitted on non-conforming lots of record in the R-1 Zone:

Lot Size	Maximum House Size (Habitable space)	Maximum First Floor Area
less than 5,000 sq. ft	1500 sq. ft.	750 sq. ft.
5,000 - 10,000 sq. ft.	1800 sq. ft.	900 sq. ft.
10,001 - 19,999 sq. ft.	2200 sq. ft.	1100 sq. ft.

H. Enlargement of a Permitted use on Non-Conforming Lots

Buildings containing a permitted use, but which does not conform to the requirements of the Regulations regarding height, floor area, percentage of lot coverage, setbacks or parking facilities, may be enlarged or altered provided:

1. Such enlargement contains no more dwelling units than now exist.
2. Additions are constructed in accordance with the applicable yard and height requirements, or with the approval of the Zoning Board of Appeals, are not closer to the lot lines than the existing building or structure (revision effective July 8, 2006).

Section 8.3. General Provisions

A. Density

No more than one dwelling unit per lot shall be constructed or used per lot, except as expressly provided for in these Regulations.

B. Interior Lots

1. **Area** - Each interior lot shall contain twice the minimum lot area required for the zone in which it is located.
2. **Access** –
    a. Each interior lot shall have access to a street.
    b. Such access shall be part and parcel of such lot and shall be a minimum of twenty-five (25') feet wide and shall comply with Public Works standards, relative to grade and construction.
    c. The length of the access shall be not less than the minimum lot depth for the zone in which it is located and shall not exceed six hundred (600') feet.
    d. The measurement of the access way length shall be done by measuring along its center line from the edge of the town road abutting the access way to the front lot line. (Effective: August 24, 2007)
3. **Yard Requirements** - The setback requirements shall be in accordance with each zone.
4. **Location** -
    a. No interior lot shall be located to the rear of another adjacent interior lot.
    b. Maximum number of adjacent rear lot access way shall be (2) two (Amended 4/3/02)

C. Corner Visibility

On a corner lot, no wall, fence, or other structure shall be erected; and no hedge, shrub, tree or other planting shall be maintained, between the building line and the street line, as to create a traffic hazard by obstructing the view. For the purposes of enforcing these Regulations, the opinion of the East Hampton Police Department and/or the East Hampton Traffic Authority shall prevail.

D. Lots on Narrow Streets

In the case of lots fronting on streets less than fifty (50') feet wide, (street width includes pavement & right of way) the front yard required for the zoning district shall be increased by one half (1/2) of the difference between fifty (50') feet and the actual width of the street. (Amended 4/3/02)

E. Projections into Yards

1. Nothing in these Regulations shall prohibit the projection of not more than one (1') foot into a required yard setback by pilasters, eaves, cornices or other architectural features.
2. Overhangs and cantilevers shall be allowed to project two (2') feet into the required front yard.

F. Access to Lots

1. **Applicable Standards** - Access to lots, parcels, tracts or other units of land, from public streets, roads and highways must be made in compliance with these Regulations, the Town of East Hampton Street Standards, Town of East Hampton Subdivision Regulations and State of Connecticut D.O.T. Standards.
2. **Responsibility of Applicant** - Responsibility to obtain proper permits for such access is the sole responsibility of the applicant for such access. No unauthorized access will be permitted.

3. **Standards** - The following shall apply to access from all lots to streets and roads.
    a. **General**: Access drives shall be constructed such that the flow of road drainage is not impeded, water from the lot is not directed onto the road, safe sight distance is achieved, and the required number of vehicles, in accordance with Section 7.1, may be parked off the road in all weather conditions.
    b. **Grade**: The apron Section, which is that portion between the edge of the road pavement and the street line, or front line, shall have a maximum grade of three percent (3%) slope. The next ten (10) feet shall not exceed five percent (5%) slope, and the remainder shall not exceed fifteen percent (15%) slope.
    c. **Surface**: The drive apron shall be paved with a minimum of two (2) inches, compacted depth, bituminous concrete. The remainder of the drive will be surfaced as follows:
        1. 0-10 percent slope; minimum of two (2") inches processed gravel or stone
        2. 10-15 percent slope; minimum of two (2") inches bituminous concrete.
4. The Director of Public Works and/or the Planning, Zoning, and Building Department shall have authority to increase these minimums as site conditions dictate.
5. Access to unpaved roads or streets shall comply with any or all requirements of the Public Works and/or the Planning, Zoning and Building Dept.

G. Height Limitation

1. The building height limit shall be construed as the height of any part of a building or structure above the average finish grade of the lot.
2. Spires, cupolas, towers, chimneys, flagpoles, mechanical penthouses, ventilators and other similar features, occupying in aggregate not more than ten (10%) percent of the total roof area, and not used for human occupancy, may be erected to a reasonable and necessary height.

H. Water Supply and Sewage Disposal

1. All lots used for residential, commercial or industrial purposes shall provide for adequate, healthful water supply and proper sewage disposal for the uses intended.
2. All lots and proposed uses shall comply with the provisions of all laws, codes, regulations, statutes and ordinances applicable to the proposed use.
3. The departments and/or agencies responsible for ensuring compliance to the above requirements shall include, but not be limited to, the Town Sanitarian, East Hampton Water Pollution Control Authority, State of Connecticut Dept. of Health Services, State of Connecticut Department of Public Utilities Control and the State of Connecticut Department of Energy and Environmental Protection.

I. Accessory Buildings

An accessory building is a structure detached from the principal building(s) and is arranged, designed or intended to serve as accessory and subordinate thereto.

1. **Location and Size Permitted** - Accessory buildings shall be located only in compliance with the front setback requirements of the applicable zone.
2. **Residential Use** - Accessory buildings shall not be configured for use, or be used, as a dwelling unit.
3. **Special Setback Provisions** -
    a. Small Structures - Accessory buildings not more than twelve (12') feet in height and two hundred (200) square feet in area shall be located not less than six (6') feet from any rear or side boundary line.
    b. Large Structures - Accessory buildings greater than twelve (12) feet in height or two hundred (200) square feet in area shall comply with all applicable setback requirements of the applicable zone in which they are located. Such accessory buildings shall not exceed one story in height.

The size of accessory buildings proposed shall not be construed as sufficient hardship for setback variance or lot coverage variance requests.

4. **Construction and Completion** - No accessory building shall be constructed prior to the construction of the principal building on the lot. This Section shall not prohibit the completion of an accessory building prior to the principal building when the construction of both is concurrent.
5. **Size Of Accessory Buildings and Private Garages** –
    a. Accessory buildings and private garages for the sole use of occupants of the premises shall not exceed the area required for more than three (3) vehicles on one lot and for one additional such vehicle space for each ten thousand (10,000) square feet by which the area of the lot exceeds one acre (one vehicular space shall be construed, for the purposes of this Section, as 15 ft. x 30 ft., hence a 3 vehicle space building or garage shall not exceed 45 ft. x 30 ft.).
    b. In no case shall an accessory building or buildings exceed an aggregate total of 3000 sq. ft.
6. **Accessory Buildings Used to Contain Livestock for Personal Use** - Buildings used to house livestock for personal use shall comply with the applicable provisions of Section 8.4.C.

J. Accessory Uses

An accessory use is one that is strictly incidental and subordinate to the principal use and cannot exist without the principal use.

1. **Recreation Vehicles** Not more than two recreational vehicles, including boats (as defined by the CT Department of Motor Vehicles) shall be permitted as accessory uses on a lot in any Residential Zone unless the vehicles shall be:
    a. Parked or stored at all times in a fully enclosed structure, or if parked outdoors, not located within the required front yard, unless located on the driveway.
    b. Not used for living, business purposes or continuous recreation purposes while parked or stored on a residential lot. (Living purposes does not include temporary stays by guests of up to one month)
2. **Tag Sales** –
    a. For the purpose of selling personal items may be allowed for a period of no longer than 3 times per year, each for 3 consecutive days.
    b. Any tag sales which are longer than this time period shall be considered a Commercial business and will require Special Permit approval.
    c. It will not be considered a commercial tag sale where one item is placed on a piece of property for sale for an extended period (i.e.: motor vehicle etc.)
3. **Commercial Tag Sales (Flea Markets)** – Shall be allowed by Special Permit under Section 9.2 of these regulations in non-residential zones only (revision effective October 1, 2009).

Section 8.4. Standards For Specific Uses

A. Garages And Motor Fuel Filling Stations

1. **General Requirements** - Where permitted elsewhere in these Regulations, public garages for storage, repair or other use, and filling stations shall be permitted only after approval of the proposed action by the Zoning Board of Appeals, pursuant to Section 14 of the Connecticut General Statutes. Such approval must be obtained prior to submitting an application to the Planning and Zoning Commission for Special Permit and Site Plan Review in accordance with Sections 8.6, 9.1 and 9.2 (effective 12/6/03).
2. **Location** - No facility under these Regulations shall have its vehicular entrance or exit within five hundred (500') feet from any school, church, public park or playground.
3. **Special Provisions** - Any facility under these Regulations shall show, prior to approval that;
    a. No increase of traffic or fire hazard in the area.
    b. It will not depreciate the property values or essential characteristic of the area.
    c. No residential use of the property shall occur.
    d. No motor vehicles shall be stored or parked nearer to the street than the building line, and that no repair of vehicles shall occur out of doors.
    e. No building containing less than fifteen hundred (1500) square feet shall be used for the repair of motor vehicles.

B. Alcoholic Beverages

1. **Location** - No building or structure shall be used for the sale, exchange, storage for the purpose of sale or exchange, retail or wholesale, of alcoholic beverages if such building is located:
    a. In any residential zone except as permitted in Section 8.4.L. (Effective 12-1-2015)
    b. Within five hundred (500') feet of a:
        1. church,
        2. school or other institution for the purpose of caring for children,
        3. hospital, or
        4. charitable institution, public or private.
    c. This distance shall be measured as a straight line from any entrance of either building.
2. **Exceptions** -
    a. Grocery stores - Stores chiefly engaged in the sale of groceries, which have a permit to sell beer, shall not be regarded as selling or storing alcoholic beverages for the purpose of the distance requirement in Section 8.4.B.1
    b. Sale of alcoholic beverages may be allowed in any zone under a temporary, charitable or organization permit, for a period not to exceed fifteen (15) days, only when specifically approved by the Planning and Zoning Commission.
    c. Sale of alcohol for on-site consumption as an ancillary use in the C, VC, or MUDD Zones may be approved within 500 feet of the uses described above when the Commission determines that such sale will not adversely affect the health, safety, or welfare of persons attending the uses as described in Sec 8.4.B.1.b. Any change in ownership of permitted facility requires review and/or approval of the Commission.

C. Agriculture and Livestock

1. **Purpose** - The purpose of this Section is to provide adequate safeguards to preserve and protect agricultural uses and the keeping of domestic livestock and to ensure that these uses do not create a negative impact on adjacent uses.
2. **Applicability** -
    a. This Regulation shall not be considered applicable to the growing of garden crops for the use of the occupants of the property.

b. Agriculture shall mean "The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, animal and poultry husbandry, etc., when such use is the principle use of the land".
c. For the purpose of enforcement, the Animal Control Officer is designated to enforce this Section.

3. **Classification of Livestock** - Livestock kept for personal use, except dogs, cats, and other small, domesticated animals, shall be classified as follows:
   a. Class 1 - Farm livestock, small: animals such as poultry and other fowl, rabbits, and animals similar in size and weight.
   b. Class 2 - Farm livestock intermediate: animals such as goats, sheep and hogs.
   c. Class 3 - Farm livestock, large: horses, cattle, and animals of similar stature.
4. **Acreage** - There shall be:
   a. a minimum of three-fourths (3/4) acre in lot area for the first Class 2 yearling or older being kept and an additional one-half (1/2) acre for each additional Class 2 yearling or older.
   b. a minimum of three-fourths (3/4) acre above the minimum lot size for the first Class 3 yearling or older being kept, including horses, and an additional (1/2) acre for each additional yearling or older.
5. **Fencing** - Adequate fencing shall be installed and maintained to contain all livestock within the premise.
6. **Setback** - All structures and enclosures, except perimeter fencing, shall be located not closer than one hundred feet (100') from any street line and not closer than forty feet (40') from any lot line.
7. **Use of Buildings** - Buildings shall be used to house all livestock, vehicles, implements, and supplies related to agricultural and personal livestock uses. Outside storage shall be prohibited.
8. **Sanitation** - All living quarters of livestock shall be maintained to control pollution, rodents, insects and odor. The keeping of manure must not create a health hazard nor shall it be in a location where it can be detected by neighboring properties.
9. **Lighting** - External floodlighting shall be appropriately shaded and directed to prevent transmission beyond the lot where it originated and prevent objectionable brightness, as determined by the Zoning Enforcement Officer.

D. Commercial Stables

1. In accordance with Sections 9.1 and 9.2 and the standards of this subsection, the Planning and Zoning Commission may permit, as a Special Permit, the commercial use of land, buildings and other structures for the following horse related activities:
   a. riding academies,
   b. livery and boarding stables,
   c. animal and convalescent stables,
   d. rental and hacking stables,
   e. breeding stock farms, and
   f. private club riding stables.
2. **Acreage**: The barns, riding rings, corrals and accessory facilities shall be contained within one parcel of suitably drained land consisting of at least ten (10) acres.
3. **Parking**:
   a. Sufficient off-street parking facilities should be provided to accommodate all users and visitors to the property, including spectators, for horse shows or similar events.
   b. The roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on the public street or highway.
   c. There shall be five (5) off-street parking spaces plus one space for each five (5) users, based on the capacity of the stalls provided.
4. **Health** -
   a. Stable manure must not create a health hazard from an air and water pollution standpoint to the community in general or the persons inhabiting or using the surrounding acreage, and therefore, the stabling of horses shall conform to all regulations of local and state health authorities.

b. Toilet facilities shall be provided for in accordance with local health requirements for normal operations as well as for horse shows and similar activities.

