

# Memorandum

**To:** Whom it May Concern

**From:** Mary Young, Planning and Zoning Director

**Date:** June 4, 2021

**Re:** §40, Dedicated Open Space and Recreation District (DOSRD) History

There are six (6) Town-owned properties currently located in the Dedicated Open Space and Recreation District (DOSRD). Of the six properties, two properties are designated DOSRD #1; two properties are designated DOSRD #2; and two properties are designated DOSRD #3.

**Properties (Town-Owned) Located in the Dedicated Open Space and Recreation District (DOSRD)**

	Street Address	Parcel ID #	Parcel Size <sup>1</sup>	DOSRD Designation
1.	359 Post Road East (aka Winslow Park)	D10096000	29.5 Acres	DOSRD #1 Map Amendment #530 Effective 9/1/04
2.	191 Hillspoint Road (aka Allen's Clam and Lobster house)	E05094000	0.97 Acres	DOSRD #1 Map Amendment #541 Effective 5/20/05
3.	0 Coleytown Road and 0 Fraser Road (aka Newman/Poses)	E17008000 and E17001000	29.92 Acres and 7.70 Acres or 36.72 Acres Total	DOSRD #3 Map Amendment #595 Effective 11/16/09
4.	60 Compo Road South (aka Barons South)	D09046000	21.25 Acres	DOSRD #2 Map Amendment #687 Effective 4/20/15
5.	401 Riverside Avenue 405 Riverside Avenue 407 Riverside Avenue 427 Riverside Avenue (aka Riverside Park)	B07090000 B07091000 C07007000 B07092000	0.26 0.31 3.32 2.60 or 6.49 Acres Total	DOSRD #3 Map Amendment #688 Effective 4/20/15
6.	2 Woodside Lane (adjacent to Earthplace)	B10029000	11.84 Acres	DOSRD #3 Map Amendment #691 Effective 5/23/15

<sup>1</sup> Property size as listed on Town's GIS

### Origins of §40, Dedicated Open Space and Recreation District (DOSRD)

In 1996 the Planning and Zoning Commission drafted regulations to establish a new zoning district, §20 Park District, to allow passive recreation in designated areas within public or private parks, for public use. The text was subsequently withdrawn, but the Commission affirmed their goal to establish a new zoning district dedicated to open space and recreation when they drafted the 1997 Plan of Conservation and Development (POCD). The 1997 POCD recommended the Commission create a new zoning district identified as the Dedicated Open Space District (DOSD), to reflect a town wide consensus certain significant parcels of land warrant permanent preservation and protection. The 1997 POCD described the open space categories and definitions for public and private lands, including:

Open Space for Conservation (Environmentally fragile areas including):

- Wetlands;
- Floodplains;
- Topographically limited areas (steeply sloped, for example) and buffer zones;
- Areas set aside to actively protect and conserve Long Island Sound;
- Rivers and streams;
- Aquifers and wildlife habitats;
- Publicly accessible areas not developed and usually with limited access; and
- Areas not intended to be developed for intensive uses or intrusive improvement.

Open Space for Passive or Non-Organized Recreation:

Areas for informal, non-organized activities such as walking, picnicking, fishing and bird watching. This includes undeveloped parks, beaches and offshore islands, wooded, meadow and riverside areas. These areas generally do not contain buildings, structures or playing fields. They may have sanitary facilities.

Open Space for Active Recreation:

Areas that may be used for playing fields, playgrounds, golf course, tennis courts, beaches in a developed recreation area and may include structures for other active, organized sports.

