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*History*

<u>Revision</u>	<u>Authorizing Actions</u>	<u>Description</u>
	TCR121707-10 of 17	Amended TCR052996-09 and adoption 14 M.P.T.L, Ch. 16 “Zoning.”
	TCR111109-01 of 01	Added provisions for small wind turbines.
	TCR011013-02 of 03	Ratified CPC09132013-01 of 01) and LUC (LU-13-135).
20-Jun-14	LU-14-079	Codified Zoning as Title 4 of Land Use Regulations.
	TCR092514-12 of 15	Approved Tattoo Shops as a Permitted Use in the Resort Operation Zone.
	TCR090816-07 of 09	Authorized ½ acre lots and specified applicable requirements for those lots.
16-Nov-16	TCR111016-02 of 07	Amended the requirements (Ch. 7, §2d) for Manufactured Homes (Permanent).
30-Nov-17	TCR113017-02 of 07	Amended to address blight & clarify subdivision lot sizes (LUC-18-501).

## ***TITLE 4. ZONING REGULATIONS***

### **CHAPTER 1. PURPOSE AND DEFINITIONS**

#### **§ 1. Purpose**

These regulations are intended to collectively promote the health, safety, morals, and welfare of the Tribe. Further, they are intended to preserve and protect the investment that tribal members make in their homes, assure a quality of life for this and future generations of the Tribal Nation, while seeking to ensure the proper use of land for residential, community, environmental, cultural, and economic activities.

#### **§ 2. Definitions**

a. For the purposes of this Title all terms, unless otherwise indicated or required by context, shall have the meaning defined within this section. Use of the singular shall also include the plural.

b. Definitions

- (1) “Accessory” means a structure customarily incidental and subordinate to a principal building, structure, located on the same lot, and including solar panels and attached garages.
- (2) “Accessory uses” means uses that are secondary to and normally associated with residential occupancy and are limited to residential recreation, parking, pools, and home occupations.
- (3) “Assignee” means an enrolled individual Tribal Member or enrolled Tribal Members to whom an Assignment is conveyed in accordance with the provisions of the Land Assignment Law, 27 M.P.T.L.
- (4) “Assignment” means the real property located on the Reservation to which Assignment Rights as defined in 27 M.P.T.L. are made pertinent and vested in an Assignee as provided in 27 M.P.T.L.
- (5) “Blighted Property” means any house, building, structure, premises, or property, residential and non-residential, wherein it has been determined by the Land Use Commission that at least one (1) of the following conditions exist:
  - (a) The property poses a serious or immediate threat to the health, safety, or general welfare of the community.
  - (b) The property is in a state of disrepair or is becoming dilapidated as evidenced by at least one (1) or more of the following:
    - (i) Missing, broken or boarded up windows or doors;
    - (ii) Collapsing or missing exterior walls or roofs;
    - (iii) Structurally faulty conditions;
    - (iv) Unrepaired fire or water damage;
    - (v) Seriously damaged or missing siding;
    - (vi) Unauthorized outside storage or accumulation of junk including, but not limited to, trash, rubbish, boxes, paper, plastic, appliances, or refuse of any kind; abandoned or prolonged parking of unregistered motor vehicles, boats, motorcycles, or other machinery on the individuals exclusive use area (“EAU”) in violation of 4 L.U.R., ch. 4 on other property, or the public rights of way;
    - (vii) Contains a dumpster on EAU in excess of two (2) months, unless associated with an on-going activity permitted by the MPTN Land Use Commission;
    - (viii) Unrepaired vandalism.
  - (c) Inadequate maintenance or dilapidated condition has materially contributed to a decline or diminution in property values on nearby properties or that substantially and unreasonably

interferes with the lawful use and enjoyment of other premises within the surrounding community.

