

**ZONING REGULATIONS  
AND  
SUBDIVISION REGULATIONS**

*PLANNING AND ZONING COMMISSION*

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**TOWN OF WESTPORT  
CONNECTICUT**

*Effective September 26, 2009*

Amendments from March 15, 1991 to September 26, 2009  
are summarized in Appendix C

## **WESTPORT PLANNING AND ZONING COMMISSION**

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Eleanor Lowenstein, Vice-Chairman  
Howard Lathrop, Secretary  
Bruce Kasanoff  
David Press  
Michael Krawiec

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Mary Young, Deputy Director of Planning & Zoning  
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Nancy Curcio, Administrative Secretary  
Annie Alcaraz, Secretary  
Laurie Montagna, Clerk of the Zoning Board of Appeals  
Victor Koechl, Sediment & Erosion Inspector

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Gordon Joseloff, First Selectman  
Shelly Kassen, Second Selectman  
Robert F. Lasprogato, Third Selectman

## **WESTPORT TOWN ATTORNEY**

Ira Bloom, Town Attorney

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## **§1 LEGISLATIVE INTENT**

In order to lessen congestion in the streets; to secure safety from fire, panic, flood, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks, and other public requirements; and with reasonable consideration for the protection of historic factors and a view to conserving the value of buildings, the Planning and Zoning Commission of the Town of Westport, County of Fairfield and State of Connecticut hereby adopts and promulgates the following rules and regulations in accordance with authority vested in it, the said Commission, by Chapter 242 of the Public Acts of the State of Connecticut, and Chapter 124 of Title 8 of the Connecticut General Statutes and any and all amendments thereto and by any other public act or statute of the State of Connecticut under which the Commission may properly act or derive authority.

## **§2 INTERPRETATION**

These regulations shall be interpreted and applied to meet at least the minimum requirements for the promotion of the public health, safety, comfort and convenience and general welfare. In considering issues arising under these regulations, the applicable ordinance, statute, law, rule or regulation which imposes the most restrictive obligation upon the use of and/or construction of buildings and structures and upon the use of land shall be applied to the extent consistent with laws.

### **2-1 *Major Fractions***

For the purposes of determining density and parking requirements, major fractions of 0.5 or more may be rounded up and under 0.5 may be rounded down.

### **§3 SCOPE OF REGULATIONS**

Except as expressly permitted by these regulations or by a permit or other approval granted pursuant to these regulations no building, structure, parcel of land or part thereof shall be used, and no building, or other structure or part thereof shall be constructed, reconstructed, extended, enlarged or substantially altered, and no use or part thereof shall be changed to another use for the district in which it is located, except in conformity with these regulations.

## **§4 ESTABLISHMENT OF ZONING DISTRICTS AND MAP**

### **4-1 Districts Established**

The Town of Westport is divided into the following classes of Districts:

SECTION	DISTRICT
11	Residence AAA District - 2 acre zone
12	Residence AA District - 1 acre zone
13	Residence A District - 1/2 acre zone
14	Residence B District - 6,000 square feet
15	Planned Residential Development (PRD)
16	Mobile Home Park District (MHPD)
17	Open Space Residential District (OSRD)
18	Residence C District - (MFD)
19	Affordable Housing Zone (R-AHZ)
19A	Residential Affordable Housing Zone/Workforce (R-AHZ/W)
20	Municipal Housing Zone (MHZ)
21	Restricted Professional Office District (RPOD)
22	Restricted Office-Retail District (RORD #1)
22A	Restricted Office-Retail District (RORD #2)
22B	Restricted Office-Retail District (RORD #3)
23	Restricted Business District (RBD)
24	General Business District (GBD)
24A	General Business District Saugatuck (GBD/S)
25	Highway Service District (HSD)
26	Design Development District (DDD)
27	Corporate Park District (CPD)
28	Business Preservation District (BPD)
29	Business Center District (BCD)
29A	Business Center District/Historic (BCD/H)
30	Historic Design District (HDD)
40	Dedicated Open Space and Recreation District #1 and #2 (DOSRD)



**4-2 Map Established**

The boundaries of these districts are established as shown on the Building Zone Map dated August 18, 1930, as amended and which may be further amended from time to time, and signed by the Planning and Zoning Commission, Town of Westport, Connecticut. Said map is hereby declared to be part of these regulations.

**4-3 District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the Building Zone Map, the following rules shall apply:

**4-3.1** Where district boundaries are indicated as approximately following the center line of a street, highway, railroad, brook, stream, right-of-way or easement, such center lines shall be construed to be such district boundaries.

**4-3.2** Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

**4-3.3** Where district boundaries are so indicated that they are approximately perpendicular to the center line or right-of-way lines of streets, such lines shall be construed as being perpendicular thereto.

**4-3.4** Where district boundaries are indicated as approximately following lot lines of record at the time of adoption of these regulations, those lot lines shall be construed to be such boundaries.

**4-4 Split Zone - Residential Lots**

Lots located in two or more residence districts shall be governed by the standards of the zoning district in which the greater portion of the minimum required lot area lies. Any lot so created that is less than 30,000 square feet in area shall be connected to public sanitary sewers.

**4-5 Maximum Allowable Multi-Family Dwellings**

The total number of multi-family dwelling units in all zoning districts throughout the Town of Westport shall not exceed 10% of the total number of single-family dwellings within the Town of Westport as reported in the most recent official U.S. Census of Housing Data for the Town of Westport.

The following shall be exempt from this requirement:

Multi-family affordable housing units defined as assisted housing, which means housing which will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing and any housing occupied by persons receiving rental assistance under Chapter 319 of Section 1437F of Title 42 of the United States Code, or currently financed by Connecticut Housing Finance Authority mortgages or subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income. Median income means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development.

# §5 DEFINITIONS

## 5-1 General Terms

In the interpretation and use of these regulations, words and phrases shall be construed according to the commonly approved uses of the language; except that technical words and phrases shall be construed and understood in accordance with commonly accepted technical meanings. All words used in the present tense include the future tense; all words used in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "uses" shall be deemed to also include "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally. Words not specifically defined herein shall be used as defined in a Webster's New Collegiate Dictionary no more than 5 years old.

## 5-2 Specific Terms

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these regulations, shall be defined as follows:

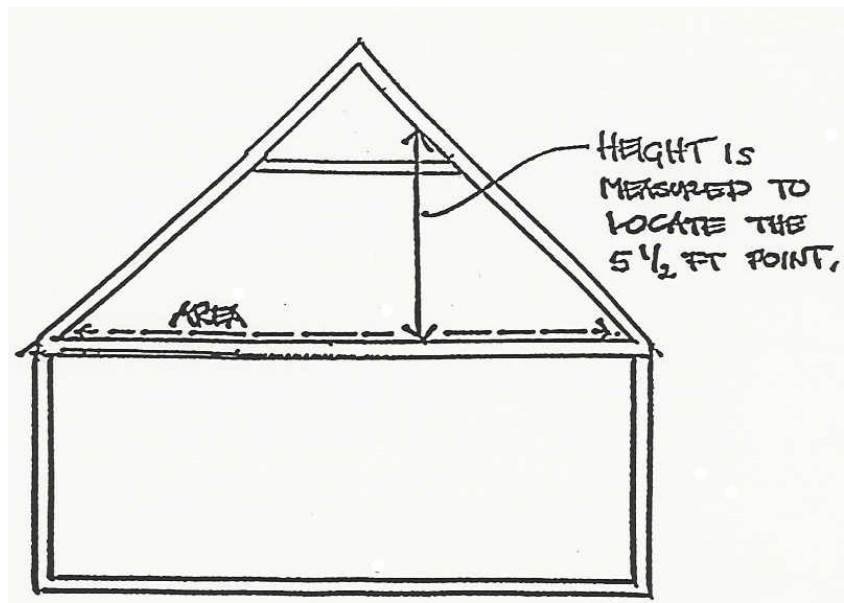
<i><b>TERM</b></i>	<i><b>DEFINITION</b></i>
<i><b>Adaptive reuse:</b></i>	Conversion of a building and/or structure or part of a building and/or structure-to a use different from that which it was most recently approved.
<i><b>Addition:</b></i>	Any alteration, extension or expansion in a building which increases its size, building area, footprint, floor area, height or roof-area.
<i><b>Administrator:</b></i>	The Federal Flood Administrator, who has been so designated, and has the responsibility for the administration of the Federal Flood Insurance Program.
<i><b>Alteration:</b></i>	Any change in the use or location of structural or supporting members of a building, such as foundations, bearing walls, columns, beams, girders, headers, rafters or roofs; except that a change in or addition to a building facade that is less than four (4) inches in depth shall not be deemed an alteration.
<i><b>Antenna:</b></i>	A commercial device which is attached to a tower, or other structure, for transmitting and receiving electromagnetic waves.
<i><b>Antenna Tower or Telecommunication Tower:</b></i>	A commercially operated structure, whether freestanding or attached to a building or another structure, that is used to support an antenna or equipment used to collect, transmit or receive wireless telecommunications or radio signals. Examples include monopoles and lattice construction steel structures.
<i><b>Apartment:</b></i>	An apartment shall be considered a dwelling unit.

**TERM**

**DEFINITION**

**Attic:** A part of a building directly under the roof with no more than twenty-five percent (25%) of the floor space having headroom of five and one-half (5-1/2) feet or more. The area must be measured vertically from the top of the attic floor or floor beams to the bottom or underside of the roof or roof rafters. The attic area shall be measured horizontally from the inside of the exterior walls of the attic floor. If there are no exterior walls, the floor is measured from where the underside of the roof or roof rafters meet the attic floor. An attic shall not be deemed a story and shall not be counted in floor area measurements, but shall be counted in height measurements. (See Floor Area, Headroom, Story, Half-Story).

An attic is determined as follows:



*Town of Westport Zoning Regulations - §5, Definitions*

**TERM**

**DEFINITION**

***Awnings:***

(1) A permanent awning is a fixed, roofed-over awning that is securely fastened to a building.

(2) A retractable awning is an awning equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building; i.e. awnings that roll or fold up and down.

(3) A "box" awning is a fixed awning that is open-through to the sky and has no roof covering.

(4) There shall be a minimum clearance of 7 feet 6 inches from the sidewalk to the lowest part of the framework. The awning shall not extend closer than 12 inches from any curb line.

(5) Retractable awnings and "box" awnings shall not be deemed structures.

***Bank:***

Any business that primarily provides the ability to perform person to person cash deposits and withdrawals with tellers, and additionally other financial transactions.

***Bank Drive-in:***

Any physical structure, manned or non-manned (automatic teller machine), where banking and/or financial business is transacted from within one's vehicle. A Bank Drive-in is an accessory use only to a principal Bank use. The terms drive-in, drive-up and drive-thru, and similar variations shall be synonymous.

***Base Flood:***

The flood having a one percent chance of being equaled or exceeded within any one year interval, as designated on the Flood Insurance Rate Map and measured in accordance with the National Geodetic Vertical Datum (NGVD) OF 1929.

***Basement:***

A part of a building located partly underground, which is not a crawl space, having less than one-half (1/2) of its headroom below the average level of the finished grade measured within 10 feet of the exterior walls of the building and having one or more walls fully or partially exposed. A basement shall be deemed a story and shall be counted in floor area and height measurements. (See cellar, headroom)

For the purposes of §31-11 (Floodplain Regulations), a basement is defined as any area of a building, including cellar or crawl space, having its floor subgrade (below ground level) on all sides.

***Bedroom:***

A room which is designated and primarily used for sleeping.

*Town of Westport Zoning Regulations - §5, Definitions*

<b>TERM</b>	<b>DEFINITION</b>
<b><i>Breakaway Walls:</i></b>	Those types of walls, solid or lattice, and constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which are not a part of the structural support of the building and which are so designed as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building.
<b><i>Buffer or Buffer Strip:</i></b>	A strip of land along a property line or zoning district boundary which shall be free of any building or use other than natural woody growth, landscaping or screening and which may be within or a part of the minimum setback requirement.
<b><i>Building:</i></b>	<p>A structure having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the building which is affixed to a lot or lots for the housing or enclosure of persons, animals or chattels, and shall include each of the independent units into which it is divided by common walls.</p> <p>A building which is connected to a principal building by a carport or garage, or by a porch, breezeway or passageway with a common wall of less than 8 feet in length, shall be deemed to be an accessory building.</p> <p>Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building.</p> <p>A building which is connected to a principal building by a fully enclosed above ground passageway with a common wall of 8 feet or more in length, and having a finished floor, walls and ceiling shall be deemed to be part of the principal building.</p>
<b><i>Building Accessory:</i></b>	A building structure which is devoted or intended to be devoted to an accessory use and is located on the same lot with the principal building, structure or use.

*Town of Westport Zoning Regulations - §5, Definitions*

<b>TERM</b>	<b>DEFINITION</b>
<b><i>Building Area and/or Footprint:</i></b>	<p>The maximum horizontal cross-section area enclosed by and including the outside walls of all buildings and structures on a lot. The projection of entry platforms or steps; cantilevered roofs, eaves, cornices; chimneys; window sills or sun shades and similar incidental architectural projections on lots of one-quarter acre (10,890 square feet) in area or greater shall not be included within the building area or footprint, provided that such architectural projections shall not extend more than three (3) feet from the building wall or face or more than a distance equal to 20% of the minimum required setback, whichever is less. (Also see §31-4, Projections into setbacks)</p>
<b><i>Building Height or Height:</i></b>	<p>The vertical distance measured in feet from the average existing level of the ground surrounding the building or addition thereto and within ten (10) feet thereof up to the midpoint height of a pitched roof or up to the level of the highest main ridge or peak of any other type of structure, or the total number of stories in a building including basements and/or half-stories. In cases of buildings with more than one pitched roof and/or dormer, all pitched roofs and/or dormers must comply with allowable building height. The number of points necessary for an "average" computation shall be based on appropriate contour intervals or spot elevations as required by the Planning and Zoning Commission. The existing level shall mean the actual or proposed elevations whichever is lower of the property at the time of application. (Also see §32-7 for satellite dishes and antennas prohibition). The provisions with respect to height shall apply to roof-top mechanical equipment but shall not apply to the following:</p> <ul style="list-style-type: none"><li>▪ Solar panels on a pitched-roofed building provided the highest point of the panels are located no higher than the roof ridge line;</li><li>▪ Solar panels on a flat-roofed building which do not extend more than 5-feet above the roofline of a flat-roofed building, provided that the panels are set back at least 6-feet from the edge of the roof on all elevations;</li><li>▪ Roof parapets and turrets 3 feet or less in height; and</li><li>▪ Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that<ul style="list-style-type: none"><li>• The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and</li><li>• The structure shall fit within a 10' x 10' square; and</li><li>• The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.</li></ul></li><li>▪ Church spires and belfries, pole type TV antennas and chimneys.</li></ul> <p>(See Attic, Cellar, and Crawl Space)</p>

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Building, Principal:</i></b>	A building or structure in which is conducted the main or primary use of the lot on which said building is located.
<b><i>Canopy:</i></b>	A structure constructed of a rigid framework, with a roof covering, attached to a building at one end and supported at the other end by stanchions or columns.
<b><i>Cellar:</i></b>	A part of a building located mostly underground which is not a crawl space, having one-half (1/2) or more of its headroom below the average level of the finished grade measured within 10 feet of the exterior of the walls of the building. A cellar shall not be deemed a story, but shall be counted in floor area and height measurements. (See Crawl Space, Headroom.)
<b><i>Certification:</i></b>	A signed, written approval by the Planning and Zoning Commission or its designated agent.
<b><i>Change of Use:</i></b>	<p>A change of use shall be subject to Site Plan Review.</p> <p>The following shall be deemed to be change of use for purposes of these regulations.</p> <ul style="list-style-type: none"><li>• Any change that increases the minimum required number of parking spaces for a building or use.</li><li>• Any change necessitating the measurement of patron and non-patron floor area.</li><li>• Any change from a vacant rentable space in a building structure or lot, or portion thereof, which has been unoccupied for a period of 12 months or more to a use that is different from the previous use.</li><li>• Any change from a vacant lot area to a parking area.</li><li>• The change from any residential use to any commercial use shall also be deemed to be "change of use."</li><li>• Any change in the primary nature of the business of a Restaurant which serves alcoholic beverages including the manner in which patrons are seated or in which alcoholic beverages are served. Such change of use shall also require a special permit pursuant to §43 (Special Permit and/or Site Plan Review Procedures) of these regulations.</li></ul>
<b><i>Coastal High Hazard Area:</i></b>	The area subject to high velocity waters, including, but not limited to hurricane wave wash. The area is designated on a FIRM as Zone VI-30.



*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Coin Operated Amusement Device:</i></b>	Any amusement machine or device operated by means of the insertion of a coin, token or similar object or otherwise activated, for the purpose of amusement or skill.
<b><i>Co-Location:</i></b>	A means of locating commercial wireless telecommunications facilities from more than one provider on a single antenna tower.
<b><i>Commercial Use:</i></b>	An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.
<b><i>Commercial Wireless Telecommunication Service Facilities:</i></b>	Any and all facilities including, without limitation, antennas, antenna towers or telecommunication towers, and supporting buildings and equipment which are utilized by licensed commercial wireless telecommunication services providers, including, without limitation, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.
<b><i>Coverage, Building:</i></b>	The percentage of a development site in a Non-Residence Zoning District, or a lot in a Residence Zoning District, occupied or intended to be occupied by all buildings and structures. Building coverage shall include the building area. No more than 20% of the land covered by waterbodies, water courses, wetlands, and land of severe topography having slopes of twenty-five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable building coverage.

Town of Westport Zoning Regulations - §5, Definitions

<b>TERM</b>	<b>DEFINITION</b>
<b><i>Coverage, Total:</i></b>	The percentage of a development site in a Non-Residence Zoning District, or a lot in a Residence Zoning District, occupied or intended to be occupied by all buildings, structures, parking areas, driveways, tennis courts and similar improvements. Patios and terraces, as defined herein, shall be excluded except if the terrace or patio is 3 feet or more above the adjacent grade at any point, such as with a retaining wall. Parking on unpaved surfaces provided by places of worship, in excess of the minimum number of parking spaces required by §34-5 of these regulations, shall be excluded. Total coverage shall include one-hundred percent (100%) of the building area and parking areas, driveways, and similar improvements, but only fifty-percent (50%) of a tennis court. No more than 20% of the land covered by water bodies, watercourses, wetlands, and land of severe topography having slopes of twenty-five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable total coverage. Calculations shall be made on forms approved by the Planning and Zoning Commission (See Appendix D).
<b><i>Crawl Space:</i></b>	A part of a building, located below the first story, having headroom of less than five (5) feet at all points. A crawl space shall not be deemed a story and shall not be counted in floor area measurements, but shall be counted in height measurements. (See Basement, Cellar, Story)
<b><i>Day-Care Center or Nursery School:</i></b>	A building or portion thereof, licensed by the State Department of Health for the care, guidance and/or supervision of 13 or more children not including those of the resident occupant. A Special Permit approval is required.
<b><i>Development:</i></b>	Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials in Special Flood Hazard Areas.
<b><i>Disturbed area:</i></b>	An area of land where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
<b><i>Dwelling:</i></b>	A building used as living quarters. The term shall not be deemed to include automobile court, motel, hotel, camping trailer, travel trailer, recreation vehicle, mobile home, boat or tent, except as provided in §16 (MHPD), herein. No vehicles of any kind can be occupied or used as a rooming unit or a dwelling unit.
<b><i>Dwelling, Attached:</i></b>	A dwelling having any portion of one or more walls, floors or ceilings in common with another dwelling.

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Dwelling, Multiple Family:</i></b>	Any building designed, constructed and used as a residence building for three (3) or more dwelling units; the term includes cooperatives, condominiums, town-houses and apartments.
<b><i>Dwelling Single-Family:</i></b>	A detached dwelling which is one (1) dwelling unit and contains one kitchen only.
<b><i>Dwelling, Two-Family:</i></b>	An attached dwelling containing two (2) dwelling units and only one kitchen for each dwelling unit.
<b><i>Dwelling Unit:</i></b>	Any room or group of rooms providing living quarters and an independent kitchen.
<b><i>Elderly:</i></b>	Persons sixty-two (62) years of age or older.
<b><i>Elevated Building:</i></b>	A building without a basement built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls, as allowed under applicable standards.
<b><i>Elevation:</i></b>	The height in feet relative to mean sea level (MSL). Alternatively a plan of the sides of a building.
<b><i>Erosion:</i></b>	The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
<b><i>Fall Zone:</i></b>	The radius around an antenna or telecommunication tower equal to the height of the antenna or telecommunication tower.
<b><i>Family:</i></b>	a) People living together as a single housekeeping unit who are all related by blood, marriage or adoption; or  (b) A group of persons living together as a single housekeeping unit who are unrelated by blood, marriage or adoption except that such a group shall not exceed five (5) individuals; and (c) Bona fide domestic servants in the paid employ of a resident family, may be included in the single housekeeping unit, provided that the number of servants shall be limited to three (3).
<b><i>Family Day Care Home:</i></b>	Private family home caring for not more than six children, including the provider's own children not at school full time, and which is licensed by the State. A zoning permit is required.

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Fence or Wall:</i></b>	Any rigid barrier which serves to separate one portion of land from another and may serve to prevent intrusion. (See §31-3, Fences and Walls, Obstructions at Corners)
<b><i>Flood Boundary and Floodway Map:</i></b>	An official map of the Town of Westport upon which the Administrator has delineated boundaries of flood areas having special hazards as well as the regulatory floodway.
<b><i>Flood Insurance Rate Map (FIRM):</i></b>	An official map of the Town of Westport upon which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the Town of Westport.
<b><i>Floodproofed:</i></b>	Watertight, having walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
<b><i>Floodproofing:</i></b>	Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, including water and sanitary facilities, structures and their contents
<b><i>Floodway:</i></b>	The channel of a river or other watercourse with adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation above a designated height.
<b><i>Floor:</i></b>	The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
<b><i>Floor Area:</i></b>	The floor area of a building shall be the sum of the total horizontal areas of all the floors of that building measured from the interior faces of the exterior walls. Floor areas shall include the area of basements, cellars, and half-stories. Attics and crawl spaces (as defined in these regulations) are not included in the floor area. Only one floor of an atrium shall be included in the floor area. Only one atrium in a building will be excluded from the floor area. All other openings in a floor shall be counted as floor area.
<b><i>Floor Area, Patron:</i></b>	All floor space accessible to customers, including foyers and hallways, but excluding bathrooms and coat rooms.

*Town of Westport Zoning Regulations - §5, Definitions*

<b>TERM</b>	<b>DEFINITION</b>
<b><i>Floor Area Ratio (F.A.R.):</i></b>	The aggregate floor area of all buildings on a lot divided by the gross lot area of such lot as defined in Appendix D, or portion thereof, that lies within the applicable zoning district. (FAR = Floor Area divided by Gross Lot Area). See §34-12.1.5 for parking/garage floor area.
<b><i>Floor, Lowest:</i></b>	The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor. In Special Flood Hazard Areas, these areas must be designed in accordance with the definition of “elevated building” and §31-11.5.2 of these regulations.
<b><i>Floor Space</i></b>	The area of a floor, measured at floor level from the interior faces of the exterior walls or the bottom of the roof or roof rafters.
<b><i>Footprint:</i></b>	See Building Area
<b><i>Functionally Dependent Facility:</i></b>	A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.
<b><i>Game Room:</i></b>	A building or portion thereof used or intended to be used for the operation of coin operated amusement devices for the use of the general public or specific invitees.
<b><i>Garages, Commercial:</i></b>	Any lot, building or part thereof, used for the storage, service or repair of motors, engines, vehicles or boats for remuneration, including any rental, lease or sale of any motors, engines, vehicles or boats.
<b><i>Garages, Private:</i></b>	An accessory building or portion of a principal building used for the storage of vehicles as an accessory use.
<b><i>Group Day Care Home:</i></b>	A home which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children and which is licensed by the State.
<b><i>Headroom:</i></b>	The vertical distance from the top of the floor or floor beams to the bottom of the next higher floor or floor beams or the bottom of the roof or roof rafters.

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Healthcare Professional:</i></b>	A practitioner with an advanced degree, certification or trained specialist who works with people to resolve health related issues and except as specifically provided, who is not a licensed medical doctor, such as psychologists, social workers, counselors, naturopaths, massage therapists, and nutritionists. Psychiatrists are also considered Healthcare Professionals. (See Medical).
<b><i>Home Occupation:</i></b>	An accessory use customarily conducted entirely within a principal dwelling, carried on by one resident thereof, which use is incidental and subordinate to the residential use of the dwelling.
<b><i>Hospital:</i></b>	An institution licensed by the State Department of Health having facilities and medical staff to provide diagnosis, care and treatment of a wide range of acute conditions or chronic diseases including injuries.
<b><i>Hydrodynamic Loads:</i></b>	Loads that are caused on buildings or structures by the flow of flood water moving at moderate or high velocity around the buildings or structures or parts thereof, above ground level which allows the free flow of flood water. Hydrodynamic loads are basically of the lateral type and relate to direct impact loads by the moving mass of water, and to drag forces as water flows around the obstruction.
<b><i>Hydrostatic Loads:</i></b>	Loads that are caused by water, either above or below the ground surface, free or confined, and which is either stagnant or moves at slow velocities up to 5 feet per second. Hydrostatic pressures at any point are equal in all directions and always are perpendicular to the surface on which they are applied.
<b><i>Kitchen:</i></b>	A room, place or space within a structure designed, arranged with such items as, but not limited to: cabinets, counters, typical kitchen appliances and plumbing fixtures. A kitchen is used for the preparation and storage of food.
<b><i>Living Quarters:</i></b>	Separate and independent space including kitchen, sleeping and bathroom facilities within a building.

*Town of Westport Zoning Regulations - §5, Definitions*

<b>TERM</b>	<b>DEFINITION</b>
<b><i>Lot:</i></b>	An undivided parcel of land which is separately owned from an adjoining land as evidenced by an instrument recorded in the land records of the Town of Westport or an individual parcel of land shown on a map filed in the land records of the Town of Westport. A parcel or tract of land which is divided by the Saugatuck River, West Branch of the Saugatuck River, Aspetuck River or the Sasco Creek, south of Long Lots Road, or by a public street, or by any other street, road or vehicular accessway fulfilling or intended to fulfill either the lot frontage or the rear lot line access requirements of these regulations for one or more other parcels, shall not be considered a single lot.
<b><i>Lot Area:</i></b>	The horizontal area contained within the property lines of the lot as calculated below. In determining compliance with minimum lot area and shape requirements land subject to easements for underground utilities may be included but land subject to easements for above ground utilities which forbid buildings or structures within the area of the easement or, where no such easement exists, the minimum area recommended by a utility company for public safety shall not be included. No part of any public or private street nor any easement which grants exclusive surface use of the property to other than the owner (except drainage easements) shall be included in the lot area. In determining compliance with minimum lot area requirements, land of severe topography having slopes of twenty-five percent (25%) or greater, and land covered by waterbodies, water courses and/or wetlands may be used to satisfy no more than twenty percent (20%) of the minimum lot area requirements. Calculations shall be made on forms approved by the Planning and Zoning Commission (See §31-2.2.4 and Appendix D)
<b><i>Lot, Corner:</i></b>	A lot abutting the intersection of two or more streets. Corner and through lots have two or more front lot lines and generally no rear lot line.
<b><i>Lot, Depth:</i></b>	The average horizontal distance between the front and rear lot lines, measured parallel to or as nearly parallel as possible to side lot lines.
<b><i>Lot Line:</i></b>	Any property line bounding a lot.
<b><i>Lot Line, Front:</i></b>	The property line(s) dividing the lot from the right-of-way of a street or streets. In the case of a rear lot, the front lot line shall be considered the line or lines most nearly parallel to and closest to a street or streets providing lot frontage.

Town of Westport Zoning Regulations - §5, Definitions

<b>TERM</b>	<b>DEFINITION</b>
<b>Lot Line, Rear:</b>	The property line between the side lot lines and generally opposite to the front lot line.
<b>Lot Line, Side:</b>	The property line(s) generally extending from the street and connecting the front and rear lot lines.
<b>Lot, Rear:</b>	A lot of which the buildable area is located generally to the rear of other lots having frontage on the same street and having access to the street via an accessway that is part of the rear lot.
<b>Lot Shape:</b>	<p>Configuration of lot shall be such that a minimum rectangle as specified herein shall be contained within the lot lines, and that the Regularity Factor shall be 0.55 or greater. In determining compliance with minimum rectangle requirements, land of severe topography having slopes of twenty-five (25) percent or greater, and land covered by waterbodies, watercourses and/or wetlands may be used to satisfy no more than twenty (20) percent of the minimum area rectangle requirements.</p> <p>Each new lot created by a subdivision, resubdivision, or first cut as of November 1, 2000 shall have a Regularity Factor of not less than fifty-five one hundredths (0.55). In calculating the Regularity Factor, the perimeter of the lot may be configured to exclude any portion of the lot in excess of the minimum required lot size. This is done when including the excess area would cause the Regularity Factor to be less than 0.55. The Regularity Factor shall be determined by the following formula:</p> $\frac{16A}{P^2} = R$ <p>A= Gross area of lot in square feet P=Lot Perimeter R=Regularity factor</p>
<b>Lot, Through:</b>	A lot other than a corner lot which has frontage on two or more streets. Corner and through lots have two or more front lot lines and generally no rear lot lines.
<b>Lot, Width:</b>	The average horizontal distance between the side lot lines, measured at right angles to the lot depth.



*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Managed Residential Community:</i></b>	<p>A Managed Residential Community shall consist of private residential units and common supportive facilities and provide or make available services required by State of Connecticut statutes or regulations for an Assisted Living Services Agency (ALSA). The common supportive facilities shall include, but are not limited to: meal service offering 3 meals per day, laundry service, housekeeping, maintenance including routine chore services the resident is unable to perform, programs of social and recreational activities, personal transportation, 24 hour security and health and personal services in a group setting to persons of sixty-two (62) years of age and older who require help or aid with activities of daily living.</p> <p>A Managed Residential Community shall provide common facilities for use by the occupants including common rooms, laundry facilities, mailboxes, entertainment facilities, communal dining area(s) with kitchen and supportive food preparation areas, administrative offices, a convenience store for the residents of the facility, and areas for periodic medical examinations, limited treatment and therapy, or similar uses. Also, the building must have one (1) interior area capable of accommodating 100% of the tenant population at one time.</p> <p>In addition, services offered to residents shall include a common kitchen area on each floor equipped with conventional ovens or microwave ovens available for use by all residents. Also, appropriate exercise facilities, equipment and instruction must be available to all tenants.</p> <p>A Managed Residential Community shall offer nursing-type services by a licensed ALSA in accordance with the State of Connecticut statutes or regulations. However, a Managed Residential Community is not a nursing home or convalescent facility as defined by the State of Connecticut statutes or regulations (See definition of Private Residential Unit.) Residents may include those having dementia and physical disabilities.</p>
<b><i>Manufactured Home:</i></b>	<p>A structure, transportable in one or more sections, which is built on a permanent chassis designed to be used with or without a permanent foundation when connected to the required utilities, including recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer if in a Special Flood Hazard Area.</p>

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Market Value:</i></b>	The Value of Real Property (i.e. building.) as determined by dividing the assessed value of the building as shown on the official Tax Assessor's records by the current assessment sales ratio established by the State Office of Policy and Management (OPM).
<b><i>Mean Sea Level:</i></b>	The average height of the sea for all stages of the tide which is considered as Elevation 0.0 feet based upon the National Geodetic Vertical Datum of 1929 on the Flood Insurance Rate Map.
<b><i>Medical:</i></b>	This term shall mean a licensed medical doctor, doctor of dental surgery and doctor of medical dentistry and other similar uses such as chiropractors, physical therapists, rehabilitation centers, but not psychiatrists. (See Healthcare Professional)
<b><i>Mobile Home:</i></b>	A detached single-family dwelling unit designed:  (1) for long term occupancy and containing sleeping accommodations, a flush toilet and a tub and/or shower bath and kitchen facilities, and having both plumbing and electrical connections for attachment to outside systems;  (2) to be transported on its own wheels or on flatbed or other trailer or detachable wheels; and  (3) to be placed on rigid supports at the site where it is to be occupied as a residence complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utility systems.
<b><i>Mobile Home Park:</i></b>	An area zoned for mobile home use which meets the standards set forth in §16, and which has been approved by the Planning and Zoning Commission.
<b><i>Mobile Home Replacement Unit (MHRU):</i></b>	A permanent, non-transportable attached or detached single-family dwelling unit constructed to replace an existing Mobile Home Unit, situated within a Mobile Home Park District, and designed for long-term occupancy as a residence. (MHRU)
<b><i>Mobile Home Unit Space:</i></b>	An area of ground within a mobile home park designed for the accommodation of one mobile home.
<b><i>Motel, Hotel, Motor Inn, Tourist Court:</i></b>	A building or buildings containing five (5) or more rooming units that are rented, or hired out for sleeping purposes with or without common rooms and related eating facilities.

*Town of Westport Zoning Regulations - §5, Definitions*

<b>TERM</b>	<b>DEFINITION</b>
<b><i>Multiple Use Development:</i></b>	A use of land, buildings or structures with a combination of office, retail or other commercial uses and two-family or multi-family dwellings on a lot.
<b><i>New Construction:</i></b>	As it relates to §31-11, "Floodplain Regulations," means structures for which the "start of construction" commenced on or after June 30, 1980. (Adoption date of floodplain management regulations and includes any subsequent improvement to such structures).
<b><i>Non-Conforming Structure:</i></b>	A structure that does not conform to one or more of the standards required in the zoning district in which it is located, such as setback, coverage, floor area and height.
<b><i>Non-Conforming Lots:</i></b>	A parcel of land that does not meet the requirements of the zoning district in which it is located such as, but not limited to, area, shape, frontage, depth, width or access.
<b><i>Non-Conforming Use:</i></b>	A continuous use of land or of a structure which is currently not a permitted use in the district in which it is located, but which either legally existed at the time these regulations were first established, or which was a permitted use under these regulations prior to their being amended. A use which is permitted by variance shall be deemed to be a non-conforming use.
<b><i>Owner, Principal:</i></b>	A person who owns at least 50% of the interest in the real property. The principal owner of any corporate owned property shall be a person who owns at least 50% of the shares of the Corporation.
<b><i>Parking Space, Loading Space:</i></b>	One standard parking space (stall) shall constitute an area nine (9) feet in width and eighteen (18) feet in stall length with a vertical clearance to accommodate one (1) automobile. A small car space (stall) shall constitute an area eight (8) feet in width and sixteen (16) feet in stall length with a vertical clearance to accommodate one (1) automobile. A handicapped parking space (stall) shall constitute an area of fifteen (15) feet in width and eighteen (18) feet in stall length with a vertical clearance to accommodate one (1) automobile or van. One (1) loading space (stall) shall constitute an area twelve (12) feet in width and thirty (30) feet in stall length with a vertical clearance of fifteen (15) feet.
<b><i>Patio:</i></b>	See Terrace or patio

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Pilings:</i></b>	Columnar support members which may be of any approved type capable of resisting all applied loads and shall, as far as practicable, be compact and free from unnecessary appendages which would trap or restrict free passage of debris during a flood.
<b><i>Premises:</i></b>	A lot, plot or parcel of land including the buildings, structures and uses thereon
<b><i>Private Occupational School:</i></b>	An enterprise certified by the Connecticut Commissioner of Higher Education pursuant to Connecticut General Statutes §10a-22b, to offer instruction in a trade, industrial, commercial or service occupation, as defined in Connecticut General Statutes §10a-22a.
<b><i>Private Residential Unit:</i></b>	Any room or group of rooms including a full bathroom and kitchenette devoted to the exclusive use or occupancy of up to two residents, (see §32-15.12.1) of a Managed Residential Community. Kitchenette facilities are not required for those units serving dementia residents. Since common kitchen and dining facilities are provided for all residents within the Managed Residential Community, a residential unit shall not be considered a dwelling unit even though it shall have a small kitchenette facility for occasional use by the resident(s). Each residential unit shall be equipped with an emergency call system.
<b><i>Provider:</i></b>	An entity authorized by the Federal Communications Commission (FCC) to be a signal carrier for cellular telephones, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), and paging services or other modes of communication as described in the Federal Telecommunications Act of 1996.

**TERM**

**DEFINITION**

**Public Waterfront  
Access (PWA):**

A dedicated portion of land along a public body of water, created through an easement or donation of fee ownership, that may be accessed by the public from dawn to dusk. Each PWA will differ depending on topography and/or geological circumstances, but shall satisfy the following design criteria:

1. **Pedestrian Corridors** – Linear pedestrian connections shall be established or continued from the public street level to the shorefront and along the waterfront. A minimum six (6) foot wide path shall be provided unless deemed unnecessary by the Planning and Zoning Commission.
2. **Parking** – Signed and delineated public parking spaces shall be provided and shall be located on site between the public street and the waterfront unless specifically modified by the Planning and Zoning Commission. The number of actual spaces shall be not less than 1 parking space per 100 linear feet of shoreline as measured generally parallel to the shorefront, or 1 parking space per 10,000 square feet of floor area, whichever is greater.
3. **Signage** – Uniform, informational, interpretive and locational signs shall be included within each public waterfront access component. Signage may be required to be both on site and adjacent to the site within public rights-of-way.
4. **Handicap Accessibility** – Where feasible, handicap accessibility to the waterfront shall be provided.
5. **Sustainable Design** – PWA facilities, including walkways, permeable paths, timber boardwalks, interpretive signage, protective railings, and ornamental landscaping, shall be designed and constructed of quality, sustainable materials requiring minimal maintenance.
6. **Site Amenities** – Site amenities such as landscaping, historical or interpretive signage, benches, stationary binoculars, small rain or sun shelters, fishing piers, commercial fishing docks, and public boat slips are encouraged to be incorporated into the PWA.
7. Site amenities shall not be counted in calculating coverage subject to approval from the Planning and Zoning Commission.

