

# EAST HAMPTON



## Zoning Regulations

**Amended January 6, 2021**

**Effective January 15, 2021**

**PROPOSED REVISIONS TO COMPLY WITH  
PUBLIC ACT 21-29  
FOR REVIEW  
MARCH 2, 2022**

Zoning Regulations  
 Effective date: September 15, 1990

<b>Amended</b>	<b>Effective</b>
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December 1, 1997	
May 1, 1998	
November 1, 1999	
August 17, 2000	
July 11, 2001	
July 25, 2001	
April 3, 2002	April 24, 2002
June 5, 2002	June 21, 2002
December 3, 2003	Dec 6, 2003
January 7, 2004	Jan 12, 2004
May 10, 2006	May 15, 2006
June 5, 2006	July 8, 2006
Aug 2, 2006	Aug 10, 2006
Oct 4, 2006	Nov 13, 2006
May 9, 2007	May 19, 2007
August 1, 2007	August 24, 2007
October 3, 2007	October 15, 2007
December 5, 2007	January 1, 2008
August 4, 2008	August 4, 2008
August 6, 2008	August 16, 2008
September 2, 2009	October 1, 2009
April 6, 2011	July 1, 2011
July 6, 2011	August 1, 2011
August 3, 2011	September 1, 2011
October 5, 2011	November 1, 2011
May 2, 2012	May 21, 2012
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# ARTICLE 1 - INTRODUCTION

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## Section 1.1. Authority

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

## Section 1.2. Purposes

These Regulations are adopted for the purposes of:

1. Guiding the future growth and development of the Town in accordance with the Plan of Conservation and Development.
2. Providing adequate light, air and privacy; securing safety from fire and other danger; and ~~preventing overcrowding of the land and undue concentration of population~~ ensuring development is consistent with the capacity of the land.
3. Protecting the ~~character and the~~ historic, social and economic stability of all parts of the Town and ensuring that development is orderly and beneficial for all citizens.
4. Protecting and conserving the value of land and buildings appropriate to the various zones established by these Regulations and throughout the Town.
5. Promotion of the federal Fair Housing Act, as amended from time to time, by allowing for and encouraging housing types for all residents.
- ~~4.6.~~ Protecting and preserving culturally historic, tribal, and environmental ~~assets~~ resources.
- ~~5.7.~~ Bringing about the gradual conformity of the uses of land and buildings to the Comprehensive Zoning Plan set forth in these Regulations and minimizing conflicts among the uses of the land and buildings.
- ~~6.8.~~ Promoting the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian circulation appropriate to the various uses of land and buildings throughout the Town.
- ~~7.9.~~ Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.
- ~~8.10.~~ Controlling development to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services, thereby facilitating adequate provision for vehicular and pedestrian circulation, water, sewerage, schools, parks and other public requirements.
- ~~9.11.~~ Conserving and protecting the natural resources of the Town, especially groundwater and drinking water, in recognition of their importance to the health, safety and general welfare of East Hampton and its larger environs, including, consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; the reduction of hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and the environmental impact on Long Island Sound coastal resources, as defined in section 22a-93.
- ~~10.12.~~ Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water for any project for which a permit is required or sought from the Town.
- ~~11.13.~~ Encouraging the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs.

## Section 1.3. Zoning Districts

### A. Districts and Boundaries

1. For the purpose of implementing these Regulations and consistent with the provisions of Connecticut General Statutes Chapter 124, Section 8-2, the Town of East Hampton is hereby divided into zoning districts as enumerated in these Regulations.
2. The boundaries of the zoning districts shall be as shown on maps established by the Commission entitled, "~~Zoning Map of the Town of East Hampton~~East Hampton Zoning Map", dated ~~April 20, 2018~~August 1, 2021, revised as indicated, on file with the Town Clerk.
3. This map shall be declared to be a part of these Regulations.