- (d) The Fire Marshal has determined that a building, structure, or condition is a fire hazard in accordance with 3 L.U.R. Fire Prevention Code.
- (e) The Code Official has determined there is a violation of the International Property Maintenance Code portion of the Mashantucket Building Code (2 L.U.R., ch. 5, §4).
- (6) “Dilapidated” means any building or structure or part thereof which is deemed an unsafe structure as defined in the applicable building codes, as amended, or any dwelling or unit which is unfit for human habitation as defined by any applicable Health Code.
- (7) “Duplex” means a Structure consisting of two living units with a common wall and used for residential purposes.
- (8) “Dwelling” means a building or portion thereof, designed and used for residential occupancy with facilities for sleeping, bathing and cooking. A structure attached to a Dwelling by a covered passageway, or having a wall or part of a wall in common, shall be considered part of the Dwelling.
- (9) “Exclusive Use Area” (“EUA”) means an area that is solely associated with a Dwelling that is used by the Assignee.
- (10) “In-law Apartment” means a separate dwelling unit located within a single-family dwelling that is subordinate in size to the single-family Dwelling built in a manner which maintains the appearance of the building as a single-family Dwelling.
- (11) “Home Occupation” means a legal occupation, not otherwise permitted in the zone, which is clearly accessory and secondary to the residential use of the Dwelling and conducted by at least one member of the family residing on the premises.
- (12) “Manufactured Home” means a structure transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. This term includes mobile homes.
- (13) “Residential Lot” means a residential parcel assigned to a Tribal Member under the terms of the Land Assignment Law encoded in Title 27 of the Mashantucket Pequot Tribal Laws.
- (14) “Wind Energy System” means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 50 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.
- (15) “Structure” means anything constructed or erected which requires location on the ground or attachment to something having location on the ground.
- (16) “Temporary Dwelling” means a Dwelling used for less than five (5) years, during which time the occupant is planning to construct a permanent Dwelling.
- (17) “Zoning Map” means the map adopted by Tribal Council Resolution and maintained in the Department of Public Works, Community Planning & Property Management, with a copy maintained in the Office of Legal Counsel and published on the Mashantucket Pequot Tribal Laws website ([www.mptnlaw.com](http://www.mptnlaw.com)).

**CHAPTER 2. PERMITTED USES****§ 1. Resort Operation Zone**

- a. Resort Operation activities are permitted in designated areas on the Zoning Map.
- b. All such activities are in support of and operated by the Mashantucket Pequot Gaming Enterprise, or are otherwise approved by Tribal Council.
- c. General uses allowed in the Resort Operation Zone:
  - (1) Gaming activities and associated hotel, restaurant, entertainment, and support facilities;
  - (2) Full retail services;
  - (3) Gas station operations; and,
  - (4) Parking.
- d. Uses specifically permitted by Tribal Council Resolution:

Tattoo Shop and Ancillary Retail Operations – TCR092514-12 of 15
- e. Activities that are not within the generally allowed uses or which have not been approved by Tribal Council shall require a Variance.

**§ 2. Government Operations Zone**

- a. Governmental activities on the Reservation are permitted in designated areas on the Zoning Map.
- b. All such activities are subject to approval by the Tribal Council.
- c. General uses allowed in the Government Operations Zone:
  - (1) Administrative offices;
  - (2) Museum;
  - (3) Public Safety;
  - (4) Public Works;
  - (5) Health Clinic; and,
  - (6) PRxN.
- d. Activities that are not within the generally allowed uses or which have not been approved by Tribal Council shall require a Variance.

**§ 3. Conservation Zone**

- a. No Land Use permits or Variances will be issued in the Conservation Zone.
- b. The Conservation Zone includes:
  - (1) Those areas designated by Tribal Council for non-development; and,
  - (2) Archeological sites.

**§ 4. Pequot Cemetery**

- a. Two areas have been set aside for the burial of tribal members, as designated on the Zoning Map.
- b. The Tribal Council may authorize one or more “community uses” for the benefit of Tribal Members. An example of a “community use” in the area zoned for the cemetery is the Spiritual Center.