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Recreational Vehicle:</i></b>	<p>A vehicle which is :</p> <ul style="list-style-type: none"><li>▪ built on a single chassis;</li><li>▪ 400 sq.ft. or less when measured at the largest horizontal projection;</li><li>▪ designed to be self-propelled or permanently towable by a light duty truck; and</li><li>▪ designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.</li></ul>
<b><i>Redevelopment:</i></b>	<p>Development activity characterized by the removal of an existing building and/or structure to be replaced with new construction.</p>
<b><i>Regularity Factor:</i></b>	<p>The Regularity Factor is a numerical expression of a ratio between the perimeter of a lot, and the gross lot area. The Regularity Factor is currently set at fifty-five one hundredths (0.55). The intent of the Regularity Factor is to minimize the creation of irregularly-shaped lots. A perfect 4-sided square lot will have a Regularity Factor of 1.0. (See Appendix D)</p>
<b><i>Research Laboratory:</i></b>	<p>Any use devoted to scientific research and development of manufactured products, processed products, compounded products and any investigative activities of a scientific nature. It may also include a combination of research activities and manufacturing activities provided that:</p> <ul style="list-style-type: none"><li>(a) The manufacturing is the direct outcome of the research activity conducted therein; and</li><li>(b) The manufacturing activity does not constitute more than seventy-five percent (75%) of the total use conducted on the premises, measured by such criteria as floor space allocation, man-hour consumption, operating expenditures and personnel; and</li><li>(c) The manufacturing activity is light in intensity; and</li><li>(d) Combinations containing manufacturing uses which constitute more than twenty-five (25%) of the total use shall not exceed twenty-five thousand (25,000) square feet in total floor area.</li></ul>

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Restaurant:</i></b>	A place having an adequate kitchen and dining room, the primary business of which is the service of hot meals to patrons seated at tables or counters. Meals are served by waiters or waitresses and consumed at the table or counter where they are ordered. A Restaurant may have a Restaurant Permit to allow the retail sales of alcoholic liquor to be consumed on the premises, as granted by the Department of Liquor Control (See Restaurant, Fast Food; Restaurant, Drive-in).
<b><i>Restaurant, Fast Food:</i></b>	A place whose primary business is the quick sale of (1) frozen desserts, (2) food, already prepared, or prepared and cooked quickly, or cooked or heated in a microwave oven, or (3) non-alcoholic beverages for consumption on or off the premises. Generally, service is cafeteria style in disposable plates or containers, and food and beverages are not consumed at the point where they are ordered or paid for.
<b><i>Restaurant, Drive-In:</i></b>	A place that delivers prepared food and/or non-alcoholic beverages to patrons in motor vehicles, regardless of whether it also serves said items to patrons who are not in motor vehicles, for consumption in or out of motor vehicles, on or off the premises.
<b><i>Riverine:</i></b>	Relating to, formed by or resembling a river, including tributaries, streams, brooks and creeks.
<b><i>Rooming Unit:</i></b>	A portion of a building providing a partial housekeeping unit with incomplete living quarters. A rooming unit shall not include an area for cooking facilities within the unit, but may include board within the building.
<b><i>Scenic Vista:</i></b>	A view, which, because of its natural beauty, is in the best interest of the welfare of the entire community to preserve, e.g., the Saugatuck River
<b><i>School:</i></b>	A public school or private school having a comprehensive curriculum of study comparable to that of a public school, a nursery school, a kindergarten or a religious school.
<b><i>Sediment &amp; Erosion Control Plan:</i></b>	A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Setback:</i></b>	The minimum required horizontal distance from any street line or lot line to the closest point of any building, structure, structural projection as described in Building Area and/or Footprint in §5-2 or use, measured in a straight line from, and most nearly perpendicular to such street line(s) or lot line(s). Where a lot is partially in a non-residence zoning district and partially in a residence zoning district, setbacks shall be measured from the zoning district boundary line. (See §31-4)
<b><i>Setback, Front:</i></b>	Front: The minimum required horizontal distance from the front lot line(s) or street line(s) to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the front lot line(s).
<b><i>Setback, Rear:</i></b>	The minimum required horizontal distance from the rear lot line to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the rear lot line(s).
<b><i>Setback, Side:</i></b>	The minimum required horizontal distance from the side lot lines to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the side lot lines
<b><i>Signs:</i></b>	An illustration or display of any kind painted, attached or erected in any manner and displayed or in view of the general public for advertising purposes. The term "sign" shall include logos and signs erected inside the window display area of a building and outside business flags, but shall not include temporary, non-illuminated, on-premises sale signs erected inside the window display located on the ground floor of a building.
<b><i>Sign, Commercial or Off-Premises (Billboards):</i></b>	A sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such signs, or any sign advertising a commodity or activity not sold, produced or conducted on the premises.
<b><i>Signs, Directional:</i></b>	A non-conforming sign intended to direct the way to a place or activity.
<b><i>Sign, Free-Standing:</i></b>	A sign supported by one or more uprights or braces in or on the ground.



*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Sign, Identification Or On-Premises:</i></b>	Any sign advertising a commodity sold or produced on the premises or a business(es) or activity conducted on the premises where the sign is located.
<b><i>Sign, Roof:</i></b>	A sign attached to a building and erected upon the roof or extending above the main roof line of such building.
<b><i>Sign, Wall:</i></b>	A sign which is affixed to the exterior walls of any building and projecting not more than 18 inches from the building wall or parts thereof. Wall signs shall also include permanent signs erected inside window display areas of a building and theater marquee signs that regularly change to announce movies or events.
<b><i>Single-Use Development:</i></b>	A use of land, buildings or structures comprised of only permitted commercial uses or only permitted residential uses, but not both, on a lot.
<b><i>Special Flood Hazard Area:</i></b>	Land within the flood plain of The Town of Westport subject to a one percent or greater chance of flooding in any given year as shown on the Westport Flood Insurance Rate Map (FIRM).
<b><i>Start of Construction:</i></b>	This term includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement, was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
<b><i>Story:</i></b>	A part of a building, between the upper surface of a floor and the floor (or roof) next above, which is not an attic, cellar, crawl space, or half story. A story is counted in floor area and height measurements.

*Town of Westport Zoning Regulations - §5, Definitions*

**TERM**

**DEFINITION**

***Story, Half:***

A part of a building directly under the roof with between twenty-five percent (25%) to fifty percent (50%) of the floor space having headroom of five and one-half (5-1/2) feet or more. The remaining floor space must have less than 5-1/2 feet headroom. The area must be measured vertically from the top of the floor or floor beams to the bottom or underside of the roof or roof rafters. The half story area shall be measured horizontally from the inside of the exterior walls of the underside of the roof or roof rafters at the floor level. A half story shall be counted fully in floor area and height measurements. (See Attic)

***Street:***

Includes public highways, and public and private roads.

***Street Lines:***

A dividing property line between the street and lot.

***Street, Public:***

Any town road or state or federal highway.

***Structure:***

Anything constructed or erected which requires location on the ground and or/ attachment to or placement on something having a location on the ground. Except as otherwise indicated, "Structures" as used in these regulations shall be deemed to include buildings, parapets, turrets, ground-mounted and roof-top mechanical units, swimming pools, tennis courts, towers, paddle or platform tennis courts, balconies, open entries, porches, decks, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes, flagpoles and fences or walls more than eight (8) feet in height and a gas or liquid storage tank that is principally above ground. (See §32-7.4 for rooftop dishes)

Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building.

Ground-mounted mechanical units, such as air conditioning compressors, shall not be deemed structures for purposes of coverage, for permitted uses, (as distinct from special permit uses) in residence districts. Patios or terraces shall not be deemed structures for purposes of coverage but shall adhere to all required setbacks. If the patio/terrace is 3 feet or more above adjacent grade at any point, such as with a retaining wall, it will be included in total coverage. (See patio or terrace definition). Handicapped ramps are not considered structures.

An arbor or pergola is considered a structure if it has any type of roof or covering or a deck or patio floor or is over 8 feet in height.

*Town of Westport Zoning Regulations - §5, Definitions*

<b>TERM</b>	<b>DEFINITION</b>
<b><i>Substantial Damage:</i></b>	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
<b><i>Substantial Improvement:</i></b>	<p>Any combination of repairs, reconstruction, alteration or improvements to a structure, during any five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value as defined herein of the existing structure before “the start of construction” of the improvement. This term also includes structures which have incurred “Substantial damage,” regardless of the actual repair work performed.</p> <p>For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, building, fire or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.</p>
<b><i>Supportive Housing:</i></b>	Affordable Housing in accordance with CT General Statutes §8-30g that provides for persons who have been homeless or at-risk of being homeless, supportive services by the Westport Housing Authority, Town of Westport, or qualified 501(c) 3 non-profit organizations specializing in providing supportive services in residential settings. These services include individualized health and employment case management and other services such as accessible mental health, substance addiction, or employment.
<b><i>Swimming Pool:</i></b>	Swimming pool as defined by the State Building Code, shall be deemed a structure.
<b><i>Tennis Courts:</i></b>	A specially prepared level playing surface which may have either a full or partial enclosure or fence protecting a playing area for the game of tennis. A tennis court shall be deemed a structure but only 50% of its surface area shall be used in computing Total Coverage.

*Town of Westport Zoning Regulations - §5, Definitions*

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b><i>Terrace or Patio:</i></b>	An improved or graded area located on the ground with no structural/supports other than subsurface base material and retaining walls. The concrete or other paved areas around a swimming pool which is the pool apron is considered a terrace/patio. A patio or terrace shall be flush to the ground with no air spaces beneath. A terrace or patio shall not be deemed a structure for purposes of total coverage except if the terrace or patio is 3 feet or more above the adjacent grade at any point, such as with a retaining wall. Terraces and patios shall always adhere to all required setbacks except as otherwise provided in section 24A of these Regulations.
<b><i>Unified Shopping Center:</i></b>	A retail or mixed retail and office shopping area containing six (6) or more retail tenants in one or more buildings, all situated on one lot.
<b><i>Usable Open Space:</i></b>	That portion of the ground space on the same lot as the principal building which is either landscaped or developed and maintained for recreation purposes. Usable Open Space shall not include those portions of a lot that are utilized for off-street parking or loading, drive-way or building purposes, nor wetlands, waterbodies, watercourses or land of severe topography having slopes of 25% or greater.
<b><i>Uses:</i></b>	The specific activity for which a lot, a building or a structure is designed, used or intended to be used. The term permitted use, special use or its equivalent shall not be deemed to include any non-conforming use.
<b><i>Use, Accessory:</i></b>	A use of land, buildings or structures which is incidental and subordinate to and customarily used in connection with, and located on the same lot with the principal building, structure or use.
<b><i>Use, Principal:</i></b>	Principal: The main or primary use of a premises.
<b><i>Walkway:</i></b>	An improved pedestrian sidewalk, path, trail or accessory at least three (3) feet in width.
<b><i>Waterbody:</i></b>	Any pond, lake or body of standing water either natural or artificial; excluding swimming pools.
<b><i>Watercourse:</i></b>	Any river, stream, brook, or other natural or artificial waterway.

*Town of Westport Zoning Regulations - §5, Definitions*

***TERM***

***DEFINITION***

***Wetlands:***

Any bank, bog, marsh, swamp, meadow, flat or other lands that are regulated by Department of Environmental Protection as tidal wetlands or by Westport Conservation Commission as inland wetlands.

***Workforce Housing:***

A dwelling unit for sale or rent at a price that is affordable for a person or family whose income is not more than 110% of the most recently published United States Department of Housing and Urban Development Standard Metropolitan Statistical Area (HUD – SMSA) Median Family Income for a Family of Four encompassing Westport (\$111,000 x 110% = \$122,100)

## **§6 NON CONFORMING USES, BUILDINGS AND LOTS**

### **6-1 Non-Conforming Uses**

#### **6-1.1 Continuance**

Any non-conforming use of buildings, structures or land may be continued.

#### **6-1.2 Extension, Expansion or Relocation**

No non-conforming use of buildings, structures or land shall hereinafter be extended, expanded, or relocated on the same lot.

#### **6-1.3 Transformation**

No non-conforming use of buildings, structures or land shall hereinafter be transformed into a new or different non-conforming use, except as follows:

- 6-1.3.1 The Commission, by Special Permit and Site Plan Review in accordance with §43, herein, may allow a change from one non-conforming use to another non-conforming use:
- (a) where those parts of an existing building site are manifestly designed or arranged for such new or different use.
  - (b) where such new use is not precisely the same as the old use, but the new use is generally similar to the old use; and
  - (c) where the transfer or change does not involve replacing existing non-conforming structures with new non-conforming structures in whole or in part.
  - (d) where the new or different use does not constitute the extension or expansion of an old use, or part thereof on the same lot.

#### **6-1.4 Discontinuance**

No non-conforming use of buildings, structures or land which shall have been discontinued for more than 90% of the time during a period of twelve (12) consecutive months shall be resumed or replaced by the same or any other non-conforming use; except that any building, structure or portion thereof containing a non-conforming use which has been destroyed or damaged by fire, explosion, act of God or other casualty may be restored and continued as a non-conforming use to the same extent as said use existing before such destruction, provided that such non-conforming use shall be restored within two (2) years of such destruction and further provided that such non-conforming use shall not be extended, expanded, or transformed into a different non-conforming use. (also see §31-9.1)

#### **6-1.5 Use Permitted By Variance**

A use of land or of a structure which is not a permitted use in the district in which it is located but which is permitted by variance shall be deemed to be a nonconforming use.

## **6-2 Non-Conforming Buildings and Structures**

### **6-2.1 Expansion, Extension or Alteration**

A non-conforming building or structure may not be expanded, extended, relocated or altered if such expansion, extension, relocation or alteration would increase the degree of any non-conformity. Specifically:

- 6-2.1.1 No non-conforming building or structure shall be relocated on the lot.
- 6-2.1.2 No portion of any non-conforming building coverage on a lot shall be transferred from one location to another location on the lot.
- 6-2.1.3 No portion of any non-conforming building coverage that is attributable to an open structure without a roof, such as a deck, roof garden, balcony, open entry, handicapped ramp, swimming pool, tennis court, paddle tennis court, etc., shall be roofed over, enclosed or otherwise expanded, extended or altered in any vertical or horizontal direction from a structure into a building. (See definitions).
- 6-2.1.4 A building or structure which is prohibited by these regulations but which is permitted by variance shall be deemed to be a non-conforming building or structure.
- 6-2.1.5 The replacement of entry steps or platforms projecting into the setbacks or in excess of coverage and no larger in area than the existing entry steps and/or platform are not considered an expansion, extension, or alteration.
- 6-2.1.6 All new construction shall be in accordance with these regulations.
- 6-2.1.7 If an existing building or structure is nonconforming as to setback, the portion of the building or structure within the setback shall not be roofed over, enclosed, extended, expanded or altered in any vertical or horizontal direction.

### **6-2.2 Coverage**

If an existing building or structure does not conform to the building coverage requirements in a residential zone A, B or any non-residential zone or the total coverage requirements in a residential zone AA or AAA it shall not be expanded or extended.

### **6-2.3 Restoration**

Any non-conforming building or structure or non-conforming portion of a building or structure which has been destroyed or damaged by fire, explosion, act of God, or by other casualty may be restored or reconstructed to the same non-conforming building or structure as existed before such damage; provided that

- (a) such restoration or reconstruction shall be limited to the damaged portion of the building or structure;
- (b) such restoration or reconstruction shall begin within one (1) year and shall be completed within two (2) years of such damage; and

- (c) such restoration or reconstruction shall adhere to all procedures necessary to obtain a proper Zoning Permit. The owner of such damaged building or structure may replace and reorganize the same amount of gross interior floor space in a manner to more nearly conform to these regulations.

**6-2.4 Unsafe Conditions**

Nothing herein shall prevent the strengthening or restoring to a safe condition of any existing non-conforming building, structure or *any* part thereof which shall have become unsafe as determined by the Building Inspector or Fire Marshal.

**6-3 Non-Conforming Lots**

A new building, structure or use, or an addition to an existing structure on a non-conforming lot shall comply with all applicable requirements of the zoning district in which it is located, except for setbacks.

**6-3.1 Setbacks**

The setback requirements for any principal building, structure or use or accessory building or structure, located on a lot with a non-conforming gross lot area as defined in Appendix D shall be as follows:

<b>LOT SIZE IN SQUARE FEET</b>	<b>FRONT SETBACK</b>	<b>SIDE SETBACK</b>	<b>REAR SETBACK</b>
0-5,999	20'	7.5'	25'*
6,000-10,889	30'	7.5'	25'
10,890-21,779	30'	10'	25'
21,780-43,559	30'	15'	25'
43,560-65,339	30'	25'	25'
65,340-or more	50'	50'	50'

\* 15 feet minimum required rear setback for accessory building or structure, only.

**6-3.2 Adjoining Lots**

If two or more adjoining lots of record, one or more of which are undeveloped and fail to meet the requirements of these regulations with regard to lot area and/or lot shape, were in the same ownership on March 24, 1956 or subsequent date, and if such lots taken together would form one or more lots, each more nearly meeting the requirements of these regulations with regard to lot area and lot shape, such lot or lots shall merge and shall no longer be considered legally existing as separate lots and must be combined and used in compliance with the present lot area and lot shape requirements irrespective of subsequent changes in ownership; except that this provision shall not affect the interest of a mortgagee who holds a properly executed and recorded mortgage and shall not preclude a foreclosure of any individual lot.



**6-3.3 Height**

The maximum height of the principal building located on a lot with a gross lot area as defined in Appendix D less than the required minimum gross lot area for that zone in a residential zone south of the railroad shall be as follows:

<b>Lot Size Max.</b>	<b>Maximum Stories</b>	<b>Maximum Feet (See Building Height)</b>
0-5,999	2	26
6,000-10,889	2	26
10,890-21,779	2	26
21,780-43,559	2 ½	30
43,560 or more	3	40

**6-4 Altered Non-Conformity**

**6-4.1** Except as provided in §6-4.2, no non-conforming use, building, structure or lot, if once changed to conform with these regulations shall be changed so as to be non-conforming again. No non-conforming use, building, structure or lot, if once changed to more nearly conform with these regulations, shall be changed so as to be less conforming again.

By way of example but not limitation, if the floor area of a lot that is non-conforming as to FAR or parking is reduced by demolishing all or part of a structure, or by filling in a cellar, or by converting a cellar to crawl space, such reduced floor area or the resulting reduced parking requirements may not be increased beyond the level permitted by the regulations.

This section shall not apply to alterations of an area less than 200 square feet of floor area to the entrance or exit of a building that is non-conforming as to floor area.

**6-4.2** Effective June 21, 1996 a premises that is non-conforming as to parking may change from a use with given parking requirements (existing use) to a use with lesser parking requirements (lesser use) then back to the existing use, subject to the following conditions:

- (a) Both uses are permitted uses.
- (b) The owner gives the Planning and Zoning Office prompt written notification when the change to the lesser use is made.

The change back to the existing use occurs not more than ten years from the date of the change to the lesser use, and receives site plan approval.

**6-5 Establishment of Legal Pre-existing Non-conformity**

A non-conforming use or structure in a non-residence district must be supported by a written statement demonstrating that it legally existed at the time these regulations were first established, or was a permitted use under these regulations prior to their being amended; that it has been in continuous use; and that its scope has not been illegally expanded.

**6-6 Redevelopment of Split Zoned Properties**

**6-6.1 Non-Conforming Buildings**

Notwithstanding the above, on lots with a minimum of two hundred (200) feet of frontage on the Post Road containing three (3) or more acres zoned both GBD and Residence A at the time of the effective date of this section (Section 6-6) of the zoning regulations, a non-conforming building(s) and its uses may be allowed full or partial redevelopment, in either or both zones, provided the redevelopment shall result in the reduction, of existing non-conformities of building coverage, total coverage, and floor area, for the entire site treated as a single zoning entity, subject to the following:

- 6-6.1.1 Redevelopment shall be pursuant to Special Permit and Site Plan review, consistent with §34, §35, §43 and §44, unless specifically modified by the Commission, as follows:
  - (a) The requirement of a Residential District Boundary setback per §24-4 shall not apply along the internal boundary line within the site; and
  - (b) In the portion of the site zoned Residence A, floor area may be increased, provided:
    - (i) The overall non-conforming floor area is reduced;
    - (ii) The overall non-conforming building coverage is reduced;
    - (iii) The overall non-conforming total coverage is reduced;
    - (iv) Non-conforming landscaped buffer strips are made to conform to the requirements of §35-2.4; and
    - (v) Existing undeveloped land in the Residence A zone is protected by a permanent conservation easement.
- 6-6.1.2 Where redevelopment is for a motel, hotel, motor inn, or tourist court, the Commission may determine that:
  - (a) The size, location, and operation of “related eating facilities” and meeting room floor area warrants any additional parking spaces.
  - (b) “Related eating facilities” may include, but are not be limited to:
    - (i) Self-service of foods already prepared or prepared and cooked quickly to be consumed on the premises, but shall not be a fast food restaurant;
    - (ii) The retail sales of alcohol to be consumed on the premises, as allowed by a Restaurant Permit granted by the Department of Liquor Control and;
    - (iii) Seasonal outdoor seating;
    - (iv) A patron bar.
  - (c) Existing non-conforming loading spaces and turning radii located under existing buildings may be allowed to remain.

## **§11 RESIDENCE AAA DISTRICT**

### **11-1 Purpose**

The purpose of the AAA District is to allow single-family residences on a minimum two acre lot. The AAA District provisions are intended to encourage very low density development for primarily residential and related purposes in areas served primarily by on-site sewerage facilities.

### **11-2 Permitted Uses**

In an AAA Residence District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

#### **11-2.1 Principal Uses**

- 11-2.1.1 One (1) single-family dwelling per lot.
- 11-2.1.2 Residential Nursery limited to the planting and growing of nursery vegetation and shrubs on the premises, their maintenance and incidental seasonal sales. Such activities shall not include any activity not directly associated with the growth and maintenance of plants and shrubs on the premises.
- 11-2.1.3 Truck garden or farm; provided that any such farm on which animals or poultry are raised or kept for commercial purposes shall be at least five (5) acres in size. Accessory and appurtenant uses including a produce stand for incidental seasonal sales and the storage of commercial vehicles directly associated with such use are permitted on the premises; provided that all such commercial vehicles are garaged.
- 11-2.1.4 Mobile vendor; limited to specific hours and location, subject to receipt of a Temporary Zoning Permit issued by the Zoning Enforcement Officer.
- 11-2.1.5 A Community Residence which houses six (6) or fewer mentally retarded persons and two (2) staff persons and which is licensed by the State.
- 11-2.1.6 A family Day Care Home registered pursuant to §19a-87b of the Connecticut General Statutes.

#### **11-2.2 Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan Approval in accordance with §43, herein:

- 11-2.2.1 Government buildings, facilities and uses including: recreation facilities, municipal office buildings, administrative headquarters, fire stations, police facilities, sewage and refuse disposal facilities, vehicle and material storage depots, parking lots, sanitary landfill operations and other similar buildings, facilities and uses.
- 11-2.2.2 Schools, day care centers, and group day care homes.

- 11-2.2.3 Non-commercial camps, non-commercial recreational clubs, and other private non-commercial recreational uses.
- 11-2.2.4 Places of worship, including related educational activities and any accessory buildings necessary for the functioning of the primary institution.
- 11-2.2.5 Cemeteries.
- 11-2.2.6 Golf and country clubs.
- 11-2.2.7 Museums and libraries, and other similar community cultural uses.
- 11-2.2.8 Public utility buildings and facilities necessary for the services of the surrounding residential area.
- 11-2.2.9 Riding academies, boarding stables, and commercial kennels if located on a lot of at least ten (10) acres.
- 11-2.2.10 Private, non-commercial boathouses, landings, and docks. No boat shall be occupied or used as a dwelling or dwelling unit.
- 11-2.2.11 Commercial nursery, truck garden or farm for the sale of produce from the premises if located on a lot of at least five (5) acres, including greenhouses, sale-rooms and appurtenant uses such as the storage of commercial vehicles associated with the use of the premises.
- 11-2.2.12 Railroad rights-of-way, railroad commuter stations and bus stations.
- 11-2.2.13 Related accessory buildings, structures and uses.

**11-2.3 Special Permit Uses Subject to Special Conditions**

The following uses are permitted subject to the conditions provided for in §32 and Special Permit and Site Plan Approval in accordance with §43, herein:

- 11-2.3.1 Elderly housing.
- 11-2.3.2 Hospitals and other medical institutions.
- 11-2.3.3 Excavation and filling of land.
- 11-2.3.4 Home Caterers.
- 11-2.3.5 Group Home for Elderly.
- 11-2.3.6 Group Home for Youth.
- 11-2.3.7 Residential Facility for School Based Education Program
- 11-2.3.8 Conversion of School Buildings to Housing
- 11-2.3.9 Related accessory buildings, structures and uses.
- 11-2.3.10 Managed Residential Communities
- 11-2.3.11 Affordable and Middle Income Housing on Town-Owned Property
- 11-2.3.12 Historic Residential Structures
- 11-2.3.13 Supportive Housing
- 11-2.3.14 Lighted athletic fields on town owned public school property.

**11-2.4 Permitted Accessory Buildings, Structures & Uses**

The following buildings, structures and uses are permitted:

- 11-2.4.1 Docks, landings and boathouses. Such structures shall not accommodate more than two wet slips or moorings and shall be exempt from rear yard setback requirements. No boat shall be occupied or used as a dwelling or dwelling unit.
- 11-2.4.2 Swimming pools. The setbacks for swimming pools shall be measured from the edge of any deck, pool apron or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property lines.
- 11-2.4.3 Outdoor recreational uses, paddle tennis courts and tennis courts except that only 50% of the surface area of the tennis court shall be used in computing total lot coverage. Tennis courts and paddle tennis courts accessory to a dwelling shall not be lighted. Any tennis court or paddle tennis court located closer than 50 feet from a side or rear property line shall be screened along said property line in accordance with §35-2.4 (Buffer Strip), herein.
- 11-2.4.4 Detached private garages shall not exceed one story and a height of 16 feet.
- 11-2.4.5 The leasing of rooms by the principal owner (owner occupant) to not more than four (4) persons or the taking in of not more than four (4) boarders in a principal building in which the principal owner is a domiciliary subject to the approval of a Zoning Permit. This provision shall not permit the operation of a guest house or tourist home for transient use.
- 11-2.4.6 Customary Home Occupations limited to dressmaking, millinery, family day care home, or office/studio for a medical doctor, doctor of chiropractic, State-Licensed doctor of naturopathic medicine, psychiatrist, State licensed psychologist, State licensed acupuncturist, psychotherapist, dentist, nutritionist, attorney, architect, engineer, writer, author, teacher, artist, musician, accountant, stock broker, insurance agent, telemarketing, telephone answering service, interior designer, photographer, computer consultant, business consultant, real estate agent, massage therapist, nursing placement service, roommate matching consultant or business administrator for a manufacturing company are all subject to approval of a Zoning Permit and the following conditions:
  - (a) Resident Occupant - Only one home occupation shall be conducted on any premises. Such occupation shall be conducted by only one resident of the premises.
  - (b) Location - A home occupation shall be located within the principal building on the lot. The home occupation shall be incidental and clearly a secondary use of the principal residence.
  - (c) Floor area - The total interior floor area devoted to a home occupation shall not exceed six hundred (600) square feet, including waiting rooms, file rooms and similar spaces devoted to uses which are supplementary to such home occupations.
  - (d) Employee - No more than one (1) full-time or part-time, person at one time shall be permitted in addition to the one principal resident person conducting the use.
  - (e) Students or Pupils - No more than four (4) students or pupils at any one time shall be permitted in addition to the resident person and/or employee conducting a home occupation as a teacher.

- (f) Display - No display shall be visible from the outside.
  - (g) Signs - Pursuant to §33-5 one free standing sign or wall sign not to exceed two (2) square feet in area nor six (6) feet in height, identifying the name and address of the occupant of a dwelling and/or a customary home occupation is permitted.
  - (h) Parking - 2 off-street parking spaces are required in addition to the 2 parking spaces required for a single family residence. No parking spaces shall be located within the minimum required front setback.
  - (i) The use of any multiple family dwelling unit for any home occupation use shall be prohibited.
- 11-2.4.7 Barns that are designed, arranged and intended to be occupied and used solely for the storage of farm products and equipment, for feed, and/or for the housing of farm animals, or horses. Such barns shall not exceed 1,200 square feet of gross floor area; shall not exceed two stories and a height of twenty-four (24) feet and shall not include any bathroom facilities (toilet, tub or shower), kitchen facilities and/or central heating systems including electric baseboard.
- 11-2.4.8 Other buildings, structures and uses not listed above, accessory to a permitted principal use, provided that:
- (a) The accessory building or structure shall not exceed 300 square feet of gross floor area.
  - (b) The accessory building or structure shall not exceed one (1) story and a height of sixteen (16) feet; except for barns identified in §11-2.4.7 above.
  - (c) Ground mounted solar panels shall not exceed 16 feet in height and shall be fully screened from any adjacent property line and street line at all times.
  - (d) Ground mounted satellite dishes or disc type antenna shall not exceed 16 feet in height and shall be fully screened from any adjacent property line and street line at all times. Roof top satellite dishes and roof top disc type antenna are prohibited except for disc type antennas less than two feet in diameter.
  - (e) No accessory building or structure shall be occupied or used as a rooming unit or a dwelling unit.
  - (f) No accessory building shall contain a kitchen.
  - (g) No accessory building shall contain more than two (2) water use fixtures (sink, toilet, tub/shower).
  - (h) The provisions listed above may be modified for applications approved pursuant to §32-18. (Historic Residential Structures).
  - (i) Light poles for lighted athletic fields on town owned public school property shall be permitted up to a height of 80 feet provided that all requirements of §32-19 are in compliance.
- 11-2.4.9 No accessory building, structure or lot shall include any use or activity conducted for gain or profit, except as otherwise expressly permitted herein.

*Town of Westport Zoning Regulations - §11, Residence AAA District*

- 11-2.4.10 The use of any accessory structure for human habitation shall be prohibited except as modified by §32-18. (Historic Residential Structures).
- 11-2.4.11 Storage of commercial vehicles in accordance with the provisions of §32, herein.
- 11-2.4.12 A single-family dwelling may be converted to allow the incorporation of one (1) additional dwelling unit as an accessory apartment or affordable accessory apartment subject to Site Plan Approval in accordance with §43, herein.
- 11-2.4.12A Accessory Apartments.
- (a) An accessory apartment must be located within the principal building on the lot.
  - (b) Occupancy – At least one of the dwelling units shall be occupied by the principal owner.
  - (c) Eligibility - At least one of the dwelling units shall be occupied by a person 62 years of age or older or a person of any age with disabilities who is receiving Social Security disability payments.
  - (d) Signatures - Pursuant to §43-3 all applications for Site Plan Review shall contain the signature(s) of the owner(s), or a letter of authorization by the property owner.
  - (e) Floor Area - The additional dwelling unit shall not exceed 800 square feet of floor area or 25% of the total floor area in the dwelling, whichever is smaller. See §5 for definition of Floor Area.
  - (f) If the property is not on Town sewers, the property owner or his designee must obtain the Health Department approval of the septic system.
  - (g) If the property is on Town sewers, proof of the sewer hook up must be submitted to the Planning and Zoning Office by the property owner or his designee.
  - (h) Proof of adequate parking must be submitted to the Planning and Zoning Office by the property owner or his designee. One parking space for the converted unit is required.
  - (i) The resolution of approval of the apartment must be recorded on the Land Records of the Town of Westport in the Town Clerk's Office.
  - (j) Annual Certification - Prior to the issuance of a Zoning Permit, a certificate in the form of an affidavit to verify that the principal owner is in residence and that one of the occupants of a particular dwelling unit is 62 years of age or older or receiving Social Security Disability payments shall be presented to the Planning and Zoning Office. Thereafter, the principal owner shall submit such notarized affidavit to the Zoning Enforcement Office by January 31st of each year as a requirement for the continuance of the Zoning Permit. If the accessory apartment is not being used as a separate dwelling unit, the property owner must submit a notarized affidavit stating that the apartment is not in use.
- 11-2.4.12B Affordable Accessory Apartments. A single-family dwelling may be converted to allow the incorporation of one (1) additional dwelling unit as an affordable accessory apartment as defined in the Connecticut General Statutes (CGS) §8-30g(k) for a minimum of 10 years subject to Site Plan Approval by the Planning

and Zoning Commission or its designee in accordance with §43, herein, and the following conditions.

The Planning and Zoning Director, after consultation with the Westport Housing Authority, shall annually publish a notice of the following:

- (i) the maximum rents that may be charged for affordable units (including common charges, if any, and heat and utility costs, which may be by a reasonable estimate, and excluding telephone and cable television); and
- (ii) the maximum allowed tenant income which is 80% of the state median income adjusted for family size as determined by the United States Department of Housing and Urban Development for the State of Connecticut.

***Requirements and Standards:***

(a) Each tenant's income shall not exceed 80% of the state median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the State of Connecticut, in accordance with CGS §8-30g. The rental charge for the apartment shall not exceed 30% of the renter's income.

(b) At least one dwelling unit in the converted single family house shall be owner-occupied. The single family house may also be owned by the Town of Westport or a non-profit corporation having offices located within the Town of Westport for at least 5 years prior to the date of application. Occupancy of the dwelling units in the home owned by the non-profit must be by their employees. Any such dwelling unit approved shall comply with the standards of this section.

(c) An affordable accessory apartment must meet the requirements listed in CGS §8-30g (k) which are as follows:

- (i) Be attached to the main living unit of a house and the house must have the exterior appearance of a single family home;
- (ii) Have a full kitchen;
- (iii) Have an internal doorway connecting to the main living unit of the house;
- (iv) The utilities must not be billed separately from such main living unit; and
- (v) The apartment must comply with building code and health and safety regulations.

(d) The affordable accessory apartment unit shall have a minimum of 300 square feet and shall not exceed 800 square feet of floor area, or 25% of the total floor area in the dwelling, whichever is smaller. See §5 for definition of Floor Area.

(e) The owner at the time that any new tenant takes occupancy shall sign and file with the Planning and Zoning Commission an Affidavit in the form prescribed by the Commission certifying that:

- (i) the Affidavit accurately sets forth the rent to be charged and paid and such rent does not exceed the maximum allowable rent published by the Planning and Zoning Director annually; and



(ii) the tenant has certified under penalty of false statement either in the lease or otherwise to the owner that tenant's family income does not exceed the maximum allowed tenant income.

(f) It shall not be a violation of this Section that a tenant's income exceeds 80% of the state median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the State of Connecticut, after initial occupancy provided that the tenant meets all requirements at the time of initial occupancy until the next annual certification.

(g) Pursuant to §43-3 all applications for Site Plan review shall contain the signature(s) of the owner(s), or a letter of authorization by the property owner.

(h) If the property is not on Town sewers, the property owner or his designee must obtain the Health Department approval of the septic system. If the property is on Town sewers, proof of the sewer hook up must be submitted to the Planning and Zoning Office by the property owner or his designee.

(i) Proof of adequate parking must be submitted to the Planning and Zoning Office by the property owner or his designee. One parking space for the converted unit is required.

(j) The following must be filed on the Land Records of the Town of Westport in the Town Clerk's Office prior to the issuance of the Zoning Permit:

(i) The resolution of approval of the affordable accessory apartment and

(ii) a Declaration of Restriction in the form prescribed by the Planning and Zoning Commission and approved by the Town Attorney and which includes language stating that the Declaration of Restriction cannot be released without the consent of the Planning and Zoning Commission of the Town of Westport, or their designee, and only under certain circumstance.

(k) Annual Certification - A certificate in the form of a notarized affidavit stating the name of the tenant renting the affordable unit, verifying that the primary unit continues to be owner-occupied, and that the rent does not exceed the maximum allowable rent in effect as of January 1 of that year as published by the Planning and Zoning Director. Thereafter, the principal owner shall submit such notarized affidavit to the Zoning Enforcement Office by January 31st of each year as a requirement for the continuance of the Zoning Permit. If the accessory apartment is not being used as a separate dwelling unit, the property owner must submit a notarized affidavit stating that the apartment is not in use.

11-2.4.12C Conversion of an Accessory Apartment to an Affordable Accessory Apartment- When the owner of a dwelling with an accessory apartment wishes to change its status to an affordable accessory apartment, the owner of such dwelling may register it as a dwelling with an affordable accessory apartment upon compliance with all the standards and requirements therefore in §11-2.4.12B, review and approval by the Planning and Zoning Commission or designee and the recording of a Declaration of Restrictions on the Land Records.

11-2.4.12D Conversion of an Affordable Accessory Apartment to an Accessory Apartment- At the end of the required 10-year period, if the owner of a dwelling with an

affordable accessory apartment wishes to change its status to an accessory apartment or the apartment is for any reason no longer in compliance with the occupancy standards and requirements in this Section for such use, the owner of such dwelling may register it as a dwelling with an elderly accessory apartment upon compliance with all the standards and requirements therefore in §11.2.4.12A and upon review and approval by the Planning and Zoning Commission or designee such owner shall then record a Release of the Declaration of Restrictions on the Land Records.