5. **Fencing**: Adequate fencing shall be installed and maintained to contain the horses within the property.
6. **Public Safety** -
    a. Fire control facilities for the barns, buildings and other facilities used for normal operations as well as for horse shows and similar activities shall be acceptable to the Town Fire Chief.
    b. Personnel and facilities to control traffic and pedestrian movement at public shows or other activities shall be provided in a manner acceptable to the Town Police Chief and at the expense of the operator or owner of the stable.
7. **Noise** - The use of public address systems, the conduct or the instruction of riders, training of horses and the spectator participation in competitions shall be modulated and continuously controlled in order to avoid becoming a nuisance to surrounding neighbors.
8. **Setback** - No building, riding ring, corral or manure pit used for or in conjunction with the operations, shall be located in a manner that any part thereof shall be less than one hundred feet (100') from the nearest line of any road, street or highway abutting the property or any side and rear boundary line.
9. **Use of Buildings** - The use of temporary buildings or trailers for the stabling of horses in excess of seven (7) days is prohibited. There shall be no storage of supplies outside of permanent buildings.
10. **Maintenance** - The areas should be landscaped to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the local zoning authority. The manure storage area shall be so screened that it will not be unsightly.
11. **Lighting** - External floodlighting shall be appropriately shaded and directed to prevent transmission beyond the lot where it originates and prevent objectionable brightness, as determined by the Planning and Zoning Commission and/or the Zoning Enforcement Officer.

E. Commercial Kennels

Commercial kennels may be allowed as Special Permit uses in accordance with Section 9.2 in the Commercial (C), Industrial (I), R-3 and R-4 Zones and the following special provisions:

1. **General** -
    a. All kennels shall be planned in accordance with Connecticut General Statutes 22-342 and proposals shall be submitted to the East Hampton Canine Control Officer for review.
    b. All kennels shall be designed to provide adequate provisions to limit the emission of sound from the property.
    c. Adequate provisions for the proper treatment of waste shall be in accordance with the Connecticut Public Health Code and, if applicable, the Water Pollution Control Authority.
    d. Evidence shall be shown that professional affiliation with the American Boarding Kennels Association or similar organizations has been maintained and that the guidelines and standards of such organizations are followed.
    e. All animals shall be confined indoors between the hours of 8:00 p.m. and 8:00 a.m.
    f. A site plan in accordance with Section 9.1 shall be submitted and shall be in compliance with the provisions therein.
2. **Commercial and Industrial Zones** -

    a. Lot must contain a minimum of forty thousand (40,000) square feet.
    b. Commercial kennels proposed in these zones must be so designed that all animals at all times, including exercise, must be housed inside the enclosed weather tight perimeter of the building. Such indoor kennels must provide:
        1. Adequate ventilation
        2. Inside exercise and run areas
        3. Provisions to store all materials and supplies within the building

4. Evidence that the building design has considered acoustic attenuation to the greatest degree possible.

3. **R-3 and R-4 Zones** -
   a. Lot must contain ten (10) acres minimum.
   b. Kennels in these zones may utilize outdoor exercise and run areas for animals if it can be shown that the building or site characteristics and/or the proposed location provide adequate assurance that the sound of all kennel activities shall be confined to the property.

F. Commercial Recreation

Commercial recreation, as described in this Section, and where permitted by Articles 3 thru 6 of these Regulations shall be by Special Permit only, in accordance with Sections 9.1 and 9.2 (Site Plan Requirements and Special Permit Requirements) and in compliance with the following provisions.

1. **Permitted uses** -
   a. Outdoor athletic activities, including facilities for skating, skiing, sledding, swimming, and racquet sports.
   b. A golf course, of not less than nine (9) holes as a principal recreational use, and a par three (3) golf course or putting greens and driving range as accessory to a major recreational facility, but expressly prohibiting miniature golf, putting greens and driving ranges as a principal use.
   c. Riding academy or hunt club as a principal use and the keeping and boarding of horses for riding, instruction, and exhibition.
   d. Outdoor picnic facilities, including barbecue pits and outdoor fireplaces, and as accessory use to a major recreational facility.
   e. Social and recreational facilities for dining and dancing, including banquet, meeting, receptions, assemblies and entertainment, provided such activities are accessory to and a part of an indoor/outdoor recreational enterprise.
   f. Lodge, or inn furnishing lodgings and/or meals to transients as accessory to a recreational use, but not as a principal use, provided that no living accommodations shall include cooking facilities.
   g. Activities similar to those listed above that are commonly provided by such organizations as day camps, swimming and tennis clubs and other recreational enterprises and that are listed in the application and on the site plan may be approved by the Planning and Zoning Commission subject to such additional safeguards as the Commission may require.
   h. Rental of camp sites subject to the following:
      1. During the period from April 1st to the following October 31st, the rental of camp sites is permitted. A service building containing a potable water supply and complete bathing and toilet facilities in accordance with the requirements of the Connecticut Public Health Code shall be required.
      2. During the winter season the rental of sites for temporary occupancy by transient trailers, travel trailers, recreational vehicle and park mobile trailers is permitted, provided that a trailer or other such unit shall not be dismounted from its wheels. Campgrounds are temporary recreational uses and every camper must maintain a permanent residence elsewhere (effective 12/6/03).
      3. No full time school age children are allowed for more than two consecutive weeks during the Connecticut public school calendar year (effective 12/6/03).
      4. Proper provision shall be made for the temporary storage, collection, and disposal of water and garbage.
      5. The total number of rental sites shall not exceed eight (8) for each acre of area of the entire tract or parcel of land, and a site for the exclusive use of one (1) occupying family shall contain not less than three thousand (3,000) square feet, nor have a width or depth less than forty (40) feet (effective 12/6/03).

6. The standards as allowed by the bulk tables for each zone, pertaining to public health and safety shall be used by the Planning and Zoning Commission in determining the requirements for improvement in areas used for trailer sites.
7. Except as above, residential use shall be limited to existing dwellings and new accommodations for persons employed on the premises only.
8. Accessory uses and structures customarily incidental to a permitted use.
9. Signs in accordance with Section 7.2.

i. Places of worship and parochial schools.

2. **Special Provisions** -
   a. The minimum tract shall be fifty (50) acres.
   b. Evidence of adequate potable water supply and sanitary sewage disposal to provide for the maximum requirements of the proposed uses shall be submitted for approval by the Town Director of Health and by state agencies having jurisdiction.
   c. No structure except a single family dwelling shall be less than one hundred (100') feet from the nearest public highway or less than five hundred (500') feet from the nearest dwelling located on land under other ownership.
   d.
   e. Off-street parking shall be provided as required in the Zoning Regulations. No parking area shall be located less than one hundred (100') feet from a public highway, and where located less than one hundred (100') feet from any other property line shall be protected by a landscaped buffer strip not less than forty (40') feet wide.
   f. The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.
   g. Outdoor barbecue and like activities shall terminate at ten (10:00) p.m., and all other outdoor activities shall terminate at midnight.

G. Mobile Homes And Trailers

No mobile home or trailer shall be occupied for domestic or business purposes except as provided for in this Section, or in Section 8.4.F when used in conjunction with an approved Commercial Recreation use.

1. **Storage** - These Regulations shall not prevent the storage of an unoccupied mobile home or transportable trailer owned by the occupant of the principal dwelling unit located on the premises. Such storage shall be to the rear of the dwelling and shall be no closer to the boundaries of the property than is as allowed by the bulk tables for each zone relative to setbacks for rear and sidelines.
2. **Temporary Permits** –
   a. The use of a mobile home or trailer for occupancy during the construction of a principal dwelling may be permitted as a Special Permit use after a Public Hearing in accordance with Section 9.2. Such permits shall be valid for a period of twelve (12) months, after which one extension of six (6) months may be granted. The following shall be required of all applicants for temporary trailer permit prior to occupancy:
      1. Approval by the Town Health Department that sanitary facilities meet all applicable codes and standards.
      2. Approval by the Town Health Department of the potable water supply.
      3. No Certificate of Occupancy shall be issued for the principal dwelling until the temporary trailer or mobile home detached from sanitary facilities and water supply and is removed or properly stored in accordance with this Section.
   b. Temporary trailers for non-residential use shall be allowed as accessory to construction of principal buildings when specifically approved by the Commission as part of an approved site plan in accordance with Section 9.1. Such temporary trailers shall be removed prior to issuance of final certificate of occupancy.

H. Car Wash

Car washes shall be permitted in the Commercial, Industrial and Village Center Zones, except that car washes are expressly prohibited in the Lake Watershed Area and are subject to Special Permit and Site Plan approvals in accordance with Sections 9.1 and 9.2 of these regulations.

1. The applicant shall show the site has sufficient water supply for the use either by well capacity or connected to a public water supply system.
2. All wastewater and liquids used in the car wash operations shall be collected by a self-contained treatment system on the property. Said system shall be so designed as to remove all detergents, chemicals, sand and other solids from the used wash system. In addition, all wash water shall be discharged into a public sewer. Approval of the East Hampton Water Pollution Authority shall be required. Said self-contained treatment system shall be subject to approval by the Commission
3. Vehicular circulation shall be controlled for safe entrance and exit, and all vehicles awaiting service or being served shall be parked or stacked behind the building line.
4. There shall be sufficient stacking and queuing spaces in front of the entrance of the car wash facility which do not interfere with on-site or off-site traffic flow. Entrance and exit driveways shall be of a minimum width to support safe entrance and exit and shall have adequate radius for junction with existing traveled ways.
5. The cars shall be stored in an orderly fashion in a lane or lanes not less than 10 ft wide. The stacking area shall require 20 ft of length of each lane for each vehicle.
6. No parking shall be permitted on site except for vehicles of employees, service representatives or vendors. No overnight parking shall be allowed except for service vehicles working on equipment. Number of parking spaces shall not exceed 10, for facilities which are stand-alone car washes.
7. Vacuum spaces shall be 20 ft in length and 12 ft wide. Ingress and egress into and from a vacuum space is permitted from the stacking area, escape lane or exit.
8. All areas for the washing, drying, vacuuming and parking of motor vehicles or any other use of the premises, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulation within the area.
9. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water reclamation system or any other equipment satisfactory to the Town Health Director. Such drainage shall not in any case be directed to storm sewers or natural watercourses.
10. The applicant shall demonstrate to the satisfaction of the Commission that buffer areas, noise levels, environmental controls, including waste water recycling, sludge and sediment handling shall be adequately provided for.
11. The premises shall be properly lighted, such lighting to be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential zone or premises used for residential purposes.
12. Any trash or storage area shall be enclosed by a suitable opaque fence or plant screening
13. Motor vehicle car washes shall be screened from any adjacent residential property and/or residential zone by an opaque fence or with evergreen screening, not less than 6ft in height at time of planting. The specific fence permitted shall be subject to the approval of the Planning and Zoning Commission.
14. Any holding tanks shall be located to the rear of the property
15. The applicant must show that the facility will not have an environmental impact on existing or abutting watersheds and/or aquifers upon which the facility is located.
16. Engine degreasing will not be a permitted activity at any car wash facility (Revised 4/23/02)

I. Bed & Breakfast

This Section of the regulations is intended to allow for the offering of overnight accommodations and breakfast to travelers for a fee in residential areas where a home has structural and/or site characteristics which lend themselves to a Bed and Breakfast - type setting. It is not the intent of these regulations to allow Bed and Breakfast establishments in conventional residential developments settings in town. It is the intent of this Section to insure that Bed and Breakfast operations do not infringe upon the privacy, peace and tranquility of surrounding residents nor decrease the aesthetic or real value of surrounding properties.

Bed and Breakfast operations as defined in these regulations may be permitted in Residential Zones as a Special Permit, under Section 9.2 of these regulations provided that in addition to these regulations the following requirements must be met. The applicant shall provide written confirmation from the Health Official, Building Official and Fire Marshall that all requirements of the applicable Health, Building and Fire Codes, as they apply the Bed and Breakfasts, can be met.

1. Maximum length of stay per guest is 14 days
2. Bed and Breakfasts must be owner – operated and be the principle residence of the owner. The applicant must be the owner at the time of the application.
3. The Bed and Breakfast shall be an accessory use of an owner occupied residence and include of all requirements of the zoning regulations
4. The Bed and Breakfast establishments shall be contained within the existing footprint of the residence
5. No more than 50% of the floor area of the residence shall be used for guest sleeping accommodations. This provision shall not apply to outbuildings used as part of the bed and breakfast establishment, however, under no circumstances shall an outbuilding contain more guestrooms than the owner occupied principal residence
6. No building addition or free standing building shall be constructed in order to accommodate or otherwise make room for the bed and breakfast establishment, except for additions for structures required under local or State Health and Safety codes. An existing outbuilding may accommodate rooms, but shall not be added on to or enlarged, provided it conforms to the minimum yard requirements of the respective zone.
7. Exterior alterations may be made to existing buildings or structures in order to preserve a valuable historic property, promote adaptive reuse of buildings, or comply with local State health and safety code requirements. However, in all cases, such alterations must be considered minimal exterior modifications of the building or structure which are compatible with the character of the area, ensure the residential character of the buildings, and preserve the existing features of the building.
8. Additions to the residence for primary use of the residence are allowed provided they are not an expansion of the Bed and Breakfast establishment
9. No more than 3 guest rooms rated for double occupancy are permitted in a structure which the owner is a resident
10. There shall be a maximum of two (2) guests per room (18 or older)
11. Complete bathrooms shall be provided at a rate of one per two guest rooms
12. Access to each guest room shall be via a main entrance or foyer within the residence. No guest room shall have a separate exterior access except as may be required by fire or building code or where an outbuilding is to be used. The Commission may grant a waiver for an additional access/s by a ¾ vote of the entire membership
13. The owner of the Bed and Breakfast Establishment shall make the Guest Book available to the Town, which shall record the lengths of stay, at the request of the Zoning Officer within 10 days of written receipt for same
14. The lot shall be of adequate size and shape to provide one parking spot for each guest room, employee and property owner screened from public view and preferably located to the rear of the residence where possible.
15. The Commission may require fencing, earth berms, evergreen vegetation or other buffers to reduce visual conflicts with neighbors
16. No guest, employee or owner parking shall be located on the street

17. Bed and Breakfast establishments shall be permitted no more than one suitable free standing sign to identify the property, provided the area of the sign does not exceed 6sq feet as measured on one side, which shall contain no lighting with the exception of indirect lighting which shall be specifically reviewed and subject to approval as part of the Special Permit review for its consistency and compatibility with the area in which the Bed and Breakfast is located (revision effective July 8, 2006).
18. A waiver for the number of guest rooms may be allowed with a ¾ vote of all of the members of the Commission members, where the Commission determines that the structure and size of property will not impact abutting property owners.
19. The Commission may allow, by Special Permit, events to be held at a Bed and Breakfast, such as meetings, classes, luncheons, wine tasting, weddings and other private parties, in according with the following specifications, and as further limited by the Commission based on the criteria of these regulations and the character of the site and the neighborhood:
    a. Indoor events restricted to the occupants of the Bed & and Breakfast in accordance with the Building and Fire Codes, as amended; no more than two times per week; no single event to commence before 8 o'clock in the morning nor to end later than 11 pm on Friday or Saturday and 9 pm on all other evenings; and no more than one indoor event per day.
    b. Outdoor events not to exceed 30 persons, no more than one time per week and no more than eighteen (18) times per year, no single event to commence before noon nor to end later than 11 pm on Friday or Saturday and 9 pm on Sunday. Outdoor events shall only be allowed on Friday, Saturday, or Sunday. Setup for events may commence no earlier than one hour prior to the start of the event and shall be completed no more than one hour after the end of the event. Outdoor events shall not utilize and indoor space or facilities unless permitted by applicable building and fire codes. Sanitation facilities shall be described as part of the Special Permit application.
    c. Outdoor events may have amplified sound provided that such amplified sound terminate no later than 10 pm on Friday or Saturday and 8 pm on Sunday.
    d. Prior to any indoor or outdoor event, the owner shall provide written notice (including by email) to the Zoning Enforcement Officer and the Fire Marshal of such event including the date and nature of the event, the number of persons attending, whether there will be amplified sound, and the hours during which the event will occur and amplified sound will commence and terminate.
    e. Parking shall be provided in accordance with Section 7.1 of these regulations.