**§ 5. Residential Zone**

- a. Single-Family Dwellings not to exceed one (1) such Dwelling per lot.
- b. Duplexes located on lots fronting Joseph Williams Drive or within other areas as designated by Tribal Council. Not to exceed more than one (1) such Dwelling per lot.
- c. Temporary Dwellings.
- d. Accessory Buildings, Structures, and Uses
  - (1) Buildings and Structures accessory to principal uses permitted under these Regulations.
  - (2) The following uses are permitted in the Residential Zone as accessory uses to a single-family Dwelling:
    - (a) In-Law Apartment
    - (b) Home Occupation
- e. Temporary Trailers
- f. The Tribal Council may authorize one or more “community uses” for the benefit of Tribal Members. Examples include, but are not limited to: Community Center, parks, playgrounds, a Post Office, schools, and child care.
- g. Any other use specifically authorized by a Variance issued pursuant to the requirements of § 14 of this Regulation.

**CHAPTER 3. RESORT ZONE REQUIREMENTS**

[RESERVED]

**CHAPTER 4. GOVERNMENT ZONE REQUIRMENTS**

[RESERVED]

**CHAPTER 5. CONSERVATION ZONE REQUIREMENTS**

[RESERVED]

**CHAPTER 6. PEQUOT CEMETERY REQUIREMENTS**

[[RESERVED]

**CHAPTER 7. RESIDENTIAL ZONE REQUIRMENTS**

**§ 1. Dimensional Requirements**

- a. Each residential parcel shall be issued as an Assignment to a Tribal Member pursuant to 27 M.P.T.L., the Land Assignment Law, and shall have an exclusive use area (“EUA”) solely associated with the Dwelling that is used only by the Assignee.
  - (1) The director of the Tribal Government department responsible for Community Planning, the Tribal Planner, shall propose subdivision of assignment areas into individual EUAs.
  - (2) When subdividing an assignment area, or subsequently proposing modification to an established unassigned EUA, the Planner shall take into account:

- (a) site conditions which could impact the practicability of constructing a dwelling;
  - (b) patterns of current and prior use that reasonably appear to have been in place for five years or longer; and,
  - (c) the requirement that each EUA must retain at least 25% of the area as undisturbed natural vegetation - TRC060398-03 of 05.
- (3) All EUAs proposed shall consist of either “One-acre” or “Half-acre” sized lots.
- (a) “One-acre” lots - The EUA shall not be less than thirty thousand (30,000) square feet and not exceed eighty thousand (80,000) square feet.
  - (b) “Half-acre” lots - The EUA shall not be less than fifteen thousand (15,000) square feet.
- b. Setback
- (1) One-acre lots - No Dwelling or Accessory structure shall be within twenty-five (25) feet of a side or rear line of an EAU, or from the street line.
  - (2) Half-acre lots - No Dwelling or Accessory structure shall be within ten (10) feet of a side or rear line of an EAU, or twenty (20) from the street line.
  - (3) Temporary Dwellings shall be located on the EUA so as not to impede the future construction of a permanent Dwelling. No Temporary Dwelling shall be within ten (10) feet of a side or rear line of an EUA.
  - (4) Guy wire anchors and Accessory facilities for Wind Energy Systems shall extend no closer than ten (10) feet to an Assignment line.
  - (5) All property abutting or including a wetland or watercourse shall maintain an area of open land of at least fifty (50) feet in width along the entire frontage of such wetland or watercourse. No structures are permitted in this area.
- c. Dwelling, Manufactured Home, In-Law Apartment Sizes
- (1) All permanent Dwellings shall have a minimum living space of five hundred (500) square feet and a maximum of four thousand (4,000) square feet.
  - (2) All Manufactured Homes shall consist of three (3) standard units or less (e.g., two standard units is a “double-wide” trailer).
  - (3) The total footprint of an Accessory structure shall not exceed two hundred (200) square feet for every ten thousand (10,000) square feet of the total EUA on which it is to be constructed.
- d. Maximum Height – Structures, Dwellings, Fences, and Wind Energy Systems
- (1) Permanent Dwellings shall have no portion of the structure greater than thirty-five (35) feet in height as measured from the average grade within ten (10) feet of the front door to the Dwelling.
  - (2) No Accessory Structure shall have a height greater than the distance between it and the nearest Assignment line to guard against such structure from falling onto an adjacent property.
  - (3) No fence shall be higher than eight (8) feet.
  - (4) A Variance is required prior to erecting a Wind Energy System. The Community Planning Committee (CPC) will consider topography, tree height, proximity to other Dwellings, and soil stability when determining the allowable height.
- e. Exemptions
- Structures such as chimneys, flues, spires, and radio and TV antennas, and other wireless telecommunications antennas may extend an additional ten (10) feet in height as measured from the highest point of a Structure’s existing and/or proposed roof line.

