

**LAST REVISED 1/6/12**

**KEY:** Bold = added words

Strikethrough = delete

**Amend Section 6-5 (a)(7) Building Areas**

(7) Building Areas shall mean that portion of a lot which may be occupied by buildings. For purposes of this sub-section, buildings shall be measured to the outermost limit of any portion of the building, including but not limited to any projecting overhang of the roof **not to exceed 2 feet excluding the first two feet.** (5/10/2000)

(A) That portion of the area of a building or structure whose roof is treated as ground surface (planted or paved) and is entirely below the elevation of the adjacent grade **by at least 3 feet of friable fill**, as it was prior to any construction or re-grading shall not be included in lot coverage or **Green Area Requirement**.

**PURPOSE:** *The purpose of amending this Section is for consistency with the definition of lot coverage and the proposed definition of Green Area Requirement.*

**Amend Section 6-5(a)(34.1) -**

Section 6-5(a)(34.1) Lot Coverage shall mean the percentage of impervious surface development on a site or lot occupied by buildings, structures, parking areas, driveways, decks, tennis courts, patios, terraces, swimming pools, etc. and does include porous asphalt, porous concrete, permeable inter-locking concrete pavers, concrete grid pavers, plastic turf reinforcing grids and similar man-made materials and products. Grassed and landscaped areas, rain gardens, tree areas etc., are considered permeable surfaces and shall not be included in Lot Coverage. Any underground structure or impermeable surface shall, ~~if it has it is covered by at least 3 feet of friable fill~~, **not be considered in lot coverage if covered by at least three (3) feet of friable fill**. Septic systems and drainage systems with the purpose of retention, infiltration or water quality treatment shall not be considered as lot coverage. **Lot coverage shall apply to R-MF, R-6 (three-family) and all commercial zones.** (5/4/2005; 10/26/2010)

**PURPOSE:** *Keeping lot coverage was done so as to maintain the existing regulations as they relate to commercial zones. The added language clarifies that lot coverage pertains to commercially zoned properties, the RM-F and the R-6 (three-family) zones.*

*Establishing a minimum green area as opposed to a maximum lot coverage regulation in residential zones allows for exemptions to be made in residential zones that would not be appropriate in commercial zones and visa versa. For example, patios, decks, walkways, small scale garden paths, stepping stones count towards the required Green Area, meaning there is no change to how these improvements are regulated today.*

## Add definition - Section 6-5(a)(37) Green Area Requirement

**Section 6-5(a)(37) Green Area Requirement shall mean the required percentage of a residentially zoned property a property, as noted under Section 6-205, in residential zones, that is naturally occurring such as a wooded area, or a rock outcrop, or grassed, manicured or landscaped areas.**

- (A) The following is permitted within the Green Area Requirement subject to the restrictions of Section 6-128 regarding encroachments into yards: Synthetic turf playing fields for school or municipal uses only, rain gardens, patios, decks, small scale garden paths (stepping stones), and walkways less than 5' wide, mechanical equipment and mechanical equipment pads, septic systems and underground drainage systems or with the purpose of retention, infiltration or water quality treatment. Any underground structure or impermeable surface that is covered by at least 3 feet of friable fill is permitted in the Green Area Requirement.**
- (B) The following is not permitted within the Green Area Requirement: Surface development on a site or lot occupied by buildings, structures, parking areas, driveways, tennis courts, porches, swimming pools and pool coping, and patios and/or decks that are in some way covered such as by a second floor or roof, porous asphalt, porous concrete, permeable inter-locking concrete pavers, concrete grid pavers, plastic turf reinforcing grids and similar man-made materials and products. Any underground structure or impermeable surface that is covered by less than 3 feet of friable fill shall is not be permitted in the Green Area Requirement.**
- (C) ~~An A-2 survey~~ A class A-2 Zoning Location Survey or Improvement Location Survey is required to demonstrate compliance with this Section. A class ~~and a~~ T-2 Topographic Survey is also required to demonstrate compliance in those instances where an underground structure is involved.**

***PURPOSE:*** *The purpose of creating a definition of Green Area is to address the goals established in the POCD to maintain open areas and green spaces, which will help ameliorate problems of drainage, water quality, and speed of flood waters. Green Area, as endorsed by DPW, reduces confusion when talking about how impervious cover impacts drainage as addressed in the Drainage Manual versus the amount green area for land use purposes, meaning how properties are developed and what they look like.*

- 1. The purpose behind permitting patios, decks, walkways, small scale garden paths, stepping stones and the like in the Green Area Requirement is to eliminate the need for a permit process where one does not exist today for these types of improvements. However, changes to driveways will now require a sign-off by the Zoning Enforcement Office.*
- 2. The purpose of referencing Section 6-128 is to alert the reader that there are restrictions on projections of decks, patios, mechanical equipment in the required yards that are currently in the regulations.*

**Renumber Section (6-5(37))**

**(37.1) Natural Park Area** shall mean an area of unusual natural beauty which has remained substantially undisturbed by man and is used primarily for conservation, education, scientific purposes, and the study and enjoyment of nature.