### B. District Interpretation

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

### C. Boundary Interpretation

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

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

## **Section 1.4. Interpretation Of Regulations**

### **A. Permitted Uses and Activities**

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

### **B. Minimum Requirements**

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

### **C. In The Event of Conflict**

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

## **Section 1.5. Conformity Required**

### **A. Conformity Required**

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

## **Section 1.6. Administrative Provisions**

### **A. Severability**

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

### **B. When Effective**

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



## ARTICLE 2 - DEFINITIONS

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### Section 2.1. Use Of Terms

#### A. Definitions to be Applied

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

#### B. Specific Terms

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

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

#### C. Terms Not Defined

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

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

## Section 2.2. Defined Terms

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

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

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

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

**ACCESSORY DWELLING UNIT**- A dwelling unit with bedroom, kitchen and bathroom facilities created on a building lot that is ~~separate secondary and detached from~~ to the principal structure. See “Dwelling, Attached” and “Dwelling, Detached.” Also see Section 8.4.M.[RDC1]

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

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

**ACTIVE ADULT** – See Section 8.5.

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

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

**ADVERTISING DISPLAY** – See “sign”.

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

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

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

**ALTERATION** – See Alteration of Building or Structure.

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

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

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

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

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

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

**ASSISTED LIVING FOR THE ELDERLY** – See Section 8.5.

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

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

**AUTOMOBILE REPAIR** - See “motor vehicle repair shop.”

**AUTOMOBILE WRECKING YARD** – See “junkyard.”

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

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

**BASEMENT** - A space having  $\frac{1}{2}$  or more of its floor-to-ceiling height of not less than 61/2 feet.

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

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

**BILLBOARD** – See “sign, billboard.”

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

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

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

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

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

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

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

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

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

**BUSINESS SIGN** – See “sign, business.”

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

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

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

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

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

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

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

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

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

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

**COMMERCIAL USE** - Activity carried out for a pecuniary gain.

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

**COMMISSION** – The East Hampton Planning and Zoning Commission.

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

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

**CONGREGATE HOUSING** – See Section 8.5.

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

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

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

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

**CONVALESCING HOME** – See “health care facility.”

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

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

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

**DAY CARE CENTER/DAY NURSERY** – See “child-care center.”

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

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

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

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

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

**DUPLEX** – See “dwelling, two-family.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**EFFICIENCY UNIT** – See “dwelling unit, efficiency.”

**ELDERLY OCCUPANCY** – See Section 8.5.

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

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

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

**EROSION AND SEDIMENTATION CONTROL** - (See Section 7.7 for Erosion & Sedimentation Control definitions.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FLOOR AREA, GROSS** – The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including

interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

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

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

**FRONT LOT LINE** – See “lot line, front.”

**FRONT YARD** – See “yard, front.”

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

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

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

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

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

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

**GROSS FLOOR AREA** - See “floor area, gross.”

**GROUND COVERAGE** – See “lot coverage.”

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

**HALF STORY** – See “story, half.”

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

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

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

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

**HOME BASED BUSINESS** - Home Based Business: A business or commercial activity conducted within the primary dwelling unit by the residents thereof and up to one non-resident employee for compensation, which is secondary to the use of the dwelling for living purposes. See Section 8.4.P – Home Based Business.

**HOME OCCUPATION** - An accessory use of a portion of a dwelling unit or permitted accessory structure to a Single-Family Dwelling Unit for business purposes by the resident occupants when clearly customary and incidental to the residential use of the Dwelling Unit and subject to Regulation requirements. A Home



Occupation is a component of the residential use and shall not be deemed to be a separate non-residential use. A Home Occupation has no impact to the surrounding neighborhood and cannot be detected from outside of the premise. See Section 8.4.O – Home Occupation.~~An occupation, profession, activity or use that is clearly a customary, secondary and incidental use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood (effective July 8, 2006).~~

~~**HOME PROFESSIONAL OFFICE** – A home occupation consisting of the office of a practitioner of a recognized profession, provided that not more than two persons are employed who are not members of the family, and that such office shall be in the main building only and shall not occupy more than the equivalent of 50% of the area of the first floor of the principal building. For the purpose of this definition, a “teacher” shall be restricted to a person giving individual instruction in a musical instrument, in singing or in academic or scientific subjects to a single pupil at a time. A home professional office shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Dancing instruction, band instrument or voice instruction in groups, tea rooms, tourist homes, beauty parlors, barber shops, hairdressing and manicuring establishments, real estate offices, convalescent homes, mortuary establishments, travel agencies and stores, trades or businesses of any kind not herein excepted shall not be deemed to be home professional office.~~