On November 12, 2002, the RTM passed a Sense of the Meeting Resolution requesting the Planning and Zoning Commission create a new zoning district called Dedicated Open Space as recommended in the 1997 POCD. The RTM further identified the town would benefit from rezoning Winslow Park to permanently designate this property as Open Space under the new zoning designation. On November 21, 2002, the Planning and Zoning Commission discussed this issue and it was determined the Planning and Zoning Commission should first meet with the Parks and Recreation Commission since the Parks and Recreation Commission is responsible for establishing policies for the maintenance and use of the Town's parks. Members of the Planning and Zoning Commission met with members of the Parks and Recreation Commission and mutually agreed to create a Park District Committee comprised of members of both Commissions to draft regulations to establish a Dedicated Open Space and Recreation District. Following several committee meetings, the provisions were drafted for §40, Dedicated Open Space Recreation District (DOSRD) #1 and #2. These regulations were formalized as a Text Amendment to the Westport Zoning Regulations, submitted by the Planning and Zoning Commission.

Adoption of §40, DOSRD, and subsequent Text Amendment and Map Amendment to rezone properties to §40, DOSRD

7/1/04

**Adoption of Text Amendment #529, Res. 04-047** authored by the Planning and Zoning Commission to create §40, Dedicated Open Space and Recreation District (DOSRD), Effective 9/1/04. The purpose statement identifies the district is to encourage the acquisition and retention of municipal parks and other municipal land for public use; therefore, the district appears only eligible for designation of Town-owned property. §40, included creation of two categories, DOSRD #1 and DOSRD #2. The resolution and adopted regulations identified:

*“The purpose of the DOSRD #1 is to allow certain Town-owned open space park areas to be maintained for passive or non-organized recreation. This includes undeveloped parkland, beaches, wooded areas, meadows and riverside areas.*

*“The purpose of the DOSRD #2 is to allow certain Town owned parks to be used for active recreation such as playing fields, golf courses, tennis courts, beaches and other active organized sports in developed recreation areas.”*

Passive and recreational uses were identified as Principal uses (allowed as of right). The following uses were identified as permitted in the DOSRD #2 only, subject to Special Permit/Site Plan approval from the Planning and Zoning Commission:

*“Municipal recreation facilities, recreation uses, and other uses allowed by the Parks and Recreation Commission; and*

*Related accessory buildings, structures and uses including playgrounds exceeding 2000 SF.”*

7/1/04

**Adoption of Map Amendment #530, Res. #04-061**, submitted by the Planning and Zoning Commission to rezone Town-Owned property located at 359 Post Road East (aka Winslow Park), from Residence A and General Business District (GBD) to Dedicated Open Space and Recreation District (DOSRD) #1. Effective 9/1/04.

7/1/04

**Denial of Map Amendment #531, Res. #04-062**, submitted by the Parks and Recreation Commission to rezone Town-Owned property located at 359 Post Road East (aka Winslow Park) from Residence A and General Business District (GBD) to Dedicated Open Space and Recreation District (DOSRD) #2. Some of the reasons for denial included:

- *“The Planning and Zoning Commission finds rezoning Winslow Park to DOSRD #2 is not consistent with the 1997 Plan of Conservation and Development; and*
- *The Planning and Zoning Commission determined Winslow Park should continue to be used for passive recreation use. Rezoning to DOSRD #2 would allow more intensive use of the property and is therefore considered inappropriate at this time.”*

