## Proposed Change – Additions in *Bold and Italics*, deletions in brackets

## 10.1.4.1. Building Structures- Height and Occupancy.

The maximum height of any building structure shall be thirty feet, measured from the grade plane to the mean roof height (see new building height definition). In no case shall any peak or other building feature exceed forty feet when measured from the grade plane to that roof peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. On any structure a cupula or cupolas maybe constructed as long as the base(s) do not exceed two (2) inches per foot of ridgeline. The height shall not exceed three times the length of the base at the ridge line and measured to the peak of the cupola. This is not intended to include weather vanes and decorative features.
There shall be no habitable space (see new definition) on the third story above grade; provided, however that in connection with the issuance of a Certificate of Zoning Compliance, the Zoning **[**Officer**]** ***Commission*** may permit the occupancy of the third story above grade of a residential building where in the review of the building plan and site plan, it is demonstrated that the health, safety, and welfare of the potential habitants is not put to risk. This shall be determined by demonstrating, in the sole discretion of the East Haddam Fire **[**Chief**]** ***Marshal*** that access from an East Haddam Fire Department ground ladder can be provided to at least 50% of the egress openings (windows of adequate size or doors) for the habitable space located on the third story above grade. No Certificate Zoning Compliance for third story above grade occupancy shall be issued without a written report from the ***East Haddam*** Fire **[**Chief**]** ***Marshal*** indicating compliance with the standards with of this Section. The site plan submitted shall contain final grading plans to allow proper review. The building plans shall contain views from all sides and floor plans of all stories. In addition, the Zoning **[**Enforcement Officer**]** **C*ommission*** may require a lesser building height, or the provision of special site or building improvements, after consideration of written reports from the Building Official and/or the Fire **[**Chief**]** ***Marshall*** concerning the adequacy of fire protection measures, emergency access, and the Town's capacity to deal with anticipated public safety challenges. See Appendix VIII

For those stories of a building that have been determined incapable of providing a Fire Department ground ladder access in accordance with this Section, a permanent stairway to such story shall be prohibited, and such story shall not be used for habitable space.

**Exception in Lake Districts (L)**
In consideration of the residential character and architectural style of the existing houses and cottages, the confined spacing between structures, the general steepness of slopes around the lakes, and narrow street access, structures in the L Districts shall have a maximum building height of twenty-four feet measured from the grade plane to the mean roof height. In no case shall any peak exceed thirty-two feet when measured from the grade plane to that peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. See Appendix VII

**Exceptions in the Conservation Zone**
In consideration of the residential character and architectural style of the existing houses and cottages, the confined spacing between structures, the general steepness of slopes around the lakes, and narrow street access, structures in the Conservation Zone shall have a maximum building height of twenty-four feet measured from the grade plane to the mean roof height. In no case shall any peak exceed thirty-five feet when measured from the lowest point of the building which is visible above existing natural grade to that peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. In the East Haddam Village District these exceptions and height limits do not apply. See Appendix VIII

**Add**

***Exceptions in the Commercial Districts. See Section 9.5 East Haddam Village District and Section 9.10 Moodus Center District for height limitations. Written reports from the Building Official and/or the Fire Chief concerning the adequacy of fire protection measures, emergency access, and the Town's capacity to deal with anticipated public safety challenges will be needed with each application proposing third floor occupancy.***

**10.1.4.2. Exceptions to Height Limits.** A greater height may be authorized by the Commission as a Special Exception and may be of such reasonable height as may be necessary to accomplish the purpose to be served by the structure. Where the structure is the principal structure on the lot, the height limits for the subject zone shall apply, except as provided for Wireless Telecommunications Facilities. See Section 22 of these Regulations.