- 11-2.4.12E Removal of Affordable Accessory Apartment - When an owner wishes to eliminate the affordable accessory apartment, proof of the removal of the second kitchen and the restoration of the apartment to its status before the conversion shall be submitted to the satisfaction of the Zoning Enforcement Officer. The owner shall also record a Release of the Declaration of Restrictions on the Land Records after inspection and confirmation by the Zoning Enforcement Officer.
- 11-2.4.12F Continuation of 10-year Time Period - At the end of the required 10-year period, the owner may choose to continue the use as an affordable accessory apartment per the requirements in §11-2.4.1B herein.
- 11-2.4.13 Apartments which have existed on a single family residential lot along with the single family dwelling prior to 10/1/59 may be allowed to continue to be used for separate dwelling purposes subject to site plan approval and the following conditions:
- (a) Qualifications - The property owner or his designee must provide confirmation on the 1959 Tax Assessor's card of the existence of more than one dwelling unit on the property as of 10/1/59 or two (2) affidavits and other valid information from Town or utility company records which confirms the existence of the dwelling unit as of 10/1/59 or an affidavit acceptable to the Commission by a person other than the property owner stating that such person had direct personal knowledge of the existence of a kitchen in the dwelling unit(s) in question prior to or on 10/1/59.
  - (b) If the property has a septic system, the property owner or his designee must obtain the Health Department approval of the septic system.
  - (c) If the property is on town sewers, proof of the sewer hook up must be submitted to the Planning and Zoning Office by the property owner or his designee.
  - (d) Floor plans of the apartment must be submitted by the property owner or designee to the Planning and Zoning Office.
  - (e) Review of the floor plans by the Building Department.
  - (f) Proof of adequate parking must be submitted to Planning and Zoning Office by the property owner or his designee.
  - (g) The resolution of approval of the apartment must be recorded on the Land Records of the Town of Westport in the Town Clerk's Office.

**11-3 Lot Area and Shape (See Definitions)**

Each lot shall have a minimum area of two (2) acres (87,120 square feet) and shall be of such shape that a square with two hundred (200) feet on each side will fit on the lot.

**11-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use, or accessory building or structure shall extend closer than fifty (50) feet from any street line or lot line.

**11-5 Height**

No principal building or other structure shall exceed three (3) stories and a height of forty (40) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8

**11-6 Coverage (See Definitions)**

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

**11-7 Building Area**

No mandatory requirement.

**11-8 Floor Area**

No mandatory requirement.

**11-9 Architectural Design**

No requirements.

**11-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**11-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**11-12 Landscaping, Screening and Buffer Areas**

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

**11-13 Open Space Subdivision**

Lot area, shape and setbacks for Open Space Subdivisions shall be in accordance with the requirements of §56 of the Subdivision Regulations.



## **§12 RESIDENCE AA DISTRICT**

### **12-1 Purpose**

The purpose of the AA District is to allow single-family residences on a minimum one acre lot. The AA District provisions are intended to encourage low density residential development for primarily residential and related purposes in areas served primarily by on-site sewerage facilities.

### **12-2 Permitted Uses**

Any use permitted in a Residence AAA District, subject to the same approvals and conditions as specified in §11-2 of these regulations.

### **12-3 Lot Area and Shape (See Definitions)**

Each lot shall have a minimum area of one (1) acre (43,560 square feet) and shall be of such shape that a square with one hundred fifty (150) feet on each side will fit on the lot.

### **12-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use or accessory building 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.

### **12-5 Height**

No principal building or other structure shall exceed three (3) stories and a height of forty (40) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

### **12-6 Coverage (See Definitions)**

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

### **12-7 Building Area**

No mandatory requirement.

### **12-8 Floor Area**

No mandatory requirement.

### **12-9 Architectural Design**

All buildings and structures located within a designated Historic District shall comply with the design regulations of the Historic District Commission.

### **12-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

### **12-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

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

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

**12-13 Open Space Subdivision**

Lot area, shape and setbacks for Open Space Subdivisions shall be in accordance with the requirements of §56 of the Subdivision Regulations.

## **§13 RESIDENCE A DISTRICT**

### **13-1 Purpose**

The purpose of the A District is to allow single-family residences on a minimum 1/2 acre lot. The A District provisions are intended to encourage moderate density residential development for primarily residential and related purposes in areas primarily served by centralized sewerage facilities.

### **13-2 Permitted Uses**

Any use permitted in a Residence AAA District, subject to the same approvals and conditions as specified in §11-2 of these regulations.

### **13-3 Area and Shape (See Definitions)**

Each lot shall have a minimum area of one-half (1/2) acre (21,780 square feet) and shall be of such shape that a rectangle one hundred (100) feet by one hundred fifty (150) feet will fit on the lot.

### **13-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use or accessory building or structure shall extend closer than thirty (30) feet from any street line, fifteen (15) feet from any side lot line, or twenty-five (25) feet from any rear lot line.

### **13-5 Height**

No principal building or other structure located north of the railroad tracks shall exceed two and one-half stories (2-1/2) and a height of thirty-five (35) feet. No principal building or structure located south of the railroad tracks shall exceed two (2) stories and a height of twenty-six (26) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

### **13-6 Coverage (see definitions)**

The building coverage shall not exceed fifteen percent (15) of the lot area. Total coverage shall not exceed twenty-five (25) percent of the area of the lot. Total coverage shall include fifty (50) percent of the surface area of tennis courts.

### **13-7 Building Area**

No mandatory requirement.

### **13-8 Floor Area**

No mandatory requirement.

### **13-9 Architectural Design**

No requirement.

### **13-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**13-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**13-12 Landscaping, Screening and Buffer Areas**

Landscaping, screening and buffer areas for Special Permit uses in accordance with §35 of the Supplementary Regulations.

**13-13 Open Space Subdivision**

Lot area, shape and setbacks for Open Space Subdivisions shall be in accordance with the requirements of §56 of the Subdivision Regulations.



## **§14 RESIDENCE B DISTRICT**

### **14-1 Purpose**

The purpose of the B District is to allow single-family residences on a minimum 6,000 square foot lot. The B District provisions are intended to encourage higher density development for primarily residential and related purposes in areas served by centralized sewerage facilities.

### **14-2 Permitted Uses**

Any use permitted in a Residence AAA District, subject to the same approvals and conditions as specified in §11-2 of these regulations.

### **14-3 Lot Area and Shape (See Definitions)**

Each lot shall have a minimum area of six thousand (6,000) square feet and shall be of such shape that a rectangle sixty by eighty (60 x 80) feet will fit on the lot.

### **14-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use shall extend closer than twenty (20) feet from any street line, seven and a half (7-1/2) feet from any side lot line or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than twenty (20) feet from a street line and seven and a half (7-1/2) feet from the side line and fifteen (15) feet from the rear lot line.

### **14-5 Height**

No principal building or other structure located north of the railroad tracks shall exceed two and one-half (2-1/2) stories and a height of thirty-five (35) feet. No principal building or other structure located south of the railroad tracks shall exceed two (2) stories and a height of twenty-six (26) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet.

### **14-6 Coverage (see definitions)**

The building coverage shall not exceed fifteen percent (15%) of the lot area. The total coverage shall not exceed thirty-five percent (35%) of the area of the lot.

### **14-7 Building Area**

No mandatory requirement.

### **14-8 Floor Area**

No mandatory requirement.

### **14-9 Architectural Design**

No requirements.

### **14-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**14-11 *Parking and Loading***

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**14-12 *Landscaping, Screening and Buffer Areas***

Landscaping, screening and buffer areas for Special Permit uses in accordance with §35 of the Supplementary Regulations.

**14-13 *Open Space Subdivisions***

Open Space Subdivisions are not permitted in Residence B Districts.

# §15 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

## 15-1 Purpose

The purpose of the PRD Zone is to allow single-family, two-family and multi-family residences on a minimum 15 acre site with a minimum 300 foot frontage on the Post Road. The PRD provisions are intended to encourage moderate density development (less than the Residence B Zone density) for primarily smaller sized residential dwellings on vacant or underutilized parcels in areas along the Post Road and served by centralized sewerage facilities. It is in the public interest to preserve the residential character of Westport, to provide a desirable alternative to presently permitted commercial uses in specific locations, to reduce the potential traffic and drainage impacts on Town facilities, and to provide a broader choice of housing types in Westport. The PRD can help to achieve these objectives.

## 15-2 Permitted Uses

In a PRD, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

### 15-2.1 Special Permit Uses

- 15-2.1.1 One-family dwelling, two family dwellings and multi-family dwellings in principal buildings subject to the conditions herein.
- 15-2.1.2 Any other use permitted in a Res. AAA District except §11-2.4.12 (Accessory Apartment) and §11-2.4.5 (Leasing of Rooms).
- 15-2.1.3 Related accessory buildings, structures and uses, except §11-2.4.6 (Customary Home Occupations).

### 15-2.2 Accessory Buildings, Structures and Uses

- 15-2.2.1 Outdoor recreational uses, swimming pools, tennis courts and platform tennis courts. Such uses may be lighted.
- 15-2.2.2 Manager's Office and/or community recreation center.
- 15-2.2.3 Private garages. Garages detached from a principal dwelling shall not exceed one story in height.
- 15-2.2.4 Other buildings, structures and uses not listed above, customarily accessory to a permitted principal use, provided that:
  - Each such accessory building or structure shall not exceed 300 square feet of gross floor area;
  - Each such accessory building or structure shall not exceed one story in height;
  - No such accessory building or structure shall be occupied or used as a rooming unit or dwelling unit.
- 15-2.2.5 No accessory building or structure shall include any activity conducted for gain or profit.

**15-3 Lot Area, Width, Depth & Frontage (See Definitions)**

Each PRD Site shall have a minimum area of 15 acres, a minimum depth of 600 feet, a minimum width of 300 feet and a minimum frontage of 300 feet on the Post Road.

**15-4 Density**

**15-4.1 Maximum**

The maximum unit density shall not exceed 5 dwelling units and 10 bedrooms per gross acre, except as set forth in §15-4.2, below.

**15-4.2 Bonus**

One additional dwelling unit not to exceed 2 bedrooms or 2 additional bedrooms shall be permitted for a tennis court provided on the site. Two additional dwelling units not to exceed 2 bedrooms each or 4 additional bedrooms shall be permitted for an in ground swimming pool on the site. The total bonus dwellings on the lot shall not exceed 5 units or 10 bedrooms.

**15-4.3 Maximum Total**

The total number of dwelling units, including maximum unit density and bonus units, shall not exceed 90 dwelling units on any PRD site. The total number of bedrooms, including maximum bedroom density and bonus bedrooms, shall not exceed two times the maximum total number of permitted dwelling units on any PRD site.

**15-4.4 Maximum Total Aggregate**

The total aggregate number of dwelling units permitted on all PRD sites shall not exceed either 400 cumulative dwelling units or 800 cumulative bedrooms whichever is less under the PRD regulations.

**15-4.5 Bedrooms**

For the purpose of these PRD regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom.

**15-5 Setbacks (See §31-4 through §31-8, also.)**

No principal or accessory building, structure or use, shall extend closer than 50 feet from any street line or zoning district boundary line, nor closer than 15 feet from any other side or rear lot line interior to the district. No area, or part thereof, shall be located within the 50 ft. setback area, except for access ways or access drives leading directly from the development across the setback area to existing streets.

Any internal perimeter road or accessory structure for multiple or community use, such as a swimming pool, tennis court, paddle tennis court or other outdoor recreational facility located within 100 feet of any residence AAA, AA, A or B Zoning District boundary line shall be suitably screened from view during all seasons of the year. Said screening may include evergreen plantings, walls, fences or other similar devices or combinations thereof, of suitable location type, materials, height, spacing, arrangement & design as, in the judgement of the Commission, will effectively screen the activity, noise or facility on the site from a neighboring single-family residential area.

**15-6 Height**

No principal building or other structure shall exceed two and one-half (2-1/2) stories and a height of thirty-five (35) feet. Three story buildings not to exceed forty (40) ft. in height shall be permitted where the topography permits direct entry in at least two floor levels. No accessory building or structure shall exceed one story and a height of sixteen (16 feet).

**15-7 Coverage (See Definitions)**

The building coverage shall not exceed 20% of the area of the lot which lies within the PRD. The total coverage shall not exceed fifty percent (50%) of the area of the lot which lies within the PRD.

**15-8 Building Area**

No one building shall contain more than 8 dwelling units.

**15-9 Building Length**

No mandatory requirement.

**15-10 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the height of such adjacent buildings.

**15-11 Usable Open Space (See Definitions)**

At least 450 square feet of usable open space shall be provided on the lot for each dwelling unit. No usable open space area shall contain less than a 75 foot diameter. The land so set aside shall be properly laid out, graded, screened and landscaped and may include recreation facilities suited to the needs of the residents. Recreation areas shall be well designed to provide security and privacy and to prevent the emission of objectionable noise and light onto abutting properties.

**15-12 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 residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

Pitched roofed buildings shall be encouraged.

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

Dwelling unit facades should be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials should be considered. Staggered or off-set unit fronts shall not be less than 5 ft. in depth.

Buildings should be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**15-13 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**15-14 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**15-14.1 Garages and parking spaces**

At least 30% of the minimum required parking spaces shall be provided in garages and carports. At least 15% of the minimum required parking spaces shall be distributed in parking areas for visitors and guests, no less than one-third of which shall be located in the vicinity of any recreation facilities.

**15-15 Street Access**

Principal access to the Post Road shall be provided. Secondary access to an arterial or collector street may be permitted where the Commission finds that no adverse effects on adjacent uses will result.

**15-15.1 Drives and Road Standards**

The major access drives and collector roads within the PRD project shall be designed and constructed to Town Road Standards, subject to the approval of the Town Engineer.

**15-16 Sidewalks**

Sidewalks shall be provided between buildings and parking areas, streets and driveways and along the entire Post Road frontage. All sidewalks within a public right-of-way shall conform to Town or State Standards. All other sidewalks shall have driveway ramps and shall have a minimum width of three (3) feet and a maximum gradient of 6%.

**15-17 Landscaping, Screening and Buffer Areas**

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

**15-17.1 Exterior Lighting**

Exterior Lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level except for required street lights and tennis courts. The glare from light sources shall be shielded from roads and abutting properties.

**15-17.2 Refuse Areas**

Refuse collection areas shall be provided and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.

**15-17.3 Mail Boxes**

Mail boxes shall be provided and conveniently located for all units. The mail boxes shall be covered from the elements.

**15-18 Utilities**

**15-18.1** All utilities and conduits within the site shall be underground.

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- 15-18.2** No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply and either a public sanitary sewer line or an approved private community sewerage system.
- 15-18.3** Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a 25-yr. storm flow. Street culverts and bridges shall be designed for a 100-yr. storm flow.
- 15-18.4** All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

# **§16 MOBILE HOME PARK DISTRICT (MHPD)**

## **16-1 Purpose**

The purpose of the MHPD is to recognize and preserve an existing land use to allow single-family mobile home units to be located at a density similar to the Residence "B" District; to protect the density and non-conforming status of existing affordable housing unit stock in existing mobile home parks by allowing Mobile Home Units and Mobile Home Unit Spaces to be replaced by Mobile Home Replacement Units; to afford an opportunity for the private, public and private non-profit sectors to make available lower cost housing for Westport families; to permit a diversified type of housing which will offer a housing opportunity to lower income families; and to permit a housing option for single people in areas served by public sanitary sewers. No Mobile Home Park shall be operated in Westport without a license from the Connecticut Real Estate Commission in accordance with the Connecticut General Statutes.

## **16-2 Permitted Uses**

In a Mobile Home Park District, no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

### **16-2.1 Special Permit Uses**

The following uses are permitted in a MHP District subject to Special Permit and Site Plan approval in accordance with § 43, herein.

- 16-2.1.1 Mobile Home Lots: The total number of Mobile Home Lots shall not exceed eight (8) individual unit lots per gross acre in the Park excluding the accessway as per §16-3.
- 16-2.1.2 Mobile Home Replacement Units (MHRU) The total number of Mobile Home Replacement Units (MHRUs) allowed shall not exceed the number of existing Mobile Home Units and Mobile Home Unit Spaces in the Park to be converted, or the total number of Mobile Home Lots permitted under §16-2.1.1, whichever is greater. The total aggregate number of mobile home units permitted on all MHP sites shall not exceed 180 cumulative mobile home units under these MHPD regulations.
- 16-2.1.3 Usable Open Space: At least 150 square feet of usable open space shall be provided in the Park for each mobile home lot. Where MHRUs are proposed, there shall be no diminution of existing open space.
- 16-2.1.4 An Office for operation of the Park.
- 16-2.1.5 Services exclusively for the residents of the park, such as laundry facilities, not to exceed 5,000 square feet of building area.
- 16-2.1.6 Tennis courts, swimming pools, and other similar recreation facilities, buildings and structures.

### **16-2.2 Accessory Buildings, Structures and Uses**

- 16-2.2.1 Uses customarily accessory to a permitted mobile home unit, subject to the provisions of §32-7, herein.



16-2.2.2 Accessory buildings or structures shall not exceed 300 square feet of gross floor area nor one story in height.

16-2.2.3 No accessory building or structure shall include any activity conducted for gain or profit.

**16-3 Lot Area, Shape & Frontage (see definitions)**

The minimum site on which a Mobile Home Park District shall be established shall be 4 acres. The MHP District shall have at least 50 ft. of frontage on a 40 ft. wide accessway providing direct access to the Post Road. Such accessway shall not be included in gross area of the lot.

- (a) The minimum mobile home lot area shall be at least three thousand (3,000) square feet in area for each mobile home lot with no lot dimensions less than forty (40) ft. (See definition)
- (b) Where MHRUs are proposed, units may be attached or detached and situated on land held in common and need not be on individual lots.

**16-4 Setbacks (See §31-4 through §31-8, also.)**

No building, structure or mobile home units shall extend closer than thirty (30) ft. from any exterior street line, or twenty-five (25) ft. from any Mobile Home Park District line. No building, structure or mobile home unit shall extend closer than ten (10) ft. to any interior road, alley or access drive lines, nor closer than five (5) ft. to any interior mobile home unit lot line nor closer than fifteen (15) ft. from any other building, structure, or mobile home unit within the Park.

**16-4.1 Setbacks, MHRUs**

No new MHRU, excluding exterior stairways, shall extend closer than twenty (20) feet to any exterior street line, or ten (10) feet to any Mobile Home Park District line, interior road, alley or access drive lines, MHRU buildings shall be minimally separated from other buildings as required by the CT State Building Code.

**16-5 Height**

No building or other structure shall exceed one story and a height of sixteen (16) feet, except MHRUs, which shall not exceed two (2) habitable stories and one (1) non-habitable story and a height of twenty-five (25) feet.

**16-6 Coverage (see definitions)**

The building coverage shall not exceed 20% of the total of each mobile home lot. The total coverage shall not exceed 50% of the Mobile Home Park District.

Where MHRUs are proposed, total coverage and building coverage shall not exceed the criteria set forth in §16-6 above, or the existing total coverage and existing building coverage on the Park District site, whichever is greater.

**16-7 Building Area**

No mandatory requirements.

**16-8 Floor Area**

**16-8.1 Minimum**

Mobile home units shall have a minimum floor area, exclusive of kitchen, bath and closet area, of one hundred forty (140) square feet when occupied by not more than two (2) persons and not less than two hundred forty (240) square feet when occupied by three (3) persons, with an additional seventy (70) square feet per person when occupied by more than three (3) persons. No individual room exclusive of kitchen,

bath or utility room, shall have an area less than seventy (70) square feet nor be less than seven (7) ft. six (6) inches in minimum dimension. The minimum height of habitable spaces in mobile homes shall be not less than seven (7) ft.

**16-8.2 Maximum**

No mobile home unit shall exceed a maximum of 960 square feet of gross interior floor area, except no MHRU shall exceed a maximum of 1200 square feet of gross interior floor area. No Mobile Home Park project shall exceed an average 800 square feet of gross interior floor area per mobile home unit, except no MHRU shall exceed an average 1100 square feet of gross interior floor area per MHRU. Non-habitable third floor area in the MHRU is not included.

**16-9 Architectural Design**

The Park shall be designed, and mobile homes located on the site so as to retain the existing topographical and natural features of the land to the greatest extent possible. All open areas under mobile home units shall be screened with skirting or otherwise enclosed.

**16-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**16-11 Parking, Loading & Streets**

Parking and loading shall be provided in accordance with §34 of the Supplementary Regulations, except as follows:

- 16-11.1 Two (2) spaces shall be provided for each mobile home unit.
- 16-11.2 Where an existing Mobile Home Park contains units that do not meet the parking standards of §16-11.1 above, one and three-quarters (1.75) spaces shall be provided for each MHRU.
- 16-11.3 At least one space shall be located on each mobile home unit lot. The additional parking spaces shall be provided in well designed and landscaped parking areas, on the individual mobile home unit lot or on street within the MHPD.
- 16-11.4 Parking spaces for MHRUs shall be provided in conveniently located parking areas within the MHPD.
- 16-11.5 Roads, alleys or access drives shall be provided within the park area to afford easy access to all parking spaces and mobile home unit lots. They shall be constructed with a hard, dustless road surface and shall provide ready means of entrance and exit to an exterior street in an approved manner. The minimum width of roadways shall be 12 feet per travel lane and 8 feet per parking lane. Satisfactory means of drainage shall be provided with all streets and lanes draining into catch basins properly connected to the drainage system in accordance with applicable requirements for such facilities. Walkways shall be provided as necessary to all accessory buildings and service facilities of the park. Walks shall have a non-slip impervious surface and shall comply with applicable requirements for public sidewalks. Roads and walkways shall be illuminated as required for streets.
- 16-11.6 The minimum right-of-way for one lane roadway with no parking shall be twenty (20) feet. The minimum right-of-way for two lane roadways with no parking shall be thirty (30) feet. An additional eight (8) foot right-of-way shall be provided for parking on any roadway

**16-12 Landscaping, Screening and Buffer Areas**

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations. Additionally, Mobile Home Parks shall be enclosed with an approved fence and/or planted hedge, not less than seven (7) feet in height with no openings to adjoining property other than the required entrances and exits to public spaces or streets.

**16-12.1 Exterior Lighting**

Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level except for required street lights. The glare from light sources shall be shielded from roads and abutting properties.

**16-12.2 Refuse Area**

Refuse collection areas shall be provided and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.

**16-12.3 Mail Boxes**

Mail boxes shall be provided and conveniently located for all units. The mail boxes shall be covered from the elements.

**16-13 Location and Utilities**

Any MHPD shall be so situated that necessary facilities, such as, but not limited to, medical, shopping and public transit are easily accessible to the occupants of such developments. All buildings and structures shall be connected to public sanitary sewers and public water

# §17 OPEN SPACE RESIDENTIAL DISTRICT (OSRD)

## 17-1 Purpose

The purpose of the OSRD Zone is to allow single-family, two-family and/or multi-family residences on a minimum 50 acre site with frontage on or direct access to a major thoroughfare or arterial street. The OSRD provisions are intended to encourage low to moderate density development (less than the PRD and Residence B Zone density) for residential dwellings on large, vacant or under-utilized parcels in areas previously designed for Design Development Districts. It is in the public interest to preserve the residential character of Westport, to provide a desirable alternative to presently permitted commercial uses in specific locations, to reduce the potential traffic and drainage impacts on public facilities, and to provide a better layout and design of housing in environmentally sensitive areas. The OSRD can help to achieve these objectives.

## 17-2 Permitted Uses

In an OSRD, no land, building, or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

### 17-2.1 Special Permit Uses

The following uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein.

- 17-2.1.1 One-family dwelling, two-family dwellings and multi-family dwellings in principal buildings subject to the conditions herein.
- 17-2.1.2 Any other use permitted in a Res. AAA District, except §11-2.4.12 (Accessory Apartment) and §11-2.4.5 (Leasing of Rooms).
- 17-2.1.3 Related accessory buildings, structures and uses, except §11-2.4.6 (Customary Home Occupations).

### 17-2.2 Accessory Buildings, Structures and Uses

- 17-2.2.1 Outdoor recreational uses, swimming pools, tennis courts and platform tennis courts.
- 17-2.2.2 Manager's Office and/or community recreation center.
- 17-2.2.3 Private garages. Garages detached from a principal dwelling shall not exceed the allowable height.
- 17-2.2.4 Other buildings, structures and uses not listed above, customarily accessory to a permitted principal use, provided that:
  - (a) Each such accessory building or structure shall not exceed 300 square feet of gross floor area;
  - (b) No such accessory building or structure shall exceed the allowable height; and

- (c) No such accessory building shall be occupied or used as a rooming unit or a dwelling unit.

17-2.2.5 No accessory building or structure shall include any activity conducted for gain or profit.

**17-3 Lot Area, Width, Depth & Frontage (see definitions)**

Each lot within an OSRD shall have a minimum area of 10 acres, a minimum depth of 600 ft., a minimum width of 300 ft. and a minimum frontage of 50 ft. on an Arterial Street.

**17-4 Density**

**17-4.1 Maximum**

The maximum unit density shall not exceed either 1.0 dwelling unit per gross acre or 3.0 bedrooms per gross acre, except as set forth below.

**17-4.2 Recreational Bonus**

One additional dwelling unit shall be permitted for a tennis court provided on the lot. Two additional dwelling units shall be permitted for an in ground swimming pool on the lot. The total recreation bonus dwellings on the lot shall not exceed either 5 additional units or 2 additional bedrooms for each permitted bonus unit.

**17-4.3 Sewer Unit Bonus**

An additional unit density not to exceed the following schedule shall be permitted, provided that each dwelling on the lot will be connected to an approved public sanitary sewer system:

Length in Miles of Sewer Main Extension from existing Manhole to Site Boundary (miles)	Maximum Additional Dwelling Units Per Gross Acre
0.00 to 0.24	0.29
0.25 to 0.49	0.58
0.50 or more	0.81

*Calculations resulting in major fractions of 0.5 or greater shall be rounded upward to the next whole number.*

**17-4.4 Sewer Bedroom Bonus**

An additional bedroom density not to exceed an average of four bedrooms for each dwelling unit, including all bonus units, shall be permitted, provided that each dwelling on the lot will be connected to an approved public sanitary sewer system.

**17-4.5 Maximum Total**

The total number of dwelling units, including all bonus units, shall not exceed 65 dwelling units in any OSRD District not served by public sanitary sewers or 100 dwelling units in any OSRD

District served by public sanitary sewers. The total number of bedrooms, including all bonus bedrooms, shall not exceed either 3.0 times the maximum total number of permitted dwelling units in any OSRD District not served by public sanitary sewers or 4.0 times the maximum total number of permitted dwelling units in any OSRD District served by public sanitary sewers.

**17-4.6 Maximum Total Aggregate**

The total aggregate number of dwelling units permitted on all OSRD Districts within the Town of Westport shall not exceed 180 cumulative dwelling units under these OSRD regulations.

**17-4.7 Bedrooms**

For the purpose of these OSRD regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission.

**17-5 Setbacks (See §31-4 through §31-8, also.)**

**17-5.1 Building Setbacks**

No principal or accessory building, structure or use in an OSRD shall extend closer than fifty (50) ft. from any Town street line, Zoning District boundary line or front, side or rear lot line. No accessory building or accessory structure for multiple or community use, such as a swimming pool, tennis court, paddle tennis court or other outdoor recreational facility located within an OSRD shall extend closer than 100 feet of any AAA and AA Zoning District boundary.

**17-5.2 Street and Road Setbacks**

No street, road, driveway, parking area, cul-de-sac, backaround area, or part thereof, shall be located within the 50 foot setback area in an OSRD except for accessways or access drives leading directly from the development across the setback area to existing streets.

**17-6 Height**

No principal building or other structure shall exceed two (2) stories and a height of thirty (30) feet, except that a pitched roof building may extend up to thirty-five (35) feet in height. No accessory building or structure shall exceed one story and a height of sixteen (16) feet.

**17-7 Coverage (see definitions)**

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the OSRD. The total coverage shall not exceed fifty percent (50%) of the area of the lot which lies within the OSRD.

**17-8 Building Area**

No one residential building shall contain more than eight (8) dwelling units.

**17-9 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half (1/2) the sum of the height of such adjacent buildings.

**17-10 Floor Area**

Residential dwellings shall be limited to one-bedroom, two-bedroom, three-bedroom and four-bedroom dwelling units. At least 33% of the total dwelling units on any OSRD lot shall be single-family detached dwellings.

**17-11 Usable Open Space (see definitions)**

At least 450 square feet of usable open space shall be provided on the lot for each dwelling unit. No usable open space area shall be located more than 750 ft. from the nearest dwelling in the OSRD and shall contain not less than a 75 foot diameter. The land so set aside shall be graded, screened and landscaped and shall be of a passive recreation nature suited to the needs of the residents. Recreation areas shall be designed to provide security and privacy and to prevent the emission of objectionable noise and light onto abutting properties.

**17-12 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 elevation shall be of such character as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood, and to preserve and improve the appearance and beauty of the community.

**17-12.1** Residential buildings shall have pitched roofs.

**17-12.2** Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all side.

**17-12.3** Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials shall be utilized. Staggered or off-set unit facades shall not be less than 5 ft. in depth.

**17-13 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**17-14 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations and the following conditions:

**17-14.1** An unobstructed view of at least two hundred fifty (250) feet along the major traffic artery shall be provided for exiting traffic at all driveway openings, if physically and legally feasible.

**17-14.2** At least 30% of the minimum required residential parking spaces shall be provided in garages and carports. At least 10% of the minimum required residential parking spaces shall be provided in parking areas for visitors and guests. Said visitor and guest parking may be required to be located within 150 feet of any community center or recreation area.

**17-15 Street Access**

Principal access to an OSRD lot shall be provided from an Arterial Street or Major Thoroughfare as designated on the Town Plan of Development.

**17-15.1** The major access roads and collector roads within an OSRD project shall be designed and constructed to Town Road Standards, subject to the approval of the Town Engineer.

**17-15.2** The minimum width of the traveled path of all roads within an OSRD project shall be as follows:

- (a) Major access road                      26 feet
- (b) Collector road                            22 feet

**17-15.3** A turnaround or backaround area of adequate dimensions to safely maneuver emergency, maintenance or other service vehicles shall be provided at the end of any cul-de-sac or dead-end road.

**17-16 Sidewalks**

Sidewalks shall be provided between building and parking areas, streets and driveways. All sidewalks within a public right-of-way shall conform to Town or State Standards. All other sidewalks shall have driveway ramps and shall have a minimum paved width of three (3) feet and a maximum gradient of 6%.

**17-17 Landscaping, Screening and Buffer Areas**

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

**17-17.1 Road/Recreation Buffer**

Any internal perimeter road or accessory structure for multiple or community use, such as a swimming pool, tennis court, paddle tennis court or other outdoor recreational facility located within 200 feet of any Residence AAA or AA Zoning District boundary line, or within 100 feet of any Residence A or B Zoning District boundary line shall include evergreen plantings, mounds, berms, walls, fences or other similar devices or combinations thereof, of a location, type, materials, height, spacing, arrangement and design that will screen the activity, noise or facility on the lot from a neighboring single-family residential area.

**17-17.2 Exterior Lighting**

Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level except for required street lights and tennis courts. The glare from light sources shall be shielded from roads and abutting properties.

**17-17.3 Refuse Areas**

Refuse collection areas shall be provided and conveniently located for all buildings. The collection areas shall be screened and supplied with covered receptacles.

**17-17.4 Mail Boxes**

Mail boxes shall be provided and conveniently located for all buildings. The mail boxes shall be covered from the elements.



**17-17.5 Planted Buffer Strip**

For any use in a OSRD, the minimum planted buffer strip required under §35 shall be increased in width by ten (10) feet for each additional fifty (50) required off-street parking spaces, or major fraction thereof, over and above the first 100 required off-street parking spaces. No buffer strip shall be required to exceed fifty (50) feet in width.

**17-18 Utilities**

**17-18.1** All utilities and conduits within the site shall be underground.

**17-18.2** No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply and either a public sanitary sewer line or an approved private community sewerage system.

**17-18.3** Storm drainage facilities shall be provided and shall be designed to achieve at least a zero impact run-off based on a 25-year storm flow. Street culverts and bridges shall be designed for a 100 year storm flow.

**17-18.4** All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer. All private community sewerage systems shall be designed and constructed in accordance with State Standards, subject to the approval of the DEP and WWHD.

# §18 RESIDENCE C DISTRICT

## 18-1 Purpose

The purpose of the Residence C Zone is to permit single-family, two-family and multi-family residences on a minimum 5,000 square feet lot with a minimum 50 ft. of frontage on a public street. The Residence C provisions are intended to allow moderate/high density development (greater than the Residence B Zone density) for smaller sized dwelling units on small parcels along Saugatuck and Riverside Avenues and served by public sanitary sewerage facilities. The Residence C Zone shall also allow for the redevelopment and/or adaptive reuse of existing non-residential buildings on Riverside Avenue into larger sized dwelling units on lots over two (2) acres in non-residentially zoned lots and residentially zoned lots that currently have a permitted non residential use with a minimum 200 feet of frontage on Riverside Avenue and served by public sanitary sewerage facilities. It is in the public interest to preserve the existing residential and historic scale, massing and character of the area, to provide a desirable alternative to presently permitted commercial uses in this area, to reduce the potential traffic on public streets, and to provide a broader choice of housing types in Westport. The Residence C district can help to achieve these objectives.

## 18-2 Permitted Uses

In a Residence C, no land, building, or structure shall be used and no building shall be hereinafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

### 18-2.1 Principal Uses

- 18-2.1.1 Any use permitted in a Residence AAA District, as specified in §11-2.1, herein.
- 18-2.1.2 Two-family dwellings.

### 18-2.2 Special Permit Uses

The following uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein.

- 18-2.2.1 Any Special Permit use allowed in a Residence AAA District, as specified in §11-2.2 & 11-2.3 herein, except §11-2.4.12 (Accessory Apartment) and §11-2.4.5 (Leasing of Rooms) is not allowed.
- 18-2.2.2 Multi- family dwellings in principal buildings subject to the conditions herein.
- 18-2.2.3 Related accessory buildings, structures and uses, except §11-2.4.6 (Customary Home Occupations) is not allowed.

**18-2.3 Accessory Building, Structures and Uses**

- 18-2.3.1 Outdoor recreational uses, swimming pools, tennis courts and platform tennis courts.
- 18-2.3.2 Manager's Office and/or community recreation center.
- 18-2.3.3 Private garages. Garages detached from a principal dwelling shall not exceed the allowable height.
- 18-2.3.4 Other buildings, structures and uses not listed above, customarily accessory to a permitted principal use, provided that:
  - (a) Each such accessory building or structure shall not exceed 300 square feet of gross floor area;
  - (b) No such accessory building or structure shall exceed the allowable height; and
  - (c) No such accessory building or structure shall be occupied or used as a rooming unit or a dwelling unit.
- 18-2.3.5 No accessory building or structure shall include any activity conducted for gain or profit.

**18-3 Lot Area, Width, Depth & Frontage**

Each lot within a Res. C shall have a minimum area of 5,000 square feet, a minimum depth of 75 ft., a minimum width of 50 ft. and a minimum frontage of 50 ft. on a public street. On lots of two acres or more, 200 feet of frontage shall be required.

**18-4 Density**

**18-4.1 Maximum**

The maximum unit density shall not exceed one dwelling unit for each 4,350 square feet of gross lot area. The total number of dwelling units shall not exceed a density of 10.0 units per gross acre.

**18-4.2 Maximum Total Aggregate**

The total aggregate number of dwelling units permitted on all Res. C lots within the Town of Westport shall not exceed 120 cumulative dwelling units under these Res. C regulations.

**18-5 Setbacks (See §31-4 through §31-8, also.)**

No principal or accessory building, structure or use shall extend closer than 30 ft from any street line or front lot line. Side and rear setbacks shall be determined by the physical site characteristics and surrounding buildings, structures and uses; provided that any two adjacent buildings on adjoining lots shall be separated by either a common fire-wall on the lot line or by a distance of at least six (6) ft. from the lot line.

**18-6 Height**

No principal building or other structure shall exceed two and one-half (2-1/2) stories and a height of thirty (30) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet. On lots of two acres or more, no principal building or other structure shall exceed three (3) stories and a height of thirty-five (35') feet unless the Planning and Zoning Commission approves additional height up to forty (40) feet in conjunction with reduced building coverage and/or to accommodate sloping sites or floodplain conditions.

**18-7 Coverage**

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the Res. C District. The total coverage shall not exceed 60% of the area of the lot which lies within the Res. C District. On lots of two acres or more, where existing and/or proposed buildings exceed two and one-half (2-1/2) stories and a height of thirty (30) feet, the building coverage shall not exceed twenty percent (20%) and the total coverage shall not exceed fifty percent (50%). On lots of two acres or more, an additional one percent (1%) of building coverage may be added for each on-site workforce or affordable unit provided the total building coverage does not exceed twenty five percent (25%).

**18-8 Building Area**

No one building shall contain more than eight (8) dwelling units except in the case of the adaptive reuse of an existing non-residential building, provided the minimum unit size shall be one thousand (1,000) square feet.

**18-9 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-third (1/3) the sum of the heights of such adjacent buildings or twenty (20) feet.

**18-10 Floor Area**

**18-10.1 FAR**

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.3 on the area of the lot that lies within the Res. C. Floor area used for parking and loading shall be excluded from the FAR. On lots of two acres or more, when at least one on-site workforce or affordable unit is provided, the FAR shall not exceed 0.4.

**18-10.2 Unit Types**

Residential dwellings shall be limited to efficiency, one-bedroom and two-bedroom dwelling units. Libraries, dens, studios, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. On lots of two acres or more, three bedroom units shall be allowed.

**18-10.3 Unit Sizes**

No Res. C project shall exceed an average of 1,000 square feet of interior floor area per dwelling unit. The total interior floor area of a unit shall exclude garage parking spaces, common storage area, common stairs, common halls, common foyers and other similar spaces used in common. On lots of two acres or more, the average unit size shall not exceed 2,500 square feet.

**18-11 Usable Open Space**

No mandatory requirement, except that any land so set aside shall be properly laid out, graded, screened and landscaped and shall include recreation facilities suited to the needs of the residents. Public Waterfront Access (see Definitions) shall be provided on all sites adjacent to the Saugatuck River.