- 4/21/05      **Adoption of Map Amendment #541, Res. #05-016**, submitted by the Parks and Recreation Commission to rezone Town-owned property located at 191 Hillspoint Road (aka Allen's Clam and Lobster House), from Residence B to Dedicated Open Space and Recreation District (DOSRD) #1. Effective 5/20/05.
- 9/3/09      **Adoption of Text Amendment #593, Res. #09-036**, submitted by First Selectman Gordon Joseloff to modify §40, Dedicated Open Space and Recreation District (DOSRD), to add a new designation, DOSRD #3, to *"truly create a zoning designation strictly dedicated to preservation of land in its natural state,"* as stated in the resolution of approval.
- 10/15/09    **Adoption of Map Amendment #595, Res. #09-047**, submitted by First Selectman Gordon Joseloff, to rezone Town-owned property located at 0 Coleytown Road and 0 Fraser Road (known as Newman/Poses properties), from Residence AAA to Dedicated Open Space and Recreation District (DOSRD) #3. Effective 11/16/09.
- 3/19/15    **Adoption of Map Amendment #687, Res. #15-006**, submitted by the Planning and Zoning Commission to rezone 60 Compo Road South (aka Barons South), from Residence A/General Business District (GBD), and Restricted Professional Office District (/RPOD) to Dedicated Open Space and Recreation District (DOSRD) #2. Effective 4/20/15.
- 3/19/15    **Adoption of Map Amendment #688, Res. #15-007**, submitted by the Planning and Zoning Commission to rezone 401, 405, 407 & 427 Riverside Avenue from Residence A to Dedicated Open Space and Recreation District (DOSRD) #3. Effective 4/20/15
- 4/23/15    **Adoption of Map Amendment #691, Res. #15-020**, submitted by the Planning and Zoning Commission to rezone 0 Woodside Lane from Residence AA to Dedicated Open Space and Recreation District (DOSRD) #3. Effective 5/23/15.
- 5/12/16    **Adoption of Text Amendment #704, Res. #15-051**, submitted by the Planning and Zoning Commission to modify §40, Dedicated Open Space and Recreation District (DOSRD). The Explanatory Statement for the amendment described the changes as:
1. §5-2 Definitions [Arboretum] (New) A new definition is added to §5-2 for an arboretum which is defined as 'A park like area where many different trees or shrubs are grown or displayed.'
  2. §40-1 Purpose (DOSRD) Zone (Modified) §40-1 is modified to substitute the word 'municipal' to 'Town-owned' to clarify the applicability of this section. §40-1 is also modified to expand the purpose of DOSRD #2. DOSRD #2 is modified so that it can be applied to Town-owned properties where existing facilities are located so that should the Town may wish to expand or modify such legally existing uses in the future without losing the underlying purpose of the DOSRD zone which is open space.
  3. §40-2.1 Principal Uses in DOSRD #1, #2 (Modified) §40-2.1 is modified to further limit the principal permitted uses. Uses would now be limited to walks, paths, gardens and ponds, picnic tables, benches, restrooms and water fountains.

4. §40-2.2 *Principal Uses in DOSRD #3 (Modified)* §40-2.2 is modified to further limit the principal permitted uses. Uses would now be limited to walks, paths, gardens and ponds, picnic tables, benches, and nature preserves. Public art and arboretums are being added to the list of principal uses.
5. §40-3 *Special Permit Uses in DOSRD #2 (Modified)* §40-3 is modified to more clearly defined the allowed Special Permit uses in DOSRD #2. Additionally, there are several other changes to this section which are summarized below:
  - §40-3.1 is modified to simply allow by Special Permit 'recreational uses' that are 'proposed' by the Parks and Recreation Commission.
  - §40-3.2 is modified to eliminate playgrounds exceeding 2,000 SF.
  - §40-3.3 is a new section that allows existing facilities in the DOSRD #2 which existed as of April 20, 2015, to expand up to 50% of their existing footprint or floor area whichever is greater.
  - §40-3.4 is a new section which specifies which 'municipal' uses will be and will not be allowed on properties zoned as DOSRD #2 in new or expanded structures.
6. §40-7 *Height (Modified)* The change allows building height of 35 feet or an addition up to the height of an existing structure in DOSRD #2
7. §40-8 *Coverage (Modified)* The change eliminates the 50% reduction in coverage for Tennis Courts.
8. §40-13 *Final Approval (Modified)* This section is modified to provide more clear wording.

4/2/15

**Map Amendment #691/P&Z Appl. #14-021** submitted by the Planning and Zoning Commission to rezone 260 Compo Road South (aka Longshore Club Park) from Residence AA and AAA to Dedicated Open Space and Recreation District (DOSRD) #2. Withdrawn at the 11/29/18 Annual Meeting.