**§ 2. Principal and Accessory Standards and Restrictions**

a. All mechanical equipment or other utility hardware on the roof, ground, or Accessory Structures shall be located so as to not be visible from any public ways or screened from public view with materials harmonious with the building.

b. Permanent Dwellings - All Permanent Dwellings shall:

- (1) Be affixed to a poured concrete foundation;
- (2) Utilize building materials that are industry-compliant materials meeting building codes adopted by the Mashantucket Pequot Tribal Nation Land Use Commission;
- (3) Have building components, such as windows, doors, eaves, and parapets, with good proportions and relationships to one another;
- (4) Utilize the Mashantucket Pequot Tribal Nation sewer and water infrastructure when a street connection is available;
- (5) Trench all utility connections with proper separation distances maintained, unless the provided utility is overhead at the street;
- (6) Have fuel tanks located in basements or in approved structures above ground;
- (7) Not have outdoor wood-burning furnaces; and,
- (8) Have a storage structure with adequate storage for outdoor maintenance equipment and recreational vehicles, if the Dwelling does not have a walkout basement or a garage.

c. In-Law Apartments

- (1) Only one (1) in-law apartment shall be created on each EUA;
- (2) The apartment shall be clearly attached to the single-family Dwelling
  - (a) The Apartment shall be contained within or attached to the Dwelling (e.g., as an addition or wing); or,
  - (b) If the Apartment is located in the basement of the Dwelling, it may consist of the entire basement.
- (3) Only one (1) kitchen shall be permitted within the Apartment.

d. Manufactured Homes (Permanent)

- (1) All Manufactured Homes shall, at minimum:
  - (a) Have, for homes built after June 15, 1976, an affixed label certifying conformance with the federal Manufactured Home Construction Safety Standards;
  - (b) Be located on a leveled concrete pad or suitably prepared (e.g., organics removed, soils compacted and vapor barrier installed) crushed stone base;
    - (ix) The site shall be graded to ensure that storm run-off is directed away from the unit;
  - (c) Be leveled and blocked in accordance with the manufacturer's specifications;
  - (d) Be properly anchored to the ground by a system certified to withstand code-required wind force loading;
  - (e) Be skirted around the base of the unit;
    - (i) The skirting shall extend to and be in contact with the ground; and,
    - (ii) All piped utilities shall enter the Dwelling from within the skirted base and be protected from freezing by heat tape and insulation or other method approved by the Director of Utilities or his designee.
  - (f) Trench all utility connections with proper separation distances maintained, unless the provided utility is overhead at the street;