**18-12 Architectural Design**

The architectural design, scale and mass of buildings and other structures requiring a Special Permit, including the exterior building material, color, roof-line and building elevations shall be residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

**18-12.1** Pitched roofed buildings may be required.

**18-12.2** Roof-top mechanical equipment, except for energy conservation systems such as solar energy panels, shall be concealed from view on all sides.

**18-12.3** Dwelling unit facades should be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials shall be utilized.

**18-12.4** Buildings should be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**18-12.5** Where applicable, developments shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined herein as those listed or eligible for listing on the National Register of Historic Places, State Register of Historic Places, Westport Historic Resources Inventory, or are at least fifty (50) years of age.

**18-13 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**18-14 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

At least ten percent (10%) of the minimum required parking spaces shall be provided in open areas for visitors and guests.

**18-15 Landscaping, Screening and Buffer Areas**

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

**18-15.1 Exterior Lighting**

Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level, except for required street lights & tennis courts. The glare from light sources shall be shielded from roads and abutting properties.

**18-15.2 Refuse Area**

Refuse collection areas shall be provided and conveniently located for all buildings. The collection area shall be screened and supplied with covered receptacles.

**18-15.3 Mail Boxes**

Mail boxes shall be provided and conveniently located for all units. The mail boxes shall be covered from the elements.

**18-16 Utilities**

**18-16.1** All utilities and conduits within the site shall be underground.

**18-16.2** No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

**18-16.3** Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

**18-16.4** All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

**18-17 Affordability Requirement**

**18-17.1** A minimum of fifteen percent (15%) of the total number of market rate dwelling units shall be designated as workforce or affordable housing, as defined in §5. The applicant shall submit an affordability plan prior to the issuance of a Zoning Permit. The plan shall include a means of offering a "right of first refusal" to the Town of Westport for any units that are vacated once the affordability period has ended. No development created pursuant to Section 18 of these Regulations shall qualify as an "affordable housing" development pursuant to C.G.S. §8-30g unless the development complies with all of the requirements set forth in C.G.S. §8-30g. Any C.G.S. §8-30g application in the Residential C District may not elect to pay a fee in lieu of providing on-site affordable units.

**18-17.2** An applicant may elect, or the Commission may require the applicant, to pay a fee-in-lieu of constructing some of the required workforce housing units on-site, provided:

- (i) that seventeen and one half percent (17½%) of the number of market rate units are provided with a minimum of five percent (5%) of the workforce or affordable units remaining onsite ; and
- (ii) that the balance of the 17½% not provided on-site shall be used to determine the amount of the fee-in-lieu; and
- (iii) that the Planning and Zoning Commission makes a finding that the funds are appropriately linked to the establishment of an equivalent number of off site affordable units pursuant to C.G.S. §8-30g.

Fractional units are rounded up. Units provided onsite shall be deducted in full from the total required units to determine a fee-in-lieu, however, the number of offsite units to be created shall be rounded up. Such fee shall take the form of a one time cash contribution to a housing trust fund, to be administered by the Town of Westport, to be used for constructing, rehabilitating, or repairing housing in Westport that is affordable to persons and families of low and moderate income who meet the income limits in C.G.S. §8-30g. Said funds shall be paid prior to the issuance of the Zoning Permit. The cash contribution to be provided shall be calculated based on 225% of the most recently published Standard Metropolitan Statistical Area (SMSA) Median Family Income for a Family of Four encompassing Westport, as published by the U.S. Department of Housing and Urban Development (HUD). Any C.G.S. §8-30g application in the Residential C District may not elect to pay a fee in lieu of providing on-site affordable units.

Example:

**A. Onsite:**

15% requirement for 37 market rate (5.55) units (6 workforce or affordable units required)

Total Units = 43 onsite

**B. Offsite (Fee-in-Lieu):**

17½% requirement for 37 (6.475) units (7 workforce or affordable units required)

Total Units = 44 with 5 Offsite Units

5% = 1.85 (minimum of 2 on site)

SMSA income family of 4 = \$111,000 x 225% = \$249,750 fee per unit

7 required – 2 workforce on site = 5 affordable units for fee

5 x \$249,750 = \$1,248,750

Fee must yield a minimum of 5 offsite C.G.S. §8-30g compliant units.

## **§19 Affordable Housing Zone (R-AHZ)**

### **19-1 Purpose**

The purpose of this section of the regulations is to promote the public health, safety and general welfare of the community by providing decent, safe, and sanitary affordable housing units for those in need of affordable cost housing for rental or purchase. The Affordable Housing Zone (R-AHZ) in the town of Westport, allows for multi-family type of residential development with a percentage of units designated as affordable housing pursuant to §8-30g of the Connecticut General Statutes as required by the Statute at the time a site plan to develop the property is filed. The intent is to assist the town in meeting the statutory goals of affordable housing, and to provide such housing near the commercial and retail shopping areas of the town.

### **19-2 Location of District**

The district shall consist of parcels of land, not necessarily contiguous to each other, which have public water and sewer available. At least 100 feet of one side of the property must abut one of the Commercial districts described in the Westport Zoning Regulations, with the exception of the DDD. Such property must also have frontage on an arterial road.

### **19-3 Permitted Uses**

In an R-AHZ, no land, building, or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

#### **19-3.1 Principal Uses**

Any use permitted in the Residence AAA District, subject to the same approvals and conditions as specified in §11-2, herein, and subject to the current minimum lot area and shape, setbacks, height, coverage, parking, sign and landscaping standards of the Zoning District in existence at the time such R-AHZ is established and any amendments to these standards that are subsequently adopted after the R-AHZ is established. The standards listed in §19-4 to §19-19 shall not apply to Principal Uses specified in §11-2, herein.

#### **19-3.2 Special Permit Uses**

The following uses are permitted in principal buildings subject to Special Permit and Site Plan approval in accordance with §43, herein, and the standards in this Section.

##### **19-3.2.1 Affordable Housing**

Construction of residential dwelling units for this Section shall be permitted for detached dwellings, semi-detached dwellings, and attached dwellings such as garden apartments and townhouses. The housing development will have the percentage of affordable housing units which comply with the Connecticut affordable housing statute, §8-30g of the General Statutes. Affordable housing for purposes of this zone means "affordable housing development" as defined in §8-30g(a) of the General Statutes on the date when an application is filed under this section of the Zoning Regulations.



**19-4 Accessory Uses**

Necessary accessory buildings, structure, and uses including, but not limited to, facilities for maintenance, administration, off-street parking, storage facilities and those facilities necessary to the operation of a utility system serving the development and customarily accessory to the principal use may be permitted. Outdoor recreational uses, including swimming pools and tennis courts may be permitted.

**19-5 Lot Area Size and Shape**

The maximum lot size for the zone is three (3) acres. The minimum width of the lot shall be 100 feet, and the lot shall be able to contain a rectangle of 100 feet by 150 feet.

**19-6 Frontage**

The lot shall have frontage of least 100 feet on an arterial street.

**19-7 Density, Units per Acre**

The number of housing units shall not exceed eight (8) per acre. The minimum number of dwelling units for an R-AHZ shall not be less than five dwelling units.

**19-7.1 Unit Types**

Residential dwellings shall be limited to efficiency, one-bedroom and two-bedroom dwelling units. Libraries, dens, studios, lofts and other similar spaces shall be deemed to be bedrooms by the Commission

**19-8 Maximum Building and Lot Coverage**

Building coverage in an affordable housing zone (R-AHZ) shall not exceed 25% of the net lot area. Building coverage shall include only the building area.

The total percentage of a development site in an Affordable Housing Zone (R-AHZ) occupied or intended to be occupied by all buildings, structures, parking areas, driveways, and similar improvements shall not exceed 60% of the net lot area. The maximum building size shall be 5000 square feet of floor area.

**19-9 Utilities**

**19-9.1** Public water and sewer must be available for the property, and all units must be connected to the sewer and water lines.

**19-9.2** All utilities and conduits within the site shall be underground.

**19-9.3** No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

*Town of Westport Zoning Regulations - §19, Residential-Affordable Housing Zone*

**19-9.4** Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

**19-9.5** All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

**19-10 Building Setbacks**

No principal building, structure or use or accessory building or structure shall extend closer than 30 feet from public or private streets, 50 feet from single-family residential zone lines if not separated by a street, and 15 feet from commercial districts.

**19-11 Height**

Building height shall not exceed two and one-half (2 ½) stories and a height of thirty (30) feet. Accessory buildings shall not exceed sixteen (16) feet and one (1) story in height.

**19-12 Parking and Access**

The amount of on-site parking shall be 1.75 spaces for a one-bedroom unit and 2.25 spaces for a two-bedroom unit, in accordance with §34-5. Tandem parking cannot be counted as required parking. Handicapped parking will be designed in accordance with the Connecticut Basic Building Code. All parking areas shall be convenient to building entrances. Driveways shall be arranged in a safe manner and afford satisfactory access to fire fighting and emergency vehicles. Any internal roads or driveways shall circulate in a counterclockwise direction and shall have sight line distances of at least 150 feet where they intersect a street. Parking, access and design standards shall conform to §34-11, Design Standards. The parking area will be planted with shade trees in accordance with §35. All parking spaces must be 15 feet from the residential zone line and 30 feet from any streets or street line.

**19-13 Building Spacing**

The minimum space between buildings where there are two or more buildings on the site shall be one-third (1/3) of the average height of the two adjacent buildings.

**19-14 Signs**

The size, design and location of signs shall conform with §33 of the zoning regulations.

**19-15 Usable Open Space**

No mandatory requirement, except that any land so set aside shall be properly laid out, graded, screened and landscaped.

**19-16 Landscaping, Screening, Sidewalks and Buffer Areas**

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

*Town of Westport Zoning Regulations - §19, Residential-Affordable Housing Zone*

- 19-16.1** Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level, except for required street lights & tennis courts. The glare from light sources shall be shielded from roads and abutting properties.
- 19-16.2** Refuse collection areas shall be provided and conveniently located for all buildings. The collection area shall be screened and supplied with covered receptacles.
- 19-16.3** Mail boxes shall be provided and conveniently located for all units. The mail boxes shall be covered from the elements.
- 19-16.4** Sidewalks must address pedestrian safety issues.

**19-17 Architectural Design**

- 19-17.1** The architectural design, scale and mass of buildings and other structures requiring a Special Permit, including the exterior building material, color, roof-line and building elevations shall be residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.
- 19-17.2** Pitched roofed buildings shall be required.
- 19-17.3** Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.
- 19-17.4** Dwelling unit facades need to be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials shall be utilized.
- 19-17.5** Buildings should be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**19-18 Development Applications**

In order to develop land for affordable housing, a site plan and special permit application shall be filed with the Planning and Zoning Commission which shall comply with the site plan standards in §44 of the Zoning Regulations, subject to the limitations imposed by the Affordable Housing Statute, §8-30(g) of the General Statutes. An affordability plan shall be submitted with the application which complies with the requirement of §8-30 (g).

**19-19 Affordability Plan**

In conjunction with an application for approval of a Special Permit for an Affordable Housing Development, the applicant shall submit an "Affordability Plan," in accordance with §8-30g which shall describe how the regulations regarding affordability will be administered. The plan shall include provisions for administration of and compliance with the provisions of this section, notice procedures to the general public of the availability of affordable units, identification of those units that are to be designated affordable, procedures for verification and yearly confirmation of unit occupancy income, and compliance with affordability requirements to the Planning and Zoning Department. Such plan shall also include drafts of documents, such as deeds of conveyance, which will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions. The plan must also include a means of offering a "right of first refusal" to the Town of Westport for any units that are vacated after the affordability period.

# **§19A: Residential Affordable Housing Zone/Workforce (R-AHZ/W)**

## **19A-1 Purpose**

The purpose of the Residential Affordable Housing Zone/Workforce (R-AHZ/W) district is to promote the public health, safety and general welfare of the community by providing diverse housing choices including one-family, two-family and multi-family dwellings for those in need of rental or for-sale housing. The R-AHZ/W zone allows for residential development with a percentage of units designated as affordable housing pursuant to §8-30g of the Connecticut General Statutes. The intent is to assist the town in meeting the statutory goal of providing affordable housing, and to provide such housing near office and retail areas of the town. The R-AHZ/W zone allows for developments with a minimum of thirty percent (30%) of the dwelling units designated as affordable/workforce housing, of which twenty percent (20%) shall be affordable for persons or families at eighty percent (80%) of the state median income level as defined in §8-30g and ten percent (10%) of the units shall be designated as Workforce Housing, as defined in §5.

## **19A-2 Permitted Uses**

In an R-AHZ/W, no land, building, or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

### **19A-2.1 Principal Uses**

Any use permitted in the Residence AAA District, subject to the same approvals and conditions as specified in §11-2, herein, and subject to the current minimum lot area and shape, setbacks, height, coverage, parking, sign and landscaping standards of the Zoning District in existence at the time such R-AHZ/W is established and any amendments to these standards that are subsequently adopted after the R-AHZ/W is established. The standards listed in §19A-4 to §19A-16 shall not apply to Principal Uses specified in §11-2, herein.

### **19A-2.2 Special Permit Uses**

The following uses are permitted in principal buildings subject to Special Permit and Site Plan approval in accordance with §43, herein, and the standards in this §:

19A-2.2.1 Two-family dwellings and multi-family dwellings in principal buildings subject to the conditions herein.

19A-2.2.2 Affordable/Workforce Housing

Twenty percent (20%) of the residential units shall be designated as affordable housing at the 80% of State median income level pursuant to §8-30g and ten percent (10%) of the units shall be designated as Workforce Housing, as defined in §5. In no case shall less than 30% of the units be affordable/workforce. In all cases, at least two (2) units shall be designated as affordable/workforce.

Example: 20 proposed units

20% = 4 affordable units

10% = 2 workforce units

19A-2.2.3 Accessory Buildings, Structures and Uses

19A-2.2.3.1 Necessary accessory buildings, structures, and uses including, but not limited to, facilities for maintenance, off-street parking, storage facilities and those facilities necessary to the operation of a utility system serving the development and customarily accessory to the residential use may be permitted. Outdoor recreational uses, including swimming pools and tennis courts, may be permitted.

19A-2.2.3.2 Accessory buildings or structures shall not exceed 300 square feet of gross floor area nor the allowable height.

19A-2.2.3.3 No accessory building or structure shall be occupied or used as a rooming unit or a dwelling unit.

19A-2.2.3.4 No accessory building or structure shall be used for commercial purposes (i.e. for gain or profit).

**19A-3 Lot Size, Location and Frontage**

The minimum lot size is one (1) acre as of the effective date of the regulation (10-15-07) and the maximum lot size is four (4) acres. The minimum width of the lot shall be 100 feet, and the lot shall be able to contain a rectangle of 100 feet by 150 feet. The property shall be contiguous to, or directly (on a perpendicular) across the street from, a non-residential zone, with the exception of the DDD and shall have a minimum of thirty (30) feet of frontage on an arterial street.

**19A-4 Density**

The number of dwelling units shall not exceed seven (7) per acre. There shall be at least one (1) workforce and one (1) affordable dwelling unit in any R-AHZ/W development.

**19A-4.1 Unit Types**

Residential dwellings shall be limited to efficiency, one-bedroom, two-bedroom and three-bedroom dwelling units. For the purpose of these R-AHZ/W regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission.

**19A-4.2 Unit Sizes**

No unit in a RAHZ/W development shall exceed 2,000 square feet of interior floor area. The total interior floor area of a unit shall exclude garage parking spaces, common storage area, common stairs, common halls, common foyers and other similar spaces used in common.

**19A-4.3 Building Size**

The maximum building size shall be 5,000 square feet of floor area.

**19A-5 Height**

Building height shall not exceed two and one-half (2½) stories and thirty (30) feet unless in conjunction with reduced building coverage requirements below (see §19A-6), where height shall not exceed three (3) stories and thirty-five (35) feet. Accessory buildings shall not exceed sixteen (16) feet and one (1) story in height.

**19A-6 Coverage**

Building coverage shall not exceed twenty-five percent (25%) of the lot area and total coverage shall not exceed sixty percent (60%) of the lot area unless in conjunction with additional height above (see §19A-5) where building coverage shall not exceed twenty percent (20%) of the lot area and total coverage shall not exceed fifty percent (50%) of the lot area.

**19A-7 Building Setbacks**

No principal or accessory building, structure or use, shall extend closer than thirty (30) feet from a front lot line or residential zoning district boundary line, and twenty-five (25) feet from a side or rear lot line. The thirty (30) foot setback measured from a residential lot line may be reduced to twenty-five (25) feet, if building coverage does not exceed twenty-percent (20%), total coverage does not exceed fifty-percent (50%), and the Planning and Zoning Commission makes a finding that the buffer strip as required in accordance with §19A-13, has sufficient existing and proposed screening to buffer existing adjacent single-family homes and warrants said reduction. Pre-existing and historic structures (see §19A-14) may extend into any setbacks as necessary to meet Building and Fire Safety Codes.

**19A-8 Building Spacing**

The minimum space between buildings shall be ten feet (10') and the average shall be not less than fifteen feet (15').

**19A-9 Architectural Design**

- 19A-9.1 The architectural design, scale and mass of buildings and other structures requiring a Special Permit, including the exterior building material, color, roof-line and building elevations shall be residential in character and consistent with the prevailing design traditions so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.
- 19A-9.2 Pitched roofed buildings shall be required.
- 19A-9.3 Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels as approved by the Planning and Zoning Commission.
- 19A-9.4 Dwelling unit facades need to be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials shall be utilized.
- 19A-9.5 Buildings should be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**19A-10 Signs**

The size, design and location of signs shall conform with §33 of the Zoning Regulations.

**19A-11 Parking**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations. Parking shall be located fifteen (15) feet from any residential zoning district boundary line and thirty (30) feet from any street or front lot line, except as provided in §19A-13.

**19A-12 Usable Open Space**

There shall be at least 450 square feet of usable space for each unit. Land so set aside shall be properly laid out; graded, screened and landscaped.

**19A-13 Landscaping, Screening, Sidewalks and Buffer Areas**

Landscaping, screening, sidewalks and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations. Parking may be allowed in the Front Landscaping Area (see § 35-2.2) provided the Planning and Zoning Commission makes a finding that said parking and site circulation is sensitive to abutting residential properties, serves to promote open space and a more efficient use of land. I-95 shall not be considered a street for front landscaping setback purposes.

**19A-14 Historic Preservation**

Where applicable, developments shall be designed to encourage the preservation of architectural features of historic buildings and other historic structures in the district. The adaptive reuse of any historic buildings shall cause minimal alteration to the historic exteriors of those buildings in the public view. The preservation, rehabilitation, or adaptive reuse to the exterior of any historic building or historic structure in the public view shall be consistent with reasonable historic rehabilitation standards. Historic buildings and structures are defined here as those listed or eligible for listing on the National Register of Historic Places, State Register of Historic Places, Westport Historic Resources Inventory, have been designated as a local historic property or district, or are at least 50 years of age.

**19A-15 Utilities**

**19A-15.1** Public water and sewer must be available for the property, and all units must be connected to the sewer and water lines.

**19A-15.2** All utilities and conduits within the site shall be underground.

**19A-15.3** No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

**19A-15.4** Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

**19A-15.5** All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.



**19A-16 Affordability Plan**

The applicant shall submit an “Affordability Plan,” in accordance with §8-30g concurrently with Special Permit and Site Plan application which shall describe how the regulations regarding affordability will be administered for both the workforce and affordable housing units.

Workforce and affordable dwelling units shall remain deed restricted as long as the units exist. The Affordability Plan shall establish a priority system for the affordable and workforce housing units including, but not limited to, Westport municipal employees, the elderly, and Westport residents.

**19A-17 CAP**

No more than two (2) Residential Affordable Housing Zone/Workforce developments shall be permitted within the Town of Westport. R-AHZ/W developments must be at least one (1) mile apart from each other.

**19A-18 Traffic Level of Service**

The Planning and Zoning Commission shall make a finding that an R-AHZ/W residential development shall maintain or improve the traffic Level of Service (LOS) and safety conditions in and around the site. The application must be accompanied by a traffic report submitted by the applicant.

## **§20 Municipal Housing Zone (MHZ)**

### **20-1 Purpose**

The purpose of the MHZ is to provide an alternative zone to assist the Town of Westport to provide affordable housing by allowing the Westport Housing Authority and the Town of Westport to develop single family, two family and multi-family housing on land owned by Westport Housing Authority and/or the Town of Westport. This section of these regulations will help to promote the public health, safety and general welfare of the community by providing decent, safe, and sanitary affordable housing units for those in need of affordable cost housing for rental or purchase.

The affordable housing to be provided will be affordable housing defined as assisted housing, which means housing which will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate housing and any housing occupied by persons receiving rental assistance under Chapter 319 of Section 1437F of Title 42 of the United States Code, or currently financed by Connecticut Housing Finance Authority mortgages or subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income. Median income means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development.

### **20-2 Permitted Uses**

#### **20-2.1 Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein. Affordable Housing for the purposes of this zone means "affordable housing" defined in §20-1 above on the date when the application is filed under this section of the Zoning Regulations. Affordable Housing will remain in perpetuity.

- 20-2.1.1 One-family dwelling, two-family dwellings and/or multi-family dwellings in principal buildings subject to the conditions herein.

#### **20-2.2 Accessory Building, Structures and Uses**

- 20-2.2.1 Outdoor recreational uses except pools and tennis courts.
- 20-2.2.2 Manager's office and/or community center
- 20-2.2.3 Other building, structures and uses not listed above, customarily accessory to a permitted principal use, provided that:
  - (a) Each such accessory building or structure shall not exceed 300 sq ft of gross floor area.
  - (b) No such accessory building or structure shall exceed the allowable height.
  - (c) No such accessory building or structure shall be occupied or used as a rooming unit or a dwelling unit.

**20-3 Lot Size, Location and Frontage**

A development within a MHZ zone shall consist of a minimum of four (4) acres of land on one or more lots inclusive of all land area and public and private rights-of-way that serve land in the MHZ, and shall have a minimum of 100 feet on an arterial street or railroad right-of-way.

**20-4 Density**

**20-4.1 Elderly Housing Requirement**

A minimum of one-quarter (1/4) of the total number of housing units in the development shall be elderly housing. Elderly is defined in §5 of these regulations.

**20-4.2 Affordable Housing Requirement**

100% of housing units on the lot shall be Affordable Housing as defined in §20-1 above.

**20-4.3 Density, Units per Acre**

The number of housing units shall not exceed six (6) dwelling units or twelve (12) bedrooms per gross acre within the development. Bedrooms shall be consistent with §32-12.2.3 of these regulations. The number of bedrooms in each new dwelling unit shall not exceed four (4), provided that not more than five percent (5%) of the total number of units may have four (4) bedrooms.

**20-4.4 Unit Types**

A minimum of one third (1/3) of the units shall be studios or one (1) bedroom units. Studios are counted as one (1) bedroom units.

**20-4.5 Building Size**

The maximum building size shall be 5000 square feet. of floor area.

**20-5 Height**

Building height shall not exceed two (2) stories and a height of twenty-six feet (26). Accessory buildings shall not exceed sixteen (16) feet and one (1) story in height.

**20-6 Coverage**

The building coverage shall not exceed twenty percent (20%) and the total coverage shall not exceed fifty percent (50%) of any lot within the MHZ.

**20-7 Building Setbacks**

Setbacks for new buildings and other new structures shall be determined by the onsite and adjacent offsite physical site characteristics, including topography, vegetation, and location of surrounding homes, structures, and uses and shall include a minimum: fifty foot (50') setback from any residential zone property line, except railroad rights-of-way, or front lot line, where a thirty foot (30') setback will apply; thirty feet (30') to any multi-family or non-residentially zoned property; or ten feet (10') to any street line that is internal to the development. Existing non-conforming structures may be redeveloped with new units provided they do not encroach closer to the adjacent residential lot line, except for existing at grade patios which may be allowed at the discretion of the Planning and Zoning Commission

**20-8 Building Spacing**

Groups of buildings on a single lot shall be arranged so that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one third (1/3) the sum of the heights of any two adjacent buildings.

**20-9 Architectural Design**

The architectural design, scale and mass of buildings and other structures, including the exterior building material, color, roof-line and building elevations shall be residential in character as to harmonize and be compatible with the neighborhood.

20-9.1 The architectural design, scale and mass of buildings and other structures requiring a Special Permit, including the exterior building material, color, roof-line and building elevations shall be residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

20-9.2 Pitched roofed buildings shall be required.

20-9.3 Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

20-9.4 Dwelling unit facades need to be designed to avoid a barracks or dormitory appearance. Staggered or offset unit facades and/or varied unit facade materials shall be utilized.

20-9.5 Buildings should be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**20-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**20-11 Parking and Circulation**

The number, location, size, and orientation of parking spaces, rights-of-way, service drives, aisle widths, roadway alignments and grades, signage and other design characteristics shall be subject to review and approval by the Planning and Zoning Commission. The Commission shall be guided in its review by the multi-family dwelling unit standards in §34-5 that include a 0.5 space per unit reduction in residential parking except in the case of Senior or Supportive Housing. Where applicable, the continued use of existing conditions, including the use of tandem parking spaces, may be allowed. Handicapped parking will be designed in accordance with the Connecticut Basic Building Code. All parking areas shall be convenient to building entrances and dwellings. Driveways shall be arranged in a safe manner and afford satisfactory access to fire fighting and emergency vehicles.

Any internal roads or driveways shall have sight line distances of at least 150 feet where they intersect a public street outside the MHZ Zone. At the discretion of the Commission, vehicles may be permitted to back up into a right-of-way and the unobstructed visibility requirements of §34-11.2.3 may be reduced to 75 feet. New parking areas to be planted with shade trees in accordance with §35. Parking spaces for new residences must be fifty feet (50') from adjacent single family residential districts, except for railroad and highway rights-of way. Parking adjacent to town roadways, railroad rights-of-way, and service drives that are within the MHZ District may be allowed. Parking spaces within the right-of-way internal to an MHZ zone may be allowed provided they are located on dead-end portions of the right-of-way. Drive aisle widths

for Typical Dead-End Bays, as described in §34, may be reduced to not less than 20 feet at the discretion of the Commission. When reviewing the traffic impact per §44-2.5, the Commission shall use the closest offsite collector, or arterial roads to calculate the ten percent (10%) increase in traffic.

**20-12 Usable Open Space**

There shall be at least 450 square feet of usable space for each unit in a development. Land so set aside shall be properly laid out; graded, screened and landscaped and shall include recreation facilities suited to the needs of the residents and may include land adjacent to each unit for use by its occupant.

**20-13 Landscape, Screening, Sidewalks and Buffer Areas**

Landscaping, screening and buffer areas shall conform with §35 of these regulations. During all seasons of the year, complete screening of multi-family buildings from adjacent residential districts is required. Sidewalks will be provided as deemed necessary by the Planning and Zoning Commission. Exterior lighting shall be provided and maintained by the property owner for the safety of vehicular and pedestrian traffic. All new exterior lighting shall be low-level, except for required street and driveway lights. The glare from light sources shall be shielded from roads and abutting properties. Refuse collection areas shall be provided and conveniently located for all buildings. The collection area shall be screened and supplied with covered receptacles. Mail boxes shall be provided and conveniently located for all units. The mail boxes shall be covered from the elements.

**20-14 Utilities**

- 20-14.1 Public water and sewer must be available for the property, and all units must be connected to the sewer and water lines.
- 20-14.2 No Zoning Certificate of Compliance shall be issued for any dwelling units unless and until such unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.
- 20-14.3 Storm-drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a 25-yr. storm flow and may, at the discretion of the Commission, mitigate only the net increase in runoff, subject to the approval of the Town Engineer. Street culverts and bridges shall be designed for a 100-yr. storm flow, if required by the Town Engineer.

## SUMMARY SCHEDULE OF RESIDENCE DISTRICT PROVISIONS

The following schedule is a summary of the general requirements for all residence districts. It can be used as a quick reference to compare various districts; however, the specific provisions for each district shall prevail for purposes of zoning enforcement.

ZONING DISTRICT	LOT REQUIREMENTS		MINIMUM SETBACK REQUIREMENTS <i>See also §31-4 through §31-8</i>			MAXIMUM HEIGHT REQUIREMENTS	MAXIMUM COVERAGE	
	Area	Shape	Front	Side	Rear		Total	Bldg
Res AAA	2 acres 87,120 sq. ft.	Square 200 ft. on a side	50 ft. (50 ft.)	50 ft. (50 ft.)	50 ft. (50 ft.)	3 stories and 40 ft.	25%	—
Res AA	1 acre 43,560 sq. ft.	Square 150 ft. on a side	30 ft. (30 ft.)	25 ft. (25 ft.)	25 ft. (25 ft.)	3 stories and 40 ft.	25%	—
Res A	1/2 acre 21,780 sq. ft.	Rectangle 100 ft by 150 ft.	30 ft. (30 ft.)	15 ft. (15 ft.)	25 ft. (25 ft.)	2 1/2 stories and 35 ft. north of R. R.; 2 stories and 26 ft. south of R. R.	25%	15%
Res B	6,000 sq. ft.	Rectangle 60 ft. by 80 ft.	20 ft. (20 ft.)	7 1/2 ft. (7 1/2 ft.)	25 ft. (15 ft.)	2 1/2 stories and 35 ft. north of R. R. 2 stories and 26 ft. south of R. R.	35%	15%
Res C	See §18-1 & 18-3	See §18-3	30 ft. (30 ft.)	See §18-5	See §18-5	See §18-6	See §18-7	See §18-7
Res AHZ	3 acres minimum 130,680 sq. ft.	100' minimum width, able to contain rectangle of 100' x 150'; 100' frontage on Arterial Road	30' from public or private streets, 50' from single-family residential zone if not separated by a street, 15' from commercial districts			2 1/2 stories and 30 ft, accessory buildings limited to 16'.	60%	25%
Res AHZ/W	1 acre maximum 43,560 sq. ft.	100' minimum width, able to contain rectangle of 100' x 150'; 30' frontage on Arterial Road See §19A-3	See §19A-7	See §19A-7	See § 19A-7	See §19A-5	See §19A-6	See §19A-6
PRD	15 acre site 653,400 sq. ft.	600 ft. minimum depth; 300 ft. minimum width; 300 ft. minimum frontage on Post Road	See §15-5	See §15-5	See §15-5	2 1/2 stories and 35 ft.	50%	20%
MHPD	4 acre site 174,240 sq. ft.	50 ft. frontage on Post Road	See §16-4	See §16-4	See §16-4	1 story and 16 ft.	50%	20%
OSRD	50 acre site	600 ft. minimum depth; 300 ft. minimum width; 50 ft. frontage on Arterial street	See §17-5	See §17-5	See §17-5	2 stories and 30 ft. except if pitched roof, may go to 30 ft.	50%	25%
MHZ	4 acre site	100 ft. minimum on Arterial street or railroad right-of-way	See §20-7	See §20-7	See §20-7	2 stories and 26 ft., accessory buildings limited to 16ft. and 1 story in height.	50%	20%

## **§21 RESTRICTED PROFESSIONAL OFFICE DISTRICT (RPOD)**

### **21-1 Purpose**

The purpose of the RPOD is to allow for the limited use of land as professional offices and related activities. These provisions are designed to create a zone classification which would afford a reasonable and desirable transition between established commercial and residential areas. Large homes in older residential areas in the proximity of commercial areas tend to become economically depressed as the demand for other types and locations of single-family homes increases. The character of such areas is more residential than commercial, and from other standpoints, this situation cannot lead to the wholesale conversion of these areas to commercial zones. Consequently, a transitional type of zone is required to conserve the value of such property while preserving the character of such areas and the existing buildings therein from the standpoint of intensity of use and physical appearance. The Restricted Professional Office District provides for such a transition.

### **21-2 Permitted Uses**

In a Restricted Professional Office District, no land, building, or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

#### **21-2.1 Principal Uses**

Any use permitted in the Residence AAA District, subject to the same approvals and conditions as specified in §11-2, herein.

#### **21-2.2 Special Permit Uses**

The following uses are permitted only in a principal building existing on the premises at the time the RPOD boundary is established and subject to Special Permit and Site Plan approval in accordance with § 43, herein. This provision shall not be deemed to prevent new construction and use of a principal building on a lot vacant at the time that each RPOD boundary is established, provided that such new construction or reconstruction shall strictly adhere to the purposes of this district.

- 21-2.2.1 Two-family and multi-family dwelling units, subject to the provisions of §32-12, herein.
- 21-2.2.2 Professional offices where professional services are rendered rather than goods offered for sale on the premises, including, but not limited to: doctors, dentists, other medical professionals, healthcare professionals, lawyers, real estate agents, insurance agents, mortgage brokers, engineers, architects, designers, writers and artists.
- 21-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.

**21-2.3 Accessory Uses**

- 21-2.3.1 Uses customarily accessory to a permitted principal use, subject to the provisions of §32-7, herein.
- 21-2.3.2 One attached dwelling unit provided the density does not exceed 20 bedrooms per acre.
- 21-2.3.3 Outdoor storage and display is permitted in accordance with § 32-6, herein.

**21-3 Lot Area (See Definitions)**

The minimum lot area shall be the minimum required lot area of the Zoning District in existence at the time such RPOD is established for the area. The lot shall have at least 50 feet of frontage on at least one street.

**21-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

**21-4.1 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one half the sum of the heights of such adjacent buildings.

**21-5 Height**

No building or structure shall exceed two and one-half (2-1/2) stories and a height of thirty (30) feet, except for an addition that matches the existing pitched, gable, or gambrel roof line of an existing building on that lot.

**21-6 Coverage (See Definitions)**

The building coverage shall not exceed twenty percent (20%) of the area of the lot which lies within the RPOD.

**21-7 Building Area (See Definitions)**

No building shall have more than 2,500 square feet of building area.

**21-8 Floor Area**

**21-8.1 Minimum**

No mandatory requirement.



**21-8.2 Maximum**

An existing principal building may be expanded provided that such additions are made an integral part of the interior and exterior of the existing structure and provided that the maximum area of expansion on the ground shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure existing as of the date of the zoning change to a RPOD area, and in no case shall any expansion exceed fifty percent (50%) of the gross floor of the principal structure existing as of the date of zoning change to a RPOD area.

**21-8.3 Total Maximum**

No one floor shall exceed an area of 2,500 square feet

**21-8.4 FAR (See Definitions)**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the RPOD zone; except for two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR of 0.35. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

**21-9 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 property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. New construction shall adhere to the purposes of this district in whole or in part.

**21-9.1** Buildings shall be designed to achieve a small scale and residential appearance.

**21-9.2** Pitched roofed buildings shall be required.

**21-9.3** Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

**21-9.4** Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**21-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**21-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations; however, such parking and loading shall be located on the lot and to the rear of the front leading edge of the principal building.

**21-12 Landscaping, Screening and Buffer Areas**

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

# §22 RESTRICTED OFFICE-RETAIL DISTRICTS #1, 2 & 3 (RORD)

## 22-1 Purpose

The purpose of the RORD is to allow for the limited use of land and existing buildings for offices, retail stores, multiple-family dwellings and combinations thereof. These provisions are designed to create zone classifications which would afford a reasonable and desirable combination of compatible uses along the Post Road, Riverside Avenue and Saugatuck Avenue adjacent to and in scale with established residential areas. Frame residential structures on small lots with topographic limitations in the proximity of commercial areas tend to become economically depressed as the demand for fire resistant buildings on larger and more accessible sites increases. The character of such areas is more residential in architectural design, building scale and physical features of the land. These provisions are intended to retain the residential character of the existing buildings and are not intended to lead to the wholesale redevelopment of those areas to new commercial uses. Consequently, a mixed-use type of zone is required to conserve the value of such property and to recognize the intensity of uses while preserving the character of such areas from the standpoint of compatible land uses, architectural design, building scale and physical appearance.

## 22-2 Permitted Uses

In a Restricted Office-Retail District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

### 22-2.1 Principal Uses

Any use permitted in the Residence AAA District, subject to the same approvals and conditions as specified in §11-2, herein, except §11-2.4.12, Accessory Apartments; and §11-2.4.6, customary home occupations.

### 22-2.2 Special Permit Uses

The following uses are permitted in principal buildings subject to Special Permit and Site Plan Approval in accordance with §43, herein.

- 22-2.2.1 Business, professional (excluding medical offices and clinics, healthcare professionals and other similar uses), insurance, real estate or other offices.
- 22-2.2.2 Stores and shops where goods are sold and services are rendered primarily at retail in RORD #1 and #2 only.
- 22-2.2.3 Off-street parking lots, decks and garages.
- 22-2.2.4 Grocery Stores and delicatessens in RORD#2, only.
- 22-2.2.5 Restaurants in RORD #2, only.
- 22-2.2.6 Commercial marinas, docks, landings and boathouses in RORD #2, only. No boat shall be occupied or used as a dwelling or dwelling unit.
- 22-2.2.7 Two-family and multi-family dwelling units subject to the provisions of §32-12, herein.

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22-2.2.8 Commercial Wireless telecommunication service facilities, in conformance with §32-16.

22-2.2.9 Private Occupational Schools.

**22-2.3 Accessory Uses**

22-2.3.1 Uses customarily accessory to a permitted principal use, including the manufacturing, processing or assembling of goods which is incidental to the conduct of a retail business conducted on the premises subject to the provisions of §32-7, herein, in RORD #1 & #2, only.

22-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein, in RORD #1 & #2, only.

22-2.3.3 Outdoor eating areas for restaurants only in RORD #2 subject to annual Zoning Permit approval, annual Health permit and the following conditions:

- (a) The outdoor eating area shall be accessible from within the restaurant building only.
- (b) The outdoor eating area shall not exceed 20% of the interior patron floor area or 6 tables and 24 chairs whichever is less.
- (c) The outdoor eating area shall be largely open to the elements, and shall not be enclosed with a roof and walls be they permanent or temporary. The only exception are the use of umbrella tables and the protection of food preparation areas required by state and local health regulation. This type of patio will require no parking. If any type of protection from the elements other than table umbrellas is put over or around the patio then parking shall be required in accordance with the parking requirements for a restaurant.
- (d) The outdoor eating area shall be a seasonal operation not to exceed a six month period from May 1 to November 1 of each year.
- (e) Such outdoor eating area shall be exempt from the off-street parking requirements. If the patio exceeds the requirements in (b) then parking shall be required for the whole patio as required in (c).

