

## 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~~ design elements and architecture 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~~ design elements, 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  $\frac{3}{4}$  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  $\frac{3}{4}$  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~~-design elements of the Village Center.
  13. New building style, signage, on-site amenities, etc. -are encouraged to be in keeping with the overall ~~character~~-design elements 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~~-aesthetic 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~~design 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~~ design features 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~~ design features, 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~~ design features 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~~ architectural features 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)
21. Gasoline or motor fuel filling stations in conjunction with a retail store. (effective: October 14, 2020)

**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 8.3.1
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~~ elements 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 character~~ istics design elements that should be considered 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~~ designed to be ~~harmonious~~ visually consistent 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.

*This page intentionally left blank*

## **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

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

<b>2. Single-Family Detached Dwellings on Subdivided Lots</b>	
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

<b>3. Single-Family Detached Dwellings on Common Land</b>	
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 from 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~~ original master plan concept 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~~ design features 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 United 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 design~~ 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~~ be in harmony with 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 physical site characteristics 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, be designed for physical site characteristics ~~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 satisfactory 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.