J. Country Inn

This Section of the regulations is intended to provide for the short term rentals of not more than (14) fourteen guest rooms, with the serving of meals. It is the intent of this Section to allow for these rentals, while still keeping the rural character of the Town intact.

Country Inn as defined in these regulations may be permitted in Commercial, POR, VC and DD Zones as a Special Permit, under Section 9.2 of these regulations provided that in addition to these regulations the following requirements must be met. The applicant shall provide written confirmation from the Health Official, Building Official and Fire Marshall that all requirements of the applicable Health, Building and Fire Codes, as they apply the Bed and Breakfasts, can be met.

1. Maximum length of stay per guest is 30 days
2. Country Inns may be owner – operated or professionally managed. The applicant must be the owner at the time of the application.
3. The Country Inn may be an accessory use of an owner occupied residence.
4. The Country Inn must conform to all requirements of the zoning regulation (revision effective July 8, 2006).
5. Exterior alterations may be made to existing buildings or structures. The Commission promotes adaptive reuse of buildings, and encourages the preservation of any historical structures.
6. No more than 14 guest rooms rated for double occupancy are permitted in a structure

7. There shall be a maximum of two (2) guests per room
8. Complete bathrooms shall be provided at a rate of one per guest rooms
9. Access to each guest room shall be via a main entrance or foyer within the residence. No guest room shall have a separate exterior access except as may be required by fire or building code or where an outbuilding is to be used. The Commission may grant a waiver for an additional access/s by a 3/4/ vote of the entire membership
10. The owner of the Country Inn shall make the Guest Book available to the Town, which shall record the lengths of stay, at the request of the Zoning Officer within 10 days of written receipt for same
11. The lot shall be of adequate size and shape to provide one parking spot for each guest room, employee and property owner, screened from public view and preferably located to the rear of the residence where possible.
12. The Commission may require fencing, earth berms, evergreen vegetation or other buffers to reduce visual conflicts with neighbors
13. No guest, employee or owner parking shall be located on the street
14. Country Inns shall be permitted no more than one suitable free standing sign to identify the property, in compliance with Section 7.2 (Outdoor Signs) of these regulations and shall contain no lighting with the exception of indirect lighting which shall be specifically reviewed and subject to approval as part of the Special Permit review for its consistency and compatibility with the area.
15. Shall not include facilities for cooking in rooms, but may include meals served by the owner to guests.
16. Meals for dinner and Sunday brunch can be offered to the general public as an accessory use. When meals are offered to the general public all parking shall be in accordance with Section 7.1 of these regulations
17. Shall be designed so that normal access shall be from a centralized point and comply with all parking and road standards.
18. Review shall include but not be limited to appropriateness to the neighborhood, Architectural Character, and Historic Preservation
19. A waiver for the number of guest rooms may be allowed with a ¾ vote of all of the members of the Commission members, where the Commission determines that the structure and size of property will not impact abutting property owners

K. Swimming Pools

1. **Applicability** - Pools used for swimming or bathing shall be in conformity with these Regulations, however, these Regulations shall not apply to any pool less than twenty-four (24") inches deep or having a surface area less than one hundred (100) square feet, except when such pool is equipped with a water filtration/recirculation system.
2. **Permits** - No swimming pool shall be constructed, installed or used until all permits are obtained from the appropriate offices requiring such permits. (Building, Zoning, Health, State of Connecticut, etc.)
3. **Plans** - Before any permit for a swimming pool is issued, plans, including a plot plan showing elevations, shall be submitted to all appropriate offices requiring such plans. Details of construction, location, enclosure and water disposal system shall be shown to be in compliance with all regulations.
4. **Yard Requirements** -
    a. **Private Pools/Residential Zones** -
        1. A private pool is permitted as an accessory use in all residential Zones.
        2. Pools shall be located to the rear of the front plane of the dwelling and shall be a minimum of fifteen (15') feet from side or rear boundaries.
    b. **Public/Semi-Public Swimming Pools** - Public/semi-public swimming pools shall be allowed as an accessory to a permitted use in accordance with all regulations relative to the zone in which the swimming pool is located.

L. Farm Brewery

1. **Purpose:** It is the intent of this section to preserve and encourage agricultural activities in the Town of East Hampton through flexible uses.
2. **Definition:** The small scale production of malt beverages from the fermentation of malt with or without cereal grains or fermentable sugars or hops, provided that 20% by weight of said hops, cereal grains and other ingredients, excluding water, are grown by the farmer-brewer on site or sourced within a 50 mile radius.
3. **Applicability:**
    a. Farm Breweries are allowed in any zone.
    b. Facility and production therein is to be in conformance with Section 9.1.
    c. Finished product to be sold at wholesale.
    d. Tasting rooms, tours, and sale of alcoholic beverages on-site may be allowed by Special Permit and in conformance with Sections 8.4.B, 9.1, and 9.2.
    e. Finished product shall not exceed 50,000 U.S. gallons per calendar year.
    f. The property shall be no less than 10 acres in size.
    g. Parking shall be in conformance with Section 7.1.

M. Accessory Dwelling Units

The purpose of this regulation is to allow for the creation of Accessory Dwelling Units (ADU) within the R-1, R-3, and R-4 Zones with the purpose of providing housing for the elderly, single persons, or small families. In addition, creation of additional housing in the already developed areas in town will reduce the pressure to develop raw land in other parts of town. This regulation is designed to ensure that in creating accessory dwelling units, the single family character of the existing principal dwelling and the surrounding neighborhood is retained. Special Permits for accessory dwelling units are approved pursuant to Section 9.2.

Accessory Dwelling Units may be considered only if the following conditions are met:

1. The property is located in the R-1, R-3, or R-4 Single Family Residential Zones.
2. Any lot being considered for an ADU permit shall conform to the current East Hampton Zoning Regulations with regards to minimum lot size and coverage. Lots with pre-existing non-conforming structures may be considered for ADUs.
3. Approval from the Health Department (and State as necessary) shall be obtained prior to the issuance of a Special Permit if the site is served by a Septic System.
4. Off street parking shall be provided and be accomplished so as not to disrupt the single family character of the lot. Additional parking to accommodate the ADU shall not exceed two additional parking spaces beyond the existing condition.
5. No more than one ADU may exist on any property at one time, be it attached or detached.
6. Accessory Dwelling Units shall not be recognizable from the street as a residence and shall not be given a separate street address from the main residence**.**
7. The owner of the property shall reside on the property in either the primary residence or the ADU at all times (a hiatus from residency of up to 120 days within any twelve (12) consecutive month period shall not constitute a violation).
8. If requested, the applicant shall allow the property to be inspected for compliance by Town Staff.
9. Application to the Zoning Board of Appeals to vary any part of Section 8.4.M, or any other portion of the regulation to allow for the construction of an ADU shall be prohibited.
10. Existing, unpermitted ADUs in any zone are subject to administrative approval. If the existing unpermitted ADU does not conform with this regulation, the use may remain but shall not be expanded.

A. Detached Accessory Dwelling Units

For Detached Accessory Dwelling Units, the following applies in addition to the requirements listed in Section 8.4.M above:

1. In the R-3 zone, the lot must contain at least 1 acre more than the minimum lot size.
2. In the R-4 Zone, the lot must contain at least ½ acre more than the minimum lot size.
3. An ADU shall be no less than 200 square feet and no more than 900 square feet, or 1/2 (whichever is less) of the total area of the accessory structure as measured from the outside walls.
4. There shall be no more than two bedrooms in the ADU.
5. Stairways leading to an accessory dwelling unit above the first floor of an accessory structure must be contained within the exterior walls of the building.

B. Attached Accessory Dwelling Unit

An Attached Dwelling Unit is a unit created within, or attached to the principal dwelling unit. For attached Accessory Dwelling Units, the following applies in addition to the requirements listed in Section 8.4.M above:

1. In the R-3, and R-4 Zones, the lot must contain at least ½ acre above the minimum lot size required for the zone.
2. The building to which an accessory apartment may be added shall be no less than 1,000 square feet before the addition of the ADU.
3. The maximum floor area of the ADU shall not exceed 900 square feet.
4. There shall be no more than two bedrooms in the ADU.
5. Stairways leading to an accessory dwelling unit above the first floor of the primary dwelling unit shall be enclosed by walls leading all the way to the ground and shall not be appended to the front of the existing building.
6. Separate access to any accessory dwelling unit shall not be located on the building's front façade unless 2 doors existed at the time of conversion and the resulting building emulates the character of the existing street side appearance of the principle structure or makes the structure more compatible with the surrounding residential structures.

Section 8.5. Active Adult, Congregate And Senior Housing

A. Purpose

The purpose of this regulation is to provide for adequate housing for the older population in the community. It is intended to serve as an incentive to private interests to gear their efforts toward high quality housing for this fast growing segment of our society (revised effective date 8/9/03).

B. Definitions-

ACTIVE ADULT HOUSING – Dwelling units for elderly occupancy in detached, semi-detached, attached or two storied structures or any combination thereof, including condominium, apartment, cooperative and congregate units (effective 12/06/03)

ASSISTED LIVING FOR THE ELDERLY – Dwelling units for elderly occupancy in two or three story structures, which provide three meals per day, personal care services, transportation and housekeeping services. (effective 12/06/03)

CONGREGATE HOUSING – A dwelling providing shelter and services for the elderly which may include meals, housekeeping and personal care assistance.

HOUSING FOR THE ELDERLY – Housing designed for people 55 years of age or older.

ELDERLY OCCUPANCY - Occupancy of any dwelling unit may be limited to (revision effective 7/8/06):

- Persons who are 55 years of age or older,
- A spouse of an occupant pursuant to (a) above and who resides in the same unit
- Occupants pursuant to (b) above, who survives his or her spouse
- Occupants pursuant to (b) above, whose spouse has entered a long term continuing care facility (revision effective 7/8/06).

C. Approach

1. Active Adult, Congregate and Senior Housing and Assisted Living for the Elderly may be permitted in the R-1, C, and DD zones and shall conform to the requirements of these regulations, except that the following requirements are designed for special housing needs for the elderly (revision effective 7/8/06).
2. Active Adult, Congregate and Senior Housing and Assisted Living for the Elderly may be subject to Site Plan approvals and Special Permit approvals in accordance with Sections 9.1 and 9.2 of these regulations (revision effective 7/8/06).

D. Permitted Uses

1. The entire site shall be devoted to elderly housing and related accessory uses in the R-1, C and DD zones.
2. Developments in the DD zone shall retain the front primary road portion of the property for uses allowed within that zone and shall be a minimum of 250 ft deep and 2.5 acres.(DD use only)(This does not apply to rear lots) (Amended 4/3/02)
3. Non-critical care facility, i.e. Clinic, medical office, drug dispensary, etc.
4. Outdoor recreation and open space uses
5. Assembly uses, i.e. cafeteria, meeting/community building, auditorium, library, etc.
6. Shops serving the development, i.e. pharmacy, gift/craft shop, convenience store, etc. Such use shall not exceed 3% of the square foot area of the total dwelling uses
7. Emergency/Immediate Medical Care Facility

E. Bulk Table Requirements

This table shall supersede the bulk table in the R-1, C & VC zones for elderly housing requirements

(elderly use only)	
Minimum Lot Area (square feet)	3 acres
Minimum Lot Width (feet)	150
Minimum Lot Frontage (feet)	125
Minimum Rear Lot Frontage (feet)	50
Maximum Lot Coverage (percent)	50%
Minimum Front Setback (feet)	50
Minimum Side Setback (feet)	25
Minimum Rear Setback (feet)	50
Maximum Building Height (feet)	35 *
Minimum Open Space	40%
Minimum distance between structures	Shall exceed the average height of both structures

* The Commission may approve a structure that exceeds 35 feet and has three (3) stories, provided all other requirements are met.

F. Maximum Density and Dwelling Unit Sizes:

1. Maximum density proposed shall not exceed 3 units per acre
2. Minimum floor areas per dwelling unit

	Housing for the Elderly	Assisted Living
Efficiency Unit	525 square ft	400 square ft
One Bedroom Unit	650 square ft	525 square ft
Two Bedroom Unit	800 square ft	650 square ft

3. Balconies, decks, and common elements shall not be included in the floor area requirements.
4. The number of efficiency units of not more than 400 square feet in an Assisted Living Facility shall be limited to no more than 50% of the total units to be constructed.
5. Developments containing more than ten (10) dwelling units shall have a distribution of unit types, in the judgment of the Commission to provide for efficiency, I and 2 bedroom dwelling units. Condominiums and Apartments shall not exceed 6 units per building.