**Attached**

Adopted Text Amendment #529

Adopted Text Amendment #593

Adopted Text Amendment #704

## **§40 DEDICATED OPEN SPACE AND RECREATION DISTRICT #1 and #2 (DOSRD)**

### **40-1 Purpose**

The purpose of the Dedicated Open Space and Recreation District Zone is to encourage the acquisition and retention of municipal parks and other municipal land for public use. It is in the public interest to provide areas where the citizens of Westport can have places to enjoy a peaceful and tranquil environment and to pursue recreation and leisure uses. It is intended to permit the reasonable use of open space land. The objective of the Dedicated Open Space and Recreation District is to protect environmentally vulnerable land, permanently preserve certain open spaces and recreational areas within the Town and to maintain the natural appearance, beauty, character and recreational value of these areas in order to contribute to the health, safety and general welfare of the community.

The purpose of a Dedicated Open Space and Recreation District #1 is to allow certain open space park areas to be maintained for passive or non-organized recreation. This includes undeveloped parkland, beaches, wooded areas, meadows and riverside areas.

The purpose of a Dedicated Open Space and Recreation District #2 is to allow certain parks to be used for active recreation such as playing fields, golf courses, tennis courts, beaches and other active organized sports in developed recreation areas.

### **40-2 Permitted Uses in a DOSRD #1 and DOSRD #2**

The following specific non-commercial recreational uses and other similar uses are permitted in a DOSRD#1 and DOSRD #2.

#### **40-2.1 Principal Uses as allowed by the Parks and Recreation Commission**

- (a) walks, path, gardens and ponds, picnic tables and benches;
- (b) croquet and all lawn type bowling games, such as Bocci and Boules;
- (c) unorganized games with removable equipment, such as volleyball, horseshoes, touch football and soccer;
- (d) daytime ice skating on natural watercourses or ponds;
- (e) model boats and kites;
- (f) jogging, sledding, cross country skiing, biking and roller-skating;

- (g) a playground not to exceed 2000 square feet;
- (h) non-motorized boat launch areas;
- (i) agricultural and gardening uses;
- (j) restrooms and water fountains;
- (k) public art and monuments.

**40-3 *Special Permit Uses as allowed by the Parks and Recreation Commission in a DOSRD #2***

The following non-commercial recreational uses are permitted subject to a special permit and site plan approval in accordance with Section 43 herein in a DOSRD #2.

40-3.1 Municipal recreation facilities, recreation uses and other uses allowed by the Parks and Recreation Commission.

40-3.2 Related accessory buildings, structures and uses including playgrounds exceeding 2000 square feet.

**40-4 *Special Events***

Nothing in this regulation shall prevent special events from taking place in an area designated as a Dedicated Open Space and Recreation District #1 or #2. Permission for a special event requires prior approval from the Parks and Recreation Department and/or the Board of Selectman.

**40-5 *Lot Area, Location and Shape***

No mandatory requirement.

**40-6 *Setbacks***

No buildings or structure shall extend closer than thirty (30) feet from any street line or twenty five (25) feet from any side or rear lot line except if the property abuts a Res AAA zoned property. In that case, no buildings or structures shall extend closer than 50 feet from any street line or other property line. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands).

**40-7 *Height***

No principal buildings or structure shall exceed a height of twenty-six (26) feet. No accessory structure shall exceed a height of sixteen (16) feet.

**40-8 *Coverage***

The total coverage shall not exceed twenty-five percent (25%) of the lot area. Total coverage shall include 50% of the surface area of tennis courts.

#### **40-9 *Architectural Design***

The architectural design, scale and mass of buildings and other structures, including among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the neighborhood, so as to protect the property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. Architectural Review Board review is required for all Special Permit uses.

#### **40-10 *Signs***

Signs shall be permitted in accordance with Section 33-4 and 33-5 of the Supplementary Regulations.

#### **40-11 *Parking and Loading***

The required number of parking spaces will be determined in consultation with the Parks and Recreation Director. A parking lot will require a Special Permit in the DOSRD #1 and DOSRD #2. Parking lots are allowed within the 30-foot front landscape area but must meet a 25 foot side and rear setback from residentially zoned properties. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands).