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

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

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

**HOUSING FOR THE ELDERLY** - See Section 8.5.

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

**IMPERVIOUS COVERAGE** – Total area of impervious surface.

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

**INGRESS** – Access or entry.

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

**ISLAND** - A land area totally surrounded by water.

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

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

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

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

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

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

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

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

**LIGHTING** – See Section 7.3.

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

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

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

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

**LOT COVERAGE** – See Impervious Coverage.

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

**LOT, DOUBLE FRONTAGE** - See “lot, through.”

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

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

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

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

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

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

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

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

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

**MALL, PEDESTRIAN** - A shaded walk or public promenade;

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

**MANUFACTURED HOME** – A Manufactured Home is a structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Home Construction and Safety Standards (HUD Code) and is so labeled. When erected on site, the home is: (a) at least 400 square feet; (b) built and remains on a permanent chassis; and (c) designed to be used as a dwelling with a permanent foundation built to FHA criteria.

**MOBILE HOME** – ~~A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent foundation when connected to the required utilities.~~ Any manufactured home built prior to June 15, 1976.

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

**MODULAR HOME** – A home which is mostly built in a factory and shipped to the final home site. The home does not arrive fully assembled and must be completed on site. Modular homes are subject to the local Building Code and are not subject to the HUD code.

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

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

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

**MULTIFAMILY DWELLING** – See “dwelling, multifamily.”

**NATURAL GRADE** – See “grade, natural.”

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

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

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

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

**NURSERY SCHOOL** – See “child-care center.”

**NURSING HOME** – See “health care facility.”

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

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

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

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

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

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

**PARCEL** – A lot or tract of land.

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

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

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

**PARKING ISLAND** – See “island, parking.”

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

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

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

**PATIO** – See “terrace.”

**PEDESTRIAN MALL** – See “mall, pedestrian.”

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

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

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

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

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

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

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

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

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

**PRINCIPAL BUILDING** – See “building, principal.”

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

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

**PROPERTY LINES** – See “lot line.”

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

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

**REAR LOT** – See Flag Lot.

**REAR YARD** – See “yard, rear.”

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

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

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

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

**REPAIR GARAGE** – See “motor vehicle repair shop.”

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

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

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

**RETAIL SERVICES** – See “services, retail.”

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

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

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

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

**ROAD** – See “street.”

**ROOF** – The outside top covering of a building.

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

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

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

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

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

**ROOF, SHED** – A roof with one slope.

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

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

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

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

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

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

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

**SIDE YARD** – See “yard, side.”

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

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

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

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

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

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

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

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

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

**SINGLE-FAMILY DWELLING** - See “dwelling, single-family.”

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

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

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

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

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

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

**STORM SEWER** – A conduit that collects and transports runoff.

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

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

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

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

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

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



**STREET LINE** - See “right-of-way lines.”

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

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

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

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

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

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

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

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

**TOURIST HOME** – See “bed-and-breakfast.”

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

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

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

**UNDEVELOPED LAND** – Land in its natural state before development.

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

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

**USE, ACCESSORY** – See “accessory use.”

**USE, EXISTING** – See “existing use.”

**USE, INSTITUTIONAL** – See “institutional use.”

**USE, PERMITTED** – See “permitted use.”

**USE, PRINCIPAL** – See “principal use.”

**USE, RELIGIOUS** – See “religious use.”

**USE, TRANSITIONAL** – See “transitional use.”

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

**VETERINARY CLINIC** - A building or place used for diagnosing, or giving medical and surgical treatment to animals, as defined in the Connecticut State Health Code.