- (g) The EUA must have a storage structure with adequate storage for outdoor maintenance equipment and recreational vehicles.
- (2) Manufactured Homes purchased new must be constructed and installed in conformance with all criteria specified by Housing and Urban Development (HUD) for eligibility with the Section 184 Indian Housing Loan Program. In general the unit:
  - (a) Must not have been installed or occupied previously at any other site or location;
  - (b) Shall meet the minimum home size of 570 sqft;
  - (c) Shall be installed on a permanent foundation that meets or exceeds the applicable requirements specified within the most current Permanent Foundation Guide for Manufactured Housing approved by HUD. For example:
    - (x) There must be a properly enclosed crawl space with a continuous permanent foundation-type construction.
    - (xi) There must be adequate skirting and insulation around the perimeter to prevent the crawl space area from freezing and allow proper ventilation of the crawl space.
    - (i) The axles and tongue must be removed from the unit.
    - (xii) A licensed installer or the manufactured home dealer must sign a Warranty of Substantial Completion, HUD 92544, for the foundation; and,
  - (d) Shall be located so that the finished grade elevation beneath the manufactured home or, if a basement is used, the lowest exterior grade adjacent to the perimeter enclosure, must be at or above the 100-year return frequency flood elevation.
- e. Home Occupations - Home Occupations are permitted with the following restrictions:
  - (1) The occupation shall occur wholly within an enclosed building;
  - (2) Only twenty-five (25) percent of the gross floor area in the Dwelling may be used in such occupation; and,
  - (3) All advertising displays located on the EUA for the occupation shall not exceed one and one-half (1 ½) square feet
- f. Prohibited Home Occupations
  - (1) Those occupations entailing patronage in excess of five (5) appointments per hour or which create nuisances, including noise, glare, or odor;
  - (2) On-site automotive repair or service (other than cleaning or detailing);
  - (3) Painting of vehicles, trailers, boats, or machinery;
  - (4) Pest control;
  - (5) Veterinary services; or,
  - (6) Any boarding of animals.
- g. Agriculture - No farming or raising of livestock may be carried on in a Residential Zone, except as follows:
  - (1) This does not apply to family gardens;
  - (2) Small animal husbandry for non-commercial use is permitted, subject to the following restrictions:
    - (a) On a lot of less than one (1) acre, the following livestock may be kept:
    - (b) A maximum of fifteen (15) small animals consisting of hens, capons, and rabbits only;
    - (c) One (1) sheep; or,
    - (d) One (1) goat.



- (e) On a lot containing more than one (1) acre, a maximum of two (2) of the following animals per acre are permitted:
  - (f) One (1) animal whose mature body weight is 500 pounds or more, such as a horse or cow;
  - (g) Three (3) animals whose mature weight falls within the range of 30-500 pounds, such as sheep and goats, but excluding pigs; and,
  - (h) Fifteen (15) animals with a mature body weight of thirty (30) pounds, such as poultry, fowl, and rabbits.
  - (i) On a lot containing more than one (1) acre, one (1) pig is permitted for every two (2) acres. No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred (300) feet of any inhabited Dwelling.
- h. Wind Energy Systems
- (1) Wind Energy Systems (WES) shall be allowed as an Accessory Use subject to the following requirements:
    - (a) A maximum of one (1) wind turbine and one (1) tower is permitted on a EUA.
    - (b) The WES shall be certified as compliant with the American Wind Energy Association standards;
    - (c) Applications for a WES shall include:
    - (d) Standard drawings of the wind turbine structure and stamped by an engineer of the tower, base, footings, and foundation;
    - (e) A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code; and,
    - (f) Evidence that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
    - (g) For standard soil conditions (not including gravel, sand, or muck) foundations developed by an engineer are required;
    - (h) The WES shall adhere to the height requirements as set forth in § 8(d) of these Regulations;
    - (i) The WES shall adhere to the noise requirements as set forth in § 10 of these Regulations;
    - (j) All WES shall adhere to the substantive requirements of Part 77 of the Federal Aviation Regulation (14 C.F.R. Part 77);
    - (k) All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a WES visible from any public road is prohibited; and,
    - (l) Any climbing foot pegs or rungs below twelve (12) feet of a freestanding tower shall be removed to prevent unauthorized climbing. For latticed or guyed towers, sheets of metal or wood shall be fastened to the bottom of the tower such that it cannot be readily climbed.
  - (2) Inoperable WES. If a WES is inoperable for six (6) consecutive months, the owner shall be notified that he must, within six (6) months of receiving the notice, restore the system to operating condition. If the owner(s) fail to restore the system to operating condition within that timeframe, then the owner shall be required, at his own expense, to remove the WES.
  - (3) Removal of WES. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed. More specifically, removal shall consist of:
    - (a) physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site;
    - (b) disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations; and,
    - (c) stabilization or re-vegetation of the site as necessary to minimize erosion.

**§ 3. Supplemental Requirements**

## a. Yards and Fences

- (1) Corner lot – no fence or other similar structure shall be erected and no hedge, shrub, tree, or other obstruction shall be maintained that constitutes a hazard to traffic by impairing the view.
- (2) Fences, and walls used as a fence, shall be considered an Accessory and where fences are placed within ten (10) feet of an EUA line, the finished side of the fence shall face the neighboring property. In most cases, the finished side of a fence shall be the side opposite the fence post.
- (3) The clearing of native vegetation must be reviewed and approved as specified in the Tribal Land Clearing Regulation, Title 7 of Land Use Regulations.
- (4) No accumulations of debris that attracts pests shall be stored on the premises.
- (5) Nothing beyond small quantities of common household hazardous waste shall be stored on any premises.