#### **40-12 *Landscaping, Screening and Buffer Areas***

Landscaping, screening and buffer areas for all uses shall be provided as needed to protect residential properties in accordance with Section 35 of the Supplementary Regulations.

#### **40-13 *Final Approval***

An application for a Dedicated Open Space and Recreation District shall adhere to all of the approval and compliance requirements of the Zoning Regulations. The Commission may approve a Dedicated Open Space and Recreation District if it finds that the purposes, application procedure, standards and conditions of the Zoning Regulations have been met and that the proposed Dedicated Open Space and Recreation District will not be detrimental to the public health, safety, general welfare and property values of the neighborhood. The Planning and Zoning Commission may attach such conditions to a Special Permit in a Dedicated Open Space and Recreation District #2 that it deems necessary to preserve the purpose and intent of the Zoning Regulations of this district.



**Amendment #593**

Submitted: 6/29/09

Received: 7/9/09

Revised: 9/2/09

Public Hearing: 9/3/09

Adopted: 9/3/09

Effective date: 9/26/09

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**§40 DEDICATED OPEN SPACE AND RECREATION DISTRICT #1, and #2 and # 3(DOSRD)**

**40-1 Purpose**

The purpose of the Dedicated Open Space and Recreation District Zone is to encourage the acquisition and retention of municipal parks and other municipal land for public use. It is in the public interest to provide areas where the citizens of Westport can have places to enjoy a peaceful and tranquil environment and to pursue recreation and leisure uses. It is intended to permit the reasonable use of open space land. The objective of the Dedicated Open Space and Recreation District is to protect environmentally vulnerable land, permanently preserve certain open spaces and recreational areas within the Town and to maintain the natural appearance, beauty, character and recreational value of these areas in order to contribute to the health, safety and general welfare of the community.

The purpose of a Dedicated Open Space and Recreation District #1 is to allow certain open space park areas to be maintained for passive or non-organized recreation. This includes undeveloped parkland, beaches, wooded areas, meadows and riverside areas.

The purpose of a Dedicated Open Space and Recreation District #2 is to allow certain parks to be used for active recreation such as playing fields, golf courses, tennis courts, beaches and other active organized sports in developed recreation areas.

The purpose of a Dedicated Open Space and Recreation District #3 is to allow certain open space park areas to be maintained for passive or non-organized recreation in a completely natural and undeveloped setting. No buildings or structures shall be erected.

**40-2 Permitted Uses in a DOSRD #1, and DOSRD #2 and DOSRD #3**

~~The following specific non-commercial recreational uses and other similar uses are permitted in a DOSRD #1 and DOSRD #2.~~

**40-2.1 Principal Uses as allowed by the Parks and Recreation Commission in DOSRD#1 and DOSRD # 2.**

The following specific non-commercial recreational uses and other similar uses are permitted, in a DOSRD #1 and DOSRD #2.

- (a) walks, paths, gardens and ponds, picnic tables and benches;
- (b) croquet and all lawn type bowling games, such as Bocci and Boules;
- (c) unorganized games with removable equipment, such as volleyball, horseshoes, touch football and soccer;
- (d) daytime ice skating on natural watercourses or ponds;
- (e) model boats and kites;
- (f) jogging, sledding, cross country skiing, biking and roller-skating;
- (g) a playground not to exceed 2000 square feet;
- (h) non-motorized boat launch areas;
- (i) agricultural and gardening uses;
- (j) restrooms and water fountains;
- (k) public art and monuments.

**40-2.2 Principal Uses allowed in DOSRD #3**

The following non commercial passive or non-organized recreational uses and other similar uses are permitted in a DOSRD #3:

- (a) walks, paths, and benches;
- (b) nature preserves
- (c) hiking, jogging, cross country skiing
- (d) horseback riding
- (e) fishing

**40-3 Special Permit Uses as allowed by the Parks and Recreation Commission in a DOSRD #2**

The following non-commercial recreational uses are permitted subject to a special permit and site plan approval in accordance with Section 43 herein in a DOSRD #2.