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

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

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

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

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

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

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

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

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

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

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

**ZONING BOARD OF APPEALS** – See “board of appeals.”

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

## **ARTICLE 3 - RESOURCE PROTECTION ZONES**

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### **Section 3.1. Lake Pocotopaug Protection Zone**

#### **A. Purpose**

Lake Pocotopaug has experienced a gradual degradation of water quality since about 1970. The watershed area is intensely developed in many areas and is a primary source of storm water runoff that carries nutrients and pollutants that contribute to the eutrophication of the lake and degradation of its water quality. This Regulation recognizes the concerns raised by and is adopted in an effort to support and carry out the goals of the adopted “Lake Pocotopaug Nine Elements Watershed Based Plan”.

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

#### **B. Goals**

The goals of this overlay zone are:

- A. To minimize the impervious surfaces and maximize infiltration of stormwater runoff;
- B. To reduce stormwater flow and minimize soil erosion, stream channel instability, flooding, and habitat destruction;
- C. To preserve and/or create vegetative buffers or native plantings to control and filter stormwater runoff;
- D. To minimize disturbance of natural grades and vegetation and utilize existing topography for natural drainage systems;
- E. To contain stormwater runoff on site and to reduce the volume of stormwater runoff before it reaches surface water bodies; and
- F. To prevent and minimize potential groundwater pollution from improper waste disposal, release of hazardous materials, and other sources.

#### **C. Applicability and Scope**

The watershed is considered to be the area shown on the official Zoning Map as “Lake Pocotopaug Watershed.” The provisions of these regulations shall be in addition to all other requirements of applicable statutes, codes, regulations, and ordinances. All development within the watershed shall be subject to this regulation and applications subject to action by the Planning and Zoning Commission shall be referred to the Conservation – Lake Pocotopaug Commission and are subject to a Public Hearing.

#### **D. Requirements**

The following requirements shall apply to all properties within the watershed:

- A. The minimum building setback from Lake Pocotopaug and all tributaries (Hales, Christopher, Fawn, Clark, Days, O’Neil, Candlewood, Hazen, Bill Day, and Unnamed Brooks) shall be 25 feet regardless of underlying zone.
- B. All properties directly adjacent to Lake Pocotopaug and any of the aforementioned tributaries require a planted buffer zone of at least 20% of the distance between the primary residential structure and the water way, or five (5) feet, whichever is less starting at the mean high water mark (existing buffers must be maintained.). Provisions may be made for walking paths (not wider than six feet) and dock landings. (Views may be maintained by planting low growth bushes and trimming large growth trees.) This buffer should contain native plantings consisting of low

and high vegetation. Property owners should refer to the “Protecting Lake Pocotopaug” documents for best management practices.

- C. All projects resulting in more than 2,500 square feet of ground disturbance shall be referred to the Lake Consultant for a third party review. The applicant will be required to cover the cost of any such third party reviews.
  - D. An Erosion and Sedimentation Control Bond in accordance with Section 8.5.N shall be submitted for all projects resulting in more than 2,500 square feet of soil disturbance.
  - E. Seasonal Clearing Activity Limitations - The intent of seasonal clearing activity limitations is to limit the amount of exposed soils on site that are susceptible to erosion at any one time, thereby improving site stability during development and reducing potential for transport of dissolved pollutants and sediments off site. Preservation of existing trees on site also reduces the quantity and maintains the quality of stormwater leaving a site during and after development activities by encouraging interception, infiltration and evapotranspiration of rainfall and surface runoff.
1. Administrative review and approval shall be required for all clearing.
  2. Clearing activity that will result in exposed soils exceeding 500 square feet shall not be permitted from October 1<sup>st</sup> through April 30<sup>th</sup>; however, the Planning & Zoning Official may approve an exemption to this requirement for the following activities:
    - a. Routine maintenance and repair of erosion and sediment control measures;
    - b. Activities located at or waterward of the mean high water mark subject to conditions of approval requiring commencement of clearing activity between October 1<sup>st</sup> and May 30<sup>th</sup> for purposes of minimizing surface water disturbance and site inundation by high water or wave action;
    - c. Activities necessary to address an emergency that presents an unanticipated and imminent threat to public health, safety or the environment that requires immediate action. Upon abatement of the emergency situation, the clearing activity shall be reviewed for consistency with this section and may be subject to additional permit requirements; provided, that the applicant shall make a reasonable attempt to contact the Planning & Zoning Official prior to the activity. When prior notice is not feasible, notification of the action shall be submitted to the Planning & Zoning Official as soon as the emergency is addressed and no later than two business days following such action. Emergency construction does not include development of new permanent protective structures where none previously existed;
    - d. The proposed activity does not involve the conversion of forest land and is outside critical areas and associated buffers.
    - e. To ensure compliance with subsection 2 above, the East Hampton Land Use Office shall not issue development approvals requiring more than 500 square feet of land disturbance located within the Lake Pocotopaug watershed within two weeks prior to the watershed seasonal closure on October 1st.
    - f. Soil disturbance associated with an exempt clearing activity as defined above shall be minimized to the maximum extent practicable. The Planning & Zoning Official shall have the authority to condition an exempt activity to ensure that temporary erosion and sediment control measures will be implemented.
    - g. An exemption from the seasonal land clearing requirements of this section does not grant authorization for any work to be done in a manner that does not comply with other provisions of this chapter or other applicable development regulations.
- F. Within the Lake Pocotopaug Watershed Overlay District, all clearing activities must conform to the following conditions:
    1. Temporary erosion and sediment control shall be installed and inspected prior to any clearing activity. The Land Use Office Staff shall conduct periodic inspections to ensure the integrity of temporary erosion and sediment controls. Temporary erosion and sediment control measures include, but are not limited to, installation of silt fencing or filter socks,