## b. Parking

- (1) Minimum Parking Spaces. At least two (2) off-street parking spaces shall be available for each Dwelling.
- (2) Maximum Parking Spaces. No more than four (4) ungaraged, motorized, highway vehicles may be routinely or permanently parked at a Dwelling. No more than two (2) commercial vehicles may be parked on an EUA.
- (3) Common driveways. Driveways serving more than one (1) single-family Dwelling must be approved in advance by the Land Use Commission. The following factors must be met before a permit will be issued:
  - (a) The common driveway shall assure adequate access for emergency and public safety vehicles including, but not limited to, the ability to turn around in all seasons, and access to fire hydrants, if available.
  - (b) The common driveway shall provide for the adequate draining of surface waters.
  - (c) A declaration of perpetual covenants, easements, and restrictions for the use and maintenance of the common driveway shall be submitted to the Land Use Commission. The declaration shall address, at a minimum, maintenance, snow plowing, and restrictions against the future use of the driveway as a public way.

c. Common Driveways - In the interest of public safety, the Land Use Commission may require the common driveway to be officially named, clearly identified with appropriate signage, and that all residences sharing the driveway to use this information in their addresses.

d. Lighting - No interior or exterior lighting shall be of such intensity, or located or directed in such a way, as to produce glare or discomfort on public streets or neighboring property.

## e. Noise

- (1) Between 7 AM and 8 PM, noise level shall not exceed 75 decibels.
- (2) Between 8PM and 7 AM, noise levels shall not exceed 45 decibels.

f. Recreational Vehicles - A maximum of two (2) recreational vehicles may be parked or stored outside on an EUA, provided that such vehicle is owned or leased by a permanent resident of the property on which it is parked.

## g. Temporary Dwellings (Residential).

- (1) Temporary Dwellings are only allowed on an EUA for:

- (a) The use of Assignees who intend to construct a permanent Dwelling within five (5) years. No Temporary Dwelling shall remain on the EUA for longer than five (5) years, unless the Land Use Commission has granted an extension; or,
  - (b) Residential purposes by the Assignment holder(s) during an emergency (e.g., fire or other catastrophes).
- (2) Manufactured Homes may be used as a Temporary Dwelling provided that it complies with the requirements set out in § 2d. of this Chapter.
- (3) Travel trailer (campers) may be used as a Temporary Dwelling provided that:
- (a) It is designed specifically for cold weather camping or the equivalent winterization has been completed and is approved by the Mashantucket Pequot Tribal Nation's Director of Utilities;
  - (b) It is located on a leveled concrete pad or suitably prepared (organics removed and soils compacted) crushed stone base, it is leveled and blocked consistent with the manufacturer's recommendations;
  - (c) It is properly anchored to the ground by a system certified to withstand code-required wind force loading;
  - (d) It is connected to the Mashantucket Pequot Tribal Nation's sewer and water infrastructure;
  - (e) Utilities are connected with permanent-type connections approved by the Mashantucket Pequot Tribal Nation's Director of Utilities;
  - (f) Unless the provided utility is overhead at the street, via buried trenches and appropriate separation; and
  - (g) Exiting the ground beneath the trailer or, for wire connections, are conveyed underground to and from a panel board.
  - (h) It is skirted around the base of the unit to extend to and be in contact with the ground.
  - (i) All piped utilities shall enter the travel trailer from below the skirted base and be protected from freezing by the use of heat tape and insulation or other methods approved by the Mashantucket Pequot Tribal Nation Director of Utilities.
  - (j) The EUA must have a storage structure with adequate storage for outdoor maintenance equipment and recreational vehicles.
- h. Temporary Dwellings (Construction Office) - A Temporary Dwelling serving as a construction office shall not be placed on the EUA prior to commencing construction of a Dwelling unless the Land Use Commission has approved a plan and the proper safeguards have been taken as to placement.
- i. Signage
- (1) Each residential property shall be identified by a street number posted in a visible location within five (5) feet of the vehicular access point to the property and no less than four (4) inches in height;
  - (2) Residential property identification signage shall not exceed six (6) square feet; and,
  - (3) Signs within the residential zone shall not be internally illuminated.