G. Utilities

1. All utilities shall be underground
2. All developments shall be served by public sewer. All appropriate approvals must be obtained from the East Hampton Water Pollution Control Authority.
3. Public water supply shall be required or a community water supply system approved by the Connecticut Dept. of Health, Department of Public Utilities Control, or other agencies having jurisdiction in this regard. The developers shall insure the system's viability in accordance with all applicable laws, regulations and/or codes.
4. Access to water supply may be required on site and shall be approved by the Fire Marshal.

H. Parking Requirements

1. Parking spaces shall be as follows:
    a. Active Adult & Senior Housing- spaces shall be provided at a rate of 2 parking spaces for each dwelling unit (effective 12/6/03).
    b. Assisted Living and Congregate Housing - .60 spaces for each dwelling unit (effective 12/6/03)
    c. Handicapped parking shall be in accordance with ADA requirements
2. All other parking requirements which pertain to the facility shall be in accordance with Section 7.1 of these regulations

I. Road/Driveway Standards and Storm Drainage

1. Road/driveway standards and storm drainage shall comply with the East Hampton Street Standards and Section 9.1.A of the Zoning Regulations.
2. An erosion and sedimentation control plan as per Section 7.7 of the Zoning Regulations shall be a part of the plan.
3. Streets that may be dedicated to the Town shall be designed and constructed in accordance with the East Hampton Street Standards.

J. Buffer Requirements

1. Street Frontage- each lot shall provide a landscaped buffer strip of at least 10 feet in width along the street line. The buffer shall be landscaped and maintained with a mixture of evergreens, deciduous shrubs and/ or flowering and deciduous shade trees so that it develops a natural screening.
2. A buffer area of at least 25 feet in width shall be provided along all side and rear property lines and maintained to provide adequate privacy and sound minimization between residential uses in this Section and the adjacent uses
3. A landscaped buffer of 50 feet shall be provided between any commercial and residential use on the same property.
4. The landscaping requirement may be waived by the Commission if it finds the existing natural landscaping is sufficient to provide the intended buffer.
5. All outside storage areas shall be suitably screened on all sides by a structure (fence, wall or other suitable device) or a natural buffer.

K. Open Space and Recreation Areas

1. There shall be a minimum of 40% left for open space, which shall be dedicated to the property owners in the development for maintenance purposes.
2. Recreational areas/uses are allowed in conjunction with the type of population living in the development and shall be limited to use by those in the development or their guests.

3. Where required, sidewalks shall be 5 feet in width to accommodate personal vehicle transportation of the elderly. Sidewalks shall be installed and constructed with convenient access to other project facilities and will comply with the East Hampton Street Standards.

L. Architectural Review, Lighting and Landscaping

1. Architectural requirements shall include the following:
    a. Exterior elevations of each building
    b. Floor plans showing each type of dwelling unit
    c. Types of exterior building materials and exterior design
    d. Landscaping plan including types of vegetation proposed, including provisions for year round maintenance. Where applicable a landscaping bond may be required
2. Architecture should enhance the rural and historic character of the Town of East Hampton
3. Lighting:
    a. Fixtures shall be located on the site to assure safe and adequate night-time lighting and shall be located and screened so as not to create any off-site nuisances
    b. Fixtures should be in harmony with the character and architectural design of the project

M. Handicapped Access

1. Not less than 10% of the units shall be handicapped accessible
2. All handicapped units shall comply with Article 5 of the State of Connecticut Supplement to the BOCA Building Code April 1987 or as may be amended. All accessory buildings within the project shall be accessible to the handicapped
3. Assisted Living for the Elderly shall comply with the Uniform Federal Accessibility Code for board and care facilities.

N. Bonding

1. A performance bond to assure completion of the project shall be filed in accordance with Section 9.1.E. The amount of the bond shall be approved by the Commission.
2. Bonding may be allowed through project phasing with the approval of the Commission
3. Where site improvements are to be dedicated to the Town or public improvements are proposed a 10% maintenance bond will be required and held for a period of one year.

O. Phasing

If the construction of the development is to be done in phases, the plans shall identify all phase lines, acreage and housing densities of each phase, construction sequences and the extent of phasing site improvements such as roads, drainage, water lines, sanitary sewer lines, buffer areas, water, etc.

P. Special Requirements

1. Developments shall comply with the Common Interest Ownership Act of the State of Connecticut
2. Upon approval of the Special Permit, the property owner shall record in the Town Clerk's office a restrictive covenant establishing an Association (where applicable), listing all restrictions and requirements under the Association, including but not limited to the requirements for age 55 and older occupancy , maintenance agreements for landscaping, plowing and open space.
3. The applicant shall provide for one or more sites with a covered structure along a main highway and/or within the development as pick up sites for busses or other pick up services.

Q. Development Requirements/Evaluation Criteria

1. The application should preserve existing large trees 24” or larger, stone walls, and other man made features which provide character to the site and to the Town of East Hampton (revision effective July 8, 2006).
2. Traffic circulation within the site, traffic load or possible circulation problems on existing streets and pedestrian safety.
3. Accessibility, architecture, relationship between buildings, character of the neighborhood, impact to adjacent properties.
4. Minimization of soil and tree removal.
5. Avoidance of environmentally sensitive areas.

Section 8.6. Open Space Subdivisions

(Effective 07/01/2011)

A. Findings

The Commission finds that in some cases the strict adherence to traditional land development and subdivision techniques within the Town of East Hampton has resulted in:

1. The consumption of areas containing valuable recreational, agricultural, forested, and other unique natural resources;
2. The construction of extensive roads and other improvements requiring maintenance by the Town of East Hampton;
3. The development of sites without specific consideration of the limitations of, or opportunities offered by, the existing topographical and soil conditions; and
4. The destruction of significant historic sites, geological features, severe slopes, scenic vistas, significant stands of trees, water courses, wetlands, wildlife habitat, or other areas of environmental value, natural beauty or historic interest.

B. Purpose

The purpose of Section 8.6 is to respond to the foregoing findings by providing for the following:

1. To allow adequate opportunities for development under these regulations;
2. To allow for greater flexibility and creativity in the design of residential developments;
3. To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;
4. To encourage protection of sensitive water and wetland resources in order to maintain and protect the integrity of the Salmon River Watershed and other cool water systems;
5. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features;
6. To minimize the total amount of disturbance on the site;
7. To further the goals and policies of the Town of East Hampton's Plan of Conservation and Development; and
8. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

C. Definitions

OPEN SPACE SUBDIVISION - A subdivision approved in accordance with this Section 8.6. A development pattern that arranges the layout of buildings, roads, and utilities in a compact area so as to preserve a large portion of the site for community open space.

CONVENTIONAL SUBDIVISION - A parcel of land which is divided in accordance with the requirements of the East Hampton Zoning and Subdivision Regulations.

DEVELOPMENT RESTRICTION - A restriction which perpetually prohibits further development or use inconsistent with or inimical to the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems; or which perpetually preserves such areas predominantly in their natural scenic or open condition; but which does not involve any significant alteration of development of the restricted area in a manner which is inconsistent or inimical to the preservation and protection of the restricted area.

NORMAL LOT SIZE - The lot size, expressed in acres or square feet, normally applicable to the zoning district in which the proposed Open Space Subdivision is located.

OPEN SPACE - Land within an Open Space Subdivision which is subject to a Development Restriction and permanently set aside for public or private use and will not be developed unless otherwise provided for in this regulation. The Commission may permit a small portion of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (e.g., pedestrian walks and bike paths) so long as it supports the purposes of the open space and is consistent with state and local level environmental protections.

TOTAL AREA - The total area of the proposed Open Space Subdivision expressed in acres.

UNBUILDABLE AREA - The area, expressed in acres, within the proposed Open Space Subdivision which is comprised of wetlands, watercourses, flood zone A per FEMA maps, existing and proposed streets and highways, easements and rights of way (R.O.W.) for vehicular access and utilities, and slopes of twenty-five (25) percent or greater. For purposes of this definition, easements and rights of way of an undefined width shall be deemed to be twenty-five (25) feet in width.

YIELD PLAN - A preliminary concept site plan included as part of an application for an Open Space Subdivision that shall be used to determine the maximum number of allowable lots for an Open Space Subdivision. The yield plan shall be based on Conventional Subdivision regulations and shall comply with all applicable standards and regulations of the East Hampton Subdivision Regulations, Section 9.1 Site Plan Review, and provisions of federal, state and local law.

D. Authority

The Commission shall act as the Special Permit Granting Authority for Open Space Subdivision applications.

E. General Eligibility Requirements

The Commission shall accept and review an Open Space Subdivision application only if it complies with the following eligibility requirements.

1. The development may only be permitted in the R-2, R-3, or R-4 zones.
2. The development shall result in a minimum of five (5) lots as determined by the yield plan (see Section 8.6.F.3.B).
3. The development shall only include detached single family dwellings and permitted accessory uses. All other uses shall require the Normal Lot Size and be subject to approval of the Commission in accordance with the applicable sections of these Regulations. In addition, any other use which is proposed after the approval of the Open Space Subdivision shall require an amendment to the Special Permit granted under this Section 8.6 in accordance with the applicable sections of the Zoning Regulations.

F. Application Procedures and Requirements

1. **Waiver of strict compliance** –
    a. Strict compliance with any procedures or application requirements within this Section 8.6.F may be waived by the Commission through a ¾ majority vote if the Commission finds that providing a waiver does not hinder the Commission's ability to review the application against the design and performance standards of this regulation due to the unique conditions on the site and the waiver is consistent with the Section 8.6.B (Purpose) of this regulation.
    b. Any request from an applicant for a waiver from this Section 8.6.F must be submitted in writing to the Commission and must clearly identify the provisions for which a waiver is being sought,

and if applicable, must describe the alternative information being provided or method of compliance.

c. In addition, such request shall be accompanied by a statement setting forth the reason or reasons why, in the applicant's opinion, the granting of such a waiver or waivers would be in the public interest and consistent with the intent and purpose of an Open Space Subdivision.

2. **Application Procedures** - The following procedures apply to an application for an Open Space Subdivision:
   a. **Pre-Application Conference**:
      1. The Commission recommends that, prior to submission of an application for an Open Space Subdivision, the applicant initiate a pre-application conference with the Commission and its staff to discuss conceptual aspects of the proposed Open Space Subdivision compared to a proposed Conventional Subdivision. The applicant is encouraged to prepare and present conceptual plans for informal consideration by the Commission for both concepts.
      2. The pre-application conference is recommended to facilitate the general consideration of site conditions affecting the development of the subject site before the applicant proceeds with the application and the preparation of final maps, plans, and documents required to accompany such application.
      3. Following the pre-application conference, the Commission will provide informal, non-binding suggestions to the applicant as to whether to proceed with an application under this 8.6 or to adhere to the Conventional Subdivision requirements of the applicable sections of the East Hampton Subdivision Regulations.
      4. The Applicant may submit more than one design for an Open Space Subdivision to the Commission for discussion purposes. Neither the pre-application conference, the informal consideration of preliminary plans, nor the Commission's suggestion, shall be deemed to constitute approval of any portion of a subdivision application.
   b. **Public Hearing** -
      1. Public hearings on the Special Permit and the Open Space Subdivision Application shall be held concurrently.
      2. Prior to the close of the public hearing, the Commission shall recommend the development Plan (either the Open Space Subdivision Plan or the Conventional Subdivision Plan) that it considers the most beneficial to the Town.
      3. Within seven days of the Commission's recommendation, during the public hearing, the Applicant shall elect which plan he/she wishes to pursue and communicate this choice in writing to the Commission.
      4. An Open Space Subdivision shall also require approval by the Health Director. These application and review processes shall be administered concurrently to the greatest extent practical.
3. **Application Requirements** - An application for the approval of an Open Space Subdivision shall require the following information.
   a. A proper and complete Special Permit and Subdivision application form including a check made payable to the Town of East Hampton in the amount specified in the Fee Schedule, and all required supporting information.
   b. Ten (10) copies of a Yield Plan that shall be used to determine the maximum number of allowable lots for the Open Space Subdivision. The contents of a Yield Plan shall include:
      1. Parcel boundaries, north arrow, date, legend, title "Yield Plan," and scale;
      2. The name and address of the record owner or owners, the applicant, the landscape architect, the design engineer and/or land surveyor that prepared the plan;
      3. The names, approximate location, and widths of adjacent streets;
      4. Existing topography at 2-foot contour intervals;
      5. Map of soils using NRCS soils mapping;
      6. The location of all on-site local, state, and federal regulatory resource boundaries and buffer zones which shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the Yield Plan;

7. Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas;
8. Location and extent of rights-of-way and general location of stormwater management systems; and
9. If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ground water table.

c. Ten (10) copies of a project narrative describing the proposed Open Space Subdivision and demonstrating compliance with all the standards and regulations of this Section 8.6.
d. Ten (10) copies of the proposed plan of the Open Space Subdivision in compliance with this Section 8.6, the East Hampton Subdivision Regulations, and Section 9.1 Site Plan Requirements unless otherwise provided for under this Section 8.6 or specifically waived pursuant to Section 8.6.F.1.
e. Ten (10) copies of any additional information as the Commission may require for a review of the proposed Open Space Subdivision in order to reach a determination of the impact of the Open Space Subdivision on the surrounding area. Such additional information may include, but is not limited to, the following: information concerning surrounding land uses, building locations, driveways, streets, topography, water courses and wetlands, utilities and other information of a similar nature and purpose.
f. Where applicable, ten (10) copies of the proposed certificate of incorporation, if any, bylaws, rules and regulations of any association or corporation of the lot owner within the proposed Open Space Subdivision.
g. Ten (10) copies of the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation of Open Space, including a precise statement of the proposed Development Restriction.

G. Design Process

At the time of the application for the Special Permit and Open Space Subdivision, applicants are required to demonstrate to the Commission that the following design process was considered in determining the layout of proposed streets, lots, house placement, and designation of all common areas and open space. The design process shall be performed by a multidisciplinary team of which one member must be competent in landscape architecture.