installation of check dams, covering of excavation piles, and mulching of exposed soils, as specified and in accordance with the 2002 CT E&S Guidelines.

2. Phased Clearing. Clearing activities shall be phased to limit the amount of exposed soil that occurs at any one time, based on site characteristics or constraints including, but not limited to, slopes, proximity to shorelines and wetlands. A phased clearing plan, shall be submitted for review and approval by the Planning & Zoning Official prior to any clearing activity and shall contain a detailed construction schedule or timeline. Failure to follow the phasing plan may result in fines in accordance with Section 9.4.
3. Soil Stabilization. All disturbed areas shall be provided with soil stabilization within two days of the time of disturbance. The phasing plan must specifically detail erosion and sediment controls.

## E. Application Requirements

This section of the regulation specifically applies to any property where any one of the following activities is proposed:

- All new primary structure construction,
- Reconstruction (tear-down and rebuilds),
- Any property where a variance for setback or coverage is being sought,
- Any property where construction activity includes more than 750 square feet of disturbance.

In addition to the requirements listed in section 3.1.D above, applications for the above mentioned activities will not be considered complete and will not be acted upon unless and until the following items are submitted:

- A. A signed statement on a form provided by the Land Use Office verifying that the applicant is aware of his/her responsibilities for best management practices during and after construction and testifying that they are aware of the potential for the assessment of fines should best management practices not be adhered to.
- B. All applications as required by this Section shall include a Stormwater Management Plan and Data which shall include the following:
  1. A Narrative report prepared by a licensed engineer indicating:
    - i. Any risk or threat to Lake Pocotopaug or its tributaries from site development, site improvements, or on-site operations proposed in the application..
    - ii. Methods of assessment and best management practices to prevent and reduce any such risk or threat.
    - iii. Supporting documentation, including calculations and engineering details shall be provided to illustrate the existing and proposed development's compliance with these regulations which shall be designed in accordance with the stormwater management design guidelines of either the "Connecticut Stormwater Quality Manual" or Connecticut DEEP's "Manual for the Best Management Practices for Stormwater Management."
  - ~~4.2.~~ A Site Plan indicating:
    - ~~a.~~i. All relevant data required for the application,
    - ~~b.~~ii. Site topography,
    - ~~c.~~iii. Location and area of all impervious surfaces on the site,
    - ~~d.~~iv. Location and area of all turf cover,
    - ~~e.~~v. Location and area of all existing woodland areas,
    - ~~f.~~vi. Location and area of all existing and proposed vegetative buffer areas,
    - ~~g.~~vii. Location and description of all potential runoff and pollution sources including erosive soils, steep slopes, and impervious surfaces,
    - ~~h.~~viii. Location and specifications of all existing and proposed stormwater best management practices.

ix. Provisions for eliminating runoff from the property to the street. This must take into account the topography of the property and any nearby catch basins or other drainage structures.