22-2.3.4 One attached dwelling unit, provided the density does not exceed 20 bedrooms per acre.

**22-2.4 Prohibited Uses**

The following uses in addition to §32-7, herein, shall be prohibited: cafe, tavern, gasoline filling station, automobile service establishment or repair garage, any lot, establishment or dealer for new or used motor vehicles, automobiles, motorcycles, trucks, mobile homes, trailers, campers, boats, farm or other heavy equipment, hotels, motels, motor inns, drive-in and fast food restaurants, indoor theaters and assembly halls, newspaper and job printing establishments, veterinary hospitals, animal clinics, bowling alleys, skating rinks, and other indoor and outdoor commercial recreation facilities and heavy commercial uses such as lumber yards, septic tank sales, construction equipment yards, contractor's storage and restaurant in RORD #1 and #3, only.

**22-2.5 Mixed Use Requirements in RORD #3**

Only office and residential uses, and no retail uses shall be permitted in RORD #3 and at least 30% of the total building floor area on the lot shall be used for residential dwelling units.

For the purpose of this calculation, total building floor area shall exclude parking areas and cellars, and the residential floor area shall include storage areas, stairs, halls, foyers, and other similar spaces used in common with the dwelling unit(s).

**22-3 Lot Area (See Definitions)**

The minimum lot area shall be the minimum required lot area of the Zoning District in existence at the time such RORD is established for the area. The lot shall have at least 50 feet of frontage on at least one street.

**22-4 Setbacks (See §31-4 through §31-8, also.)**

**22-4.1 In a RORD #1**

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line, or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

**22-4.2 In a RORD #2 & #3**

No principal building, structure, or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

**22-4.3 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls, or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

**22-5 Height**

No building or other structure shall exceed two and one half (2-1/2) stories and a height of thirty (30) feet, except for an addition that matches the existing pitched, gabled or gambrel roof line of an existing building on that lot.

**22-6 Coverage (See Definitions)**

The building coverage shall not exceed twenty percent (20%) of the area of the lot which lies within the RORD.

**22-7 Building Area (See Definitions)**

No building shall have more than two thousand, five hundred (2,500) square feet of building area. No one building shall contain more than eight (8) dwelling units.

**22-8 Floor Area**

**22-8.1 Minimum**

No mandatory requirement.

**22-8.2 Maximum Expansion**

An existing principal building may be expanded provided that such additions are made an integral part of the interior and exterior of the existing structure and provided that the maximum area of expansion on the ground shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure existing as of the date of zoning change for any RORD area, and in no case shall any expansion exceed fifty percent (50%) of the gross floor area of the principal structure existing as of the date of zoning change to a RORD area and further provided that no such expansion shall exceed the maximum allowable building area for any one building.

**22-8.3 Total Maximum**

No one floor shall exceed an area of 2,500 square feet.

**22-8.4 FAR (See Definitions)**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the RORD zone; except for two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed a FAR of 0.35. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

**22-9 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 property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. New construction shall adhere to the purpose of this district, in whole or in part.

**22-9.1** Buildings shall be designed to achieve a small scale and residential appearance.

**22-9.2** Pitched roofed buildings shall be required.

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**22-9.3** Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

**22-9.4** Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**22-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**22-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations; however, such parking and loading shall be located on the lot and to the rear of the front leading edge of the principal building.

**22-12 Landscaping, Screening and Buffer Area**

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

**22-13 Utilities**

All utilities and conduits within the site shall be underground.

**22-13.1** No Zoning Certificate of Compliance shall be issued for any building or dwelling unit unless and until such building or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

**22-13.2** Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

**22-13.3** All storm drainage facilities and public sanitary sewers, shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

**22-14 Linked Buildings in RORD #1, Only.**

**22-14.1** For the purposes of this §22-14 any two buildings which are linked shall be referred to as "Sub-Buildings." The structure that results from linking two Sub-Buildings shall be referred to as a "Linked Building." That which connects the two Sub-Buildings shall be referred to as a "Link."

**22-14.2** All floors of the Linked Building shall be handicapped accessible.

**22-14.3** A Link shall contain only elevators, stairwells, landing and lobbies and have a building area less than 500 square feet.

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- 22-14.4** The floor area of each of the two Sub-Buildings, excluding the Link, shall not exceed 2,500 square feet per floor.
- 22-14.5** The floor area of the Linked Building, including the Link, shall not exceed 5,500 square feet per floor.
- 22-14.6** The floor area of the Linked Building, shall be included in the overall calculation of the total FAR under §22-8.4.
- 22-14.7** Linked Buildings shall be devoted entirely to non-residential uses.
- 22-14.8** The longest sides of each of the two Sub-Buildings shall be at right angles to each other.
- 22-14.9** In order to more adequately screen the Linked Buildings, the Planning & Zoning Commission may require up to a 25% increase in the combined number of plantings required for front landscape areas, parking areas and buffer strips pursuant to Chapter 35. The Planning & Zoning Commission shall determine the most appropriate location for such additional plantings.
- 22-14.10** All other regulations applicable to RORD #1 shall apply, except that §22-7, Building Area; §22.8.4, total maximum floor area; and Chapter 35, Landscaping, Screening, and Buffer Provisions; may be modified pursuant to this §22-14 for Linked Buildings.



## **§23 RESTRICTED BUSINESS DISTRICT (RBD)**

### **23-1 Purpose**

The purpose of the RBD District is to provide retail areas in which can be found limited convenience shopping goods and office services. These business areas will be limited in the number, size and type of permitted uses.

### **23-2 Permitted Uses**

In a Restricted Business District, no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses.

#### **23-2.1 Principal Uses**

- 23-2.1.1 Any use permitted in the Residence AAA District, subject to the same approvals and conditions as specified in §11-2, herein.
- 23-2.1.2 The following additional uses are permitted subject to Site Plan approval in accordance with §43: business, professional, medical, healthcare professional, banks, insurance, real estate and other offices; prescription pharmacy; beauty parlor or barbershop; photographer's or artist's studios; schools for business, art and languages; community centers and non-profit clubs; public and charitable agencies; auto parking area both commercial or municipal; jewelry store; gift shop; optician; research laboratories; camera shop; tailor's shop; stationery and books; toys; candy; cigars and cigarettes; antiques; new furniture; music, musical instruments, supplies and records; men's, women's and children's clothes and accessories; linen and other yard good; electrical supplies, including radio and television; office supplies; art gallery; sporting goods; corsetiers; florist; orthopedic supplies; gourmet shop; milliner or millinery shop; cabinetmaker; upholstery; weaver or knit and yarn shop; and other similar limited convenience and service uses.
- 23-2.1.3 Dry cleaners establishments provided that said use shall not exceed 2,000 square feet of gross floor area and shall be located within a unified shopping center.

#### **23-2.2 Special Permit Uses**

The following uses are permitted in principal buildings subject to Special Permit and Site Plan approval in accordance with §43, herein.

- 23-2.2.1 Two family and multi-family dwelling units subject to the provisions of §32-12, herein.
- 23-2.2.2 Fast food restaurants, not exceeding 2000 square feet of Gross Floor Area; provided that no lot shall be used for a fast food restaurant if such lot is located within 500 feet from another lot used for a fast food restaurant, and that no Fast Food Restaurant shall be located within 500 feet of another Fast Food Restaurant on the same lot.

*Town of Westport Zoning Regulations - §23, Restricted Business District*

23-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.

23-2.2.4 Private Occupational Schools.

**23-2.3 Accessory Uses**

23-2.3.1 Uses customarily accessory to a permitted principal use, including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.

23-2.3.2 Outdoor storage and display is permitted in accordance with §32-6 (Outdoor Storage and Display), herein.

**23-3 Lot Area (See Definitions)**

No minimum requirements, except that no lot shall be less than fifty (50) feet of frontage on at least one street.

**23-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use shall exceed closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

**23-4.1 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

**23-5 Height**

No building or other structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

**23-6 Coverage (See Definitions)**

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the RBD.

**23-7 Building Area**

No mandatory requirements.

**23-8 Floor Area**

**23-8.1 Maximum**

No one building shall exceed 10,000 square feet of gross interior floor area.

**23-8.2 FAR (See Definitions)**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor (FAR) of 0.25 on the area of the lot that lies within the RBD zone; except for two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR of 0.35. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

**23-9 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 other buildings in the RBD Districts so as to preserve and improve the appearance and beauty of the community. New construction or re-construction shall adhere to the design purpose of this district, in whole or in part.

- (a) Buildings designed to achieve a small scale and residential appearance shall be encouraged.
- (b) Pitched roofed buildings shall be encouraged.
- (c) Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
- (d) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**23-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**23-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**23-12 Landscaping, Screening and Buffer Areas**

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

## **§24 GENERAL BUSINESS DISTRICT (GBD)**

### **24-1 Purpose**

The purpose of the General Business Districts is to allow general commercial and office development in designated areas located along arterial streets, limiting the intensity of development and providing adequate off-street parking. Automotive and similar drive-in type establishments shall be prohibited.

### **24-2 Permitted Uses**

In a General Business District no land, building or structure shall be used, and no building shall be hereafter erected, altered or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

#### **24-2.1 Principal Uses**

- 24-2.1.1 Any use permitted in the Residence AAA District, subject to the same approvals and conditions specified in 11-2, herein.
- 24-2.1.2 The following additional uses are permitted subject to Site Plan Approval in accordance with §43, herein.
  - (a) Stores and shops where goods are sold and services are rendered primarily at retail.
  - (b) Grocery stores and delicatessens.
  - (c) Restaurants.
  - (d) Cafes and taverns.
  - (e) Business, professional, medical, healthcare professional, insurance, real estate and other offices.
  - (f) Banks
  - (g) Indoor theaters and assembly halls.
  - (h) Undertaker's establishments.
  - (i) Newspaper and job printing establishments.
  - (j) Off-street parking lots, docks and garages.

#### **24-2.2 Special Permit Uses**

The following additional uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein.

- 24-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 24-2.2.2 Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.

- 24-2.2.3 Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.
- 24-2.2.4 Fast food restaurants.
- 24-2.2.5 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 24-2.2.6 Private Occupational Schools.
- 24-2.2.7 Bank drive-in within 500 feet of another bank drive-in as permitted by §24-2.3.3.

**24-2.3 Accessory Uses**

- 24-2.3.1 Use customarily accessory to a permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to provisions of §32-7, herein.
- 24-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein.
- 24-2.3.3 Bank drive-in; except that no lot shall be used for a bank drive-in, if such lot is located within a radius of 500 feet from any other lot used for a drive-in bank, provided that the Planning & Zoning Commission may permit, upon a Special Permit Approval in accordance with §43 of the regulations, and so long as the Commission shall find that such use shall maintain or improve the traffic level of service and safety conditions in and around the site. The application must be accompanied by a traffic report supplied by the applicant.
- 24-2.3.4 Wholesaling and warehousing.
- 24-2.3.5 Outdoor eating areas for restaurants subject to annual Zoning Permit approval, annual Health Permit and the following conditions:
  - (a) The outdoor eating area shall be accessible from the restaurant building only.
  - (b) The outdoor eating area shall not exceed either twenty (20) percent of the interior patron floor area or 6 tables and 24 chairs, whichever is less.
  - (c) The outdoor eating area shall be largely open to the elements, and shall not be enclosed with a roof and walls be they permanent or temporary. The only exception are the use of umbrella tables and the protection of food preparation areas required by state and local health regulation. This type of patio will require no parking. If any type of protection from the elements other than table umbrellas is put over or around the patio then parking shall be required in accordance with the parking requirements for a restaurant.
  - (d) The outdoor eating area shall be a seasonal operation not to exceed a six month period from May 1 to November 1 of each year.

- (e) Such outdoor eating area shall be exempt from the off-street parking requirements. If the patio exceeds the requirements in (b) then parking shall be required for the whole patio as stated in (c).

24-2.3.6 Games Rooms, subject to the following conditions:

- (a) That a Zoning Permit be obtained from the Zoning Enforcement Officer.
- (b) The number of coin operated amusement devices shall be limited to not more than 3 per lot.
- (c) The hours of operation of said game room shall not exceed those of the principle use, but in no case shall the hours of operation extend beyond 11:00 P.M. except in establishments with liquor licenses for on-premises consumption.

24-2.3.7 One attached dwelling unit.

**24-2.4 Prohibited Uses**

The following uses in addition to those listed in §32-7, herein, shall be prohibited: gasoline filling stations, automobile service establishments, motor vehicle repair garages, any lot, establishment, agency or dealer for new, rental or used motor vehicles, automobiles, motor cycles, trucks, mobile homes, trailers, campers, boats, farm or other heavy equipment, hotels, motels, motor inns, and drive-in restaurants.

**24-3 Lot Area (See Definitions)**

No minimum requirement, except that no lot shall have less than 50 feet of frontage on at least one street.

**24-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary, and fifteen (15) feet from the side and rear lot lines.

**24-4.1 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls, or corners of any principal and/or accessory buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

**24-5 Height**

No building or other structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

**24-6 Coverage (See Definitions)**

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within a General Business District.

**24-7 Building Area**

No mandatory requirements.

**24-8 Floor Area**

**24-8.1 Maximum**

No one building shall exceed 10,000 square feet of gross interior floor area and no group of stores or shopping center shall exceed 50,000 square feet of gross interior floor area.

**24-8.2 FAR (see definitions)**

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the General Business District (GBD) Zone. Floor area used for parking and loading spaces shall be excluded from the FAR.

**24-9 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 other buildings in the General Business Districts so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purpose of this district, in whole or in part.

- (a) Buildings designed to achieve a small scale and residential appearance shall be encouraged.
- (b) Pitched roofed buildings shall be encouraged.
- (c) Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
- (d) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**24-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**24-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**24-12 Landscaping, Screening and Buffer Areas**

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

# §24A GENERAL BUSINESS DISTRICT/Saugatuck (GBD/S)

## 24A-1 Purpose

The purpose of the General Business District Saugatuck is to encourage residential development including affordable housing in addition to the commercial, office and retail currently allowed in the General Business District in Saugatuck Center resulting in sites developed to enhance and conserve the area's aesthetic appeal and historic scale, massing and character, pedestrian access, and recreational water-related uses and views while limiting the intensity of development consistent with the Town Plan of Conservation and Development. Parcels shall be eligible for district designation if they are located in the area considered the Saugatuck Center (as defined by the Town Plan of Conservation and Development) and formerly zoned GBD.

## 24A-2 Permitted Uses

All developments in the GBD/S shall require Special Permit and Site Plan review by the Planning and Zoning Commission. A Traffic Analysis in accordance with §44-2.5 shall be required in all instances, even if not required by §44-2.5. Every application for rezoning to GBD/S shall be accompanied by a conceptual site plan that is integral to the GBD/S use. All rezoning applications shall also be in accordance with §42. It is the intention of this district that the GBD/S zone would revert back to GBD upon expiration of the site plan, as provided in §43-11. In the GBD/S, no land, building or structure shall be used, and no building shall be hereafter erected, altered or added to, unless otherwise provided in these regulations as a Multiple Use Development, including residential use as in 24A-2.1, and a minimum of one (1) or more of the following non-residential uses:

### 24A-2.1 Special Permit Uses

- 24A-2.1.1 Two-family and multi-family dwellings as part of a Multiple Use Development, subject to conditions specified herein. Affordable units are required as part of residential development as specified in §24A-17.
- 24A-2.1.2 The following non-residential uses are permitted however the Planning and Zoning Commission can prohibit certain of these uses on the street level (See §24A-2.3 for Prohibited Uses in the GBD/S):
  - (a) Stores and shops where goods are sold and services are rendered primarily at retail.
  - (b) Grocery stores and delicatessens.
  - (c) Restaurants.
  - (d) Cafes and taverns.
  - (e) Business, professional, medical, insurance, real estate, and other offices.
  - (f) Banks
  - (g) Indoor theaters and assembly halls.
  - (h) Undertaker's establishments.
  - (i) Newspaper and job printing establishments.
  - (j) Commercial marinas including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.
  - (k) Fast food restaurants.



- (l) Commercial wireless telecommunication service facilities, in conformance with §32-16.

**24A-2.2 Accessory Uses**

Uses customarily accessory to a permitted principal use shall be permitted as specified in §24-2.3 (General Business District Accessory Uses).

**24A-2.3 Prohibited Uses**

The uses listed in §32-7, shall be prohibited in addition to those specified in §24-2.4, General Business District Prohibited Uses (See also §24A-2.1.2).

**24A-3 Lot Area (See Definitions)**

Minimum lot area required is forty thousand square feet (40,000 SF), provided that no lot shall have less than 50 feet of frontage on at least one street.

**24A-4 Setbacks (See §31-3 through §31-8, also.)**

To encourage pedestrian oriented frontages and maintain the existing street walls, the Planning and Zoning Commission may allow a minimum front lot line setback from zero (0) to thirty (30) feet. No principal building, structure or use except a residential patio or terrace shall extend closer than fifteen (15) feet from any side lot line or twenty-five (25) feet from any rear lot line. In addition, a setback of thirty (30) feet is required adjacent to any residential district boundary line.

Parameters for patios and terraces in setbacks as specified above:

1. Must include affordable housing in projects of at least 20%.
2. Must be in development with minimum of ten (10) units.
3. Cannot be on a side that abuts a residential zone.
4. Cannot be used on a waterfront site.
5. A Zoning Permit will be required.
6. Only allowed in a rear or side setback.
7. Size of patio or terrace is at the discretion of the Planning and Zoning Commission at the time of a Special Permit.

**24A-5 Height**

No building or other structure shall exceed two and one half (2 1/2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof. However, the Planning and Zoning Commission may allow a height of thirty-five (35) feet to the mid-point of a pitched roof on sites located within the 100-year floodplain that require the building to be elevated, and/or where the site is sloped.

## **24A-6 Coverage (See Definitions)**

### **24A-6.1 Building Coverage**

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the General Business District/Saugatuck.

### **24A-6.2 Coverage Exemptions**

The Planning and Zoning Commission may exempt up to an additional minimal amount of coverage associated with open porches, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience or will further the intent to preserve and/or enhance the historic character and appearance of the area, and at the discretion of the Commission at the time of Special Permit approval on sites that include at least 20% affordable housing.

## **24A-7 Building Area**

No mandatory requirements.

## **24A-8 Floor Area**

### **24A-8.1 Maximum**

(a) No one building shall exceed 10,000 square feet of gross interior floor area and no group of stores or shopping center shall exceed 40,000 square feet of gross interior floor area. Concealed parking shall not count towards gross interior floor area.

(b) Not less than 60% of the proposed development floor area shall consist of residential uses including affordable dwelling units pursuant to §24A-17.

### **24A-8.2 FAR (see definitions)**

The total floor area of all proposed uses shall not exceed a Floor Area Ratio (FAR) of 0.5 provided the total of all non-residential floor area shall not exceed 0.20 FAR and the total for residential floor area shall not exceed .40 FAR. Floor area used for parking and loading spaces shall be excluded from the FAR. Floor area used for affordable housing units shall be exempt from the FAR calculation not to exceed an additional 0.25 FAR (See also §24A-16).

### **24A-8.3 Residential Unit Sizes:**

The gross interior floor area per dwelling unit shall not exceed 2,000 square feet.

## **24A-9 Residential Density**

### **24A-9.1 Density**

The maximum allowable density for market rate units shall not exceed 20 bedrooms, as defined in §32-12.2.3, per gross acre. An additional maximum density of 6 bedrooms per gross acre is permitted for affordable units that are exempt from this calculation. The maximum number of units per acre shall not exceed 18, inclusive of affordable units.

## **24A-10 Public Waterfront Access (PWA)**

A dedicated portion of land along a public body of water, created through an easement or donation of fee ownership, that may be accessed by the public from dawn to dusk. Each PWA will differ depending on topography and/or geological circumstances, but shall satisfy the following design guidelines:

1. Pedestrian Corridors - Linear pedestrian connections shall be established or continued from the public street level to the shoreline and along the waterfront. A minimum six (6) foot wide path shall be provided unless deemed unnecessary by the Planning and Zoning Commission.
2. Parking - Signed and delineated public parking spaces shall be provided and shall be located on site between the public street and the waterfront unless specifically modified by the Planning and Zoning Commission. The number of actual spaces shall be not less than 1 parking space per 100 linear feet of water frontage as measured generally parallel to the waterfront, or 1 parking space per 10,000 square feet of floor area, whichever is greater.
3. Signage - Uniform informational, interpretive and locational signs shall be included within each public waterfront access component. Signage may be required to be both on site and adjacent to the site within public rights-of-way.
4. Handicap Accessibility - Where feasible, handicap accessibility to the waterfront shall be provided.
5. Sustainable Design - PWA facilities, including walkways, permeable paths, timber boardwalks, interpretive signage, protective railings, and ornamental landscaping, shall be designed and constructed of quality, sustainable materials requiring minimal maintenance.
6. Site Amenities - Site amenities such as landscaping, historical or interpretive signage, benches, stationary binoculars, small rain or sun shelters, fishing piers, commercial fishing docks, and public boat slips are encouraged to be incorporated into the PWA.
7. Site amenities shall not be counted in calculating coverage subject to approval from the Planning and Zoning Commission.
8. At least 25% of the frontage of any site adjacent to the water shall allow views of the water from the street. The Planning and Zoning Commission may exclude driveways from this minimum requirement.
9. Public pedestrian access to the water and a Riverwalk along the water shall be provided on all sites adjacent to the water.

### **24A-11 Architectural Design**

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be made compatible with the historic structures in the Saugatuck area by reflecting both the characteristic scale and building traditions of those historic structures so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district.

- (a) Buildings designed to achieve small scale and residential appearance shall be encouraged.
- (b) Pitched roofed buildings shall be encouraged.
- (c) Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
- (d) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
- (e) Where applicable, developments shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined here as those registered in either the Connecticut or U.S. Registers of Historic structures or the Westport Historic Resources Inventory listed or deemed eligible for listing on the National Register of Historic Places, State Register of Historic Places, Westport Historic Resources Inventory, or are at least 50 years of age.
- (f) Public pedestrian access to the water and a Riverwalk along the water shall be provided on all sites adjacent to the water.
- (g) Non-residential uses shall have at least one main entrance which is publicly accessible from the street.

### **24A-12 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

### **24A-13 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations. However, the Planning and Zoning Commission may allow the maximum height of any exposed face or wall of a partially below grade structure, as measured to the roof top, deck top or first floor of a building above not to exceed 6 feet above the average existing level of the ground surrounding the structure and within 10 feet thereof, at the time of the application. The Planning and Zoning Commission may permit 25% joint

parking, as defined in §34-8, for mixed residential and office use developments where peak hours and usage do not conflict. (See also §24A-16)

#### **24A-14 Landscaping, Screening and Buffer Areas**

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations, unless deemed unnecessary by the Planning and Zoning Commission. Sidewalks shall be provided in accordance with §35-2.2.4, unless deemed unnecessary by the Planning and Zoning Commission.

#### **24A-15 Utilities**

- 24A-14.1 All utilities and conduits within the site for the Multiple Use Development, shall be underground.
- 24A-14.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.
- 24A-14.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

#### **24A-16 Change of Use**

No dwelling unit approved under these provisions shall thereafter be changed to any non-residential use.

#### **24A-17 Integrated Site Development**

Notwithstanding the above, where one or more sites each consist of 40,000 SF, they may be proposed as an integrated site development provided said sites are contiguous or separated only by a public right-of-way with a minimum of at least one hundred (100) feet of street frontage across from each proposed site. The applicant shall submit a phasing plan as part of the integrated site application demonstrating coordinated construction of all sites for review and approval by the Planning and Zoning Commission. Integrated GBD/S site developments are allowed the following additional special standards:

- (a) The maximum combined allowable floor area for all sites may be redistributed over all sites provided no single receiving site exceeds 1.0 FAR.
- (b) The minimum overall required off-street parking for all sites may be satisfied by the combined parking on all sites.
- (c) The maximum combined allowable coverage for all sites may be redistributed over all sites provided that the total coverage of any receiving site shall not exceed 40% and provided that no upland site coverage shall be transferred to any site adjacent to the water.
- (d) On integrated sites that include sites adjacent to the water, no floor area from an upland site shall be added to a site adjacent to the water.

(e) Cross easements shall be established between integrated properties where necessary.

**24A-18 Affordability Requirement and Plan**

In conjunction with residential units proposed as part of a GBD/S development, 20% of all proposed units shall be required to be affordable in accordance with CT General Statutes §8-30g and §19-19 of the Westport Zoning Regulations. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable.

**24A-19 CAP**

No more than two (2) General Business District/Saugatuck developments shall be permitted within the Town of Westport. An integrated site shall be considered to be a single such development.

# §25 HIGHWAY SERVICE DISTRICT (HSD)

## 25-1 Purpose

The purpose of the Highway Service District is to provide suitable locations for general commercial, automobile and drive-in type establishments which serve the needs of motorists. These service areas will be limited in number, size and location.

## 25-2 Permitted Uses

In a Highway Service District, no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

### 25-2.1 Principal Uses

- 25-2.1.1 Any use permitted in a Residence AAA District, subject to the same approvals and conditions specified in §11-2, herein.
- 25-2.1.2 The following additional uses are permitted subject to Site Plan approval in accordance with §43, herein.
  - (a) Any use permitted in a General Business District.
  - (b) Gasoline filling stations, automobile service establishment, motor vehicle repair garages, any lot, establishment, agency or dealer for new, rental or used motor vehicles, automobiles, motorcycles, trucks, mobile homes, trailers, campers, boats and farm or other heavy equipment. All parking and storage of vehicles shall be on the lot.
  - (c) Motels, hotels or motor inns.
  - (d) Drive-in restaurants.

### 25-2.2 Special Permit Uses

The following uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein.

- 25-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 25-2.2.2 Bowling alleys, skating rinks, golf driving ranges, paddle tennis courts, tennis courts and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.
- 25-2.2.3 Fast Food Restaurants
- 25-2.2.4 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 25-2.2.5 Private Occupational Schools.

**25-2.3 Accessory Uses**

- 25-2.3.1 Uses customarily accessory to the permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.
- 25-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein.
- 25-2.3.3 Game Rooms, subject to the following conditions:
  - (a) That a Zoning Permit be obtained from the Zoning Enforcement Officer.
  - (b) The number of coin operated amusement devices shall be limited to not more than 3 per lot.
  - (c) The hours of operation of said game room shall not exceed those of the principle use, but in no case shall the hours of operation extend beyond 11:00 P.M., except in establishments with liquor license for on-premise consumption.
- 25-2.3.4 One dwelling unit per lot to be occupied by a gatekeeper, caretaker or maintenance person.

**25-3 Lot Area (See Definition)**

Each lot shall have a minimum area of one-half (1/2) acre (21,780 square feet) and shall be of such shape that a square with one hundred (100) feet on each side will fit on the lot.

**25-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line, and twenty-five (25) feet from any rear lot line or Residential District Boundary Line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

**25-4.1 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls, or corners of any principal and/or accessory buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

**25-5 Height**

No building or other structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

**25-6 Coverage (See Definition)**

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the HSD.

**25-7 Building Area**

No mandatory requirement.



**25-8 Floor Area**

**25-8.1 Maximum**

No one building shall exceed 10,000 square feet of gross interior floor area.

**25-8.2 FAR (see definitions)**

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the Highway Service District (HSD) Zone. Floor area used for parking and loading shall be excluded from the FAR.

**25-9 Architectural Design**

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

**25-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**25-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**25-12 Landscaping, Screening and Buffer Areas**

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

**25-13 Drive-In Spacing Requirement**

No lot shall be used for a drive-in restaurant if such lot is located within a radius of 500 feet from any other lot used for drive-in restaurant.

## **§26 DESIGN DEVELOPMENT DISTRICT (DDD)**

### **26-1 Purpose**

The purpose of the Design Development District (DDD), is to allow for the compatible design of commercial, office, and industrial development.

#### **26-1.1 Establishment of District**

Design Development Districts, proposed after November 1, 1975 may no longer be established in the Town of Westport.

#### **26-1.2 Designation**

Whenever any such Design Development District is established, its designation shall be accompanied by another designation of Residence A, AA or AAA. Such designation shall indicate the class of zoning standards under which residential lots may be established in a Design Development District and shall correspond to the zoning classification of residential areas in the vicinity of such districts.

#### **26-1.3 Removal**

After August 11, 1980, no Change of Zone or Special Permit application under the provision of this section shall be granted within the Town of Westport. The specific sections affected are §26-1.1 through §26-1.2, inclusive.

### **26-2 Exception - Active**

Existing Design Development Districts (DDD) 2, 3, and 4 in effect prior to November 1, 1975, shall comply with the following standards and requirements:

#### **26-2.1 District Area**

The boundaries of existing Design Development Districts (DDD) Nos. 2, 3, and 4, in effect prior to November 1, 1975, may be modified from time to time; except that no such district shall be less than four (4) acres in area for DDD No. 2, three (3) acres for DDD No. 3, and ten (10) acres in area for DDD No. 4.

#### **26-2.2 Permitted Uses**

The following uses are permitted in the respective district (DDD) subject to Special Permit and Site Plan approval in accordance with §43, herein.

##### **26-2.2.1 DDD No. 2**

- (a) Any use permitted in a Business District.
- (b) Any use permitted in a Residence AAA District.
- (c) Warehouses in conjunction with commercial and research uses, and motels.
- (d) Two-family and multi-family dwelling units subject to the provisions of §32-12, herein.

##### **26-2.2.2 DDD No. 3**

- (a) Any use permitted in a Business District.
  - (b) Any use permitted in Design District No. 2.
- 26-2.2.3 DDD No. 4
- (a) Research laboratories and uses devoted to scientific research and development and any investigative activity of a scientific or technical nature not otherwise prohibited herein.
  - (b) General business offices which house the administrative functions of a business and do not dispense a service directly to the public, i.e., corporate headquarters.
  - (c) Any use permitted in a Residence AAA District.
- 26-2.2.4 Accessory Uses in DDD Nos. 2, 3 and 4
- (a) Uses customarily accessory to a permitted principal use, including the manufacturing, processing or assembly of goods which is clearly incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.
  - (b) All display or storage of goods, merchandise or supplies shall be located within a building.
  - (c) Within a DDD #2 only, one attached or detached dwelling unit, provided the density does not exceed 20 bedrooms per acre.
  - (d) Within a DDD #4 only, one dwelling unit per principal building to be occupied by a resident gatekeeper, caretaker or maintenance person.
  - (e) Commercial Wireless telecommunication service facilities, in conformance with §32-16.

**26-2.3 Lot Area and Shape**

Commercial buildings shall have a minimum lot area of one (1) acre (43,560 square feet). Residential buildings shall conform to the minimum lot size designated for a single-family dwelling in the applicable Residence District.

**26-2.4 Setbacks (See §31-4 through §31-8, also.)**

No principal or accessory building, structure or use shall extend closer than fifty (50) feet from any front lot line, or Residential District Boundary Line and thirty (30) feet from any other side or rear lot line.

**26-2.5 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

**26-2.6 Height**

No building or other structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

**26-2.7 Coverage**

The building coverage shall not exceed ten percent (10%) of the net area of the lot which lies within the DDD.

**26-2.8 Building Area**

No mandatory requirements.

**26-2.9 Floor Area**

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.15 on the area of the lot which lies within the Design Development District (DDD) zone. Floor area used for parking and loading shall be excluded from the FAR.

**26-2.10 Architectural Design**

The architectural design, scale and mass of building and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevation shall be of such character as to harmonize and be compatible with the neighborhood, so as to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

**26-2.11 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**26-2.12 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations and the following condition:

- 26-2.12.1 An unobstructed view of at least two hundred fifty (250) feet along the major traffic artery shall be provided for entering and exiting traffic on all driveway openings.

**26-2.13 Landscaping, Screening and Buffer Areas**

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

## **§27 CORPORATE PARK DISTRICT (CPD)**

### **27-1 Purpose**

The purpose of the Corporate Park District (CPD) is to allow corporate office developments on sites of at least 1.5 acres fronting on the Boston Post Road, limiting the intensity of development and providing adequate off-street parking.

#### **27-1.1 Establishment of Districts**

Corporate Park Districts may be established from time to time in the Town of Westport, provided that each district shall:

- 1) contain at least 1.5 acres of land in single or common ownership;
- 2) have at least one hundred (100) feet of frontage on the Boston Post Road;
- 3) have direct vehicular access from the Boston Post Road; and
- 4) comply with the following standards and requirements for Corporate Park Districts.

### **27-2 Permitted Uses**

In a Corporate Park District, no land, building, or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

#### **27-2.1 Principal Uses**

Any Permitted Principal Use allowed in a Residence AAA District, subject to the same approvals and conditions specified in §11-2.1, herein.

#### **27-2.2 Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein.

- 27-2.2.1 Provided occupancy is limited to not more than three tenants, corporate office headquarters for business, professional, financial or other institutional uses, exclusive of healthcare professionals, medical or dental uses and retail financial institutions.
- 27-2.2.2 Related accessory buildings, structures and uses.
- 27-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 27-2.2.4 Schools, day care centers, and group day care homes.

#### **27-2.3 Accessory Uses**

- 27-2.3.1 A second and third business, professional or office tenant.
- 27-2.3.2 One dwelling unit per principal office building to be occupied by a resident gatekeeper, caretaker or maintenance person.
- 27-2.3.3 Uses customarily accessory to a permitted principal use, subject to the provisions of §32-7, herein.

27-2.3.4 All display or storage of goods, merchandise or supplies shall be located within a building.

**27-3 Lot Area and Shape (See Definition)**

Each lot shall have a minimum area of 1.5 acres or 65,340 square feet, a minimum frontage of 100 feet on the Post Road and a minimum shape so that a square with two hundred (200) feet on each side will fit in the lot.

**27-4 Setbacks (See §31-4 through §31-8, also.)**

No principal or accessory building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line or twenty-five (25) feet from any other side or rear lot line. Greater setbacks for principal and accessory buildings, structures or uses may be required, based on the size, shape and physical characteristics of the particular site.

**27-5 Height**

No building or other structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

**27-6 Coverage**

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the CPD.

**27-7 Building Area**

No mandatory requirement.

**27-8 Floor Area**

**27-8.1 Maximum**

The total gross interior floor area of all buildings on the lot shall not exceed 20,000 square feet.

**27-8.2 FAR (see Definitions)**

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the Corporate Park District (CPD) zone. Floor area used for parking and loading shall be excluded from the FAR.

**27-9 Architectural Design**

The architectural design, scale and mass of building and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevation shall be of such character as to harmonize and be compatible with the neighborhood, so as to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

**27-9.1 Roof-top equipment**

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

**27-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**27-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**27-12 Landscaping, Screening and Buffer Areas**

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

## **§28 BUSINESS PRESERVATION DISTRICT (BPD)**

### **28-1 Purpose**

These provisions are intended to retain the residential character of the existing buildings and are not intended to lead to the wholesale redevelopment of these areas to intensify the commercial use and to eliminate existing architectural scale and features. These BPD provisions are designed to create a zoning classification which would afford a reasonable and desirable linear, visual transition between established commercial areas. Frame residential structures in commercial areas along arterial streets tend to be replaced by larger more modern structures. The historical character of such areas is more residential in architectural design and building scale than more recently developed areas in the General Business District. Consequently, a limited business type zone is required to conserve the value of property while preserving the character of such areas and existing buildings therein from the standpoint of compatible land uses, architectural design, building scale and physical appearance. The BPD provides for such preservation and development.

### **28-2 Permitted Uses**

In a Business Preservation District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

#### **28-2.1 Principal Uses**

- 28-2.1.1 Any use permitted in the Residence AAA District, subject to the same approvals and conditions as in §11-2, herein.
- 28-2.1.2 The following uses are permitted only in a principal building existing on the premises at the time the BPD boundary is established and subject to Site Plan approval in accordance with §43, herein. This provision shall not be deemed to prevent new construction and use of a principal building on a lot, provided that such new construction or re-construction shall strictly adhere to the purposes of this district.
  - (a) Stores and shops where goods are sold and services are rendered primarily at retail.
  - (b) Grocery stores and delicatessens.
  - (c) Restaurants.
  - (d) Cafes and Taverns.
  - (e) Business, professional, medical, healthcare professionals, insurance, real estate and other offices.
  - (f) Banks
  - (g) Undertaker's establishments.
  - (h) Off-street parking lots, decks & garages.

#### **28-2.2 Special Permit Uses**

The following additional uses are permitted only in a principal building existing on the premises at the time the BPD boundary is established and subject to Special Permit and Site Plan Approval in accordance with §43, herein. This provision shall not be deemed to prevent new construction



and use of a principal building on a lot, provided that such new construction or reconstruction shall strictly adhere to the purpose of this district.

- 28-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 28-2.2.2 Two-family and multi-family dwelling units, subject to the provisions of §32-12, herein.
- 28-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 28-2.2.4 Bank drive-in within 500 feet of another bank drive-in as permitted by §28-2.3.6.