1. **Step One - Identify Open Space Areas** -
   a. Identify Regulated Open Space Areas including:
      1. Wetlands, ponds and water courses;
      2. 100-year floodplains;
      3. Significant Natural Communities defined by the CT DEEP;
      4. Areas with potentially State and Federally listed endangered, threatened or special concern species as per the current State and Federal Listed Species and Significant Natural Communities Map published by the CT Geological and Natural History Survey of the CT DEEP;
      5. Structures and features listed on the National or State Register of Historic Places; and
      6. Upland Review Areas as defined by the East Hampton Inland Wetlands and Watercourses Agency.
   b. Identify Unregulated Open Space Areas including:
      1. Slopes that exceed 20%;
      2. Any portion of a contiguous forest area over 20 acres in size;

3. Site-wide vegetated cover types including, but not limited to: meadow, coniferous forest, deciduous forest, mixed forest, old field, open wetland, forested wetland, and scrub (survey not required for unregulated areas, applicant may use interpretation of aerial photography to map in combination with field reconnaissance);
4. Potential contiguous open space or connective green belts;
5. Prime farmland;
6. Areas that have recreation value as recommended by the Parks and Recreation Department and/or the Recreation and Open Space Section of the Plan of Conservation and Development;
7. Unregulated cultural features such as historic sites and structures, archeological sites, and scenic views.

2. **Step Two - Locate House Sites** - Locate approximate house sites outside the Regulated Open Space Areas and, to the extent practicable, outside Unregulated Open Space Areas on suitable soils. The first lot for a house site shall be measured at a minimum distance of one hundred (100) feet from the existing Town road for which the Subdivision is proposed.
3. **Step Three - Align Streets and Driveways** - Trace a logical alignment for local streets to the house sites. Streets and driveways shall follow the existing topography of the parcel where feasible to minimize cuts and fills. A street plan shall be designed which shall maintain the rural character of the Town.
4. **Step Four: Draw in Lot Lines** - Draw in lot lines in accordance with the applicable requirements of Section 8.6.H.

H. Design Standards and Controls

The following General and Site Specific Design Standards shall apply to all applications for Open Space Subdivision and shall govern the development and design process:

1. **General Design Standards** -
    a. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as a framework for designing road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
    b. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
    c. Development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings.
    d. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
    e. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
2. **Site Specific Design Standards** -
    a. Minimum area, yard and coverage requirements -
        1. Minimum front yard - thirty (30) feet
        2. Minimum side yard - ten (10) feet
        3. Minimum rear yard - twenty-five (25) feet
        4. Maximum building coverage - twenty (20) percent

5. Maximum building height - thirty (30) feet
6. Footnote - minimum lot size, length and frontage to be excluded.

b. Buildable Area -
    1. Any lot with reduced lot area approval shall contain a minimum contiguous area of no less than the minimum lot area as required through separating distances as specified under the State of Connecticut Public Health Code as may be amended and shall contain no land defined as unbuildable under Section 8.6.C of these regulations.
    2. Buildable area shall not include areas of vehicular travel easements, rights of ways, utilities, drainage easement area, restrictive cutting easements, conservation easements, and other easements for public or private facilities.

c. Clearing Limits - Clearing shall be limited to a maximum of twenty-thousand (20,000) square feet per lot.

d. Parcel Road Frontage Requirements - In the case of an Open Space Subdivision the property line for the first house shall be no closer than one-hundred (100) feet from the road on which the subdivision will gain entry and/or at least one-hundred (100) feet from a property line of a lot which fronts the local road access.

e. Roads and Sidewalks -
    1. All roads shall comply with Town Road Standards except where specifically provided for.
    2. Where the Open Space Subdivision will be maintained by an association, the Commission may reduce the road width to eighteen (18) feet for cul-de-sacs, with the number of lots determined at the discretion of the Commission and consistent with State laws, codes, and regulations.
    3. Reinforced shoulders may be required where the road width is proposed to be narrower than the required road standard to allow for off street parking, and or to provide additional surface for emergency vehicles.
    4. Sidewalks may be required where street width has been reduced, where construction of new sidewalks will connect to an existing system, or where the Commission deems sidewalks would be beneficial to the health, safety and welfare of the community.
    5. Internal trail systems may also be required where applicable, and may include sidewalks

f. Cul-de-sacs -
    1. Requirements for maximum cul-de-sac length shall not apply to an Open Space Subdivision.
    2. Islands in cul-de-sacs are encouraged to maintain rural character. Islands may be of a recessed nature to provide for drainage and/or emergency vehicle staging areas.

g. Aesthetics -
    1. Where an Open Space Subdivision will be constructed with groupings of lots, a minimum fifty (50) foot buffer shall be required between groupings (adjacent lot lines).
    2. A grouping shall not exceed five (5) lots.

h. Street Trees -
    1. All lots shall have minimal lot clearing.
    2. Natural vegetation shall remain along the street to create privacy for each lot.
    3. Where clearing has eliminated all vegetation, street trees, at least two per each lot, shall be required.
    4. Caliper measurements and root ball specifications for all trees and shrubs shall conform to the American Standard for Nursery Stock ANSI Z60.1-2004 as amended.

i. Erosion and Sedimentation Control -
    1. Construction and design shall follow the 2002 CT Erosion and Sediment Control Guidelines as may be amended.
    2. Porous materials may be considered for use in road, sidewalk and driveway construction. (e.g., porous sub base, cement, asphalt) where soil types and conditions permit, and only where a private association is proposed).

j. Conformance -

1. Any lot with reduced area approved under the provisions of this Section 8.6 shall be deemed to be a conforming lot notwithstanding the Normal Lot Size; provided, however, that such lot meets the requirements of other applicable sections of the Regulations and the East Hampton Subdivision Regulations.
2. Any such lot shall be designated on the approved Open Space Subdivision Plan which is presented for recording, except as otherwise designated in these regulations.

k. On-site Pedestrian and Bicycle Circulation - Walkways, trails and bicycle paths shall be provided where appropriate to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

I. Open Space and Development Restriction

Open Space Subdivisions shall comply with the following Open Space requirements:

1. **Required Open Space** -
   a. The R-2, and R-3 Zones shall require a minimum of 40% Open Space.
   b. The R-4 Zone shall require a minimum of 50% Open Space.
2. **Use of Open Space** -
   a. Dedicated open space shall be used for wildlife habitat, conservation, protection of water resources and the following additional purposes - historic preservation, outdoor education, low impact recreation, aquifer protection, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes.
   b. Applicants are strongly encouraged to locate open space to provide additional buffer areas to sensitive surface water resources and wetland areas.
   c. The Commission may permit a small portion of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space provided said improvements support the purposes of the conservation area and is consistent with state and local level environmental protections.
   d. Under no circumstances shall stormwater from impervious cover within open space be allowed to drain directly to existing wetlands or water courses without adequate pre-treatment for pollutant removal.
   e. At the discretion of the Commission any subdivision that results in 20 lots or more may be required to provide land suitable for active recreation which may consist of an open area suitable for organized sports, or onsite pedestrian and bicycle circulation with public access.
3. **Contiguous Open Space** -
   a. The open space shall be contiguous.
   b. Open space will still be considered contiguous if it is separated by a roadway or other unobstructed way.
   c. The Commission may waive this requirement through a ¾ majority vote for all or part of the required open space where it is determined that allowing noncontiguous open space will promote the goals of this bylaw and/or protect identified Regulated and Unregulated Open Space Areas.
4. **Dedication of Open Space** –
   a. Open Space shall be dedicated, by conveyance, in fee simple, to one of the following -
      1. An association or corporation composed of the owners of all lots within the Open Space Subdivision;
      2. The Town of East Hampton;
      3. The State of Connecticut;
      4. A private not-for-profit conservation trust which ensures the preservation and maintenance of the Open Space in perpetuity; or
      5. Such other private or governmental entity which ensures the preservation and maintenance of the Open space in perpetuity and is acceptable to the Commission.

b. The applicant shall designate in the application which of the foregoing entities are proposed to own the Open Space, but as part of the approval of such application, the Commission may modify such designation to require ownership by an entity set forth in subsections 8.6.I.4.a.1-3 above.
c. The Commission may not require ownership by a private entity as described in subsections (8.6.I.4.a.4-5) which shall be approved only when proposed by the applicant.

5. **Location of Open Space** -
    a. The Commission may modify any application so as to designate Open Space in locations other than those proposed.
    b. In determining whether the proposed entity is appropriate to own the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors;
        1. the ownership of any existing open space on the adjacent properties, or the proximity to non-adjacent open space which might reasonably interconnect with the proposed Open Space in the future;
        2. the proposed use of the Open Space for active or passive uses, and the extent of maintenance, supervision, or management required;
        3. the potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them;
        4. the size, shape, topography, and character of the Open Space;
        5. the recommendation of the East Hampton Plan of Conservation and Development;
        6. the recommendations of any State or Town agencies, including but not limited to the Town Council, Inland Wetlands and Watercourses Commission, the Parks and Recreation Commission, the Conservation-Lake Commission, the regional planning agency and the Connecticut Department of Environmental Protection.
6. **Alteration of Open Space** - Any excavation, filling, regrading or alteration of Open Space; any construction or expansion of any building, structure or other improvements thereon, or any paving or surfacing of Open Space subsequent to the date of approval of the Open Space Subdivision shall require an amendment to the Special Permit under this Section 8.6 and in accordance with the applicable sections of these Regulations.
7. **Evidence of Acceptance** - If Open Space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of East Hampton or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space.
8. **Required Provisions** - Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure -
    a. The continued use of such land for the intended purposes;
    b. The continuity of proper maintenance for those portions of the Open Space requiring maintenance;
    c. When appropriate, the availability of funds required for such maintenance;
    d. Adequate insurance protection; and
    e. Recovery for loss sustained by casualty, condemnation, or otherwise.
9. **Boundary Lines** - The boundary lines of all Open Space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road or perimeter line within the proposed Open Space Subdivision and at such points as may be required by the Commission to ensure identification in the field.
10. **Recording** -
    a. At the time the approved Open Space Subdivision Plan is filed, the applicant shall record on the East Hampton Land Records all legal documents required to ensure the aforesaid guarantees.
    b. The applicant shall also furnish documentation, in the form of a certificate of title or other acceptable legal document, that shows the title to the property is free and clear of any encumbrances or defects and may be wholly transferred to another entity without difficulty.
11. **Right to Enforce and Inspect** -

a. A right to enforce the terms of the Development Restriction and to inspect the open space shall be conveyed to the party that will own the open space, or to their designee.
b. Any deed of conveyance shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement for all costs it reasonably incurs for maintenance, repairs or restoration of the open space.
c. These fees may include attorney's fees where any legal action is successfully taken to enforce the terms of the Development Restriction.

12. **Association Requirements** - If the Open Space is to be dedicated to an association or corporation of lot owners then the Commission may set additional requirements, including, but not limited to the following.
    a. Creation of the association or corporation prior to the sale of any lot;
    b. Mandatory membership in the association or corporation by all original lot owners and any subsequent owner; and
    c. The association or corporation shall have the power to assess and collect from each lot owner a specified share of and where necessary provide reserves the costs associated with maintenance, repair, upkeep and insurance of the Open Space.

J. Decision of the Planning and Zoning Commission

1. **Decision Criteria** –
    a. The Commission may approve, approve with conditions or deny a Special Permit application for an Open Space Subdivision.
    b. A Special Permit for an Open Space Subdivision may be granted by the Commission if it determines that the proposed Open Space Subdivision has less detrimental impact on the property than a Conventional Subdivision and finds that the following factors are present:
        1. The Open Space Subdivision, unless otherwise provided under these regulations, complies with all applicable standards and regulations of this Section 8.6, the East Hampton Subdivision Regulations, the Roadway Standards, Section 9.1 Site Plan Review, and provisions of federal, state and local law.
        2. The Open Space Subdivision achieves greater flexibility and creativity in the design of residential or unit development and achieves greater avoidance of environmentally sensitive areas and water resources than a Conventional Subdivision.
        3. The Open Space Subdivision promotes the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources.
        4. The Open Space Subdivision promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a Conventional Subdivision.
        5. The Open Space Subdivision provides beneficial utilization of suitable soil and topographic conditions and protection of soils and topographic conditions not suitable for development.
        6. The Open Space Subdivision reduces the total amount of disturbance on the site including, but not limited to soil and tree disturbance.
        7. The Open Space Subdivision is consistent with the intent of Planning and Zoning to promote the public health, safety and welfare of the Town of East Hampton and the East Hampton Plan of Conservation and Development.
        8. The Open Space Subdivision facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.
        9. The maintenance, insurance and other burdens placed upon the residents of the Open Space Subdivision, and/or the Town of East Hampton are acceptable.
        10. The level of access to the areas of Open Space afforded to members of the general public is adequate.

11. The proposed traffic circulation within the Open Space Subdivision, traffic load or possible circulation problems on existing streets and pedestrian safety are considered.
12. The accessibility, architecture, relationship between buildings within the Open Space Subdivision, character of the surrounding neighborhood, and impacts to adjacent properties is considered.
13. The recommendations of the Town Council, the Board of Finance, the Inland Wetlands and Watercourses Commission, the Conservation Commission, the Parks and Recreation Department, and any other public or private agencies or authorities providing comment to the Commission are considered.

2. No building permit or certificate of occupancy shall be issued by the Building Inspector, nor shall the Town accept any street, should the Conservation Plan, Subdivision Plan or Site Plan be changed in any way without the approval of the Commission.

K. Severability

If any provision within the regulations of this Section 8.6 is held invalid by a court of competent jurisdiction, the remainder of these provisions shall not be affected thereby.

Section 8.7. Wireless Telecommunication Facilities

A. Purpose

The intent of this Section is to make provisions to permit the location of wireless communication towers, antennae and facilities in the Town of East Hampton, while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless communications facilities. More specifically, the purposes are:

1. To encourage the joint use of any new or existing towers.
2. To accommodate the need for wireless communications antennas while regulating their location and number.
3. To encourage creative design measures to minimize adverse visual effects of wireless communications facilities through property design, siting and vegetative screening.
4. To avoid potential damage to adjacent properties from tower failure or from falling ice through engineering and careful siting of towers.
5. To site facilities below visual ridgelines.
6. To reduce the number of antennas or towers needed in the future.

B. Definitions

The following terms and concepts are used throughout this Section.

Antenna(s) - A device used in communications which transmits or receives telecommunications or radio signals. Examples include panel, whip and dish antennas.

Band - A clearly defined range of radio frequencies dedicated to a particular purpose.

Channel - A segment of a frequency band. Also referred to simply as "frequency".

Co-location - Locating wireless communications equipment from more than one provider on a single tower. This reduces the need to build a new communications tower. A co-located telecommunication facility may include accessory structures such as cabinets and sheds for associated telecommunication equipment.