## **F. Best Management Practices**

The following practices and methods shall be incorporated into all uses throughout the watershed wherever possible:

- A. Vegetative swales, buffers, filter strips
- B. Water control berms and level spreaders
- C. Grassed drainage swales wet, or dry
- D. Maintain or restore pre-development vegetation
- E. Minimize creation of steep slopes
- F. Bio-retention structures/residential rain gardens
- G. Rain water harvesting/rain barrels
- H. Dry retention ponds
- I. Underground detention galleries
- J. Proper location and reduction of impervious surface area on site
- K. Disconnect flows from multiple impervious surfaces
- L. Permeable pavement choices
- M. Groundwater infiltration systems (curtain drains, dry well galleries, etc)
- N. Site grading should be in such a manner so as to prevent any runoff from entering the lake, wetlands, or stream directly and instead directed to areas where it can infiltrate.
- O. Replanting

## **G. Prohibited Uses**

The following uses are prohibited within the watershed zone because of the potential for negative impacts to Lake Pocotopaug.

- A. Direct discharge of stormwater into wetlands or waterways.
- B. Direct discharge of stormwater into existing catch basins and other drainage structures that drain to wetlands and watercourses.
- C. Underground oil, gas, or diesel tanks
- D. Fuel filling stations
- E. Stockpiling or composting of manure within 200 feet of a wetland or watercourse.

## Section 3.2. Upper<sup>[RDC2]</sup> Connecticut Conservation Zone

### A. Purpose

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

### B. Referral of Land Use Applications

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

### C. Assembly and Commission Action

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

## **Section 3.3. Aquifer Protection Overlay Zone**

### **A. Purpose**

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

### **B. Establishment and Delineation of Boundary**

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

### **C. Uses Permitted As Of Right**

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

### **D. Uses Permitted By Special Permit**

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



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

#### **E. Special Provisions**

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

## **Section 3.4. Salmon River Protection Zone**

### **A. Purpose**

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

### **B. Delineation of Area**

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

### **C. Special Provisions for the Salmon River Protection Zone**

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

### **D. Special Provisions**

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

## **Section 3.5. Floodplain Overlay Zone**

### **A. Statutory Authorization**

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

### **B. Finding Of Fact**

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

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

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

### **C. Statement Of Purpose**

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

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

## D. Objectives

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

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

## E. Definitions

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

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

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

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

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

**BUILDING** – see definition for “Structure”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## F. Administration

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



6. Where applicable the following certifications by a Connecticut registered engineer or architect are required, and must be provided to the Planning and Zoning Official. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 3.5.H.
    - a. Non-residential flood-proofing must meet the provisions of Section 3.5.H.3.2.b;
    - b. Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 3.5.H.3.3;
    - c. No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 3.5.H.3.c;
  - b. Construction Stage: Upon completion of the applicable portion of construction, the applicant shall provide verification to the Planning and Zoning Official of the following as is applicable:
    1. Lowest floor elevation shall be verified for:
      - a. A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement);
      - b. A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);
      - c. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
5. **Duties And Responsibilities Of The Local Administrator** - Duties of the Planning and Zoning Official shall include, but not be limited to:
- a. Review all permit applications for completeness, particularly with the requirements of Section 3.5.H.
  - b. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
  - c. Review all development permits to assure that the permit requirements of this regulation have been satisfied.
  - d. Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Stream Channel Encroachment Line (SCEL) Permit, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
  - e. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.
  - f. Notify the adjacent communities and the Department of Energy and Environmental Protection (DEEP), Land and Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - g. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - h. Obtain record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.
  - i. Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been flood-proofed.
  - j. When flood-proofing is utilized for a particular structure, the Planning and Zoning Official shall obtain certification from a registered professional engineer or architect, in accordance with Section 3.5.H.3.2.b.