**28-2.3 Accessory Uses**

- 28-2.3.1 Uses customarily accessory to a permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.
- 28-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein.
- 28-2.3.3 Wholesaling and warehousing
- 28-2.3.4 Outdoor eating areas for restaurants subject to annual Zoning Permit approval, annual Health Permit and the following conditions:
  - (a) The outdoor eating area shall be accessible from the restaurant building only.
  - (b) The outdoor eating area shall not exceed either twenty (20) percent of the interior patron floor area or six (6) tables and twenty-four (24) chairs whichever is less.
  - (c) The outdoor eating area shall be largely open to the elements, and shall not be enclosed with a roof and walls be they permanent or temporary. The only exception are the use of umbrella tables and the protection of food preparation areas required by state and local health regulation. This type of patio will require no parking. If any type of protection from the elements other than table umbrellas is put over or around the patio then parking shall be required in accordance with the parking requirements for a restaurant.
  - (d) The outdoor eating area shall be a seasonal operation not to exceed a six month period from May 1 to November 1 of each year.
  - (e) Such outdoor eating area shall be exempt from the off-street parking requirements. If the patio exceeds the requirements in (b) then parking shall be required for the whole patio as stated in (c).
- 28-2.3.5 One attached dwelling unit, provided the density does not exceed 20 bedrooms per acre.
- 28-2.3.6 Bank drive-in; except that no lot shall be used for a drive-in bank, if such lot is located within a radius of 500 feet from any other lot used for a bank drive-in provided that the Planning & Zoning Commission may permit, upon a Special

Permit Approval in accordance with §43 of the regulations, and so long as the Commission shall find that such use shall maintain or improve the traffic level of service and safety conditions in and around the site. The application must be accompanied by a traffic report supplied by the applicant.

**28-2.4 Prohibited Uses**

The following uses in addition to those listed in §32-7, herein, shall be prohibited: gasoline filling stations, automobile service establishments, motor vehicle repair garages, any lot, establishment, agency or dealer for new, rental or used motor vehicles, automobiles, motorcycles, trucks, mobile homes, trailers, campers, boats, farm or other heavy equipment, hotels, motels, motor-inns, drive-in and fast food restaurants, indoor theaters and assembly halls, newspaper and job printing establishments, indoor and outdoor commercial recreation uses, commercial marinas and heavy commercial uses such as lumber yards, septic tanks sales, construction equipment yards, contractor's storage yards, etc.

**28-3 Lot Area (See Definition)**

No minimum requirement, except that no lot shall have less than 50 feet of frontage on at least one street.

**28-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line and twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

**28-4.1 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

**28-5 Height**

No building or other structure shall exceed two and one-half (2-1/2) stories and a height of thirty (30) feet, except for an addition that matches the existing pitched, gable, or gambrel roof line of an existing building on that lot.

**28-6 Coverage (See Definitions)**

The building coverage shall not exceed twenty percent (20%) of the area of the lot which lies within the Business Preservation District.

**28-7 Building Area**

No building shall have more than 2,500 square feet of building area.

**28-8 Floor Area**

**28-8.1 FAR**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the

BPD zone; except for two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development which contains two-family or multi-family dwellings, shall exceed an FAR of 0.35. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

**28-8.2 Maximum**

No one floor shall exceed an area of 2,500 square feet.

**28-9 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 other buildings in the BPD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purpose of this district, in whole or in part.

- 28-9.1.1 Buildings shall be designed to achieve a small scale and residential appearance.
- 28-9.1.2 Pitched roofed buildings shall be required.
- 28-9.1.3 Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.
- 28-9.1.4 Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**28-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**28-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

**28-12 Landscaping, Screening and Buffer Area**

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

## **§29 BUSINESS CENTER DISTRICT (BCD)**

### **29-1 Purpose**

The purpose of the Business Center District is to allow general commercial and office development in designated areas located along arterial streets, limiting the intensity of development with parking provided by existing private lots, municipal lots, and on-street parking spaces. Automotive and similar drive-in type establishments shall be prohibited.

### **29-2 Permitted Uses**

In a Business Center District, no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

#### **29-2.1 Principal Uses**

- 29-2.1.1 Any use permitted in the Residence AAA District, subject to the same approvals and conditions specified in §11-2, herein.
- 29-2.1.2 The following additional uses are permitted subject to Site Plan approval in accordance with §43, herein:
  - (a) Stores and shops where goods are sold and services are rendered primarily at retail, not above the first floor.
  - (b) Grocery stores and delicatessens, not above the first floor.
  - (c) Restaurants, not above the first floor.
  - (d) Cafes and taverns, not above the first floor.
  - (e) Business, professional, medical, healthcare professional, insurance, real estate and other offices.
  - (f) Banks
  - (g) Indoor theaters and assembly halls.
  - (h) Undertakers' establishments.
  - (i) Newspaper and job printing establishments.
  - (j) Off-street parking lots, decks and garages.

#### **29-2.2 Special Permit Uses**

- 29-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 29-2.2.2 Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.

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- 29-2.2.3 Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.
- 29-2.2.4 Two-family and multi-family dwelling units, subject to the provisions of §32-12, herein. No existing dwelling unit above the first floor can be changed to a non-residential use.
- 29-2.2.5 Fast food restaurants, not above the first floor.
- 29-2.2.6 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 29-2.2.7 Bank drive-in within 500 feet of another bank drive-in as permitted by §29-2.3.3.

**29-2.3 Accessory Uses**

- 29-2.3.1 Uses customarily accessory to a permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.
- 29-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein.
- 29-2.3.3 Bank drive-in; except that no lot shall be used for a drive-in bank, if such lot is located within a radius of 500 feet from any other lot used for a bank drive-in, provided that the Planning & Zoning Commission may permit, upon a Special Permit Approval in accordance with §43 of the regulations, and so long as the Commission shall find that such use shall maintain or improve the traffic level of service and safety conditions in and around the site. The application must be accompanied by a traffic report supplied by the applicant.
- 29-2.3.4 Wholesaling and warehousing.
- 29-2.3.5 Outdoor eating areas for restaurants subject to annual Zoning Permit approval, annual Health Permit and the following conditions:
  - (a) The outdoor eating area shall be accessible from the restaurant building only.
  - (b) The outdoor eating area shall not exceed 20% of the interior patron floor area or 6 tables and/or 24 chairs, whichever is less.
  - (c) The outdoor eating area shall be largely open to the elements, and shall not be enclosed with a roof and walls be they permanent or temporary. The only exceptions are the use of umbrella tables and the protection of food preparation areas required by state and local health regulation. This type of patio will require no parking. If any type of protection from the elements other than table umbrellas is put over or around the patio then parking shall be required in accordance with the parking requirements for a restaurant.
  - (d) The outdoor eating area shall be a seasonal operation not to exceed a six month period from May 1 to November 1 of each year.
  - (e) Such outdoor eating area shall be exempt from the off-street parking requirements. If the patio exceeds the requirements in (b) then parking shall be required for the whole patio as stated in (c).

- 29-2.3.6 Game Rooms, subject to the following conditions:
- (a) That a Zoning Permit be obtained from the Zoning Enforcement Officer.
  - (b) The number of coin operated amusement devices shall be limited to not more than 3 per lot.
  - (c) The hours of operation of said game room shall not exceed those of the principle use. In no case shall the hours of operation extend beyond 11:00 P.M., except in establishments with liquor licenses for on-premise consumption.
- 29-2.3.7 One attached dwelling unit, provided the density does not exceed 20 bedrooms per acre.

**29-2.4 Prohibited Uses**

The following uses in addition to those listed in § 32-7, herein, shall be prohibited: gasoline filling stations, automobile services establishments, motor vehicle repair garages, any lot, establishment, agency or dealer for new, rental or used motor vehicles, trailers, campers, boats, farm or other heavy equipment, hotels, motels, motor-inns, and drive-in restaurants.

**29-3 Lot Area (See Definitions)**

No minimum requirement, except that no lot shall have less than 50 feet of frontage on at least one street.

**29-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use or accessory building or structure shall extend closer than thirty (30) feet from the East Post Road front lot lines or twenty (20) feet from any other front lot line. Side and rear setbacks shall be determined by the physical site characteristics and surrounding buildings, structures and uses; provided that any two adjacent buildings shall be setback at least 6 feet from the lot line or shall have a fire wall on the lot line.

**29-5 Height**

No building or structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

**29-6 Coverage (See Definitions)**

The building coverage shall not exceed seventy-five (75%) of the area of the lot which lies within the BCD.

**29-7 Building Area**

No mandatory requirement.

**29-8 Floor Area**

**29-8.1 Maximum**

No one building shall exceed 10,000 square feet of gross interior floor space.

**29-8.2 FAR (see definitions)**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the lot that lies within the BCD zone; except for

two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR of 0.35; except that a new use or change of use above a first floor (street level) for two-family or multi-family dwellings in a Multiple Use Development shall not exceed an FAR of 1.0. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

**29-9 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 older buildings in the BCD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district, in whole or in part.

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

**29-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**29-11 Parking and Loading**

Parking and Loading shall be provided by existing private lots, municipal lots, and on-street spaces. Existing on-site parking as of 11/1/99 must be retained whether an existing building is destroyed, constructed, reconstructed or expanded. Additional floor area constructed after 11/1/99 will be required to provide additional on-site parking at one space per each 180 square feet. Any new construction of 10,000 square feet or more of gross interior floor area will be required to provide concealed parking as noted in §34-12 of the Supplementary Regulations.

**29-12 Landscaping, Screening and Buffer Areas**

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

**29-13 First Floor Defined**

For purposes of this section only, the "first floor" of the building is the building entrance opening to Main Street, Post Road, Bay Street and Taylor Place. There can be only one first floor per building.

## **§29A BUSINESS CENTER DISTRICT / Historic (BCD/H)**

### **29A-1 Purpose**

The purpose of the Business Center District/Historic is to prevent the potential loss of significant exterior historic features and to allow the preservation of buildings with historic interest to the community as determined by the Historic District Commission on the Town of Westport updated Historic Resources Inventory. In so doing, it fosters community pride, conserves the architecture of historic commercial areas and enables people to learn about local history. This zone will offer the property owners of these historically significant properties zoning regulations that are somewhat more flexible than those that apply to properties in the BCD. If a historic building or a historic portion of a building, as described in the most recent Westport Historic Resources Inventory, is to be demolished, the property will be subject to the permitted uses, lot area, setbacks, height, coverage, floor area, architectural design, signs, parking and loading, and landscaping provisions in the Business Center District regulations, and §29A-14 shall not apply.

### **29A-2 Permitted Uses**

In a Business Center District/Historic, no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

#### **29A-2.1 Principal Uses**

- 29A-2.1.1 Any use permitted in the Residence AAA District, specified in §11-2, herein subject to a special permit approval.
- 29A-2.1.2 The following additional uses are permitted subject to Site Plan approval in accordance with §43, herein:
  - (a) Stores and shops where goods are sold and services are rendered primarily at retail, not above the first floor.
  - (b) Grocery stores and delicatessens.
  - (c) Restaurants.
  - (d) Cafes and taverns.
  - (e) Business, professional, medical, healthcare professional, insurance, real estate and other offices.
  - (f) Banks
  - (g) Indoor theaters and assembly halls.
  - (h) Undertakers' establishments.
  - (i) Newspaper and job printing establishments.
  - (j) Off-street parking lots, decks and garages.



**29A-2.2 Special Permit Uses**

- 29A-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 29A-2.2.2 Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.
- 29A-2.2.3 Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.
- 29A-2.2.4 Two-family and multi-family dwelling units, subject to the provisions of §32-12, herein. No existing dwelling unit above the first floor can be changed to a non-residential use.
- 29A-2.2.5 Fast food restaurants.
- 29A-2.2.6 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 29A-2.2.7 Exterior reconstruction, alteration, or addition to any existing structure or a new construction requires a special permit with a combined recommendation from a joint meeting of the Historic District Commission and the Architectural Review Board. Ordinary maintenance and repair for which no building permit is required shall be exempted from this requirement provided there is no change to the exterior appearance of the building.
- 29A-2.2.8 Bank drive-in within 500 feet of another Drive-in Bank as permitted by §29A-2.3.3.

**29A-2.3 Accessory Uses**

- 29A-2.3.1 Uses customarily accessory to a permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.
- 29A-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein.
- 29A-2.3.3 Bank drive-in; except that no lot shall be used for a drive-in bank, if such lot is located within a radius of 500 feet from any other lot used for a drive-in bank, provided that the Planning & Zoning Commission may permit upon a Special Permit Approval in accordance with §43 of the regulations, and so long as the Commission shall find that such use shall maintain or improve the traffic level of service and safety conditions in and around the site. The application must be accompanied by a traffic report supplied by the applicant.
- 29A-2.3.4 Wholesaling and warehousing.
- 29A-2.3.5 Outdoor eating areas for restaurants subject to annual Zoning Permit approval, annual Health Permit and the following conditions:
  - (a) The outdoor eating area shall be accessible from the restaurant building only.

- (b) The outdoor eating area shall not exceed 20% of the interior patron floor area or 6 tables and/or 24 chairs, whichever is less.
- (c) The outdoor eating area shall be largely open to the elements, and shall not be enclosed with a roof and walls be they permanent or temporary. The only exceptions are the use of umbrella tables and the protection of food preparation areas required by state and local health regulation. This type of patio will require no parking. If any type of protection from the elements other than table umbrellas is put over or around the patio then parking shall be required in accordance with the parking requirements for a restaurant.
- (d) The outdoor eating area shall be a seasonal operation not to exceed a six month period from May 1 to November 1 of each year.
- (e) Such outdoor eating area shall be exempt from the off-street parking requirements. If the patio exceeds the requirements in (b) then parking shall be required for the whole patio as stated in (c).

29A-2.3.6 Game Rooms, subject to the following conditions:

- (a) That a Zoning Permit be obtained from the Zoning Enforcement Officer.
- (b) The number of coin operated amusement devices shall be limited to not more than 3 per lot.
- (c) The hours of operation of said game room shall not exceed those of the principle use. In no case shall the hours of operation extend beyond 11:00 P.M., except in establishments with liquor licenses for on-premise consumption.

29A-2.3.7 One attached dwelling unit, provided the density does not exceed 20 bedrooms per acre.

**29A-2.4 Prohibited Uses**

The following uses in addition to those listed in § 32-7, herein, shall be prohibited: gasoline filling stations, automobile services establishments, motor vehicle repair garages, any lot, establishment, agency or dealer for new, rental or used motor vehicles, trailers, campers, boats, farm or other heavy equipment, hotels, motels, motor-inns, and drive-in restaurants. (Also see §38-2, Prohibited Uses in the Aquifer Protection Overlay Zone).

**29A-3 Lot Area (See Definitions)**

No minimum requirement, except that no lot shall have less than 50 feet of frontage on at least one street.

**29A-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use and no accessory building or structure shall extend closer to the front, side and rear lot line than the setbacks existing on the lot on the effective date of the BCD/H, 6/1/04. (Also see §29A-9).

**29A-5 Height**

No building or structure shall exceed the height of either 25 feet to the top of a flat roof or 30 feet to the mid point of a pitched roof, whichever is less; except for an addition or alteration that cannot exceed the existing main roof line of an existing building on a lot on the effective date of

the BCD/H, 6/1/04. There shall be no restriction on the number of stories allowed within the height limit. The Planning & Zoning Commission may allow incidental architectural features to exceed the height limit by up to three (3) additional feet (Also see §29A-9).

**29A-6 Coverage (See Definitions)**

The building coverage shall not exceed the existing building coverage on the lot at the effective date of the BCD/H (6/1/04), or 75% of the area of the lot within the BCD/H, whichever is greater.

**29A-7 Building Area**

No mandatory requirement.

**29A-8 Floor Area**

**29A-8.1 Maximum**

No one mandatory requirement.

**29A-8.2 FAR (see definitions)**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the lot that lies within the BCD/H zone; except for two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR of 0.35; except that a new use or change of use above a first floor (street level) for two-family or multi-family dwellings in a Multiple Use Development shall not exceed an FAR of 1.0. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR. No building or structure shall exceed the FAR existing on a lot on the effective date of the BCD/H (6/1/04), or 0.25 FAR, whichever is greater.

Twenty-five percent (25%) of the FAR existing on a lot on the effective date of the BCD/H (6/1/04) may be relocated on the same lot within the allowable height, coverage and setback standards, provided there is adequate storage space as determined by the Planning and Zoning Commission.

However, the Planning & Zoning Commission may allow the extension of an existing mezzanine, balcony or partial upper floor with related increase in FAR inside a building existing on a lot on the effective date of the BCD/H (6/1/04), provided the expanded floor area is utilized for residential and/or restaurant uses only.

**29A-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 older buildings in the BCD/H District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district, in whole or in part.

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

Proposed new buildings on the same lot as the historic building, exterior building additions and alterations and roof top mechanical units shall be submitted to the Historic District Commission and the Architectural Review Board for a combined recommendation from a joint meeting. Their

guidelines for review will be the most recent Secretary of the Interior's Standards for the Treatment of Historic Properties, Standards for Rehabilitation.

**29A-9.1 Removal of historic buildings**

If a historic building or a historic portion of a building, as described in the most recent Westport Historic Resources Inventory, is to be demolished, the property will be subject to the permitted uses, lot area, setbacks, height, coverage, floor area, architectural design, signs, parking and loading, and landscaping provisions in the Business Center District regulations and §29A-14 shall not apply. Also see §6-2.3, Restoration.

**29A-9.2 Removal of non-historic additions to historic buildings**

If an existing addition to an historic building is not described as historically significant in the most recent Westport Historic Resources Inventory, that addition may be removed and another structure built no greater than the existing footprint, setback and height as the removed addition. The new structure will complement the historic period of the retained portion and will not alter the historic portion as stated in the most recent Secretary of the Interior's Standards for Treatment of Historic Properties, Standards for Rehabilitation. FAR must be adhered to. Also see §29A-8.2.

**29A-9.3 New additions and infill to historic buildings and additional buildings on the lot**

Additions or infill to historic structures and new buildings on the lot must be no greater than the height and setbacks of the original historic structure. Additions must complement the historic period of the historic structure and will not alter the historic portion as stated in the most recent Secretary of the Interior's Standards for Treatment of Historic Properties, Standards for Rehabilitation. FAR must be adhered to. Also see §29A-8.2.

**29A-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**29A-11 Parking and Loading**

Parking and Loading shall be provided by existing private lots, municipal lots, and on-street spaces. Existing on-site parking as of 11/1/99 must be retained whether an existing building is destroyed, constructed, reconstructed or expanded.

**29A-12 Landscaping, Screening and Buffer Areas**

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

**29A-13 First Floor Defined**

For purposes of this section only, the "first floor" of the building is the building entrance opening to Main Street, East Post Road, Bay Street and Taylor Place. There can be only one first floor per building.

**29A-14 Exemption of Floodplain Regulations**

The rehabilitation or restoration of structures in the BCD/H shall be exempt from the provisions of §31-9, Flood Plain Regulations, provided that:

- (1) A determination is made by the Planning and Zoning Commission that the proposed rehabilitation or restoration will not destroy the historic character and design of the building;
- (2) A determination that the rehabilitation or restoration will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

**29A-14.1 Written Notice Required**

Upon approval of any such rehabilitation or restoration, the Planning and Zoning Commission shall give written notice to the applicant specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage and shall maintain the records of all such actions and any appeals therefrom for the benefit of FEMA.

## **§30 HISTORIC DESIGN DISTRICT (HDD)**

### **30-1 Purpose**

The purpose of the Historic Design District is to:

- (a) prevent the potential loss of significant exterior historic factors and public buildings;
- (b) preserve the visual character and appearance of historic buildings that are on the National Register of Historic Places;
- (c) reduce traffic impacts on local streets and intersections;
- (d) provide additional parking;
- (e) discourage traffic generation and parking demand during peak periods on the local streets;
- (f) encourage residential land uses; and
- (g) encourage visual and physical access to and along the waterfront.

Such special purpose districts should be limited to areas where buildings are on the National Register, where areas are served by public utilities, where areas are served by mass transit, where areas have frontage on two State Highways, and where areas have frontage on the Saugatuck River and areas where buildings are recommended to be preserved by the HDC.

### **30-2 Permitted Uses**

In a Historic Design District (HDD), no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

#### **30-2.1 Principal Uses**

Any use permitted in the Residence AAA District subject to the same approval and conditions specified in §11-2, herein.

#### **30-2.2 Special Permit Uses**

The following additional uses are permitted subject to Special Permit and Site Plan Review in accordance with §43 & 44, herein.

- (a) Residential Units (apartments, condos and/or co-ops) not to exceed 3 bedrooms and averaging 2,000 square feet in size; maximum unit size shall not exceed 3,500 SF;
- (b) Hotels, with a conference and/or seminar facility not to exceed 400 square feet area;
- (c) Restaurants, cafes and taverns not to exceed the gross interior square footage of the ground floor area of a building existing on the effective date of the HDD;
- (d) In-door commercial recreation and entertainment uses;
- (e) Retail stores and retail service establishments on the ground floor; and on the upper floors not to exceed 10% of the sum of the gross floor area of all buildings existing on the effective date of the HDD.
- (f) Grocery stores and delicatessens on the ground floor only;

- (g) Surface parking lots;
- (h) Business, professional, insurance, real estate and other offices, excluding healthcare professional and medical, on the upper floors only (not ground floor) and not to exceed 10% of the sum of gross floor area of all buildings existing on the effective date of the HDD.
- (i) Banks with a sidewalk walk-up window only, but no bank drive-in.
- (j) Commercial Wireless telecommunication service facilities, in conformance with §32-16.

**30-2.3 Liquor Establishments**

- 30-2.3.1 Notwithstanding the provisions of §31-9, Liquor Establishments, the Planning and Zoning Commission Special Permit and Site Plan review may authorize the approval of only one (1) hotel liquor permit for on-premises consumption in a HDD; provided that:
  - (a) no valid liquor permit exists in the HDD on the effective date of the HDD, and
  - (b) at least one or more valid liquor permits existed in the HDD within five years prior to the effective date of the HDD. Said liquor permit shall only be permitted in an existing building with a gross interior floor area greater than 5,000 square feet and for a restaurant with a patron floor area greater than 1,000 square feet.

**30-2.4 Accessory Buildings, Structures and Uses**

Uses customarily accessory to a permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.

- 30-2.4.1 Wholesaling, Warehousing and Storage.
- 30-2.4.2 Boat docks.
- 30-2.4.3 Boardwalks and other Riverfront Amenities.
- 30-2.4.4 Outdoor eating areas for restaurants subject to annual Zoning Permit approval, annual Health Permit and the following conditions:
  - (a) The outdoor eating area shall be accessible through the restaurant only.
  - (b) The outdoor eating area shall not exceed either 20% of the interior patron floor area or 6 tables and 24 chairs, whichever is less.
  - (c) The outdoor eating area shall be a largely open to the elements, and shall not be permanently enclosed with a roof and walls.
  - (d) The outdoor eating area shall be a seasonal operation not to exceed a six month period from May 1 to November 1 of the year.
  - (e) Such outdoor eating area shall be exempt from the off-street parking requirements.

**30-2.5 Prohibited Uses**

In addition to those listed in §32-7, herein, no use shall be permitted on the highest main roof top of any building.

**30-3 Lot Area (see Definitions)**

No minimum requirement.

**30-4 Setbacks (See §31-4 through §31-8, also.)**

**30-4.1 General Setbacks**

Buildings, structures and uses shall be set back from property lines and Mean High Water Line and shall be separated from one another as deemed necessary by the Planning and Zoning Commission to allow for adequate light and air, fire, safety, emergency access, facade maintenance, public access to and along the waterfront, river views and vehicular sight lines.

**30-4.2 Front Lot Line Setbacks**

No principal building, structure or use and no accessory building or structure shall extend closer to the front lot line than the setbacks existing on the effective date of the HDD.

**30-4.3 Side Yard Setbacks**

The side yard setbacks may be reduced to zero where necessary either to allow the construction of a common fire wall on the lot line or to allow two adjacent buildings to be inter-connected across the lot line.

**30-5 Height**

**30-5.1 Maximum Height**

No building or structure shall exceed the height of the main roof line of a building existing on the lot on the effective date of the HDD or 30 ft., whichever is less; except for an addition or alteration that does not exceed the height of the existing main roof line of the building existing on the lot on the effective date of the HDD.

**30-5.2 Number of Stories**

There shall be no restriction on the number of stories allowed within the height limit.

**30-5.3 Incidental Architectural Features**

The Planning and Zoning Commission may allow incidental architectural features to exceed the height limit by up to three (3) additional feet.

**30-6 Coverage**

**30-6.1 Building Coverage**

The building coverage shall not exceed either the existing building coverage on the lot at the effective date of the HDD or 25% of the area of the lot within the HDD, whichever is greater.

**30-6.2 Recaptured Coverage**

In order to provide more off-street parking or additional site amenities, existing building coverage may be reduced by up to 50% on the ground floor level of the building. The ground floor space



lost by such a reduction may be recaptured, square feet for square feet, and be relocated to upper floor levels in the building or elsewhere within the HDD.

**30-6.3 Coverage Exemptions**

The Planning and Zoning Commission may exempt open porches, ramps, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience. The ordinary projection of entry platforms, steps, cantilevered roofs, eaves, cornices, chimneys, windows, awnings and similar incidental architectural features, however, shall be exempt from building coverage; provided such architectural features will not impair the historic appearance or integrity of the building.

**30-7 Building Area**

No mandatory requirement.

**30-8 Floor Area**

**30-8.1 Existing FAR**

No building or structure shall exceed either the FAR existing on a lot on the effective date of the HDD or 0.25 FAR, whichever is greater.

**30-8.2 Relocated FAR**

Any portion of the FAR existing on a lot on the effective date of the HDD may be relocated on the same lot within the allowable height, coverage and setback standards, herein.

**30-8.3 Combined FAR**

Any portion of the combined FAR existing on two (2) or more lots within a HDD may be relocated on the same or other lot(s) within the allowable height, coverage and setback standard, herein, as applied to such lots on the effective date of the HDD.

**30-8.4 Total FAR**

The total combined FAR of all buildings on all lots within the HDD on the effective date of the HDD shall not be increased.

**30-9 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 historic buildings in the HDD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district, in whole or in part.

**30-9.1 Building Facades**

Building facades along public streets and riverfronts shall be restored and preserved, and facade easements may be granted to the Town. Proposed new exterior building additions and alterations

and roof top mechanical units shall be submitted to the Historic District Commission for review and recommendation. Architectural Review Board review and recommendation is not required.

**30-9.2 Streetscape Amenities**

Streetscape amenities (e.g. pavers, lighting, signage, landscaping, curbing, benches, etc.) shall adhere to a uniform design scheme throughout the HDD District. The uniform design scheme for the entire district shall be submitted to the Historic District Commission for review and recommendation.

**30-9.3 River Frontage Amenities**

The immediate river frontage shall be primarily devoted to pedestrians, e.g. parks, landscaping, walkways, plazas, etc.

**30-10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**30-11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations, except that the Planning and Zoning Commission may modify the following specific standards:

- (1) Loading space requirements and number of loading spaces;
- (2) Parking area trees and islands;
- (3) Parking back-up areas;
- (4) Parking stall widths to 8';
- (5) Parking aisle widths; and
- (6) Other parking design standards commensurate with public safety.

**30-11.1 Tandem Parking Spaces**

The Planning and Zoning Commission may permit tandem parking spaces for long-term users, e.g. employees.

**30-11.2 On-site Parking for daytime uses**

On-site parking for daytime office and retail uses shall comply with the use requirements.

**30-11.3 Parking Increase**

On-site parking shall be increased to the greatest extent possible.

**30-12 Off-Site Parking on a Different Lot**

Off-site parking on private property within 1,000 feet of the site with a long-term lease of 99-years or more may be utilized to satisfy not more than 65% of the total required parking; provided that the time and days of shared use does not conflict with the existing use of said private property.

**30-13 Fees-In-Lieu of Parking**

Pursuant to §8-2c of the Conn. General Statutes, the Planning and Zoning Commission may allow that fees be paid in lieu of providing all or a portion of the off-street spaces required for a use or structure providing:

- (a) that the use or structure is located within an HDD Zoning District; and
- (b) that the total number of off-street parking spaces needed to meet all the requirements of §34 cannot be physically accommodated on the same lot with the proposed use or structure and are not otherwise provided for and/or accounted for §34-8 (joint parking on-site) and/or §30-12 (leased parking off-site), herein.

**30-13.1 Application**

An application for fees-in-lieu of parking must be submitted to the Planning and Zoning Commission and shall include:

- (a) Three (3) copies of a site plan showing layout, number, size and location of all parking spaces existing or to be provided on the lot; and
- (b) A written statement identifying the use or uses to be contained within the premises or building; area of the building or premises devoted to each use; detailed breakdown by use showing the number of parking spaces required per §34; the number of spaces that can be accommodated on the lot; and the deficit between the required and proposed parking spaces.

**30-13.2 Determination of Parking Deficit**

The Commission with staff assistance will make a preliminary determination of parking deficit by using parking standards under §34 of the Zoning Regulations. The Commission shall notify the applicant within 30 days of its decision. Following receipt of written notification, the applicant shall notify the Commission and the Traffic Authority that (a) he/she concurs with the Commission preliminary determination, and (b) that payment of fees in lieu of parking will be made to the "Fees-in-lieu of Parking Fund." A final agreement detailing the amount of fees due the Fund and the number of parking spaces in deficit, will be entered into by the applicant and the Commission after a 2/3 vote of approval of its members. The final agreement shall be filed in the office of the Town Clerk. The Commission shall consider the Site Plan application as if all parking requirements have been met by the final agreement.

**30-13.3 Determination and Payment of Fees**

Fees in lieu of parking shall be \$2,000 per deficit parking space and shall be paid in full by the applicant prior to the issuance of a Zoning Permit.

**30-14 Total Required Parking**

The total amount of parking spaces required pursuant to §34, herein, for all uses of a lot shall be provided for and/or accounted for by one or more of the following means:

- (1) Required off-street parking spaces on the same lot pursuant to §34-5;
- (2) Joint parking on the same lot pursuant to §34-8;
- (3) Off-street parking on a different lot pursuant to §30-12;

- (4) Fees-in-lieu of parking pursuant to §30-13; or
- (5) Any combination of the above.

**30-15 Landscaping, Screening and Buffer Areas**

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations except that the Planning and Zoning Commission may modify any landscape requirement therein.

**30-16 Exemption of Floodplain Regulations**

The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places and located within a HDD shall be exempt from the provisions of §31-9, Flood Plain Regulations, provided that:

- (1) A determination is made by the Planning and Zoning Commission that the proposed reconstruction, rehabilitation, or restoration will not destroy the historic character and design of the building;
- (2) A determination that the reconstruction, rehabilitation or restoration will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

**30-16.1 Written Notice Required**

Upon approval of any such reconstruction, rehabilitation or restoration, the Planning and Zoning Commission shall give written notice to the applicant specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25. for \$100. of insurance coverage and shall maintain the records of all such actions and any appeals therefrom for the benefit of FEMA.

**SUMMARY SCHEDULE OF NON-RESIDENTIAL DISTRICT PROVISIONS**

Note: The following schedule is a summary of the general requirements for non-residential districts. It can be used as a quick reference to compare the various districts; however, the specific provisions for each district shall prevail for the purpose of zoning enforcement.

SECTION	ZONING DISTRICT	MINIMUM LOT REQUIREMENTS		SETBACK REQUIREMENTS See also §31-4 through §31-8			MAXIMUM BUILDING REQUIREMENTS			
		Area	Shape	Front	Side	Rear	Height	Building Coverage	Building Size (square feet)	*FAR
21	Restricted Professional Office (RPOD)	See §21-3; 50 ft frontage required	NR	30 feet	15 ft	25 ft	2 1/2 stories and 30 feet	20%	2,500	0.25
22	Restricted Office-Retail (RORD #1, #2, and #3)	See §22-3; 50 ft frontage required	NR	#1 30 ft #2 & #3 30 ft	15 ft 15 ft	25 ft 25 ft	2 1/2 stories and 30 feet	20%	2,500	0.25
23	Restricted Business (RBD)	NR; 50 ft frontage required	NR	30 ft	15 ft	25 ft	2 stories and 25-30 ft	25%	10,000	0.25
24	General Business (GBD)	NR; 50 ft frontage required	NR	30 ft	15 ft	25 ft	2 stories and 25-30 ft	25%	10,000	0.25
25	Highway Service (HSD)	1/2 acre	Square, 100 ft on a side.	30 ft	15 ft	25 ft	2 stories and 25-30 ft	25%	10,000	0.25
26	Design Development (DDD)	1.0 acre	none	50 ft	30 ft	30 ft	2 stories and 25-30 ft	10%	NR	0.15
27	Corporate Park (CPD)	1.5 acres; 100 ft frontage on Post Road	Square, 200 ft on a side.	30 ft	25 ft	25 ft	2 stories and 25-30 ft	25%	20,000 for all buildings.	0.25
28	Business Preservation (BPD)	NR; 50 ft frontage required	NR	30 ft	15 ft	25 ft	2 1/2 stories and 30 ft	20%	2,500	0.25
29	Business Center (BCD)	NR; 50 ft frontage required	NR	30 ft or 20 ft	6 ft	6 ft	2 stories and 25-30 ft	75%	10,000	0.25
29A	Business Center District Historic (BCD/H)	NR; 50 ft frontage required	NR	See §29A-4	See §29A-4	See §29A-4	See §29A-5; 25-30 ft	See §29A-6; 75%	NR	See §29A-8; 0.25
30	Historic Design (HDD)	NR	NR	V	V	V	V or 30 ft	V or 25%	V	V or 0.25

NR - No minimum or maximum requirements. V - Variable requirement as determined by physical site characteristics and surrounding buildings, structures and uses.

\* FAR may be greater for multi-family use in certain zones.

(Revised 6/04)

# §31 REGULATIONS APPLYING TO ALL DISTRICTS

## **31-1 Lot Frontage**

### **31-1.1 One Lot**

No lot in any district shall be occupied unless it has a frontage of at least twenty (20) feet of fee ownership on an existing improved public street, private street and/or subdivision road approved by the Planning and Zoning Commission and on file with the Town Clerk. The required 20-foot frontage and 20-foot wide accessway shall be located to provide a safe means of access to the lot, to permit a convenient driveway across said frontage into the lot, and to allow the physical construction of a driveway at least 10 feet in width.

### **31-1.2 Multiple Lots**

Two (2), three (3), four (4) or five (5) lots may use the same private street providing that such street has a minimum right-of-way width of thirty (30) feet and connects with or extends from an existing improved public street, private street and/or subdivision road provided that such existing street has an improved travel path at least twenty (20) feet wide and a right-of-way width of forty (40) feet approved by the Planning and Zoning Commission and on file in the Town Clerk's Office.

## **31-2 Rear Lots**

Rear lots are permitted in any Residence District, subject to the following conditions and safeguards:

### **31-2.1 Lot and Building Requirements**

Each rear lot shall comply with the lot and building requirements for the applicable Residence District.

### **31-2.2 Access Requirements**

Each rear lot shall be connected by a strip of land or accessway, in fee simple ownership by the owner of said rear lot, to an existing improved public or private street or a subdivision road approved by the Planning and Zoning Commission and on file with the Town Clerk.

- 31-2.2.1 The accessway shall not exceed a length of:
- (a) 450 feet for Residence AAA District
  - (b) 350 feet for Residence AA District
  - (c) 250 feet for Residence A District
  - (d) 125 feet for Residence B District

31-2.2.2 The maximum number of adjoining accessways shall not exceed two (2).

31-2.2.3 Each accessway shall be at least twenty (20) feet in width.

31-2.2.4 The area of such accessway shall not be included in the minimum required area of the lot.

**31-3 Fences and Walls, Obstructions at Corners (see §5-2 Fence or Walls)**

On any lot, no planting, fence, stone wall, sign, building or other obstruction shall be extended within thirty (30) feet of any corner triangle formed by the intersecting right-of-way lines or protected street lines of any public or private street so as to interfere with traffic visibility around such corner. This restriction shall not apply to any building permitted by these regulations to extend within thirty (30) feet of any such corner.

**31-4 Projections into Setbacks**

The space in any setback shall be open and unobstructed, except for the projection of entry platforms or steps; cantilevered roofs, eaves, cornices; chimneys; window sills or sun shades and similar incidental architectural projections on lots of one-quarter acre (10,890 square feet) in area or greater, provided that such architectural projections shall not extend more than three (3) feet into the required setback, or more than a distance equal to twenty percent (20%) of the minimum required setback, whichever is less. The projections shall be measured from the building wall or face. The setback shall be measured from the Street line, lot line or zoning district boundary, as applicable to any projection, structural or architectural, on lots of less than one-quarter acre (10,890 square feet) in area.

**31-5 SECTION DELETED**

**31-6 Setbacks from High Voltage Transmission Lines**

No building or structure shall be erected within a minimum safe distance from the center line of any high voltage transmission line as determined by the applicable public utility standards.

**31-7 Setbacks from Waterbodies, Watercourses and Wetlands**

No building, structure, parking areas, driveway, patio or terrace shall be located within twenty-five (25) feet of an inland wetland, tidal wetland and/or mean high water line of any such waterbody or watercourse, nor within the limits set by the Westport Waterway Protection Lines Ordinance, existing or approved by the Commission at the time of application, whichever is greater, unless a direct encroachment into such regulated area is specifically approved by Conn. DEP, Westport Conservation Commission, Westport Flood and Erosion Control Board and the Westport R.T.M. as applicable. Bridges, docks, landings and/or boathouses and other similar structures are exempt from this setback requirement.

**31-8 Setbacks for Sub-Surface Structures**

Any basement, cellar or other similar underground buildings or subgrade structures, shall adhere to all required setbacks within the applicable District.

**31-9 Liquor Establishments**

No premises shall be used for the purpose of selling any alcoholic liquor, beer, ale or wine for on-premises consumption under any permit for a restaurant, cafe, tavern, club, hotel or nightclub, as

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defined by the State Liquor Commission, if such premises is within a radius of fifteen hundred (1,500) feet from any other premises where any alcoholic liquor, beer, ale or wine is sold for on-premises consumption under any of the above-named permits, except as noted below.