**Amend Section 6-98 USE REGULATIONS FOR R-6, R-6 MULTI-FAMILY AND RMF ZONES**

**(A)(2)(C)**

(a) The following principal uses are permitted and all other principal uses are expressly excluded in R-6, **R-6 MULTI-FAMILY**, and RMF zones:

(1) All uses permitted in R-7 zones. (4/14/2010)

(2) The following uses **are permitted** as Special Permit uses when the Planning and Zoning Commission ~~shall~~ determines that such uses are appropriate to the neighborhood, having consideration for the number and proximity of single family dwellings and two-family dwellings, for the number, character, and proximity of other uses, for the amount and location of undeveloped land in the vicinity and the relationship of such land to the pattern of open space in the neighborhood development scheme, and for the proximity ~~of~~ **to** other zones, either more or less restrictive and other standards provided in this Article and the Standards contained in Sections 6-15 and 6-17. (6/16/87)

(A) The building of a two-family dwelling, conversion from a single-family to a two-family dwelling, addition or alteration to a single-family dwelling to create a two-family dwelling, additions to an existing (2) two-family residence, addition or alteration to one or more multi-family dwellings or a combination of single-family, two-family and/or multi-family dwellings on a lot. The building of two single-family dwellings on a lot shall not be permitted, except as follows: the conversion of an existing accessory building to a single-family dwelling provided both the accessory structure and the single-family home located on the lot are at least 50 years old. Additions and alterations made to change the use of the existing accessory structure may not add more than 15% to the gross floor area of the structure. In addition, the lot on which such a conversion is approved ~~must meet~~ **shall comply with** the minimum lot area of the R-6 or RMF zone in which the property is located and may not be diminished in size now or in the future. (4/14/2010; 9/28/2010)

(B) Boarding and Rooming Houses.

(C) In the **R-6 MULTI-FAMILY (three or more dwelling units) AND RMF ZONES** the total ground floor area of all buildings and structures shall occupy ~~no~~ **not** more than 30% of the gross lot area. The total lot coverage shall not exceed 50% of the gross lot area. (2/9/2000) (9/28/2010)

(D) **In the R-6 MULTI-FAMILY (two dwelling units) the minimum Green Area Requirement is 35% and** the total ground floor area of all building **area** and structures shall occupy no more than 30% of the gross lot area.

(E) In the **R-6 (one dwelling unit) the minimum Green Area Requirement is 35%.**

***PURPOSE:** The purpose of amending this Section is for consistency with the proposed changes to Section to 6-5 (a)(34.1), 6-5(a)(37), and 6-205.*

1. *By maintaining reference to lot coverage for three or more units, patios and decks will still be included in lot coverage, which is no change over the existing regulations in place today.*
2. *Using minimum Green Area Requirements for one and two family dwellings means that patios and decks are allowed in the green area (but not in required yards – See Section 6-128).*

**Amend Section 6-128. PROJECTIONS IN REQUIRED YARDS.**

- (a) Decks, and patios when located in a rear or side yard and constructed not more than three (3) feet above existing grades shall not be permitted within five (5) feet of any side or rear lot line in the R-6, R-7 and R-12 zones, within ten feet (10) feet of any side or rear lot line in the R-20 and RA-1 zones and within twenty-five (25) feet of any side or rear lot line in the RA-2 and RA-4 zones. Uncovered stairs may be erected in any required front or rear yard, but in the case of a side yard, uncovered stairs may not be erected within five (5) feet of the property line. (6/15/00) (Revised 7/19/2006)
- (b) Decks, and patios when located in the rear or side yard and constructed more than three (3) feet above existing grades shall be considered part of a principal structure and shall not be permitted in a required rear or side yard setback of a principal structure. (Revised 7/19/2006)
- (c) Decks, and patios built at or above existing grade, located in a front yard, shall not be permitted in the required front yard, or side yard setback of a principal structure. (7/19/2006)
- (d) Any bay window, oriel, entrance, vestibule, chimney, balcony or window or stair well, or similar projection that is not more than ten (10) feet in width, and any cornice, balcony, eave, or similar projection may project or extend two (2) feet into any required yard or court. Such projection may have a connection to the ground beneath. No projection except for an eave and minor architectural features including sill, leader, gutter, belt course, water table less than 6” shall be permitted within five (5) feet of any property line. The wall from which a projection extends must comply with the required yard. (7/19/2006). **If such projection, as described above, connects to the ground it shall count towards lot coverage and shall not be permitted in any Green Area Requirement.**
- (e) Mechanical equipment shall not be allowed in any required yard. (4/30/2002)