Common Carrier - A public radio service in which a single licensee provides one-way or two-way service to multiple users.

Communications Facility - A land use facility supporting antennas and microwave dishes that send and/or receive radio frequency signals.

Communications Tower - A structure that is intended to support antennas and other telecommunications equipment in the provisions of wireless telecommunications service. Examples include monopoles, lattice and guyed towers.

Digital Technology - Digital technology converts voice and data messages into digits that represent sound intensities at specific points of time and data content.

Dish Antenna - A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Electromagnetic Field (EMF) - The local electric and magnetic fields that envelop the surrounding space. The most ubiquitous source of EMFs is from the movement and consumption of electric power, such as with transmission lines, household appliances and lighting.

FAA - Federal Aviation Administration

Federal Communications Commission (FCC) - The Federal agency responsible for licensing and regulating wireless communications providers. The FCC has primary regulatory control over communications providers through its powers to control interstate commerce and to provide a comprehensive national system in accordance with the Federal Communications Act.

Interference - Disturbances to reception caused by radio frequency waves or other electric fields.

Monopole - A structure composed of a single spire used to support communications equipment.

Panel Antenna -An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular device approximately six (6) square feet in size, also called directional antennas.

PCS - Personal Communication Service(s)

Radio - A generic term referring to communication impulses, sounds, and pictures through space by means of electromagnetic waves.

Wireless Telecommunication Facility -Antenna, telecommunication equipment, communications towers, monopoles and/or other support structures used together in conjunction with the provision of wireless communications services. These services may include, but are not limited to cellular communications, personal communications services and paging.

C. Location Preference & Priority

The order of locations shall be in the following priority:

1. On existing structures such as buildings, smokestacks, water towers and ground signs.
2. On existing or approved towers.
3. In industrial and commercial zones where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
4. On new towers on bare ground with visual mitigation in Commercial, Industrial, and Design Development zones.
5. On new towers in the R4, R3 and R2 residential zones, where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

D. Permitted Uses

The following uses, which generally pose minimum adverse visual effect, shall be deemed permitted uses in all zoning districts subject to Sections 8.7.E-8.7.J of these regulations.

1. Commercial wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings provided the following standards are met:
    a. No changes are made to the height of such structure.
    b. No panel antenna shall exceed sixty (60) inches in height and twenty-four (24) inches in width.
    c. No dish antenna shall exceed 1 meter (39.4 inches) in diameter.
    d. All equipment buildings or boxes shall be subject to Section 8.7.I of these regulations.
2. Commercial wireless telecommunication facility structure mounted to the rooftop or façade of a building in any non-residential zone, provided the following standards are met:

a. These structures include: panel antennas, not to exceed sixty (60) inches in height, twenty-four inches in width and/or six inches in depth; whip antennas, not to exceed forty-eight inches in height; and/or dish antennas not to exceed one meter in diameter.
b. The shed used for the housing or equipment does not exceed one hundred and fifty square feet in area nor exceed eight feet in height and/or cabinets used for the housing of equipment shall not exceed of sixty inches in height by sixty inches in width by sixty inches in depth.
c. No change is made to the height of existing structure.
d. All telecommunications structures shall be shielded from view from all surrounding streets and driveways used by the general public.
e. Shall be of a material or color which matches the exterior of the building or structure.
f. Façade mounted structures shall not protrude above the building structure and roof top structures shall not exceed the rooftop by more than ten (10) feet.

3. Commercial wireless telecommunication sites where a monopole tower is located on property occupied by one or more existing towers, provided the following standards are met:
    a. All attempts are first made to co-locate the antenna on existing poles and towers.
    b. The height of the tower to be constructed shall not exceed the height of the tallest tower on the property.
    c. All accompanying equipment buildings and/or boxes shall be screened and fenced as required in Section 8.7.I of these regulations.

E. Special Permit Uses

The Planning and Zoning Commission may grant a special permit in accordance with Section 9.2 of these regulations, authorizing the establishment of a wireless telecommunication facility in the R-2, R-3, R-4, DD, I or C zones. The establishment of a wireless telecommunication facility shall be in conformance with Sections 8.7.F-8.7.J of these regulations and shall comply with the following:

1. A wireless telecommunication provider shall co-locate on existing communication towers, whenever possible.
2. All structures, excluding the communication tower, associated with wireless telecommunication facilities shall not exceed the height requirements of the zoning district in which the structure is located.
3. No facility shall be located within two hundred (200) feet of an existing building.
4. All equipment building/boxes or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.
5. Towers shall be structurally designed to provide for co-location by at least three users.
6. The Planning and Zoning Commission, at its sole discretion, may require the technical expertise and study of an independent third party when reviewing either a special permit or site plan application pertaining to wireless communication facilities. The cost of third party technical studies shall be incurred by the applicant. The location of al structures associated with wireless communication facilities shall be subject to site plan approval in accordance with Section 8.7.F of these regulations.

F. Site Plan/Application Requirements

1. All applications shall meet the standards as described in Sections 8.7.F-8.7.J of these regulations and each applicant shall include a map showing:
    a. The extent of the provider's planned coverage within the Town of East Hampton
    b. The location and service area of the proposed wireless telecommunication site
    c. The search radius for the proposed wireless telecommunication site support materials that show the location of tall structures within one-quarter mile radius of the site proposed and that the owners of those locations have been contacted and asked for permission to install the antenna of those structures and denied for other than economic reasons.

d. Existing and approved locations of all other telecommunication sites in the Town of East Hampton, including the applicants
e. Existing towers owned/used by applicant within one-half mile of the borders of the Town of East Hampton.

2. Other General Requirements:
    a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
    b. Details of all proposed antenna and mounting equipment including size and color
    c. Elevations of all proposed shielding and details of materials including color
    d. The elevation of all proposed equipment buildings/structures with details of all proposed fencing including color
    e. All proposed landscaping with list of plant material
    f. Height of the tower
    g. Proximity of tower to residential structures and residential district boundaries
    h. Nature of uses on adjacent and nearby properties
    i. Surrounding topography; within 1,000 feet, at intervals not exceeding five (5) feet
    j. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
    k. A design drawing including cross section and elevation of all proposed towers
    l. A topographic profile showing the proposed tower and its associated equipment from adjoining properties
    m. Proposed ingress and egress from the site
    n. A soil report shall be submitted to verify the design specifications of the foundation of the tower and anchors for the guy wires, if used
    o. The commission may require that applicants provide simulations of tower locations and impact. Such simulation may entail the tethering of balloons or other devices necessary to visualize the proposed facility

G. Tower and/or Antenna Standards

The following standards for towers, rooftop-mounted antenna, and façade mounted antenna must be as follows:

1. **Towers** -
    a. The tower shall be designed and constructed to all applicable standards of the American National Standards institutes, ANSI/EIA-222-E manual, as amended.
    b. The proposed support structure shall be required to accommodate a minimum of three users, including other wireless communication companies and local police, fire and ambulance companies unless it is determined to be technically unfeasible based on information submitted by the applicant.
    c. Towers not requiring special FAA painting or markings shall be painted a non-contrasting dull blue, grey, or other neutral color.
    d. No tower shall be located on municipally owned land designated as open space or for recreational use.
    e. All towers in residential zones shall be a monopole design unless specifically approved by the Commission. A monopole tower shall be designed to collapse upon itself.
    f. No signs shall be permitted on any tower or antenna.
    g. No lights or illumination shall be permitted unless required by the FCC or FAA
    h. The tower shall be surrounded by a chain link fence or wall not more than eight feet in height. If barbed wire is included in the fence, it shall be within the eight foot height limit.
    i. Tower under antenna shall be the minimum height necessary to satisfy the technical requirements of the proposed telecommunications facility and future uses.
    j. All towers must comply with setback requirements of the zones in which they exist.

k. All towers in all zones shall not be closer than the height of the tower, plus 25%, from any property line.

2. **Rooftop Mounted Antenna** -
   a. Shall be attached to a non-residential structure or building, which building or structure is the principal building or structure on the lot.
   b. Shall be of a material or color which matches the exterior of the building or structure
   c. Shall be exceed a height of ten feet above the highest part of the structure or building
   d. Shall be set back from the roof edge a minimum of ten feet or 10% of the roof depth, whichever is greater
   e. Satellite and microwave dish antennas shall not exceed six feet in diameter and shall be located or screened so as not to be visible from abutting public streets.
   f. Shall not occupy more than twenty-five percent of the roof area.
3. **Facade Mounted Antenna** -
   a. Shall be attached to a non-residential structure or building, which building or structure is the principal building or structure on the lot.
   b. Shall project not more than two feet beyond the wall or façade of the structure
   c. Shall not project more than five feet above the cornice line.

H. Equipment Building Standards

Any accessory building or structure associated with wireless communication facilities shall comply with the following:

1. Each building/structure shall not contain more than 150 square feet of gross floor area or be more than eight feet in height.
2. Shall comply with the setback requirements for accessory buildings for the zone in which it is located.
3. If located on the roof of a building, shall be designed to blend with the color and design of the building to the extent possible.
4. All equipment building/boxes shall be surrounded by a chain link fence and the area landscaped.

I. Maintenance Requirements

1. The applicant shall submit a detailed maintenance plan including schedule and extent of maintenance. The plan shall cover both the facility site itself and the ingress and egress from the site.
2. Any tower that ceases operation under this Section for 18 months will be dismantled and removed.

J. Factors Upon Which Approval/Denial is Based

The appropriate elements of a municipal zoning decision to either approve or deny any application includes the following:

1. Detailed analysis of alternative sites, structures, access, and antennas
2. Worse-case combined modeling of radio frequency power densities
3. Detailed propagation and antenna separation analysis relative to facility height.
4. Tower sharing to facilitate the telecommunications needs of municipalities and other entities in order to reduce the need to construct additional towers.
5. Assessment of the tower structure type.
6. Consideration of future use or re-use of the site with provisions for facility removal and site restoration.
7. The applicant's comprehensive development and management plan for erosion and sedimentation control as well as, architectural treatment, environmental, and cultural considerations.

ARTICLE 9 - PROCEDURES

Section 9.1. Site Plan Requirements

A. Purpose

The purpose of this regulation is to ensure that development in the Town of East Hampton is done in a manner consistent with the goals of these Regulations as stated in Section 1.2, to provide direction and guidance in the design of such development and to facilitate creative, sound, attractive, site sensitive uses of land.

B. Design Standards

All site plans presented for approval shall apply all of the following standards and concepts to all buildings, parking areas, drives and roads, landscaping, open space, and other design elements of the proposal. The applicant shall show that effort to comply to the greatest degree possible with these standards has been made. Failure to address these standards shall constitute adequate reason for rejection of the site plan.

1. **Site Sensitivity** –
    a. All site plans presented for approval shall show that the design presented represents the least impact on the site that is practicable.
    b. The existing grades of the site shall be altered to the least extent.
    c. Effort must be clearly shown that existing site conditions have been taken into account and that areas of greatest sensitivity such as steep slopes, wetlands and watercourses, existing meaningful vegetation, and adjacent, existing and potential, uses have been considered in the design proposal.
2. **Architecture** -
    a. The design of the building/s shall be demonstrated to have been chosen with substantial care being applied with regard to various architectural elements, relative to the size, shape, material and textural aspects of the buildings being presented for approval.
    b. Building services and mechanicals such as fuel tanks, air handling units, ventilation devices and the like shall be concealed from view as much as is possible.
    c. Surrounding properties must be taken into account and designs presented must be compatible with and not detract or have a negative impact on neighboring and/or adjacent properties.
3. **Site Access and Parking** -
    a. All site plans presented for approval shall demonstrate substantial sensitivity to the issues of site access and parking location and design. The design shall be such that minimal impact to the streetscape results.
    b. Curb cuts shall be kept to the minimum number possible, while maintaining adequate circulation and vehicular, pedestrian and fire safety. Shared access of neighboring properties through the use of easements and common drives is encouraged.
    c. Parking areas shall be set back from public streets as much as possible and shall be reasonably screened from public view through the use of landscaping.
    d. Parking areas shall be provided with landscaping in an amount not less than ten (10%) percent of the required pervious surface requirement for the zone.
    e. Internal drives and parking areas shall be clearly delineated and provided with adequate directional elements to ensure proper vehicular use of the site.
    f. The paving of drives and parking areas shall consist of three (3") inches of bituminous concrete, properly compacted. Design utilizing surface treatment other than bituminous concrete shall satisfy the Commission that such alternate will provide adequate service to the use/s proposed.
    g. Slopes, curves and the general configuration of drives, parking areas and pedestrian ways shall be shown to promote safety and convenience.

h. Loading areas shall be clearly defined and shall be configured to provide minimal disturbance to vehicular and pedestrian traffic.

4. **Signage and Site Lighting** -
    a. All site plans presented for approval shall contain fully detailed plans showing all signage and site lighting.
    b. In addition to the requirements of Section 7.2, regarding maximum number and size of signs, the following standards shall be met.
    c. Signs shall be of a consistent, unified design type with regard to shape, materials and location on building.
    d. Directional signs shall be as unobtrusive as possible and shall be so placed as to give maximum benefit.
    e. Site lighting shall be utilized to illuminate the site as unobtrusively as possible. All lighting shall be directionally oriented and effectively shielded to avoid glare and off site light pollution.
    f. Standard on-site lighting shall be no greater than seventeen feet (17') in height from foot of base to top of fixture.
5. **Utilities** -
    a. All available utilities shall be supplied to the site at the time of construction.
    b. The Commission reserves the right to require placement, or provisions to allow placement of utilities presently unavailable, but likely to be available at a later date. Such utilities shall include, but not be limited to sewer, water, gas, CATV and the like.
    c. All utilities shall be placed underground unless specifically and expressly permitted by the Commission.
    d. Dumpsters and all on-site refuse containers shall be enclosed and screened as much as practicable from view.

C. Minimum Requirements for Submission for Site Plan Approval

The following information and materials shall be presented prior to review and approval of all site plans.