#### **§4. Blight**

- a. Creation or Maintenance of a Blighted Property Prohibited. No owner, agent, tenant and/or person (hereinafter "Owner") responsible for the care, maintenance and/or condition of real property shall cause or allow any Blighted Property to be created, maintained or continued.

b. Notice of Violation.

- (1) The Land Use Commission shall serve written notice to an Owner responsible for the Blighted Property.
  - (a) The notice may be hand delivered or mailed by certified mail, return receipt requested, to the address of the Owner as on file with the Tribal Clerk's Office or Housing Department, or any of the persons identified above; or
  - (b) In the case of an Owner whose address is unknown, by publishing a copy of such notice in a Tribal communication having a circulation in the Mashantucket Pequot Tribal Nation.
  - (c) If the notice is mailed only to one of the responsible parties, it shall in no way be, or be construed to be, a release of any other responsible party.
  - (d) If there is more than one responsible party identified in the notice, the responsibility for complying with the notice shall be joint and several.
- (2) Notwithstanding anything to the contrary, the notice shall state:
  - (a) The violation;
  - (b) The steps needed to be taken to remedy the violation;
  - (c) A demand for abatement within thirty (30) calendar days;
  - (d) The potential fines that would be due, and that any unpaid fines may result in the Owner being denied a Certificate of Residency; and
  - (e) That if the Owner fails to adequately abate the condition(s), MPTN may cause or take such action as is necessary to correct such violation at Owner's costs and expense as provided by 4 L.U.R. ch. 7 § 4(e).
- (3) If the Owner fails to correct the violation(s), the Land Use Commission may issue an Enforcement Citation as specified herein.

c. Exceptions/Special Consideration. This section shall apply to all residential dwelling units and nonresidential space except any Blighted Property for which an application is pending before, or a permit has been issued by, the Land Use Commission, provided that said exception is only applicable when: (i) the intent of the activity is to mitigate existing conditions of blight, or (ii) the blight condition is a result of the activity, is typical of conditions expected at a well maintained construction site, and limited to the period specified on the permit application

d. Enforcement Citation. If any violation remains unabated after thirty (30) days, the Administrator may issue a citation to the violator in accordance herewith. The citation will require payment of a fine of Fifty (\$50.00) Dollars for each thirty (30) day period that a violation continues and shall require payment within thirty (30) days from the issuance thereof.

e. Government Abatement. In the event any Owner shall fail to abate or correct any violation specified in any notice, after the issuance of an Enforcement Citation for such failure, which citation has become final through the failure of such Owner to appeal from the issuance of said citation, or by such appeal being sustained by the Land Use Commission, MPTN may cause or take such action as is necessary to correct such violation. MPTN may recover all costs and expenses incurred and deduct the amounts owed from any funds that may be payable by MPTN to the individual.

f. Recording Lien. Abatement costs and expenses, and any unpaid fines, shall each constitute liens upon the property, and notice of each such lien shall be filed with the Office of the Tribal Clerk.

g. Certificate of Residency. The Land Use Commission shall give the Tribal Clerk notice of all Blighted Property that remains unabated after a citation has been issued, and all unpaid past due fines for violations herein. The Tribal Clerk shall not issue a Certificate of Residency until and unless all fines and liens are satisfied and all Blighted Property subject to a citation is remediated.