***PURPOSE:** The purpose of amending this Section is to avoid inadvertently discouraging architectural features from house design from both an aesthetic and practical standpoint. However, if there is a projection that connects with the ground, then naturally it should count towards coverage and should not be considered green area. An example would include a projection for a bay window.*

1. *The idea is to avoid deterring these types of architectural features and use the restrictions that are already in place to avoid excessive projections.*

**Amend Section 6-131 Minimum frontage exceptions.**

(a) A rear lot not fronting on a street, whether or not in separate ownership and whether or not the rear or front lots are presently built upon, may be improved in accordance with requirements of the particular zone provided that:

- 5) The area of access way shall be excluded from lot area calculation for **Zoning Lot Area (as defined in Section 6-5(a)(57) lot size lot coverage, minimum green areas, and**

FAR. **Zoning Lot Area** is determined to begin at a point where the lot shape requirement of the zone can be demonstrated (either circle or rectangle). (5/4/2005) **The area of access way and any improvements or green area within it shall also be excluded from calculations pertaining to lot coverage and/or Green Area Requirements.**

(b) In the case of two rear lots not fronting on a street, whether or not in separate ownership and whether or not the rear or front lots are presently built upon, said lots may be improved in accordance with requirements of the particular zone provided that:

6) The area of accessway is excluded from lot area calculation for **Zoning Lot Area lot coverage, minimum green areas**, and FAR. **Zoning Lot Area (as defined in Section 6-5(a)(57))** Lot size is determined to begin at a point where the lot shape requirement of the zone can be demonstrated (either circle or rectangle). (5/17/00) **The area of access way and any improvements or green area within it shall also be excluded from calculations pertaining to lot coverage and/or green area requirements.**

**PURPOSE** – *The purpose of adding the words ‘lot coverage’ and ‘minimum green areas’, under 6-131(a)(5) and 6-131(a)(6) is to make it clear that the area of access way shall be excluded from lot coverage calculations for rear lots. The area of the access way shall not be included in the area used to calculate the minimum green area.*

**Amend Section 6-205(a) to add Minimum Percent Green Area Requirements:**

<b>Zone:</b>	<b>Minimum Percent Green Area Requirements:*</b>
<b>RA-4</b>	<b>84%</b>
<b>RA-2</b>	<b>78%</b>
<b>RA-1</b>	<b>72%</b>
<b>R-20</b>	<b>62%</b>
<b>R-12</b>	<b>55%</b>
<b>R-7</b>	<b>50%</b>
<b>R-6 (single and two-family)</b>	<b>35%</b>

\* See Note 7(d)

**PURPOSE** – *Maintaining open areas and green spaces. This has the related benefit of helping with drainage (more green space = more absorption of water), flooding (more green space = slower water) and water quality problems (more green = more natural cleaning of water).*

*Creating a minimum Green Area addresses these goals in the following ways:*

1. *Green spaces are required on properties where right now a property could be 100% paved*
2. *Although the Town Drainage Manual is the primary document that handles issues associated with drainage and water quality, it is well documented that there is a direct correlation between the health of a watershed and the amount of natural areas within that watershed.*
3. *The Department of Public Works endorses green area requirements because it reduces confusion when talking about coverage for drainage purposes (see definition of impervious*

*coverage in Drainage Manual) versus green area for land use purposes. The purpose of the Draft Drainage Manual is provide an effective stormwater management program to protect and restore water resources and related water dependent uses.*

*The RTM approved the POCD in 2009 with the following related goals:*

*Goal 1.4: To reduce and manage runoff, establish regulations to limit impervious lot coverage and reduce site hydrology for all new construction on residential properties*

*Goal 1.9: Develop plans to protect water quality in Town watersheds using low impact and best management practices*

*Goal 3.1: Monitor Residential build-out and develop new land-use regulations to preserve traditional development patterns.*

**Add Note 7(d).-[Section 6-205(a) (7)(d) Special Exception uses permitted pursuant to Section 6-94 (a), Special Permit uses permitted pursuant to Section 6-94 (b), and Municipal Uses are recognized as having unique requirements for indoor and outdoor facilities. As such, upon application by the property owner, the Planning and Zoning Commission may waive lot coverage and Green Area requirements for Special Exception, Special Permit, and Municipal Uses permitted in residential zones after a finding that the proposed development provides sufficient landscaping, planting and screening to enhance the compatibility of the improvements with the surrounding residential neighborhood and to screen refuse, transformers, storage and parking areas, and meets applicable standards set forth in Sections 6-15 and 6-17(d).**

**PURPOSE** – *The purpose of adding Section 6-205 Note (7)(d) is to acknowledge that special exception uses including municipal uses are “exceptional” and varied in scope. The above language affords the Commission the flexibility under special permit to evaluate each site, taking into consideration scale, public purpose, proposed and surrounding uses, and screening.*