**31-9.1 General Conditions**

No premises used for the purpose of selling alcoholic liquors, beer, ale, or wine for on-premises consumption for which the permit for such alcoholic liquors, beer, ale or wine is abandoned or discontinued for a period of one hundred eighty (180) days shall thereafter be used for the purpose of selling any alcoholic liquors, beer, ale or wine for on-premise consumption except in compliance with §31-9 in its entirety unless the property owner or the property owner's agent provides documentation to establish the property owner's intent to maintain the use. No building, structure, or portion thereof where any alcoholic liquors, beer, ale or wine are sold, for on-premises consumption which has been destroyed or damaged by fire, explosion, act of God or other casualty which has not been restored or continued for such use to the same extent as said use existed before construction within two (2) years of such destruction or damage, shall be restored or continued unless the property owner or the property owner's agent provides documentation to establish the property owner's intent to maintain the use. Such use shall not be extended or expanded except in compliance with §31-9. Also see §6-1.4.

**31-9.2 Restaurants**

Restaurants, as defined in §5-2, which have a restaurant permit to allow the retail sale of alcoholic liquor to be consumed on the premises, as granted by the Department of Liquor Control, are permitted within 1500 feet of another establishment, provided that:

- a. There is only one such restaurant on the premises and there is no more than one other establishment selling liquor, beer, ale or wine for off-premises consumption on the premises.
- b. Alcoholic liquor is served in the restaurant from a service bar only to seated patrons.
- c. The service of alcoholic liquor in the restaurant is incidental to the service of hot meals.
- d. No more than 25% of the Patron Floor Area of the restaurant is dedicated to counter service.

**31-10 Coastal Area Regulations**

**31-10.1 Purpose**

The purpose of this regulation is to a) promote and encourage public access to and use of the waters of Long Island Sound, Saugatuck River, Sasco Creek, and other similar marine and tidal waters as identified in Chapter 444 of Conn. General Statutes and b) assure that development within the coastal area of Westport is accomplished in a manner which is consistent with the goals and policies of the Conn. Coastal Area Management Act (CAM Act)<sup>1</sup> and with the goals and policies of the Town of Westport Planning and Zoning Commission.

**31-10.2 Location**

The Coastal Area shall be defined as that area of Westport which lies within the Coastal Boundary (CAM Boundary) as described in § 22a-94 of the Connecticut General Statutes and as



shown on the maps entitled "Coastal Boundary" prepared by the CAM Program, Conn. DEP at 1"=24,000 feet and dated 1979, a copy of which is on file with the Town Clerk.

### **31-10.3 Permitted Uses**

In the Coastal Area, any use, activity or project which is allowed in the Zoning District in which the property is located shall be permitted, subject to compliance with the requirements of all pertinent sections of these regulations except that priority shall be given to water dependent uses as defined in §22a-95 (16) of Conn. General Statutes.

### **31-10.4 Water Dependent Uses**

Water dependent uses shall be those uses defined in Chapter 444 of the Conn. General Statutes, except that a water dependent use that is water dependent by virtue of providing "general public access to marine and tidal waters" only shall also provide three (3) or more of the following amenities for general public use in any non-residential zone and shall require same for all Special Permit uses in any residential zone, except an Accessory Apartment.

- a) open space easement for passive public use;
- b) pedestrian access easement;
- c) vehicular access easement and additional public parking;
- d) conservation easement for natural preservation;
- e) view land/vistas preservation easement;
- f) canoe and/or boat ramp;
- g) fishing pier;
- h) marina and boat docks;
- i) dry-dock boat storage; and
- j) boat rentals.

### **31-10.5 Coastal Site Plan Requirements**

No use, activity or project for which a Coastal Site Plan is required by § 22a-105 (b) of CAM Act shall commence until a Coastal Site Plan has been approved by the Planning and Zoning Commission or the Zoning Board of Appeals in accordance with the requirements of §§105 through 22a-109 of the CAM Act.

### **31-10.6 Exemptions**

A Coastal Site Plan shall be required for any use, activity or project as defined in §22a-105(b) of the CAM Act, which is proposed to be located either wholly or partially within the Coastal Boundary, with the exception of interior modifications to buildings, gardening, grazing, and the harvesting of crops.

The following uses, activities and project shall be exempt from the coastal site plan review requirements of §22a-105 through §22a-109 of the Conn. General Statutes.

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- 31-10.6.1 Construction of an individual single family residential structure, except when such structure is (a) located on an island not connected to the mainland by an existing road, bridge or causeway, or (b) is in or within two hundred (200) feet of the Mean High Water Line (MHWL), or (c) is in or within one hundred feet of the following coastal resource areas; tidal wetlands, coastal bluffs and escarpments and beaches and dunes.
- 31-10.6.2 Additions and or exterior modifications to any existing residential building or structure, except for additions within two hundred (200) feet of MHWL that expand extend or enlarge either the building area or floor area by more than 25%.
- 31-10.6.3 Construction of detached single-family residential dwellings except in or within one hundred (100) ft. of tidal wetlands, coastal bluffs, escarpments, beaches, dunes, islands, near shore waters and fresh water wetlands which are identified as "Environmentally Sensitive Areas" are shown on the maps entitled "Coastal Resources" prepared by CAM Program, Conn. DEP at 1"=24,000' and dated 1979, a copy of which is on file with the Town Clerk, and which are on lots which are part of subdivisions previously approved under provisions of the Coastal Area Management Act.
- 31-10.6.4 Construction of new or modification of existing on-premise fences, driveways, swimming pools, tennis courts, utility sheds, cabanas, garages, decks, docks, pedestrian walks, patios and terraces, underground utility connections, essential electric, gas, telephone, water and sewer lines, signs and other similar detached accessory buildings and structures, that are incidental to the enjoyment of a residence, that will not substantially alter the natural character of coastal resources and that will not restrict access along the public beach, shorefront or near shore waters.
- 31-10.6.5 Minor excavating, regrading, filling or stockpiling of materials, not to exceed 5,000 square feet in area, 1,000 cubic yards in quantity, and ten (10) feet in height except in or within one hundred (100) feet of tidal wetlands, coastal bluffs, escarpments, beaches, dunes, islands, near shore waters, fresh water wetlands and embayments or extreme high tide line which are identified as "Environmentally Sensitive Areas" and are shown on the maps entitled "Coastal Resources" prepared by CAM Program, Conn. DEP at 1"=24,000' and dated 1979, a copy of which is on file with the Town Clerk.
- 31-10.6.6 Minor additions to and minor changes of use in a non-residential building, structure, or property except those changes occurring on property abutting tidal wetlands and/or coastal waters including the Saugatuck River. Minor shall be defined as less than 1000 square feet of building coverage, or less than 1000 square feet of floor area or fewer than four (4) new parking spaces and shall include exterior staircases or elevator mandated by the fire marshall for public safety and awnings.
- 31-10.6.7 Other activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land, water and other related resources that will not substantially alter the natural character of

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coastal resources and that will not restrict access along the beach, shorefront or near shore waters.

The above exemptions from coastal site plan review requirements shall apply to all applications to the Planning and Zoning Commission for Special Permit and Site Plan Review pursuant to §43 herein and requests to the Zoning Board of Appeals for a Variance.

**31-10.7 Coastal Site Plan Procedures**

An application for approval of a Coastal Site Plan shall be filed with the Planning & Zoning Commission or the Zoning Board of Appeals in addition to any required application for a Zoning Permit, Special Permit, or Site Plan Review. and all other required local, State and/or Federal approvals, and shall comply with all provisions of the applicable Zoning District in which the property is located; with §§ 43 & 44 herein; with all other pertinent requirements of these Zoning Regulations; and with all applicable provisions of §22a-105 through §22a-109 of the CAM Act.

**31-10.7.1 Coastal Site Plan**

An application for a Coastal Site Plan shall comply with the provisions of §43-3, Application, Site Plan Document and Objectives, herein, and shall contain the following additional information:

- (a) location and spatial relationship of coastal resources on and contiguous to the site;
- (b) a project description including location, design, timing and methods of construction;
- (c) an assessment of the capability of the resources to accommodate the proposed activity;
- (d) an assessment of the suitability of the project for the site;
- (e) an evaluation of the potential, beneficial and/or adverse impacts of the project;
- (f) a description of proposed methods to mitigate adverse effects on coastal resources;
- (g) reasons why the adverse impacts of the proposed activity are acceptable;
- (h) a statement of how such activity is consistent with the goals and policies of the CAM Act;
- (i) a sedimentation and erosion control plan shall be submitted for all projects, activities and uses requiring site plan review pursuant to §31-10.5 herein involving ground disturbance.

**31-10.7.2 Environmental Assessment/Impact**

The Commission or its designated agent may require the applicant to provide additional environmental information for the purpose of compiling a complete environmental impact analysis.

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Any required Environmental Assessment or Environmental Impact Statement shall consider:

- (a) the physical and environmental characteristics of the site.
- (b) the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water dependent development opportunities.
- (c) all applicable goals and policies of the CAM Act, and identify conflicts between the proposed activity and any goal or policy.

31-10.7.3 Vegetated Buffers

In coastal site plans where there are environmentally sensitive and/or ecologically fragile natural resources such as inland wetlands, steep slopes in excess of 25% or scenic vistas, or coastal resources such as tidal wetlands, coastal bluffs and escarpments, beaches, and dunes, the Commission may require the provision of a vegetative buffer in order to protect and preserve such natural or coastal resources. Plantings shall be native species, and salt-tolerant.

31-10.7.4 Public Hearing

In reviewing a Coastal Site Plan in accordance with the requirements of §22a-109 of the CAM Act, the Commission or Board will hold a public hearing on a Coastal Site Plan if required by these regulations.

31-10.7.5 Commission/Board Action

The Commission or Board shall approve, approve with conditions, modify, or deny the application. It shall set forth the reasons for its decision and shall notify the applicant of its decision by certified mail within fifteen (15) days after such decision is rendered. In approving any activity proposed in a Coastal Site Plan, the Commission or Board shall make a written finding that the proposed activity, with any conditions or modifications imposed by the Board or Commission, is:

- (1) consistent with all applicable goals and policies of the CAM Act;
- (2) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

31-10.7.6 Time Periods

Any approved coastal site plan for which a zoning permit has not been issued within one (1) year from the effective date shall become null and void, unless an extension of time is applied for and granted by the Commission or Board.

31-10.7.7 Bond

The Board or Commission reviewing a Coastal Site Plan may require a bond, escrow account or other surety or financial security arrangements to secure compliance with any modifications, conditions and other terms stated in its approval of a Coastal Site Plan.

### **31-11 Flood Plain Regulations**

#### **31-11.1 Purpose**

The purpose of these Flood Plain Regulations is:

- (1) to protect life and property from the ravages of flooding;
- (2) to control development in areas which are subject to flooding; and
- (3) to enable the Town of Westport to continue its eligibility for federal flood insurance and, in doing so, to meet the minimum standards set forth by the Federal Emergency Management Agency.

#### **31-11.2 Location**

All land, buildings, structures and uses located within the 100 year flood area shall be subject to the provisions of these regulations:

##### **31-11.2.1 Base Flood Level**

The elevation of the 100 year flood shall be known as the base flood level as determined by the U. S. Army Corps of Engineers indicated in the "Flood Insurance Study" for Town of Westport, Conn., Fairfield Co., by Federal Emergency Management Agency, Federal Insurance Administration, dated June 4, 1984, as amended to December 4, 1984, January 7, 1998 and as further amended.

##### **31-11.2.2 Flood Hazard Areas**

The Flood Hazard Areas shall be those areas so identified on the Flood Insurance Rate Map (FIRM), Town of Westport, Conn., Fairfield Co., Scale 1"=500', effective date December 4, 1984, January 7, 1998 and as amended, prepared by the Federal Emergency Management Agency as Flood Zones A, A1-A30 and VI-V30 which maps are on file in the office of the Town Clerk.

##### **31-11.2.3 Floodway and Floodway Fringe**

The Floodway and Floodway Fringe shall be those areas so identified on the Flood Boundary and Floodway Map (FBFM), Town of Westport, Conn., Fairfield Co., Scale 1"=500', effective date December 4, 1984, and January 7, 1998 and as amended, prepared by the Federal Emergency Management Agency, as part of the "Flood Insurance Study" dated June 4, 1984, as amended to December 4, 1984, January 7, 1998 and as further amended.

#### **31-11.3 Flood Protection Requirements**

Any proposed building, structure, or use located in a flood prone area, as delineated on the Flood Insurance Rate Map and Flood Boundary and Floodway Map, shall conform to the following requirements:

##### **31-11.3.1 Data**

Plans for all proposed developments shall include the following base flood level data:

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- (a) For the purpose of these regulations, the applicant shall provide the elevations, in relation to mean sea level, of the lowest floors (including basements or cellars) of all new or substantially improved structures. If a structure has been floodproofed, the applicant shall provide the elevation, in relation to mean sea level, up to which the structure was floodproofed.
- (b) A record of all such flood elevation information shall be maintained by the Zoning Enforcement Officer.

31-11.3.2 Flood Zones A and V

In all special Flood Hazard Areas, designated as Flood Zone A (numbered and un-numbered) and Flood Zone V (numbered), the following provisions shall apply:

- (a) Proposed developments shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including §404 of the Federal Water Pollution Control Act as well as all other local regulations and ordinances.
- (b) Permits shall be required for all new construction, substantial improvements (including the placement of prefabricated buildings, manufactured homes, and mobile homes), and other development and all of the above shall
  - (1) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure,
  - (2) be constructed with materials and utility equipment resistant to flood damage, and
  - (3) be constructed by methods and practices that minimize flood damage.
- (c) Where floodproofing is utilized for a particular structure, a professional engineer or architect, licensed by the State of Connecticut shall certify that the floodproofing methods are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with the base flood. A record of each certificate indicating the specific elevation (in relation to mean sea level) to which said structure is floodproofed, shall be maintained by the Zoning Enforcement Officer.
- (d) New and replacement water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site sewage disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment, gas and liquid storage tanks that are principally above ground, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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- (f) Prior to any alteration or relocation of any watercourse designated on the Flood Rate (FIRM) or Floodway (FBFM) Maps, the applicant shall notify the Conservation Commission, Flood and Erosion Control Board (F&ECB), RTM, Town Engineer, Connecticut Department of Environmental Protection (DEP), Conn. Coordinating Office and each adjacent community and shall submit copies of such notifications to the Zoning Enforcement Officer and the Administrator. The flood carrying capacity within an altered or relocated portion of any such watercourse shall be maintained.
- (g) Alternative vehicular access and escape routes should be provided for all new and substantially improved non-residential structures when normal routes would be blocked or destroyed by flooding.

31-11.3.3 Flood Zone A (Unnumbered)

In all special flood hazard areas designated as Flood Zone A (Unnumbered), the following additional standards shall apply:

- (a) The Zoning Enforcement Officer shall require the applicant to obtain and utilize any base flood elevation and floodway data available from a Federal, State, Town or other source. The applicant shall use said data as criteria for ascertaining that:
  - (1) all new construction and substantial improvements of residential structures have the lowest floor (including basement or cellar) elevations at or above the base flood level and
  - (2) all new construction and substantial improvements of non-residential structures have the lowest floor (including basement or cellar) elevations floodproofed at or above the base flood level.
- (b) In A-Zones, where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement or other development (including fill) be permitted, which would increase base flood elevations more than one (1) foot at any point along the watercourse, when all anticipated development is considered cumulatively with the proposed development.

31-11.3.4 Flood Zones A1-A30, AE

In all special flood hazard areas designated as Flood Zones A1-A30 the following additional standards shall apply:

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement or cellar) elevations at or above the base flood level.
- (b) All new construction and substantial improvements of non-residential structures shall
  - (1) have the lowest floor (including basement or cellar) elevations at or above the base flood level or,

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- (2) together with attendant utility and sanitary facilities, shall be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components of resisting the hydrostatic and hydrodynamic loads and effects of buoyancy. Where floodproofing is utilized for a particular structure in accordance with this section, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be filed with the Zoning Enforcement Officer.
- (c) Encroachments, including fill, new construction, substantial improvements, and other developments within the adopted regulatory floodway, that would result in any increase in flood levels within the community during the occurrence of the base flood discharge, be prohibited.
- (d) The placement of any manufactured homes or mobile homes, within the adopted regulatory floodway, shall be prohibited.

31-11.3.5 Flood Zone V1-V30, VE

In all coastal high hazard zones, designated as Flood Zones V1-V30, the following additional standards shall apply:

- (a) All new construction shall be located landward of the reach of mean high tide, except for accessory docks, landings and boathouses.
- (b) New construction and substantial improvements.
  - (1) All new construction and substantial improvements shall be elevated on footings, pilings or columns, and securely attached to such footings, pilings or columns so that the lowest portion of the structural members of the lowest floor (excluding the footings, pilings or columns) shall have an elevation at or above the base flood level;
  - (2) All such footings, pilings or columns shall be constructed and adequately anchored in accordance with the State Building Code;
  - (3) A professional engineer or architect licensed in the State of Connecticut should certify that the structure is secured to said footings, pilings or columns in accordance with the State Building Code in order to withstand high velocity water and hurricane wave wash; and
  - (4) The space beneath the lowest floor shall not be designed, intended or otherwise used for either human habitation or electrical and heating equipment and said space should be free of obstructions.
- (c) The use of fill for the structural support of buildings shall be prohibited.



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- (d) The placement of manufactured homes or mobile homes, except in existing mobile home parks, is prohibited.
- (e) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

**31-11.3.6 Floodways**

In the floodway, as delineated on the Flood Boundary and Floodway Map, or which may have been determined as a result of § 31-11.3.3, any encroachments, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels within the community during the occurrence of the base flood discharge shall be prohibited. Zero increase must be proven by hydrologic and hydraulic analysis performed in accordance with sound engineering practices. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot, at any one point.

**31-11.4 Manufactured Homes**

- 31-11.4.1 All manufactured homes (including recreational vehicles placed on a site for 180 consecutive days or longer) when placed or substantially improved, shall be elevated so that the lowest floor is above the base floor elevation.
- 31-11.4.2 Each such home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

**31-11.5 General Standards**

Prior to constructing, expanding or locating any building, structure or use within a floodway or floodway fringe (floodplain), the applicant must demonstrate:

- (a) that the floodplain is the only practicable location for such project and
- (b) that the proposed project is designed so as to minimize any flood hazard with the floodplain.

**31-11.5.1 Specific Standards**

Any project within the floodway or floodway fringe (floodplain) shall be analyzed for both a 25-year and a 100-year storm and shall be designed and arranged in accordance with the following standards:

- (a) The existing and projected storm water runoff and/or tidal flooding shall be calculated for both the proposed project and the affected drainage basin.
- (b) The potential for flood damage to adjacent buildings or structures shall not be increased.

*Town of Westport Zoning Regulations - §31, Regulations applying to all districts*

- (c) The velocity or volume of flood waters shall not be adversely altered.
- (d) Flooding upstream or downstream of the project shall not be significantly increased.
- (e) Surface run-off increases shall be retained or detained on-site whenever possible and where ever appropriate.
- (f) Buildings and structures shall be adequately designed and/or protected against flood hazards.
- (g) The capacity and function of the floodplain shall not be adversely affected.
- (h) The proposed project location and design shall be acceptable to the Town Engineer and if the Town Engineer determines that Flood and Erosion Control Board review is required the project must also be acceptable to the F&ECB.

31-11.5.2 Elevated Buildings

In all special Flood Hazard Areas designated as Flood Zone A (numbered and unnumbered), the following provision shall apply to elevated buildings:

- (a) New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- (b) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - 2) The bottom of all openings shall be no higher than one (1) foot above grade; and
  - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - 4) The foundation slab of a residential structure, including the slab of a crawl space, must be set equal to the outside finished grade on at least one side of the building;
  - 5) Fill placed around foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building;
  - 6) Flood openings are not required if the grade inside the foundation walls is above the base flood elevation; and
  - 7) Flood Opening are required in garages unless the garage floor is above the base flood elevation.

*Town of Westport Zoning Regulations - §31, Regulations applying to all districts*

- (c) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
- (d) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

**31-12 Aquifer Impact**

In order to help maintain drinking water standards, wastewater discharge into on-site septic disposal systems should not average more than 350 gallons per gross acre per day within that portion of the primary recharge area of the Saugatuck River Aquifer located north of the Kings Highway Bridge (St. Rt. 57) as shown on the attached map which is from the "Guide to Ground Water & Aquifer Protection" report for Westport by SWRPA dated July, 1980. Larger average discharges shall require either the installation of community sewerage systems or public sanitary sewers or the construction of smaller buildings i.e. fewer bedrooms or less gross floor area.

**31-13 Aircraft Restrictions**

**31-13.1 Purpose**

The purpose of this section is to restrict aircraft landings and take-offs within the Town of Westport in order to protect its inhabitants from the hazards, noise and disruption to quiet possession and enjoyment associated with such activities.

**31-13.2 Definitions**

- (a) The term "aircraft" shall include airplane, helicopter, gyroplane, gyrodyne, ultralight and glider as those terms are defined in Title 14 of the Code of Federal Regulations, Aeronautics and Space Federal Aviation Administration, and Connecticut General Statutes, §15-34, or any amendment to such regulation or statute.
- (b) The term "public aircraft" shall mean public aircraft as defined in Connecticut General Statutes, §15-34 (22).
- (c) The terms "take-off" and "landing" shall include, in addition to the common meaning thereof, the positioning of any aircraft such that passengers or objects may be transferred between it and the ground, water or any structure.
- (d) The term "emergency" shall mean any condition or circumstance relating to the flight of an aircraft that creates reasonable cause for concern by the pilot in command as to the continued safety of flight of such aircraft.

**31-13.3 Restriction**

- (a) The take-off and landing of aircraft is prohibited in all districts within the Town except in an emergency, or, with respect to public aircraft only, in furtherance of a legitimate and proper governmental activity, including medical emergencies, which necessitates such take-off or landing.

*Town of Westport Zoning Regulations - §31, Regulations applying to all districts*

(b) In the event of an emergency which necessitates a landing within the Town, the pilot in command shall,

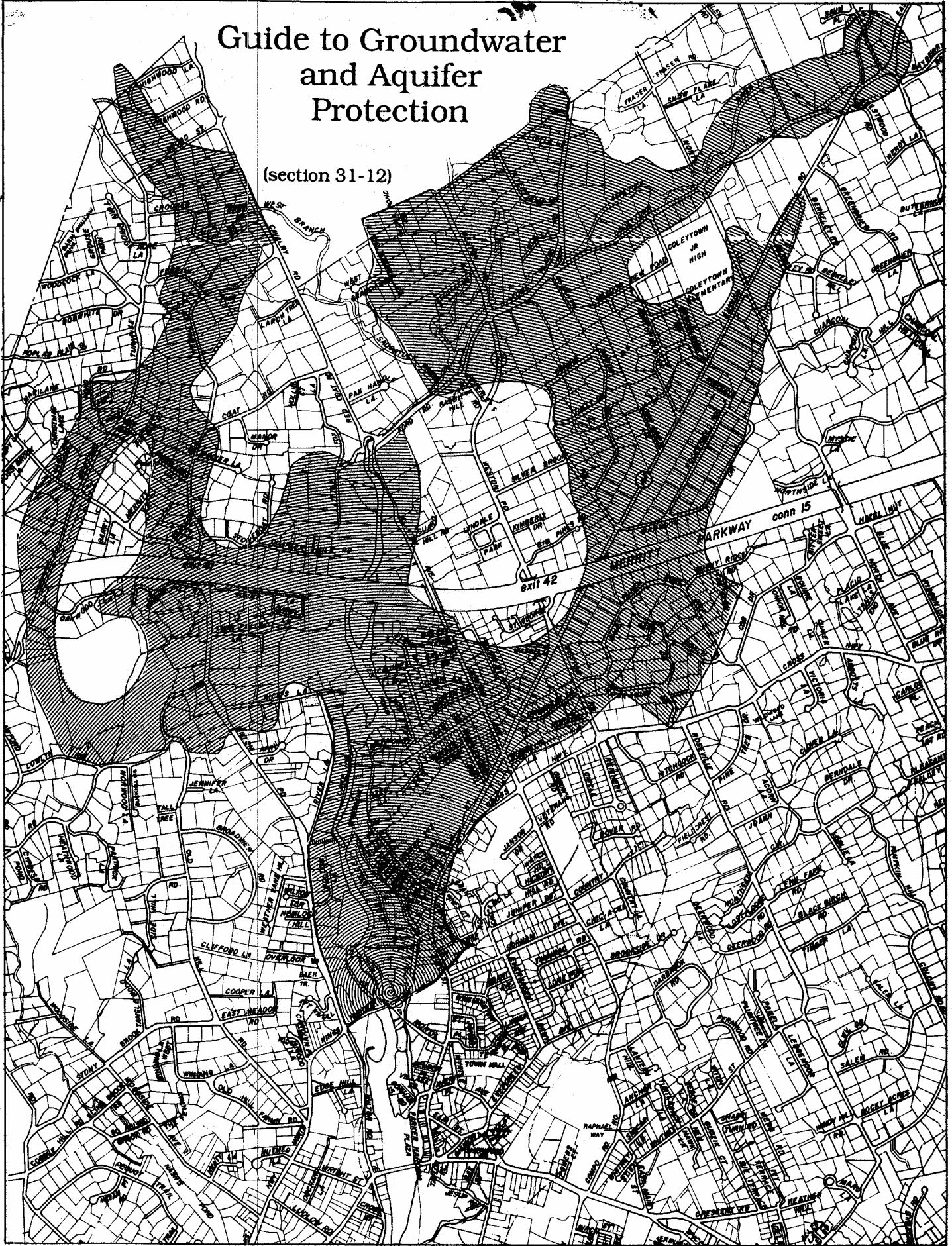
(1) In the event the Federal Aviation Regulations require a report as to such incident, send a copy of such report to the Planning and Zoning Commission, or

(2) In the event no report is required by the Federal Aviation Regulations, send a report describing the incident and nature of the emergency to the Planning and Zoning Commission within thirty (30) days.

(c) In the event of an emergency which necessitated a landing, no take-off of such aircraft shall be conducted without first notifying the Zoning Enforcement Officer or Westport Police Department and securing their permission to conduct such take-off, which permission shall be granted only after due consideration of matters of public safety and the purposes of this Section.

# Guide to Groundwater and Aquifer Protection

(section 31-12)



## §32 SUPPLEMENTARY USE REGULATIONS

Each of the following uses is permitted in each district to the extent indicated for that use and district, subject to all provisions of the applicable district, except as specifically provided for in this section. Every application for the use of property subject to conditions set forth herein shall be filed in accordance with the provisions of these regulations, and shall be subject to approval by any commission, board or agency stipulated in this section.

### **32-1 Supportive Housing**

Two-family or multi-family dwelling units on a minimum of twice the required lot area of the underlying residential zoning district may be used as Supportive Housing living quarters, requiring annual certification by Planning and Zoning staff that the definition of Supportive Housing is met. Supportive Housing is subject to a Special Permit and Site Plan approval in accordance with §43, herein, subject to the following conditions:

#### **32-1.1 Standards**

All applicable standards of the underlying zoning district must apply except that:

- 32-1.1.1 Building coverage shall not exceed twenty percent (20%) of the lot area and the total coverage shall not exceed fifty-percent (50%) of the area of the lot.
- 32-1.1.2 On site parking shall be provided at a minimum of one parking space per dwelling unit.
- 32-1.1.3 The Front Landscaping Area standard of Section 35-2.2 may be reduced to twenty-five (25) feet by the Planning and Zoning Commission.
- 32-1.1.4 Public water and sewer must be available for the property, and all units must be connected to the sewer and water lines.

#### **32-1.2 Density**

- 32-1.2.1 A Supportive Housing building shall include not more than six (6) dwelling units and shall not contain more than ten (10) bedrooms. No unit shall have more than two bedrooms. There shall be one (1) building per lot. The maximum building size shall be 5,000 square feet of floor area, inclusive of garage area.
- 32-1.2.2 Unit sizes: The gross interior floor area per dwelling unit shall not exceed:
  - (a) 600 square feet for an efficiency unit;
  - (b) 850 square feet for a 1-bedroom unit; and
  - (c) 1,200 square feet for a 2-bedroom unit.

For purposes of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom. The gross interior floor area of a unit shall exclude garage parking spaces, common storage areas, common stairs, common halls, common foyers and other similar spaces used in common.

**32-1.3 Affordable Housing Requirement:**

100% of housing units on the lot shall be Affordable for persons whose annual income does not exceed fifty percent (50%) of the state median income level, adjusted for family size. In conjunction with an application for approval of a Special Permit for a Supportive Housing Development, the applicant shall submit an “Affordability Plan”, in accordance with §8-30g which shall describe how the regulations regarding affordability will be administered. The plan must also include a means of offering a “right of first refusal” to the Town of Westport to acquire the property. The right of first refusal must be placed on the land records for the property.

**32-1.4 Architectural Design**

The architectural design, scale and mass of buildings and other structures used for multiple-family dwelling units, including the exterior building material, color, roof-line and building elevations shall be residential in character so as to harmonize and be compatible with the neighborhood, and to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

- 32-1.4.1 Pitched roof buildings shall be required.
- 32-1.4.2 Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.
- 32-1.4.3 Dwelling unit facades should be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit façade materials shall be utilized.
- 32-1.4.4 Buildings should be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

**32-1.5 Landscaping, Screening and Buffer Areas**

Landscaping must be provided in accordance with §35 of the regulations (also see §32-1.1.3).

- 32-1.5.1 Refuse Areas  
Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.
- 32-1.5.2 Mail Boxes  
Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

**32-1.5.3 Buffer Strip**

For any multi-family Single Use Development, the minimum planted buffer strip required under §35, herein, may be extended along any side or rear lot line located between the dwelling units and any adjoining non-residential use or vacant lot.

**32-1.6 Utilities**

32-1.6.1 All utilities and conduits within the site for a multi-family Single Use Development shall be underground.

32-1.6.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

32-1.6.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town standards, subject to the approval of the Town Engineer.

32-1.6.4 Any development application for Supportive Housing use shall require the applicant investigate the existing capacity of the sewer collection and treatment system to accommodate any increase in sanitary sewer flow created.

**32-1.7 Separating Distance and CAP**

No Supportive Housing developed under these regulations may be located within 1,500 feet of other Supporting Housing developed under these regulations. There shall be no more than five (5) Supportive Housing developments approved under this regulation within the Town of Westport.

**32-2 Elderly Housing - Municipal**

**32-2.1 Purpose**

The purpose of this section of the regulations is to promote the public health, safety and general welfare of the community by providing decent, safe and sanitary housing units for elderly persons at reasonable rents in order to assure especially adapted housing facilities for elderly persons in the public interest by allowing multiple-family housing for elderly persons within the Town of Westport.

The rights, duties, privileges and obligations of these regulations shall be limited to the Westport Housing Authority, only, in order to provide "Housing for Elderly Persons" under §8-112A, et seq. of the Connecticut General Statutes. Such housing for the elderly shall be permitted as a municipal use subject to Site Plan and Special Permit approval in accordance with §43, and to the following standards, conditions and safeguards.



**32-2.2 Permitted Uses**

Construction of residential dwelling units for the elderly under this Section shall be permitted for detached dwellings, semi-detached dwellings, and attached dwellings such as garden apartments and townhouses, but not for hotels, motels, rooming, boarding and lodging houses or tourist homes. Each dwelling unit shall have one (1) or two (2) bedrooms. No dwelling unit shall have more than two bedrooms. Libraries, dens, studios or other similar rooms in any dwelling unit shall be construed to be bedrooms.

**32-2.3 Accessory Uses**

Necessary accessory buildings, structures and uses including, but not limited to, facilities for maintenance, administration, off-street parking, storage facilities, and those facilities necessary to the operation of utility systems serving the development may be permitted. Accessory buildings and structures, other than garages, shall not exceed 300 square feet of gross floor area, shall not exceed the allowable height, shall not be used or occupied as a rooming unit or a dwelling unit, and shall not include any use or activity conducted for gain or profit.

**32-2.4 Location**

Any development site shall be so situated that necessary facilities such as, but not limited to, medical, shopping, and public transit are easily accessible to the occupants of such developments. All buildings shall be connected to public sewer and public water. All sites shall have direct access to an improved public road.

**32-2.5 Lot Area and Shape (See Definition)**

Each development site shall have a minimum lot area of one (1) acre (43,560 square feet) and shall be of such shape that a rectangle (150' x 150') will fit on the lot.

**32-2.6 Density**

The maximum number of dwelling units shall not exceed twenty-five (25) bedrooms per acre.

**32-2.7 Setbacks**

Setbacks for buildings and other structures shall be determined by the physical site characteristics and surrounding buildings, structures and uses and shall include a minimum thirty-foot (30') front landscape area.

**32-2.8 Height**

No building or structure shall exceed a height of either 20 feet to the top of a flat roof or 25 feet to the mid-point of a pitched roof and 30 feet to the peak; except for an addition that matches the existing pitched, gable, or gambrel roof line of an existing building on that lot.

**32-2.9 Coverage (See Definition)**

The building coverage shall not exceed twenty-five percent (25%) and the total coverage shall not exceed sixty-five percent (65%) of the site area.

**32-2.10 Distance Between Buildings**

Each building, principal or accessory, shall be at least twenty feet (20') distant from any other building on the lot, as measured in a straight line between the nearest points of any two buildings.

**32-2.11 Usable Open Space**

Suitably equipped and adequately maintained recreation and open space shall be provided. At least 150 square feet of usable open space shall be provided on the site for each dwelling unit. Recreation areas shall be well designed to provide security and privacy.

**32-2.12 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**32-2.13 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations and the following additional standards:

- 32-2.13.1 Walks, ramps and driveways shall be safely designed. Handrails and ample places for rest shall be provided. Gradients of walks shall not exceed five percent (5%).
- 32-2.13.2 All parking areas and active recreation areas, shall not be less than ten (10) feet from any building or thirty (30) feet from any front lot line and ten (10) feet from any rear and side lot lines. Open parking areas, including accessways and driveways, shall be paved with hard-top surfaces upon a suitable subgrade in accordance with Town road standards. The pavement area shall be adequately drained so as to prevent excessive accumulations of water, snow and ice.
- 32-2.13.3 There shall be provided a safe and convenient system of drives, service access roads and walks, designed with such items as handrails and ramps. Such facilities shall be adequately lighted and said lighting shall not be directed onto adjacent streets or properties.

**32-2.14 Landscaping, Screening and Buffer Areas**

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

**32-2.15 Refuse Areas**

Refuse collection areas shall be established and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.

**32-3 Hospitals and Other Medical Institutions**

Public and private hospitals and other medical institutions licensed by the State of Connecticut, such as homes for the aged, rest homes, nursing homes, and multi-care institutions are permitted in any Residence District subject to Special Permit and Site Plan approval in accordance with §43, and the following conditions:

**32-3.1 Certificate**

A valid "Certificate of Need" as issued by the State of Connecticut shall be submitted with the application.

**32-3.2 Streets**

The site shall have direct access to an improved public arterial street as defined in Town Plan.

**32-3.3 Utilities**

All buildings on the site shall be connected to public sanitary sewers and public water.

**32-3.4 Lot Area**

The site shall have a minimum area of not less than twice the minimum required lot area in the applicable zoning district.

**32-3.5 Density**

No site shall exceed a density of 20 beds per acre and no site or building shall accommodate more than 120 beds including staff and resident accommodations and not more than one (1) dwelling unit for a resident manager.

- 32-3.5.1 A project of 40 beds or more shall only be permitted either on a site with at least 100 feet of frontage on a public street within a commercial zone or within an existing building (or buildings) containing 20,000 square feet or more of gross interior floor space.
- 32-3.5.2 An existing hospital or other medical institution may replace its building or buildings as long as :
  - (a) the buildings have been occupied by the existing hospital for a minimum of ten years, and
  - (b) the replacement building [s] complies with all applicable zoning regulations, and
  - (c) the replacement floor area does not cause an increase in excess of 15% of the existing gross interior floor area of the buildings used for hospital purposes on the site as of September 1, 1999.

**32-3.6 Bedrooms**

No bedrooms shall exceed 250 square feet of floor area per bed and there shall be no kitchen facilities in any bedroom.

**32-3.7 Usable Open Space**

At least 150 square feet of usable open space shall be provided on the site for each bedroom.

**32-4 Storage of Commercial and Recreational Vehicles**

Except as otherwise provided for in these regulations, not more than one (1) registered commercial vehicle or vehicle used for commercial purposes, not more than two (2) registered recreational vehicles, campers or boats, and not more than one (1) unregistered motor vehicle, shall be garaged, stored or parked consistently on a residential premises. Such a commercial vehicle shall not exceed one-ton rated capacity if a pickup truck or van, or one and one-half yard capacity dump truck. The registered commercial vehicle or vehicle used for commercial purposes shall be owned or used by the resident of the premises for use in employment. Recreational campers and boats and unregistered vehicles shall be owned by the resident or owner of the premises on which they are stored.

Such commercial, recreational and unregistered vehicles shall not be located in the front yard area and shall be garaged or suitably screened from view on all sides during all seasons of the year. There shall be no mechanized construction equipment stored on a residential premises.

**32-5 Junkyards**

Junkyards or the storage of scrap or other waste material, other than a municipal solid waste disposal site, shall be prohibited; except that the storage of scrap salvage or other materials, the storage of not more than one unregistered motor vehicles, or the repair of automobiles or other vehicles owned by the resident or owner of the premises may be permitted outdoors on a residential lot provided that such outdoor storage or repair area shall be no greater than 200 square feet in size, shall not be located in the front yard area, and shall be screened from view on all sides during all seasons of the year. Such accessory use shall not be permitted for commercial purposes.