## **CHAPTER 8. ENVIRONMENTAL STANDARDS**

- a. The Mashantucket Pequot Tribal Nation's Department of Natural Resource Protection shall review all plans for their impact on the natural resources of the Mashantucket Pequot Tribal Nation Reservation;
- b. All storm water discharges from point sources shall be evaluated and attenuated to the degree possible so as not to increase flooding on downstream property. An Engineer shall review all designs and provide written comments to the Engineer of record, if any, the Department of Natural Resource Protection and the Assignment holder;
- c. Projects with a proposed activity within the "Regulated Area" as defined by the MPTN Inland Wetland and Watercourses regulation are subject to the requirements specified within that regulation;
- d. The clearing of native vegetation must be reviewed and approved as specified in the Tribal Land Clearing Regulation (7 L.U.R.); and,
- e. Prior to the excavation of any site, the Tribal Historic Preservation Officer shall review the potential for impact on cultural resources.

## **CHAPTER 9. PRE-EXISTING, NON-CONFORMING USES**

- a. Any non-conforming use or building lawfully existing or in use at the time of the adoption of these Regulations, or any amendments thereto, may be continued;
- b. Any building so existing which was designed, arranged, intended for or devoted to a non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed following the issuance of a Variance.

## **CHAPTER 10. VARIANCES**

- a. Pursuant to 14 M.P.T.L. Ch. 8, the Land Use Commission may issue a Variance waiving some or all of these regulations.
- b. When a Variance is required, the Land Use Commission will table the application for a Land Use Permit pending the application for a Variance. If the Commission has not received an application for a Variance in sixty (60) days, the Land Use Permit will be denied.
- c. In determining whether to issue a Variance, the Land Use Commission will:
  - (1) Take into account the specific circumstances, if any, of the applicant;
  - (2) Take into account whether the requested Variance would impact the Tribe, Zoning Districts, or Tribal Members living in the vicinity of the applicant;
  - (3) Take into account any reports from the Zoning Officer and/or the Director of Natural Resources;
  - (4) Notify all Assignees in the vicinity of the requested Variance and the date, time, and place of the scheduled hearing:
    - (a) The applicant has the burden of showing why the Variance should be granted;
    - (b) At the hearing, the applicant shall be provided with an opportunity to present reasons why the Variance should be granted; and,
    - (c) At the hearing, those who support and oppose the requested Variance shall have an opportunity to be heard.

- d. The Land Use Commission has five (5) calendar days to issue a written decision on the Variance application.
- e. If a Variance is approved, the Land Use Commission will issue a Land Use Permit.

#### **CHAPTER 11. LAND USE COMMISSION PERMITTING**

- a. Separate zoning permits are no longer required for generally allowed uses.
- b. A Land Use Commission permit is required prior to initiating any project covered by these regulations regardless of whether a Variance is approved.
- c. To apply for a Land Use Commission permit, an application must include:
  - (1) Site plan;
  - (2) The gross floor area and the arrangement of internal spaces;
  - (3) Materials and colors;
  - (4) Architectural drawings of the building;
  - (5) Permit applications for Manufactured Homes must include required certifications of code compliance as outlined in Ch. 7., §§ 1, 2, and 3;
  - (6) Yard areas, topography, drainage, utilities, and special features;
  - (7) Proximity to adjacent property or archeological and environmental features;
  - (8) Access for vehicles and emergency providers; and,
  - (9) Any other information requested by the Land Use Commission.
- d. The Land Use Commission will provide a copy of all applications for a residential development to the Housing Department for comment. The comment period is twenty (20) calendar days. If no comments are received within 20 calendar days and no extensions have been granted, the Land Use Commission will proceed with the understanding that no comments are intended.

#### **CHAPTER 12. EXEMPTIONS**

Culturally significant structures, such as wetus, are exempt from these zoning provisions other than the setback provisions for Accessory structures, provided that they are constructed utilizing traditional methods.

#### **CHAPTER 13. ENFORCEMENT**

The Land Use Commission shall enforce these regulations pursuant to 14 M.P.T.L. Ch. 9.

#### **CHAPTER 14. APPEALS**

A permit applicant or individual who has received an enforcement action has a right to appeal a decision by the Land Use Commission as outlined in 14 M.P.T.L. Ch. 10.

#### **CHAPTER 15. AMENDMENTS**

Pursuant to 14 M.P.T.L. Ch. 4., the Land Use Commission, in conjunction with the Community Planning Committee, may promulgate and amend regulations.