1. An application, in a form supplied by the Commission, accompanied by the application fee as prescribed thereon.
2. Plans describing the proposed work in full detail, including all of the following, as applicable. (Unless specifically requested by the Commission or its staff, all plans shall be at a scale of 1" equals 40', and shall be prepared and certified by a State of Connecticut licensed Land Surveyor and shall meet or exceed the accuracy standards for a "Class A-2 Transit Survey".)
    a. General: (revised – effective Aug 9, 2003)
        1. The name and address of the applicant, owner of record, name of the proposed development and all abutting and adjacent property owners.
        2. Name, address and professional seal of the individual(s) responsible for the preparation of the site plan or any of its parts or components (Surveyor, engineer, soils scientists etc.).
        3. Title & address of project.
        4. Zoning data, including zone, minimum parking, maximum lot coverage %, lot dimensions, minimum lot size, etc.
        5. A location map, 1" equals 1000', showing site in relation to existing Town roads, complete legend, title block and coversheet at a scale of 1”=100’, where applicable.
        6. Date, including all revisions, north arrow (magnetic or true grid), scale and sheet numbers.
        7. Approval blocks as necessary, for example Inland Wetlands, Zoning Board of Appeals and Planning and Zoning Commission on all pages.
        8. Base flood elevation data, flood zone and flood plain where applicable.

b. Plan detail requirements (revised – effective Aug. 9, 2003):
    1. Location, dimensions, total area, and general topography of the site.
    2. Site layout – existing and proposed, also show areas of clearing.
        a. contours, every 2ft (for each lot), note basis on how contours are drawn
        b. trees and shrubs
        c. special site features, i.e., water courses, wetlands, wooded areas, rock outcrops, stone walls and all trees in excess of twenty-four inches (24") DBH (diameter at breast height) and other significant physical features, natural or manmade)
        d. location and capacity of utilities
        e. existing use or uses, buildings and structures
        f. driveways and parking areas, % slopes
        g. all slopes in excess of twenty-five (25%) percent shall be shown (Slopes shall be expressed at one hundred (100') foot intervals)
        h. footing and curtain drains
        i. location of iron pins & monuments
    3. Site layout - proposed
        a. contours, every 2 ft (for each lot)
        b. land, building and structure uses, whether residential or non-residential and land area assigned to each type of use
        c. percent land coverage by use --residential, non-residential, parking, open space, other (specify)
        d. 4. percent land coverage for all buildings and structures and by type of buildings and structures and by type of building or structure
        e. relationship between land uses and between land and buildings
        f. provision for erosion and sedimentation in accordance with
        g. Section 7.6 and the State of Connecticut Erosion and Sediment Control Guidelines as revised
        h. footing and curtain drains
        i. location of iron pins & Monuments
        j. driveways % & parking areas and % of slopes
    4. Pedestrian and vehicular circulation and flow
        a. location and design of public and private streets, and common drives
        b. location and design of public and private pedestrian walkways, sidewalks, malls and paths
        c. existing and anticipated traffic flow
    5. Off -street parking
        a. location of off-street parking areas and/or facilities
        b. location, dimensions and number of off-street parking spaces
        c. location and dimension of off-street parking spaces
        d. location and dimensions of parking barriers, bumper guards, wheel stops and the like
        e. pavement type and drainage
    6. Open Space
        a. Location and amount of area by type--parks, lawn areas, landscaping, buffer areas, recreation facilities and the like.
    7. Landscaping
        a. location, type, number and minimum size of trees and/or shrubs
        b. and other plants, with designations whether to be retained as existing or to be new plantings
        c. treatment of seeding, sodding and water elements
        d. pavement types, for vehicular and pedestrian movement, and
        e. recreation areas

    f. type, height and density of any proposed screening or fencing
    g. provisions for year-round maintenance of landscaping
8. Identify and show if property is within an aquifer protection area, Lake Pocotopaug watershed or Salmon River protection area.
9. Map, block, lot and zone of parcel
10. Utilities and Services
    a. utilities proposed -- water, sewage disposal, electricity, gas, drainage and lighting & all pertinent data
    b. capacity of proposed utilities and amount of additional flow produced for existing systems or water courses utilized
    c. location of piping, wiring, conduits, catch basins and the like if within an area not presently served, but within a water utility plan, the adaptability of the utility system to municipal services when provided
    d. provisions for garbage collection and removal and for snow removal.
    e. note utility poles & numbers
    f. all utilities within 200ft of the parcel
11. Building(s) and/or Structures(s)
    a. dimensions and gross square foot area by type of non-residential use, entrances and exits
    b. general architectural design and appearance
    c. relationship between and massing of buildings or structures
    d. type and colors of building materials, exterior facade and
    e. facing, and fire retardant characteristics
    f. special architectural features
    g. Signs
    h. elevations
        - location, height, size, and dimensions for all signs, for
        - design, color(s), lettering, lighting, intensity appearance of all signs
12. Any existing and/or proposed covenants, easements, or other provisions relating to the development and maintenance of the proposal, public facilities and the like, necessary for the welfare and maintenance of the development and the best interests of the Town.
13. Future division of the property among landowners, either by building or other reasonable separations.
14. Schedule of construction, including any staging plan, for buildings, structures, parking, open space, landscaping, community, facilities and the like.
15. Review and approvals of any other official, agency, or department.

D. Applicants Responsibilities

1. All applicants and authorized agents shall be responsible for timely submission of all pertinent data, plans, notification of abutting property owners, and referral of proposal to Town agencies and boards.
2. The Town of East Hampton shall be responsible for notification of adjacent municipalities, regional planning agencies and other statutorily required notification.
3. The applicant is also responsible for employing whatever means necessary to understand these and all applicable regulations and statutes that may apply to the proposal.

E. Bonds Required

1. The completion of all site improvements proposed shall be assured by the following provisions:
    a. Performance Bonding - Items considered for performance bonding shall be all site improvements, excluding landscaping, erosion control measures, and the actual construction of principal buildings, and shall include, but not be limited to the installation of all roads, drives, utilities, drainage measures, recreation areas and buildings, substantial grading, such as cuts and fills, retaining walls, walks, and all other site improvements.
    b. Landscape Bonding - All vegetative measures and installations proposed on the approved plan, including some provision for the protection and/or replacement of existing vegetation utilized by the proposal, shall be bonded as described in the provisions of this Section.
    c. Erosion Control Bonding - All measures specifically provided for the purposed of erosion and sediment control shall be assured by the deposit of cash or the issuance of an irrevocable letter of credit. Surety bonds shall not be accepted for erosion control measures.
2. Types of Bonds Accepted
    a. Performance and landscape bonds shall be accepted in cash, irrevocable letter of credit, or surety bond.
    b. All forms of surety, except cash, shall expire not less than one (1) year after issuance.
    c. The Commission and/or its staff shall reserve the right to refuse bonding forms proposed, if found to be inappropriate.
3. Bond Amounts -
    a. The applicant shall provide bonding in the amount of the total cost of all improvements covered, including all inflation factors.
    b. These totals are subject to mandatory review and approval by professional staff.
4. Developer's Agreement -
    a. All forms of surety required by this Section shall be subject to a Developer's Agreement that shall include the conditions of default and all other relevant provisions required to assure the proper completion and operation of the proposal.
    b. Model agreements shall be made available from the Planning, Zoning and Building Department.
5. Release of Bonds -
    a. Upon inspection, and/or issuance of a Certificate of Zoning Compliance, the applicant may, upon written request, seek release of the bond(s).
    b. The Commission shall accept, reject or modify such request as deemed necessary.
    c. No bonds shall be released until provisions for a maintenance bonding is in place.
6. Maintenance Bonds - All work shall be covered for a period of at least one year, and not in excess of three (3) years, by a bond in the amount of at least ten (10%) percent of the original bond.

F. Commission Meeting, Hearings and Decisions

1. The Commission shall review site plans and shall hold meetings consistent with the requirements of Sections 124 and 126 of Connecticut General Statutes, as applicable.
2. The Commission shall hold a Public Hearing for all Site Plan applications involving new construction of structures over 5000 square feet in gross floor area in the C, VC, DD, or PO/R Zones. The Commission reserves the right to hold Public Hearings on any site plan or amendment thereto, as presented.
3. The Commission shall not be required to hear applications for site plan approval previously denied by the Commission, for a period of six (6) months from the date of such denial.

G. Filing of the Approved Plan and Pertinent Documents on the Land Records

1. All site Development Plans and pertinent documents upon approval by the Commission or Board and after execution of bonds described herein before, shall be filed or recorded by the developer and at his

expense, in the Office of the Town Clerk and any plan not so filed or recorded within ninety (90) days following its approval by the Commission shall become null and void.

2. No such Site Development Plan and pertinent documents may be recorded or filed by the Town Clerk until its approval has been endorsed thereon, and a surety bond executed, and the filing or recording of a Site Development Plan and pertinent documents without such approval and bond shall be void.
3. Upon completion of the project, and prior to issuance of Zoning Compliance Certificate, the applicant shall submit "As Built" drawings and upon issuance of Zoning Compliance shall file "As-Builts" on the land records prior to bond release.

H. Additional Requirements and Independent Reviews

1. If the Site Development Plan involves any activity that may have a significant impact on public health, safety or welfare, including by not limited to pollution of traffic or environmental concerns, the applicant shall be required to submit additional information addressing the impact.
2. If the Commission deems that peer review of that information or other information voluntarily submitted by the applicant is warranted, or if the Commission deems that independent testing or review is warranted, that applicant will be required to pay the cost of that peer review or independent testing. (revised – effective date Aug 9, 2003)

I. Amendments

The applicant may submit and the Commission may approve amendments to a recorded, approved site plan.

Section 9.2. Special Permits

A. Purpose

The purpose of this regulation is to provide the ability for the Commission to take into account a series of special provisions prior to the approval of a number of uses, as specified in Articles 3 - 6 of these Regulations.

These are uses, that due to various factors, including but not limited to, the intensity of use, the appropriateness of the location chosen for such use, environmental concerns, the generation of significant traffic, the potential of adjacency of unlike uses, the tendency of such uses to inappropriately affect the goals of the Plan of Development, the potential of adverse reaction relative to property values, infrastructure constraints of the Town, the ability of such uses to dominate development in a given area, and the potential for significantly altering the character of the areas and/or the Town, shall make compliance with the following standards necessary prior to approval of any such uses.

B. Minimum Requirements

1. The following, in addition to all other relevant sections of these Regulations shall be complied with prior to approval
    a. A site plan in compliance with Section 9.1 and all other relevant regulations.
    b. All approvals of local agencies, as required.
    c. Application and submittal of all fees in accordance with the requirements of the Commission and as administered by the Planning, Zoning and Building Department.
    d. All materials necessary to demonstrate the following:
        1. The proposed use or development can be demonstrated to have a distinct benefit to the Town.
        2. The proposed use or development shall have no negative impacts, such as the concerns referenced in Section 9.2.A, on neighboring properties.
        3. The proposed use or development represents an appropriate use particularly suited to the property in question.
        4. The proposed use or development represents the least impact reasonable to the environment upon the site and those areas likely to be affected by such use, during or after construction and/or development.
        5. The proposed use or development is consistent with the Plan of Development as adopted by the Commission.
        6. The proposed use or development significantly and specifically advances the purposes, as applicable, of these Regulations, as described in Section 1.2.
        7. The Hours of Operation, if applicable, shall be reviewed and deemed appropriate for both the proposed use and the neighboring properties (Effective 12-01-2015).
        8. The terms “Seasonal”, “Daytime Hours”, and “Evening Hours” of Operation shall be specifically defined by the Commission during the Special Permit application process (Effective 12-01-2015).

C. Documentation Required

The Commission may consider, but is not limited to input from the following agencies, in determining compliance with Section 9.2.B.

1. Written commentary from Town staff such as the Planning, Zoning and Building Department, the Public Works Department, the Health Department, the Walter Pollution Control Authority, the Fire Marshal, the Police Department and/or the Traffic Authority, the Town Assessor, the Economic Development Commission, the Inland Wetlands and Water Courses Agency, the Conservation Commission, the Board of

Education, the Parks and Recreation Commission and the representative of any other local boards and commissions deemed relevant by the Commission.

2. Written commentary from other official departments, agencies or entities including, but not limited to, relevant Regional Planning Agencies, the Soil Conservation Service (SCS), the Cooperative Extension Service (CES), the State of Connecticut Department of Energy and Environmental Protection (DEEP), Department of Transportation (DOT), Connecticut State Traffic Commission (STC), Department of Public Utilities Control (DPUC), Department of Housing (DOH), State of Connecticut Health Department and Connecticut River Assembly (CRA), etc.
3. Written commentary or studies, commissioned by and/or presented by the applicant, shall be required to include, but not be limited to, traffic, fiscal impact, environmental impact, land use and all other information deemed necessary to support application for Special Permit Approval

D. Commission Decisions

The Commission shall decide upon all applications for Special Permits in accordance with the provisions of this regulation and any special provisions for Special Permits, as may be found in other relevant sections of these Regulations. The Commission shall have the authority to approve, deny or to approve with conditions, all applications brought for consideration. The reasons for such action shall be clearly stated and shall be considered part of the public record of all such applications.

E. Public Hearing Required

All applications for Special Permit under this Section shall be required to be presented at a public hearing, in accordance with the provisions of Connecticut General Statutes, Section 8-3.c., and Section 9.4 of these Regulations.

Section 9.3. Provisions For Amendment And Zone Change

A. Purpose

The purpose of this regulation is to give minimum standards that shall be required to amend these Regulations and/or to change zone boundaries established by these Regulations.

B. Statutory Requirements

1. No such regulation or boundary shall become effective or be changed until after a public hearing in relation thereto, held by a majority of the members of the Commission or a committee thereof appointed for that purpose consisting of at least five (5) members, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in such municipality at least twice at intervals of not less than two days, the first not more than fifteen (15) days nor less than ten (10) days, before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Town of East Hampton for public inspection at least ten (10) days before such hearing, and may be published in full in such paper. In addition to such notice, the Commission shall, by regulation, require notice of the Application to each owner of property within or abutting the land which is the subject of the hearing, as their names and addresses appear in the most recent Grand List of the Town Assessor, said notice to be by United States First Class mail, evidenced by a Certificate of Mailing issued by the United States Postal Service. Said notice shall be mailed no less than ten (10) days prior to the initial public hearing, and the Applicant shall submit to the Town Planner, at least five (5) days prior to such hearing, evidence of such mailing. The Applicant need not provide similar notice of any continuation of the initial public hearing. The Commission shall require a fee as prescribed by the Commission to be deposited with the Planning, Zoning, and Building Department. (Amended 07/30/2012)
2. Regulations and boundaries shall be changed or repealed only by a majority vote of all the members of the Commission, except as otherwise provided in Chapter 124 of the Connecticut General Statues. If a protest against a proposed change if filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change or of the lots within five hundred feet (500') in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.
3. All petitions requesting a change in the regulations or the boundaries of zones shall be submitted in writing and in a form prescribed by the Commission and shall be considered at a public hearing within the period of time permitted under Chapter 124, Section 8-7d of the Connecticut General Statutes. The Commission shall act upon the changes requested in such petition. Whenever the Commission makes any change in a regulation or boundary it shall state upon its records the reason why such change is made. The Commission shall not be required to hear any petition(s) relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months (revision effective May 15, 2006).
4. Zoning Regulations or boundaries or changes therein shall become effective at such time as is fixed by the Commission, provided a copy of such regulation, boundary or change shall be filed in the office of the Town of East Hampton and notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the municipality before such effective date.