- 40-3.1 Municipal recreation facilities, recreation uses and other uses allowed by the Parks and Recreation Commission.
- 40-3.2 Related accessory buildings, structures and uses including playgrounds exceeding 2000 square feet.

**40-4 Special Events**

Nothing in this regulation shall prevent special events from taking place in an area designated as a Dedicated Open Space and Recreation District #1 or #2. Permission for a special event requires prior approval from the Parks and Recreation Department and/or the Board of Selectman. Special events shall not be permitted in a Dedicated Open Space and Recreation District #3.

**40-5 Lot Area, Location and Shape**

No mandatory requirement.

*Town of Westport Zoning Regulations*

**40-6 Setbacks**

No buildings or structure shall extend closer than thirty (30) feet from any street line or twenty five (25) feet from any side or rear lot line except if the property abuts a Res AAA zoned property. In that case, no buildings or structures shall extend closer than 50 feet from any street line or other property line. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands).

**40-7 Height**

No principal buildings or structure shall exceed a height of twenty-six (26) feet. No accessory structure shall exceed a height of sixteen (16) feet.

**40-8 Coverage**

The total coverage shall not exceed twenty-five percent (25%) of the lot area. Total coverage shall include 50% of the surface area of tennis courts.

**49-9 Architectural Design**

The architectural design, scale and mass of buildings and other structures, including among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the neighborhood, so as to protect the property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. Architectural Review Board review is required for all Special Permit uses. There shall be no buildings or structures located within the DOSRD #3. Bridges may be constructed.

**40-10 Signs**

Signs shall be permitted in accordance with §33-4 and §33-5 of the Supplementary Regulations.

**40-11 Parking and Loading**

The required number of parking spaces will be determined in consultation with the Parks and Recreation Director. A parking lot will require a Special Permit in the DOSRD #1, DOSRD #2 and DOSRD #3. Parking lots are allowed within the 30-foot front landscape area but must meet a 25 feet side and rear setback from residentially zoned properties. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands). In the DOSRD #3 there shall be no more than 0.33 parking spaces per acre and no less than 3 parking spaces.

**40-12 Landscaping, Screening and Buffer Areas**

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations.

*Town of Westport Zoning Regulations*

**40-13 Final Approval**

An application for a Dedicated Open Space and Recreation District shall adhere to all of the approval and compliance requirements of the Zoning Regulations. The Commission may approve a Dedicated Open Space and Recreation District if it finds that the purposes, application procedure, standards and conditions of the Zoning Regulations have been met and that the proposed Dedicated Open Space and Recreation District will not be detrimental to the public health, safety, general welfare and property values of the neighborhood. The Planning and Zoning Commission may attach such conditions to a Special Permit in a Dedicated Open Space and Recreation District #2 that it deems necessary to preserve the purpose and intent of the Zoning Regulations of this district.

## Text Amendment #704

Submitted: 9/17/15

Received: 9/17/2016

Public Hearing: 11/5/16, 12/10/15,  
12/17/16, 4/29/16, 5/5/16

Adopted: May 12, 2016

Effective date: June 12, 2016

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Deleted language is ~~struck through~~; New language is underlined.

### §5-2 DEFINITIONS

Arboretum

A park like area where many different trees or shrubs are grown or displayed

### §40 DEDICATED OPEN SPACE AND RECREATION DISTRICT #1, #2 and #3 (DOSRD)

#### 40-1 Purpose

The purpose of the Dedicated Open Space and Recreation District Zone is to encourage the acquisition and retention of ~~municipal~~ Town-owned parks and other ~~municipal~~ Town-owned land for public use and the enjoyment of visitors. It is in the public interest to provide areas where the citizens of Westport can have places to enjoy a peaceful and tranquil environment and to pursue recreation and leisure uses. It is intended to permit the reasonable use of open space land. The objective of the Dedicated Open Space and Recreation District is to protect environmentally vulnerable land, permanently preserve certain open spaces and recreational areas within the Town and to maintain the natural appearance, beauty, character and recreational value of these areas in order to contribute to the health, safety and general welfare of the community.