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

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

## G. General Provisions

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

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

## H. Provisions For Flood Hazard Reduction

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

- i. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  - k. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 5.3. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.
  - l. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (DEEP), Land and Water Resources Division prior to any alteration or relocation of a watercourse.
  - m. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.
  - n. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., VE zone is more restrictive than AE zone; structure must be built to the highest BFE). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.
  - o. Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
  - p. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
2. **Standards For Watercourses Without Established Base Flood Elevations (Un-Numbered A Zone), Adopted Floodways And/or Flood Mapping**
- a. The Planning and Zoning Official shall require base flood elevation (BFE) data be provide with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). A registered professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient

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

- b. When BFEs have been determined within Zones A1-30 and AE on the community's FIRM but a regulatory floodway has not been designated, the Planning and Zoning Official must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.
- c. The Planning and Zoning Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.
- d. The Planning and Zoning Official shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 3.5.
- e. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by Section 65.12.

### 3. Specific Standards

- a. Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.
  - 1. Residential Construction - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
  - 2. Non-Residential Construction - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:
    - a. Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE); or
    - b. In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Connecticut registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this Section. Such

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

- c. The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
3. Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings. All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections (a)-(h) below:
- a. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;
  - b. The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
  - c. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by an a registered professional engineer or approved by the Planning and Zoning Official;
  - d. Openings shall not be less than three (3) inches in any direction in the plane of the wall;
  - e. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;
  - f. All interior walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and resistant to flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.

- g. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers and dryers hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated one (1.0) foot above the BFE in the space, will subject the structure to increased flood insurance rates.
  - h. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 3.5.H.3.3 (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 3.5.H.3.3 (a)-(c) In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 3.5.H.3.2.
- b. Manufactured (Mobile) Homes and Recreational Vehicles (RVs).
- 1. In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the frame is located one (1.0) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 3.5.H.3. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE24. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
  - 2. All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
  - 3. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
  - 4. Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standard of Section 3.5 and the elevation and anchoring requirement of Section 3.5.H.3.b.1, 3.5.H.3.b.2, and 3.5.H.3.b.3 . A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- c. Floodways:
- 1. Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway

- Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut licensed professional engineer is provided demonstrating that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24.
2. Fences in the floodway must be aligned with the flow and be of an open design.
  3. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.
- d. Standards for Development in Areas of Shallow Flooding (Zones AO and AH) - Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:
1. For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade.
  2. For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:
    - a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade; or
    - b. Together with attendant utility and sanitary facilities be completely flood-proofed to above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the FIRM, or if no depth number is specified at least three (3.0) feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a Connecticut licensed professional engineer or architect.
  3. On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.
  4. Fully enclosed areas below the lowest floor in AO and AH Zones must comply with the provisions of Section 3.5.H.3.3 for hydraulic flood vents.

## I. Design Standards For Subdivision Proposals

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



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

## J. Variance Procedures

### 1. Establishment Of Variance Process

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

### 2. Specific Situation Variances

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

### 3. Considerations For Granting Of Variances

- In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as 9.5.C. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

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

#### 4. Conditions For Variances

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

#### K. Enforcement

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

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

## **L. Penalties For Violation**

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

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## **ARTICLE 4 - RESIDENTIAL ZONES**

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

#### **A. Purpose**

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

#### **B. Uses Permitted As-Of-Right**

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

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

#### **C. Uses Permitted With Site Plan Review**

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

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

#### **D. Uses Permitted With Special Permit**

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

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

- b. The existing building must contain at least two thousand (2000) square feet of habitable space.
  - c. The proposal shall be such that no exterior evidence of multi-family use shall be visible.
  - d. All applications for approval shall include:
    - 1. Photographs of the existing building from all sides
    - 2. Plans and exterior details of proposed conversion
    - 3. Adequate parking in accordance with Section 7.1
    - 4. Adequate provisions for water supply and sewage disposal
6. Accessory Dwelling Units in accordance with Section 8.4.M.