C. Submissions Required for Regulation Amendment or Zone Change

The following materials shall be submitted to the Commission prior to regulation amendment or zone change.

1. Regulation Amendment:
    a. It shall be the responsibility of the applicant/petitioner to present the full text of proposed change, including reasons, and comprehensive analysis, as required by the Commission, of all, if

any, impacts, such change shall have to neighboring properties, zones, or the Plan of Development, as adopted by the Commission.

b. Such analysis may include, but shall not be limited to traffic studies, fiscal impact analysis, environmental studies, infrastructure capabilities, and the like.

2. Zone Change:
    a. Complete and accurate (A-2 Survey) of the entire area to be considered, including but not limited to, topographical information, accurate location of all buildings within proposed area, all buildings within five hundred (500') feet of the area proposed, all easements, covenants and other legal constraints existing and/or proposed for the area or parcels therein.
    b. It shall be the responsibility of the applicant/petitioner to present the full scope of such change, including reasons, and comprehensive analysis, as required by the Commission, of all, if any, impacts, such change shall have to neighboring properties, zones, or the Plan of Development, as adopted by the Commission.
    c. Such analysis may include, but shall not be limited to traffic studies, fiscal impact analysis, environmental studies, infrastructure capabilities, and the like.

D. Amendments Initiated by the Commission

The following shall be the procedure when the Commission deems it necessary or desirable to amend the Zoning Regulations or to amend or change the Zoning Map:

1. Regulation Amendment
    a. Petition: The Commission shall file with the Town Clerk a copy of all proposed changes to the Zoning Regulations. This copy shall be filed with the Town clerk at least fifteen (15) days before any scheduled public hearing.
    b. Public Hearing: The Commission shall schedule a public hearing for any proposed Zoning Regulation change. The scheduling of this hearing shall be at the discretion of the Chairman.
2. Zone Changes
    a. Petition: The Commission shall file with the Town clerk a statement identifying the appropriate location of the property involved in the zone change, the present and proposed zoning of the property, and the acreage affected by the change.
    b. Map: The Commission shall file with the Town clerk one (1) copy of a map showing the boundaries of any proposed zoning of the property.
3. Notification: When the commission is considering a zone change which will affect twelve (12) or fewer property owners, the Commission shall notify those property owners, as their names and addresses appear in the most recent Grand List of the Town Assessor. Said notice to be by United States First Class Mail, evidenced by a Certificate of Mailing issued by the United States Postal Service. Said notice shall be mailed no less than ten (10) days prior to the initial public hearing at which the proposed zoning change is to be discussed. No additional notice need be provided of any continuation of the initial public hearing. When the Commission is considering a zone change which will affect more than twelve (12) property owners, the Commission shall publish in a newspaper with local circulation a map showing the acres affected by the proposed zone change. Such map shall be published not more than fifteen (15) days nor less than ten (10) days before the public hearing at which such zone change will be discussed.
4. Public Hearing: The Commission shall schedule a public hearing for any proposed zoning map change. The scheduling of this hearing shall be at the discretion of the Chairman. (Amended 07/30/2012)

Section 9.4. Administration And Enforcement

A. Enforcement

1. The purposes of this Section are to outline and describe the processes, the procedural requirements, and the actions necessary to utilize and implement these Regulations.
2. It further authorizes and designates the Zoning Enforcement Officer as its enforcement authority to enforce all provisions of these Regulations.
3. In the case where no Zoning Enforcement Officer has been so designated and appointed, the Commission shall serve as the enforcement authority.

B. Applications and Fees

1. All requests for approval for land uses described in these Regulations shall be made by application, supplied by, and obtained from the Planning, Zoning, and Building Department.
2. All such applications shall be accompanied by all fees required by and described in such application or in these Regulations.
3. The applicant shall be responsible for submitting accurate information and all factual errors shall be the responsibility of the applicant.
4. The finding of any such errors and inaccuracy, at any stage of a regulated land use, shall constitute a violation of these Regulations and may cause the revocation of any or all approvals previously obtained.
5. Any plan that requires a variance(s) in order to meet the requirements of these regulations, must obtain the needed variance(s) from the Zoning Board of Appeals before it can be presented for review by the Planning and Zoning Commission (revision effective May 15, 2006).

C. Submissions Required

All information required by these Regulations shall be submitted to the Planning, Zoning and Building Department accompanied by application(s) referenced in Section 9.3.A in the following quantities and within the time frames listed below:

1. Site Plan and/or Special Permit Approval - Ten (10) copies of all materials 30 days prior to the next regularly scheduled meeting of the Planning and Zoning Commission (revision effective July 8, 2006).
2. Zone change and/or Regulation amendment - Ten (10) copies of all materials thirty (30) days prior to the next regularly scheduled meeting of the Planning and Zoning Commission.
3. Variances and Zoning Board of Appeals Approvals - Seven (7) copies of all materials two (2) weeks prior to the next regularly scheduled meeting of the Zoning Board of Appeals.
4. Applications Required for Uses Allowed as of Right and Administrative Approvals - Two (2) copies of all materials submitted at the time of application.

D. Revisions

1. The Commission shall not be required to accept revisions of plans and materials after applications have been placed on the agenda for action.
2. Major revisions, unless specifically authorized or initiated at the request of the Commission, shall be considered only upon withdrawal and re-application.

E. Minimum Accuracy Standards for Maps

All maps, plot plans and surveys shall be prepared by a Connecticut licensed land surveyor and shall be certified by the preparer to be a map of "A-2" accuracy.

F. Required Notification

1. The applicant shall be responsible for all notification requirements except the legal advertisement, which shall be placed by the Town pursuant to Connecticut General Statutes.
2. For all matters requiring action by the Commission or the Zoning Board of Appeals the applicant shall be responsible for the following notifications.
    a. Notification to each abutting property owner, as their names and addresses appear in the most recent Grand List of the Town Assessor. Said notice to be by United States First Class Mail, evidenced by a Certificate of Mailing issued by the United States Postal Service, advising the abutters of the proposal, the location, and the time and date and place of the meeting at which such proposal shall be heard. Said notice shall be mailed no less than ten (10) days prior to the initial public hearing, and the Applicant shall submit to the Town Planner, at least five (5) days prior to such hearing, evidence of such mailing. The Applicant need not provide similar notice of any continuation of the initial public hearing. (Amended 7/30/2012)
    b. A sign or signs shall be placed on the subject property, at least fifteen (15) days prior to the meeting at which the proposal shall be heard. The sign(s), which shall be no less than ten (10) square feet in area, shall state the following: THIS PROPERTY IS SUBJECT TO ACTION BY THE PLANNING AND ZONING COMMISSION or THE ZONING BOARD OF APPEALS, the date, time and place of the meeting. Such signs shall be of durable material(s), have black lettering two (2") inches (minimum), white background, shall be located so as to be clearly visible from the public street nearest the front of the property. Signs posted shall be no further apart along public streets than five hundred (500') feet. All signs shall be placed at the applicant's expense and shall be removed immediately after the appeal period [fifteen (15) days] has expired.

G. Procedure Upon Approval of Proposal

1. Upon approval of any proposal, and following any appeal period applicable, the applicant shall seek to obtain all relevant permits or approvals from the Planning, Zoning, and Building Department.
2. Applications for building and zoning Certificate of Approvals shall be made available and upon payment of all applicable fees and compliance with all relevant standards, such permits and approvals shall be issued.
3. Failure to comply with all provisions, conditions, codes, ordinances and the like shall authorize the Zoning Enforcement Officer to cause the revocation of such permits and certificates of approval.

H. Zoning Certificates of Approval

1. No land shall be used and no building or structure shall be constructed, reconstructed, extended, enlarged, in whole or in part, for any purpose, until a Zoning Certificate of Approval for the proposed work or use has been issued by the Zoning Enforcement Officer.
2. The following shall apply to all applications for Zoning Certificate of Approval:
    a. No building permit for the construction, reconstruction, or addition to any building or structure shall be issued until a Zoning Certificate of Approval has been obtained from the Zoning Enforcement Officer.
    b. A Zoning Certificate of Approval shall not be issued for any proposal, on any property, on which exists a violation of these Regulations.

I. Certificate of Occupancy

Certificate of Use and Occupancy shall be issued in accordance with the provisions of the Connecticut Building Code but shall not be issued prior to the Certificate of Zoning Compliance.

J. Certificate of Zoning Compliance

Prior to issuance of Certificate of Use and Occupancy, and/or release of all surety held by the Town relative to the project or proposal, a Certificate of Zoning Compliance must be issued by the Zoning Enforcement Officer, which shall certify that all proposed development has been performed and completed in accordance with the provisions of these Regulations.

K. Procedure When Regulations are Violated

The procedures shall be in accordance with Section 8-12 of the Connecticut General Statutes.

L. Partial Unconstitutionality

If any term, part, provision, section or regulation shall be held unconstitutional or ineffective in whole or in part by any court of competent jurisdiction, then to the extent that it is not unconstitutional or ineffective such term, part, provision, section, regulation or penalty clause shall be in full force and effect; nor shall such determination be deemed to invalidate any remaining term, part, provision, section, regulation, or penalty clause of these Regulations.

Section 9.5. Appeals

The Zoning Board of Appeals shall have all powers and duties prescribed by law and by these Regulations, which are more particularly specified as follows:

A. General

The Zoning Board of Appeals shall hear and decide appeals of any person or persons aggrieved by any order, requirement, or decision of any administrative official in the enforcement of these Regulations, provided that such appeal is taken to the clerk of the Board within fifteen (15) days of the receipt of the order, requirement or decision.

B. Prescribed Regulatory Matters

1. The Zoning Board of Appeals shall hear and decide all matters upon which it is required to pass by the Zoning Regulations.
2. The Board shall consider the character and use of adjacent land and buildings, the number of people residing or working in the vicinity and traffic conditions on neighboring streets, and no variance shall be granted that is injurious or detrimental to the neighborhood or the general safety and welfare.

C. Variances

1. The Zoning Board of Appeals shall vary or adapt the strict regulations in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved.
2. In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.
3. However, no variance in the strict application of any provision of these Regulations shall be granted by the Zoning Board of Appeals unless it finds:
    a. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or building in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or building.
    b. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or buildings.
    c. That the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its finding, shall take into account the number of persons residing or working in such building or upon such land and traffic conditions in the vicinity. Any variance shall not become effective until it is filed in the Office of the Town Clerk. (Amended 4/3/02)
4. Notwithstanding the foregoing and pursuant to Chapter 124, Section 8.6 of the Connecticut General Statutes, the Zoning Board of Appeals shall not grant variances of use in any zone.

APPENDIX A - RECORDS RETENTION			
A-1 ZONING			
ITEM NUMBER	RECORD SERIES TITLE	MINIMUM RETENTION REQUIRED	DISPOSITON
	Application, including supportive materials		
	for site plan (surveys, site layout)		
M10-170	a. Approved	10 years after issuance of decision	destroy*
M10-175	b. Denied	2 years after denial decision	destroy*
M10-185	Certificate of Zoning Compliance	10 years after issuance of decision	destroy*
M10-195	Decision letter	10 years after issuance of decision	destroy*
M10-205	Legal notice - pre hearing/decision	1 year after decision	destroy*
(M1-255)	Tapes, audio - zoning matters	1 year after minutes are approved unless pending	destroy*
		appeal, then retain 1 year after appeal decision	
	Zone changes		
M10-215	a. Application	2 Years after issuance of decision	destroy*
M10-220	b. Maps	Permanent	maintain in municipality
(M1-215)	c. minutes of public meetings	Permanent	maintain in municipality
	(including hearings)		
M10-255	d. Supportive materials	2 years after issuance of decision	destroy*
M10-235	Zoning regulations (as amended)	Permanent	maintain in municipality
			ZONING REGULATIONS

* Municipalities may destroy records only after receiving the signed approval form (RC-075, rev. 2/2005) from the Office of the Public Records Administrator. Retention periods established on this schedule are minimum retention requirements. Records may be retained for longer periods of time.

A-2 SITE PLAN REVIEW			
ITEM NUMBER	RECORD SERIES TITLE	MINIMUM RETENTION REQUIRED	DISPOSTION
	Application, including supportive materials		
	for site plan (survey, sites layouts)		
M10-245	a. Approved	10 years after issuance of decision	destroy*
M10-250	b. Denied	2 years after denial of decision	destroy*
M10-260	Decision letter (includes site plan and survey	10 years after issuance of decision	destroy*
M10-270	Legal notices	1 year after appeal period	destroy*
(M1-215)	Minutes of public meetings (including hearings)	permanent	maintain in municipality
	Performance bond for developer		
M10-280	a. Copy	2 years after released	destroy*
M10-285	b. Original	return to developer after release	return
	Site plan		
M10-295	a. Built	Life of use	maintain in municipality
M10-300	b. Not executed	5 years from issuance of decision of approving	
		authority CGS 8-3 (i), (j)	
M10-305	c. Revised site plans	Life of use	maintain in municipality
(M1-255)	Tapes, audio - zoning matters	1 year after minutes are approved unless pending	destroy*
		appeal, then retain 1 year after appeal decision	
			ZONING REGULATIONS

* Municipalities may destroy records only after receiving the signed approval form (RC-075, rev. 2/2005) from the Office of the Public Records Administrator. Retention periods established on this schedule are minimum retention requirements. Records may be retained for longer periods of time.