The purpose of a Dedicated Open Space and Recreation District #1 designation is to allow certain Town-owned open space park areas to be maintained for passive or non-organized recreation. This includes undeveloped parkland, beaches, wooded areas, meadows and riverside areas.

The purpose of a Dedicated Open Space and Recreation District #2 designation is to allow certain Town-owned open space areas to be maintained for passive or non-organized recreation in a natural and undeveloped setting with no new buildings or structures being erected and to allow certain uses and structures, which are legally existing as of the date of such designation, that would be otherwise Non-Conforming Uses or Non-Conforming Structures (each, as defined in §5-2) to be conforming, thereby legalizing such previously Non-Conforming Uses of Non-Conforming Structures (which legalizations shall be hereinafter defined respectively as a "Legalized Use" or a "Legalized Structure" as applicable) and further thereby allowing certain Legalized Uses or Legalized Structures to grow and expand in a manner consistent with the objective of the Dedicated Open Space and Recreation District, while limiting the introduction of new uses and controlling more intense development.

The purpose of a Dedicated Open Space and Recreation District #3 designation is to allow certain Town-owned open space park areas to be maintained for passive or non-organized recreation in a completely natural and undeveloped setting. No buildings or structures shall be erected.

#### **40-2 Permitted Uses Improvements and Facilities in a DOSRD #1, DOSRD#2, and DOSRD #3**

40-2.1 Principal Improvements and Facilities allowed permitted in DOSRD#1 and DOSRD#2.

The following specific ~~non-commercial recreational uses and other similar uses~~ improvements and facilities are permitted in a DOSRD#1 and DOSRD #2.

- (a) walks, paths, gardens and natural water features, picnic tables and benches;
- (b) ~~croquet and all lawn type bowling games, such as Boece and Boules;~~
- (c) ~~unorganized games with removable equipment, such as volleyball, horseshoes, touch football and soccer;~~
- (d) ~~daytime ice skating on natural watercourses or ponds;~~
- (e) ~~model boats and kites;~~
- (f) ~~jogging, sledding, cross country skiing, biking and roller skating;~~
- (g) ~~a playground not to exceed 2000 square feet;~~
- (h) ~~non-motorized boat launch areas;~~
- (i) ~~agricultural and gardening uses;~~
- (j)(b) temporary free-standing restrooms, and water fountains.
- (k) ~~public art and monuments.~~

#### **40-2.2 Principle Uses Improvements and Facilities allowed in DOSRD#3**

The following non-commercial passive or non-organized recreational improvements and facilities ~~uses and other similar uses~~ are permitted in a DOSRD #3:

- (a) walks, paths, gardens and benches;
- (b) nature preserves;
- (c) Public Art
- (d) arboretums as defined in (§5-2).
- (e) ~~hiking, jogging and cross country skiing;~~
- (d) ~~horseback riding;~~
- (e) ~~fishing~~

#### **40-3 Special Permit Uses, Improvements and Facilities as allowed by the Parks and Recreation Commission in DOSRD #2**

The following non-commercial recreational uses, improvements and facilities ~~uses~~ are ~~may be~~ permitted in DOSRD # 2, subject to a special permit and site plan approval in accordance with Section 43 herein

40-3.1 ~~Municipal recreation facilities, uses and other uses allowed~~ Renovation and/or expansion of Legalized Structures that existed on the subject parcel prior to 2003. Renovation and/or expansion of such Legalized Structures may be permitted within the same building footprint, and may occupy up to an additional 10% of the original building footprint. Building features necessary to provide handicap access shall be excluded from the calculation of building footprint. Any renovation or expansion of such Legalized Structures shall maintain and be consistent with the architectural character of the original Legalized Structure.

40-3.2 ~~Related and uses including playgrounds exceeding 2000 square feet.~~ Renovation and expansion of Legalized Structures first built on the subject parcel after 2003 and prior to [date of enactment of this regulation]. Renovation and/or expansion of such Legalized Structures may be permitted within the same floor area or footprint of the original building, and may occupy up to an additional 50% of the original floor area or footprint of such Legalized Structure, whichever is greater. Such Legalized Structures may be used for the Legalized Use or any other use permitted by this Section.