**E. Area and Dimensional Standards**

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

## **Section 4.2. R-2 Zone – Single Family Residential**

### **A. Purpose**

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

### **B. Uses Permitted As-Of-Right**

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

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

### **C. Uses Permitted With Site Plan Review**

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

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

### **D. Uses Permitted With Special Permit**

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

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

**E. Area and Dimensional Standards**

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



## **Section 4.3. R-3 Zone – Resource Residential**

### **A. Purpose**

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

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

### **B. Uses Permitted As-Of-Right**

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

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

### **C. Uses Permitted With Site Plan Review**

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

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

### **D. Uses Permitted With Special Permit**

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

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

- c. The proposal shall be such that no exterior evidence of multi-family use shall be visible
- d. All applications for approval shall include:
  - 1. Photographs of the existing building from all sides
  - 2. Plans and exterior details of proposed conversion
  - 3. Adequate parking in accordance with Section 7.1
  - 4. Adequate provisions for water supply and sewage disposal
- 6. Accessory Dwelling Units in accordance with Section 8.4.M.
- 7. Veterinary Clinics in accordance with Section 8.4.N.

**E. Area and Dimensional Standards**

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

## Section 4.4. R-4 Zone - Rural Residential

### A. Purpose

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

### B. Uses Permitted As-Of-Right

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

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

### C. Uses Permitted With Site Plan Review

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

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

### D. Uses Permitted With Special Permit

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

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

- d. All applications for approval shall include:
  - 1. Photographs of the existing building from all sides
  - 2. Plans and exterior details of proposed conversion
  - 3. Adequate parking in accordance with Section 7.1
  - 4. Adequate provisions for water supply and sewage disposal
- 6. Accessory Dwelling Units in accordance with Section 8.4.M.
- 7. Veterinary Clinics in accordance with Section 8.4.N.

**E. Area and Dimensional Standards**

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

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

### A. Purpose

The Village Housing Overlay Zone is intended to:

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

### B. Nature of Zone / Declaration of Village District.

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

### C. Description of Sub-Districts.

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

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

## D. Uses Permitted With Special Permit

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

1. Multi-Family Sub-District	<ul style="list-style-type: none"> <li>a. Multi-family residential development at up to 20 units / acre of developable land as defined in Section 6.3.B.</li> <li>b. Townhouse residential development at up to 10 units / acre of developable land as defined in Section 6.3.B.</li> <li>c. Public parking area.</li> <li>d. Private parking area.</li> <li>e. Municipal facility.</li> </ul>
2. Townhouse Sub-District	<ul style="list-style-type: none"> <li>a. Townhouse residential development at up to 10 units / acre of developable land as defined in Section 6.3.B.</li> <li>b. Private parking area.</li> <li>c. Municipal facility.</li> </ul>
3. Duplex Sub-District	<ul style="list-style-type: none"> <li>a. Duplex residential development (two-unit buildings) at up to 6 units / acre of developable land as defined in Section 6.3.B.</li> <li>b. Single-family residential units at up to 3 units / acre of developable land as defined in Section 6.3.B.</li> </ul>

## E. Area and Dimensional Standards

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

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

## F. Special Provisions

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

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



# Design Guidelines - Single Family Dwellings

## Favorable Design Treatments



## Unfavorable Design Treatments



### Design Elements Which Are Encouraged / Required

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

### Discouraged Elements

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

# Design Guidelines – Duplex / Townhouse Dwellings

## Favorable Design Treatments

### Duplex Dwellings



### Townhouse Dwellings



## Unfavorable Design Treatments



### Design Elements Which Are Encouraged / Required

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

### Discouraged Elements

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

# Design Guidelines – Multi-Family Dwellings and Mixed Use Buildings

## Favorable Design Treatments

### Multi-Family Dwellings



### Mixed Use Buildings



## Unfavorable Design Treatments



### Design Elements Which Are Encouraged / Required

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

### Discouraged Elements

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

## **Section 4.6. Special Provisions For Residential Zones**

### **A. Two Family Dwellings/Duplexes**

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

### **B. Display Or Storage Of Materials**

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

### **C. Access Driveways**

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

### **D. Temporary Health Care Structures**

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

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

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