40-3.3 Municipal Uses. Permitted uses for the purpose of this section shall be limited to recreation facilities, municipal offices, administrative headquarters, the leasing of Legalized Structures, and parking necessary for approved uses; and other municipal uses the Commission finds to be consistent with the purpose of the DOSRD #2 and the low intensity of uses contemplated by these regulations.

~~40-3.5 Construction of new structures for Municipal Uses as defined in Section 40-3.4 shall be limited to 2,000 SF of the floor area or building footprint of such new structure whichever is greater.~~

#### **40-4 Special Events**

Nothing in this regulation shall prevent special events from taking place in an area designated as a Dedicated Open Space and Recreation District #1 or #2. Permission for a special event requires prior approval from the Parks and Recreation Department and/or the Board of Selectman. Special events shall not be permitted in a Dedicated Open Space and Recreation District #3.

#### **40-5 Lot Area, Location and Shape**

No mandatory requirement.

#### **40-6 Setbacks**

Except for buildings or structures that have become Legalized Structures as a result of a DOSRD designation made pursuant to this Section (§40) no buildings or structure shall extend closer than thirty (30) feet from any street line or twenty five (25) feet from any side or rear lot line ~~except if~~ unless the property occupied by such buildings or structures abuts a Res AAA zoned property and in that such case, no such buildings or structures shall not extend closer than 50 feet from any street line or other property line. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands).

#### **40-7 Height**

Except for buildings or structures that have become Legalized Structure as a result of a DOSRD designation made pursuant to this Section (§40) no principal buildings or structures shall exceed a height of twenty-six (26) feet. No accessory structure shall exceed a height of sixteen (16) feet. In DOSRD#2 no Legalized Structure shall exceed a height of the existing structure or thirty five (35) feet, whichever is greater.

#### **40-8 Coverage**

The total coverage shall not exceed twenty-five percent (25%) of the lot area. ~~Total coverage shall include 50% of the surface area of tennis courts.~~

#### **40-9 Architectural Design**

The architectural design, scale and mass of buildings and other structures, including among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the neighborhood, so as to protect the property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. Architectural Review Board review is required for all Special Permit uses. There shall be no buildings or structures located within the DOSRD #3. Bridges may be constructed.

#### **40-10 Signs**

Signs shall be permitted in accordance with §33-4, §33-5 and §33-6 of the Supplementary Regulations.

#### **40-11 Parking and Loading**

The required number of parking spaces in relation to uses associated with a park, facility or open space will be determined in consultation with the Parks and Recreation Director; the number of parking spaces in relation to Legalized Structures and uses pursued therein will be determined in accordance with applicable zoning regulations. A parking lot will require a Special Permit in the DOSRD #1, DOSRD #2 and DOSRD #3. Parking lots are allowed within the 30-foot front landscape area but must meet a 25 foot side and rear setback from residentially zoned properties. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands). In the DOSRD #3 there shall be no more than 0.33 parking spaces per acre and no less than 3 parking spaces.

#### **40-12 Landscaping, Screening and Buffer Areas**

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations.

#### **40-13 Final Approval**

An application for a Dedicated Open Space and Recreation District shall adhere to all of the approval and compliance requirements of the Zoning Regulations. The Commission may approve a Dedicated Open Space and Recreation District if it finds that the purposes, application procedure, standards and conditions ~~of meet~~ the Zoning Regulations ~~have been met~~ and that the proposed Dedicated Open Space and Recreation District will not be detrimental to the public health, safety, general welfare and property values of the neighborhood. The Planning and Zoning Commission may attach such conditions to a Special Permit in a Dedicated Open Space and Recreation District #2 that it deems necessary to preserve the purpose, objective and intent of the Zoning Regulations of the Dedicated Open Space and Recreation District ~~this district~~.