**32-6 Outdoor Storage and Display**

Outdoor storage and display is permitted as an accessory use in all Non-Residential Districts except DDD and HDD, subject to Site Plan approval in accordance with §43, herein, and the following conditions:

**32-6.1** All outdoor storage and display areas shall: not be visible from any adjoining Residence District, not obstruct or impair vehicular or pedestrian traffic, not reduce or impinge upon required off-street parking or loading spaces, be maintained in a clean and attractive manner, and cannot be located in the front landscape area.

**32-6.2** Truck trailer storage shall be restricted to a designated loading area. No such trailer shall be stored for more than seven (7) days unless a Temporary Zoning permit is authorized by the Administrative Review Committee pursuant to §43-15 and 45-4, herein. No such permit shall be valid for more than ninety (90) days. Retail sales are not permitted from a stored trailer. A trailer shall be a vehicle mounted on an axle with wheels for transport on the public highways.

**32-7 Prohibited Uses**

The following uses and activities are expressly prohibited in any zoning district within the Town of Westport.

- 32-7.1** Any use which is toxic, noxious, offensive, or objectionable by reason of the emission of smoke, dust, gas, odor, or other form of air pollution; or by reason of the deposit, discharge, or dispersal of liquid, solid or toxic waste, in any form, in a manner or amount so as to cause damage to the soil or any stream or to adversely affect the surrounding area; or by reasons of the creation of any periodic and/or abnormal noise, vibration, electro-magnetic or other disturbance perceptible beyond the boundaries of the lot on which it is situated; or by reason of illumination by artificial light or light reflected beyond the limits of the lot on, or from which, such light or light reflection, emanates; or which involves any dangerous fire, explosive, radioactive or other hazard, or which can cause injury, annoyance, or disturbance to any of the surrounding properties, or to their owners and occupants.
- 32-7.2** Tourist cabins, trailers, or mobile home camps or parks or any use of trailers, mobile homes, campers, or boats for human habitation , except as provided in §16, herein.
- 32-7.3** The use of any building, structure or land for the purpose of gambling houses; gambling with tables, slot machines, video machines or other devices whether mechanical or electronic; gambling at cards, dice or pool; casino gambling; lottery and numbers games, except as authorized by the State of Connecticut or any other State; teletrack betting; off-track betting; race track betting (dog, horse, auto or other); jai alai frontons; or other similar games of chance, betting activities and/or gambling uses; provided that nothing herein shall prohibit activities such as bingo, bazaars, raffles or charitable "casino nights" by not-for-profit and tax exempt organizations.
- 32-7.4** Satellite dishes and/or dish type antennas shall be prohibited on or attached to the exterior of any building or structure except for disc type antennas less than two feet in diameter.
- 32-7.5** The use of any multiple family dwelling unit for any home occupation use shall be prohibited.

**32-8 *Excavation and Filling of Land***

Within the Town of Westport the excavation of land, stockpiling of earth products on a site and/or filling of land with earth products such as, but not limited to: topsoil, loam, sand, gravel, clay, stone minerals or fuel is permitted in any Zoning District subject to Special Permit and Site Plan approval in accordance with §43, provided however that the following shall be exempt from the Special Permit Requirements:

**32-8.1 Exemptions**

- 32-8.1.1 Excavations or filling of earth products in connection with and clearly essential to the construction or alteration of a building or structure on the same premises, provided a sewer, health, wetland, zoning or building permit has been issued for such construction or alteration, and such work is specified in said permit.

- 32-8.1.2 Construction, grading or changing of contours in accordance with plans for the same that have been approved by the Planning and Zoning Commission, covering the roads, lots and other improvements in an approved subdivision. Any excavation or filling beyond the limits shown in the approved plans of the Planning and Zoning Commission's action shall require a permit as outlined in this Section.
- 32-8.1.3 The construction of a swimming pool or underground shelter for which a zoning permit has been issued, or a wall, driveway, fence or other special appurtenances to the use of land in question or the placement of utility lines or services. Incidental filling, grading or excavating in connection with maintenance, repairs, or minor improvements to property or customary landscaping shall be exempt from permit requirements.
- 32-8.1.4 If excavation or regrading under any of the foregoing exceptions is carried on in a manner so as to circumvent the protection of property sought by the provisions of this regulation or so as to appreciably change the groundwater table or alter natural drainage basins or flow in a manner not commensurate with public health, safety and welfare, the Zoning Enforcement Officer or the Planning and Zoning Commission shall issue a cease and desist order and require the owner to remedy the violation.

**32-8.2 Excessive Fill Regulation**

The purpose of this Section is to limit the total amount of fill material that can be placed on any lot in order to restrict the development of those parcels of land where an excessive amount of fill would be necessary in order to make the land developable and to prevent adverse drainage impacts on surrounding properties resulting therefrom:

- 32-8.2.1 Excessive Fill
  - (a) In any Residential Zoning District, the maximum amount of fill material permitted on any lot of 8,000 square feet or more in area shall not exceed an amount greater than that required to raise said parcel ten (10) feet above the existing natural grades over an area equal to the maximum allowable coverage in the respective zone.
  - (b) In any Commercial Zoning District, the maximum amount of fill material permitted on any lot of 8,000 square feet or more in area shall not exceed an amount greater than that required to raise said parcel ten (10) feet above the existing natural grades over an area equal to the maximum allowable building coverage in the respective zone.
  - (c) For lots with fewer than 8,000 square feet in a Residential or Commercial Zone, the maximum amount of fill material shall not exceed 1,100 cubic yards.
- 32-8.2.2 Formula

The following formula shall be used to compute the maximum allowable fill amount: Lot Area (square feet) X Total Coverage in Residential Zoning District or Building Coverage in Commercial Zoning District X ten (10) feet divided by 27 cubic feet/1 cubic yard = maximum allowable fill in cubic yards.

32-8.2.3 Maximum Fill Height and Quantity

No portion of any lot shall be filled to a height greater than ten (10) feet above the existing natural grade. On any lot the total allowable quantity of fill permitted under §32-8.2, above, shall exclude any fill that is required by the WWHD under §32-8.2.4 below.

32-8.2.4 Limitation of Fill for Septic Systems

In instances where fill material is expressly required by Westport-Weston Health District for a septic system, both primary and reserve areas, the total area to be filled for septic purposes shall not be raised more than 4.0 feet above the existing natural grades at the time of application for either a Zoning Permit, Site Plan, Special Permit or Subdivision Application; except that the total amount of fill shall not exceed 1,185 cubic yards, based on an area of 100 feet X 80 feet = 8,000 square feet X 4 feet = 32,000 divided by 27 = 1,185 cubic yards.

32-8.2.5 Maximum Fill Height For Septic Systems

When fill is required for a septic system, no portion of any lot shall be filled to a height greater than four (4) feet above the existing natural grade. The amount of fill permitted for a septic system shall be allowed exclusive of any fill allowed under §32-8.2, above.

32-8.2.6 Total Maximum Fill

The combined total maximum allowable quantity of fill on any lot shall not exceed the sum of the maximum quantities of fill allowed under §32-8.2 and 32-8.2.5, above.

32-8.2.7 Natural Existing Grades

The natural existing grades shall be either the contour of elevations as shown on the 1 foot = 100 feet scale Inland Wetland Map with two (2) foot contour, adopted 3/30/83, and as may be amended from time to time, or the contour elevations and/or spot elevations as shown on an existing conditions survey map prepared by a Registered Land Surveyor. Said contours or spot elevations shall be based on Mean Sea Level (MSL) datum.

**32-8.3 Standards**

The proposed excavation or filling project, if approved, shall conform to the following standards:

32-8.3.1 The premises shall be excavated and graded in conformity with the proposed contour plans as approved.

32-8.3.2 Manmade earth slopes shall not exceed twenty (20) degrees to the horizontal (2.75 horizontal to 1.0 vertical) within 25 feet of any lot line and slopes shall not exceed thirty (30) degrees to the horizontal (2 horizontal to 1 vertical) over remainder of the property to be excavated. Man-made rock slopes shall not exceed 1 horizontal to 12 vertical and shall be subject to the approval of the Town Engineer.

- 32-8.3.3 No equipment other than for digging, drilling, leveling and bringing in or carting away excavating material or fill shall be maintained on the premises.
- 32-8.3.4 No processing of earth of any kind shall be conducted on the site.
- 32-8.3.5 No permanent building in connection with the project shall be erected on the premises.
- 32-8.3.6 There shall be no sharp declivities, pits or depressions.
- 32-8.3.7 Proper surface drainage shall be provided and groundwater shall not be polluted.
- 32-8.3.8 After excavation or filling, the premises shall be cleared of debris and temporary structures within the time provided in the permit.

**32-8.4 Restoration Plan**

As part of the Site Plan, the applicant shall submit a Restoration Plan showing final grading and landscaping and whatever other information is necessary to indicate how the site will be restored to permit future development of the site. Restoration shall include:

- 32-8.4.1 A layer of arable soil of reasonable depth to be spread over the premises upon the completion of the excavation or filling operation in accordance with approved contour lines.
- 32-8.4.2 A suitable ground cover planted and grown to an erosion resistant condition.

**32-8.5 Considerations Affecting Approval**

In reviewing all plans, the Commission shall take into consideration the public health, safety and welfare, the general objectives of Site Plan Review and the following specific considerations:

- 32-8.5.1 The Commission shall consider the location, intensity and type of operation contemplated in each application. The Commission may impose conditions for safety of operations and to prevent damage to adjacent lands or improvements, including the specifications of appropriate performance standards.
- 32-8.5.2 Filling with and/or removing earth products shall be restricted to areas which have access to roads of sufficient width and capacity to carry maximum projected loads. When alternate routes are available, truck traffic shall avoid routes which require passage through residential areas.
- 32-8.5.3 Locations shall be avoided where it is anticipated that the activity may cause slides, sinking, collapse of supporting soil, erosion by wind or water, water pollution, undue alterations of the water table of adjoining properties or any other deleterious effects.



- 32-8.5.4 Activities shall also be reviewed with respect to the condition of the site after completion of the operation and the relationship of that site to existing and permitted development in the general area in which the site is located. The applicant's proposed Restoration Plan for the site must demonstrate the extent to which the site can, and reliably will, be restored to condition, and will facilitate the development of the general area. For this purpose, the Commission shall exercise judgement as warranted by the circumstances of each case to impose conditions including but not limited to:
- (a) Grading and landscaping requirements.
  - (b) Limitation on the months of the year, days of the week, and hours of the day during which any work may be performed on the premises.
  - (c) Limitations as to the size and type of machinery used on the premises.
  - (d) Place and manner of disposal of excavated materials, and/or source and variety of fill materials to be brought onto the premises.
  - (e) Requirements for the control of dust, noise, fumes and lighting.
  - (f) The applicant shall post a bond with the Commission in accordance with §43-13 and 43-14, herein.

**32-8.6 Administrative Excavation/Fill Permit**

In certain cases where the area to be excavated, stockpiled or filled does not exceed five thousand (5,000) square feet or one thousand (1,000) cubic yards, whichever is less, and such material does not exceed a height of 10 feet above the existing natural grade at the time of application, an administrative excavation/fill may permit for such excavation or filling be issued by and upon the unanimous decision of the full Administrative Review Committee authorized under §43-14.3, subject to all considerations and conditions of approval as set forth in this Section with the following exceptions:

- 32-8.6.1 No administrative permits may be issued for a period of longer than six (6) months. An Administrative Permit may be renewed for only one additional six month period.
- 32-8.6.2 A bond may be required in accordance with §43-12 and 43-13 herein.
- 32-8.6.3 The application shall be accompanied by 3 copies of a plot plan showing all buildings and structures, all wetlands, watercourses and waterbodies, the location, size and nature of the disturbed area, existing and proposed contours, grades or elevations, square feet of area, and cubic yards of material.
- 32-8.6.4 The applicant shall submit a list of names and addresses of all property owners within 250' of the subject property and stamped envelopes addressed to the applicant and each such property owner as shown on the tax assessment records as of the date of the application submission.

32-8.6.5 The Administrative Review Committee shall grant or deny an administrative permit within sixty five (65) days of the date of receipt of a complete and proper application.

**32-9 Refuse Disposal (Dumpsters and Compactors)**

The use of commercial dumpsters, as opposed to typical garbage cans, for refuse collection may be permitted outdoors on a lot in any zoning district provided that such commercial dumpster shall not be located within any required setback area in a Residential Zone nor within any required Front Landscaping Area or Buffer Strip in any other Zone, shall be covered with a lid or roof structure, and shall be suitably screened from view on all sides during all seasons of the year. (Also see §34-11.14, Design and Access to Dumpster Area)

**32-10 Home Caterers**

A single-family dwelling on at least a 1/2 acre lot may be permitted a second kitchen to be used solely for home catering or professional cooking by the resident owner of the business in a Residence District subject to a Special Permit and Site Plan approval in accordance with §43, herein and the following conditions:

**32-10.1 Qualification**

The second kitchen shall be located wholly within the principal building and shall have a license from the Westport-Weston Health District. The owner of the property must consent to the application for a second kitchen and acknowledge the owner's obligation to remove the second kitchen within 30 days after the expiration or revocation of a Special Permit as required under § 32-10.7.

**32-10.2 Occupancy**

The principal dwelling shall be occupied by the principal resident owner of the business during the duration of the Special Permit.

**32-10.3 Operation**

The home catering use shall permit the preparation of food on, and the delivery of food from the premises. The hours of operation shall be limited to the period from 8:00 A.M. to 8:00 P.M. unless otherwise approved by the Commission. No more than one (1) full-time or part-time person shall be permitted in addition to the resident owner of the business conducting the home catering use. No food shall be sold to or consumed by customers on the premises.

**32-10.4 Floor Area**

The home catering use including the additional kitchen and related work area shall not exceed 600 square feet of floor area.

**32-10.5 Signs and Parking**

Advertising signs shall be permitted on the premises in accordance with §33-5.1.1, herein. Off-street parking shall be provided in accordance with § 34, herein. One commercial vehicle may be permitted on the lot subject to the provisions of §32-4, herein.

**32-10.6 Certification**

Prior to the issuance of a Zoning Permit, a certificate in the form of an affidavit to verify that the principal resident owner of the business is in residence and that the home catering use is licensed by the WWHD shall be presented to the Planning and Zoning Commission. Thereafter, the principal resident owner of the business shall submit a notarized affidavit to the ZEO by January 31st of each year as a requirement for the continuation of the Special Permit.

**32-10.7 Expiration**

Within 30 days after the expiration or revocation of a Special Permit for a home catering use, the then owner of the property shall physically remove from the dwelling, at his/her expense, the kitchen used for home catering.

**32-11 Group Home for Elderly**

A single-family dwelling on at least a one (1) acre lot may be used as a group home for a limited number of unrelated elderly persons as living quarters in a Residence District subject to a Special Permit and Site Plan approval in accordance with §43, herein, and the following conditions:

**32-11.1 Qualification**

No single-family dwelling shall qualify under these regulations unless each such single-family dwelling and all additions thereto, except such structures as may be required for the Fire Safety Code, shall have been on the Assessor's list as of Oct. 1st at least 5 years before the date of application.

**32-11.2 Occupancy**

A group elderly home shall include a resident occupied dwelling unit with guest rooms for not more than six (6) elderly persons wholly within a single-family dwelling that is occupied by the principal owner or by a non-profit corporation. No such group home shall be occupied by more than eight (8) persons.

**32-11.3 Signs and Parking**

Advertising signs shall be permitted on the premises in accordance with §33, herein. Off-street parking shall be provided in accordance with §34, herein.

**32-11.4 Certification**

Prior to the issuance of a Zoning Permit, a certification in the form of an affidavit to verify that the principal owner or non-profit corporation is in residence, that the occupants of the group home are of age and that the number of occupants is permissible shall be presented to the Planning and Zoning Commission. Thereafter, the principal owner or non-profit corporation shall submit such notarized affidavit to the ZEO by Jan. 31st of each year as a requirement for the continuance of the Special Permit.

**32-11.5 CAP**

No more than 5 such group homes for the elderly shall be permitted within the Town of Westport.

**32-12 Two-family and Multi-Family Dwellings**

Two-family and multi-family dwelling units may be permitted in any RPOD, RORD, BPD, RBD, BCD and DDD #2 Commercial Zones subject to a Special Permit and Site Plan Approval in accordance with §43, herein, all applicable provisions of the underlying zoning district, and the following additional standards and safeguards.

**32-12.1 Lot Area and Shape**

Any lot to be utilized for a two-family or multi-family Single Use Development, as defined herein, shall have a minimum area of 3/4 acre (32,670 square feet) and a minimum frontage of 150 feet on a public street.

**32-12.2 Density**

- 32-12.2.1 The maximum allowable density shall not exceed 20 bedrooms per gross acre.
- 32-12.2.2 The minimum number of dwelling units shall not be less than 5 units for any Single Use Development or Multiple Use Development project as defined herein; except that a lesser number of units may be permitted for a change of use within an existing building.
- 32-12.2.3 For the purpose of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom.

**32-12.3 Setbacks**

No principal or accessory building or structure in a multi-family, Single Use Development, as defined herein, shall extend closer than:

- (a) 30 feet from any street line;
- (b) a distance equal to the height of the building, but not less than 15 feet, from any side lot line; and
- (c) 15 feet from any rear lot line.

**32-12.4 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

**32-12.5 Floor Area**

- 32-12.5.1 Unit types: Residential dwelling units shall be limited to efficiency, one-bedroom and two-bedroom units.
- 32-12.5.2 Unit sizes: The gross interior floor area per dwelling unit shall not exceed:
  - (a) 600 square feet for an efficiency unit;
  - (b) 850 square feet for a 1-bedroom unit; and

- (c) 1,200 square feet for a 2-bedroom unit. The gross interior floor area of a unit shall exclude garage parking spaces, common storage areas, common stairs, common halls, common foyers and other similar spaces used in common.

**32-12.5.3 Floor Area Ratio (FAR)**

No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR of 0.35, except in the BCD zone. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for non-residential uses, shall be used for dwelling(s) units only. Floor area used for parking and loading shall be excluded from the FAR.

**32-12.6 Architectural Design**

Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials should be utilized. Multi-family, Single Use Developments shall have a pitched roof design and shall have staggered or off-set unit facades of not less than 10 feet in depth over a minimum length of 20 feet.

**32-12.7 Landscaping, Screening and Buffer Areas**

- 32-12.7.1 Refuse Areas: Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.
- 32-12.7.2 Mail boxes: Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.
- 32-12.7.3 Buffer Strip: For any multi-family Single Use Development, the minimum planted buffer strip required under §35, herein, may be extended along any side or rear lot line located between the dwelling units and any adjoining non-residential use or vacant lot.

**32-12.8 Utilities**

- 32-12.8.1 All utilities and conduits within the site for a multi-family Single Use Development, shall be underground.
- 32-12.8.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.
- 32-12.8.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

**32-12.9 Change of Use**

No dwelling unit approved under these provisions shall thereafter be changed to any non-residential use.

**32-13 Group Home for Youth**

A single-family dwelling or Town-owned building on at least a one-acre lot may be used as a group home for a limited number of unrelated youth, as living quarters in a Residence District, subject to a Special Permit and Site Plan approval in accordance with §43, herein, and the following conditions:

**32-13.1 Qualifications**

No single-family dwelling or Town-owned building shall qualify under these regulations unless each such building and all additions thereto, except such structural additions as may be required for the Fire Safety Code, shall have been on the Assessor's list as of October 1st at least 5 years before the date of application.

**32-13.2 Occupancy**

A group home for youth shall include a resident occupied dwelling unit with guest rooms for not more than eight (8) youth wholly either within a single-family dwelling that is occupied by the principal owner or non-profit corporation or is located within a Town-owned building. Priority shall be given to children of Westport residents whose age does not exceed 19 years. No such group home shall be occupied by more than 8 youth and 3 staff for a total of not more than 11 persons.

**32-13.3 Supervision**

The youth in said home shall be supervised, at all times, by on-premise staff persons of at least 21 years of age according to the following standards:

- (a) at least one (1) staff person for every four (4) youth or fewer; and
- (b) at least one (1) staff person at night.

**32-13.4 Signs and Parking**

Advertising signs shall be permitted on the premises in accordance with §33, herein. Off-street parking shall be provided in accordance with §34 herein.

**32-13.5 Certification**

- 32-13.5.1 Any such home for the youth shall obtain a license for a group home from Conn. Dept. of Children and Youth Services (DCYS) within one year of the granting of a Special Permit or said Special Permit shall become null and void.
- 32-13.5.2 The Planning and Zoning Commission may authorize the issuance of a Temporary Zoning Permit for 6 months, renewable for one additional 6 month period, pending receipt of the license from Conn. DCYS.
- 32-13.5.3 Prior to the issuance of a final Zoning Permit, a certification in the form of an affidavit and appropriate supporting documents shall be submitted within one year to the Zoning Enforcement Office to verify:
  - (a) that the principal owner of the single-family dwelling or the non-profit corporation is in residence or that a valid lease is in effect for a Town-owned building;
  - (b) that the occupants of the group home are of age;

- (c) that the number of occupants is permissible; and
- (d) that the group home has a valid and current license from the Conn. DCYS. Thereafter, the principal owner, non-profit corporation or lessee shall submit such notarized affidavit to the Zoning Enforcement Office by January 31st of each year as a requirement for the continuance of the Special Permit.

**32-13.6 CAP & Spacing**

No more than three (3) group homes for the youth shall be permitted within the Town of Westport. No such group home shall be located within a radius of 1,000 feet from another group home for the youth.

**32A-13 Residential Facility for School-Based Education Program**

A single-family dwelling or Town-owned building may be used as a Residential Facility for School-Based Education Program, on a minimum one-half (1/2) acre lot, for a limited number of unrelated youth, as living quarters in a Residence District, subject to a Special Permit and Site Plan approval in accordance with §43, herein, and the following conditions:

**32A-13.1 Qualifications**

Any single-family dwelling or Town-owned building shall qualify under these regulations provided that each such building shall have been on the Assessor's List as of Oct. 1<sup>st</sup> at least 5 years before the date of application. Additions to such buildings are permitted that meet all regulations applicable to the underlying zoning district, subject to review by the Architectural Review Board and Special Permit and Site Plan approval from the Planning and Zoning Commission.

**32A-13.2 Occupancy**

A Residential Facility for School Based Education Program shall include a resident occupied dwelling unit with guest rooms for not more than eight (8) high school-aged youth who will attend the local public high school, wholly within a single-family dwelling that is owned by a non-profit corporation or leased from the Town by a non-profit corporation. Said non-profit corporation shall be chartered by the State of Connecticut for educational purposes and shall be affiliated with a national non-profit corporation chartered for educational purposes which has been in existence for at least 5 years before the date of application. The total number of resident staff and their immediate family shall not exceed four (4). If one of the family members is of high school age that family member then is counted as one of the eight (8) permitted high school-aged students.

**32A-13.3 Supervision**

The youth in said residential facility shall be supervised by one or more resident staff persons of at least 21 years of age, who are employed by the non-profit corporation.

**32A-13.4 Signs and Parking**

Advertising signs shall be permitted on the premises in accordance with §33, herein. Off-street parking shall be provided in accordance with §34 herein.

**32A-13.5 Certification**

32A-13.5.1 Prior to the issuance of a Zoning Permit, a certification in the form of an affidavit and appropriate supporting documents shall be submitted to verify:

- (a) that the principal owner of the single-family dwelling or lessee of a Town owned building is the non-profit corporation;
- (b) that the youth are of high school age and are attending the local public high school; and
- (c) that the total number of occupants is permissible.

32A-13.5.2 Annual certification is required in accordance with §32A-13.5.1. The non-profit corporation that submitted the Special Permit application shall submit such notarized affidavit to the Zoning Enforcement Officer by January 31st of each year as a requirement for the continuance of the Special Permit.

**32A-13.6 Cap and Spacing**

No more than two (2) residential facilities for school based education programs shall be permitted within the Town of Westport. No such facility shall be located within a radius of 1,000 feet from another Residential Facility for a School Based Education Programs or from a Group Home for Youth.

**32-14 Conversion Of School Buildings To Housing**

**32-14.1 Purpose**

It is the purpose of this section to address the need of the Town of Westport for additional multi-family housing. This Regulation is intended to promote the health, safety and general welfare of the community by authorizing the conversion of existing large municipal school buildings with at least 25,000 square feet of gross interior floor space into decent, safe and sanitary owner-occupied multi-family, dwelling units in a cooperative and/or condominium form of ownership, only.

**32-14.2 Permitted Uses**

Conversion of existing municipal school buildings to cooperative or condominium, owner-occupied, multi-family dwelling units shall be permitted under this Section, subject to a Special Permit and Site Plan approval in accordance with §43 and §44 of these Regulations. Hotels, motels, rooming, boarding and lodging houses or tourist homes shall not be permitted. There shall be no new principal buildings constructed on the site. The existing building may be expanded only to allow necessary ramps, staircases, elevator towers and similar service facilities.



**32-14.3 Accessory Uses**

Necessary accessory buildings, structures and uses including, but not limited to, facilities for recreation, maintenance, administration, off-street parking, storage and utilities serving the development may be permitted.

32-14.3.1 Detached Garages: No garages, carports or other parking buildings shall be permitted.

**32-14.4 Location & CAP**

Any development site shall be so situated that public transit is directly available. All buildings shall be connected to public sanitary sewer and public water and shall be within 1,500 feet of an existing sewer. All sites shall have direct frontage upon and access to an improved public street. No more than three (3) existing municipal school buildings shall be permitted to be converted to housing within the Town of Westport.

**32-14.5 Density**

- a) The maximum number of dwelling units in the conversion project shall not exceed one (1) dwelling unit for each 800 square feet of gross interior floor area within the existing school building. The minimum required lot area shall not be less than 3,000 square feet of land for each dwelling unit. The overall project density shall not be greater than eight (8) dwelling units per gross acre, including both the project lot area and any contiguous town-owned recreational and/or open space lands associated with the existing school site.
- b) The types of units shall be limited to efficiency, one-bedroom and two-bedroom dwelling units, only.
- c) The gross interior floor area per dwelling unit shall not exceed: (1) five hundred (500) square feet for an efficiency; (2) eight hundred (800) square feet for a one-bedroom unit; and (3) one thousand (1,000) square feet for a two-bedroom unit; unless such parts of the existing building are otherwise arranged or designed to be reasonably, conveniently and safely transformed into slightly larger units.
- d) Not less than 40% of the total number of units in the building shall be efficiency and one-bedroom units.
- e) The gross interior floor area of a unit, shall exclude garage parking spaces, common storage areas, common stairs, common halls, common foyers and other similar spaces used in common.
- f) Libraries, dens, studios or similar rooms in any dwelling unit shall be counted as bedrooms.

**32-14.6 Setbacks**

No principal building, structure or use and no accessory building, structure or use shall extend closer than 30 feet from any street line and 25 feet from any side or rear property line; except in a Res. AAA Zone where all setbacks shall be at least 50 feet.

**32-14.7 Height**

The height of an existing school building or structure shall not be increased in the course of conversion except for necessary mechanical units, elevator shafts, skylights, solar panels and other similar features which shall not extend more than 4 feet above the height of the existing building. No accessory building or structure shall exceed a height of either 12 feet to the top of a flat roof or 16 feet to the peak.

**32-14.8 Coverage (See Definitions)**

The building coverage shall not exceed twenty-five (25) percent and the total coverage shall not exceed sixty-five (65) percent of the lot area.

**32-14.9 Usable Open Space**

Suitably equipped and adequately maintained recreation and open space shall be provided. At least 150 square feet of usable open space shall be provided on the site for each dwelling unit. Recreation areas shall be designed to provide privacy and security.

**32-14.10 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**32-14.11 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations and the following additional standards:

- 32-14.11.1 A safe and convenient system of drives, service access roads and walks shall be provided and shall be designed with amenities such as handrails and ramps. Such facilities shall be adequately lighted from low to medium height poles and said lighting shall be down-directed. Gradients of walks shall not exceed five (5) percent.
- 32-14.11.2 All parking areas, including aisles and driveways, shall be paved with hard-top surfaces upon a suitable subgrade. The pavement areas shall be adequately drained so as to prevent excessive accumulations of water, snow and ice.

**32-14.12 Landscaping, Screening and Buffer Areas**

Landscaping shall be provided in accordance with §35 of the Supplementary Regulations.

- 32-14.12.1 Refuse collection areas shall be provided, screened, supplied with covered receptacles, and conveniently located to serve all dwelling units.
- 32-14.12.2 Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

**32-14.13 Utilities**

- 32-14.13.1 All utilities and conduits within the lot shall be underground.

32-14.13.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

32-14.13.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

**32-14.14 Architectural Design**

32-14.14.1 The building fenestration, facade and roof line shall be preserved.

32-14.14.2 All buildings shall be compatible with the existing architecture.

32-14.14.3 The historic and/or architectural integrity of the existing building shall be maintained.

**32-15 Managed Residential Community**

**32-15.1 Purpose**

The purpose of this section is to allow a Managed Residential Community which provides services including assistance with activities of daily living in order to enable older persons to maintain a maximum level of independence, to reflect the continuing concern of the Commission for the special needs of older persons and to provide for their safety, health and general welfare.

**32-15.2 Permitted Uses**

Construction and operation of a Managed Residential Community, including the provision of Private Residential Units all as defined herein and in §5.2.

**32-15.3 Accessory Uses**

Accessory buildings, structures and uses necessary to the operation of a Managed Residential Community include maintenance, utility and recreational facilities. Accessory buildings and structures shall not exceed 300 square feet of floor area, shall not exceed one story or 16 feet in height and shall not be used or occupied as a rooming unit or a dwelling unit. The accessory buildings shall be in keeping with the architectural style of the main building and shall not detract from neighboring residential properties.

**32-15.4 Location**

A Managed Residential Community lot shall be located and have frontage on an arterial street as classified by the Planning and Zoning Commission in accordance with the Town Plan of Development. All buildings shall be connected to public sanitary sewer and public water.

These facilities shall not be located in Special Flood Hazard Areas A and V as shown on the FIRMs for Westport.

**32-15.5 Lot Area, Shape and Frontage**

Each lot shall have a minimum lot area, shall be of such shape that a minimum square will fit in the lot, and shall have a minimum frontage on at least one arterial street, as follows:

<b>ZONE</b>	<b>LOT AREA</b>	<b>LOT SHAPE</b>	<b>LOT FRONTAGE</b>
AAA, AA, A, PRD	6 Acres Minimum	300' x 300'	200' on an arterial street
BCD, GBD, HDD, HSD, RBD, RORD, RPOD	2 Acres Minimum		200' on an arterial street

Split Zones: For lots located in both commercial and residential zones, lot area, shape, and frontage shall be governed by the standards of the zone in which the greater portion of the lot lies.

**32-15.6 Affordable Units**

For every two affordable units built, one additional unit will be allowed up to a maximum of 5% of the total units otherwise allowed by these regulations. These units shall be permanently allocated to meet or be lower than the affordability levels for which persons and families pay 30% or less of their annual income where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the U.S. Department of Housing and Urban Development. Rent shall include all utilities except phone and cable television. Therefore, if 10 affordable units are proposed, 5 extra units may be constructed. These are called bonus units.

**32-15.7 Density**

- 32-15.7.1 The maximum allowable density shall not exceed 15 residential units per gross acre in any permitted zoning district (see §32-15.7.2) . Units shall not contain more than two (2) bedrooms. For the purposes of these regulations, libraries, dens, studios, studies, lofts and other similar spaces within private residential units shall be deemed to be bedrooms.
- 32-15.7.2 The total number of residential units shall not exceed 90 on a site of 8 acres or less, 105 units on a site 8 acres up to 9 acres, and 115 units on a site over 9 acres on any Managed Residential Community site, plus bonus units.
- 32-15.7.3 The total aggregate number of residential units permitted on all Managed Residential Community sites shall not exceed 300 units including bonus units, under these Managed Residential Community Regulations.

**32-15.8 Setbacks**

- 32-15.8.1 Minimum setbacks from lot lines for principal and accessory buildings or structures shall conform to the following:

<b>ZONE</b>	<b>FRONT</b>	<b>SIDE</b>	<b>REAR</b>
AAA, AA, A, PRD and any properties abutting a residential zone	100'	75'	75'
BCD, GBD, HDD, HSD, RBD, RORD, RPOD (except a structure must be setback 75' from any residential property	30'	30'	50'

line).

Split zones – for lots located in both commercial and residential zones, setbacks in the residential portion shall adhere to the standards for residential zones in §32-15.8.2.(a)

32-15.8.2 Minimum setbacks from lot lines for parking spaces and loading areas shall conform to the following:

ZONE	FRONT	SIDE	REAR
AAA, AA, A, PRD , and any properties abutting a residential zone	50'	35'	35'
BCD, GBD, HDD, HSD, RBD, RORD, RPOD	30'	25'	25'

Split zones - for lots in both commercial and residential zones, setbacks in the residential portion shall adhere to the standards for residential zones in §32-15.8.2

32-15.8.3 No setbacks shall be required from Zoning District Boundary Lines crossing the interior of the lot.

**32-15.9 Height**

No building or other structure shall exceed a height of 2 1/2 stories or 30 feet, whichever is less.

**32-15.10 FAR**

No building or structure shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot. 0.35 FAR shall be allowed in BCD, GBD, HDD, HSD, RBD, RORD, and RPOD.

**32-15.11 Coverage**

The building coverage shall not exceed 15 % and the total coverage shall not exceed 25% in a residential zone.

The building coverage shall not exceed 20% and the total coverage shall not exceed 30% in a commercial zone.

**32-15.12 Unit Sizes**

The gross interior floor area of private residential units in a Managed Residential Community shall not be less than 350 square feet. Units cannot exceed 2 bedrooms.

Non-related persons may, but cannot be required, to share units.

**32-15.13 Useable Open Space**

A minimum area of useable open space of 450 sq.ft shall be provided on the site for each private residential unit, as follows:

32-15.13.1 The land so set aside shall be graded, screened and landscaped, shall be of a passive recreation nature suited to the needs of the residents, and may include open interior courtyards. Such recreation areas shall be designed to provide security and privacy and to prevent the emission of objectionable noise and light onto abutting properties.

Useable Open Space must not have slope greater than 5% and shall be free of wetlands, ledge and rock outcroppings. Natural geologic features and specimen trees shall be preserved. Paved paths and site lighting for the benefit of residents shall be provided.

#### **32-15.14 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

#### **32-15.15 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations except that:

1. Only one (1) off-street loading space shall be required for any Managed Residential Community facility. Said loading space shall be conveniently located near a service entrance to the facility; and
2. Handicapped parking and a drop-off area for residents and guests may be provided in the front of the building.

#### **32-15.16 Landscaping, Screening and Buffer Areas**

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

- 32-15.16.1 Refuse collection areas shall be provided, suitably screened, supplied with covered receptacles and conveniently located to serve the facility.
- 32-15.16.2 Ground mounted mechanical units or equipment shall not be located within any setback area or buffer area and shall be suitably screened.
- 32-15.16.3 Exterior site lighting shall be adequate for public safety and resident security. Pole lights shall be limited to a height of 16 feet with down-directed fixtures. Spotlights on the building are prohibited.

#### **32-15.17 Architectural Design**

The architectural design, including the exterior building material, color, roof line and building elevations shall be residential in character and compatible in scale with the neighborhood so as to protect property values and preserve and improve the appearance and beauty of the community.

- 32-15.17.1 No wall of any building shall exceed 50 feet in length in an unbroken plane without an off-set of at least five (5) feet;
- 32-15.17.2 Rooftop mechanical equipment shall be adequately screened except for energy conservation systems such as solar energy panels;
- 32-15.17.3 All buildings shall have pitched roofs;

- 32-15.17.4 If more than one building is constructed on a single lot, they shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the height of such adjacent buildings except for connecting corridor links of at least 20 feet in length and at least 8 feet in width.

**32-15.18 Utilities**

- 32-15.18.1 All utilities and conduits within the lot shall be underground.
- 32-15.18.2 All buildings on the lot shall be connected to public sanitary sewers and served by a public water supply.
- 32-15.18.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town standards, subject to the approval of the Town Engineer.

**32-16 Commercial Wireless Telecommunication Service Facilities**

**32-16.1 Purpose**

In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, the Commission finds that these regulations which require a special permit are necessary in order to:

- 32-16.1.1 Accommodate the need for wireless telecommunications antennas while regulating their location and number:
- 32-16.1.2 Minimize adverse visual effects of wireless telecommunications antennas and antenna or wireless telecommunication towers through proper design, siting and vegetative screening;
- 32-16.1.3 Avoid potential damage to adjacent properties from antenna or wireless telecommunication towers and falling ice through their proper siting and engineering;
- 32-16.1.4 Encourage the joint use of any new antenna or wireless telecommunication tower;
- 32-16.1.5 Preserve the character, appearance and property values within the Town of Westport while allowing adequate commercial wireless telecommunication service facilities to be developed;
- 32-16.1.6 Protect the scenic, historic, environmental and natural resources of the community; and
- 32-16.1.7 Lessen potential adverse effects of commercial wireless telecommunication service facilities by minimizing the total number and height of such facilities, maximizing the use of existing structures in commercial districts for such facilities and by requiring providers to share locations where feasible.

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Based on the foregoing purpose nothing stated herein shall diminish or restrict the Planning and Zoning Commission's obligation to consider the criteria set forth in §44-6 of the zoning regulations. All commercial wireless telecommunication service facilities shall require a special permit and must conform to the standards set forth in pursuant to §44-6.

**32-16.2 Location**

The siting of commercial wireless telecommunication service facilities involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are confined to the following commercial and mixed-use zoning districts: DDD with a minimum lot size of 10 acres, BCD, BPD, CPD, GBD, HDD, HSD, RBD, RORD, RPOD zones.

This limitation as to zone shall apply unless the service provider shall demonstrate to the Planning and Zoning Commission that such a restriction has the effect of prohibiting the provision of a reasonable quality of personal wireless service to the Town of Westport.

- 32-16.2.1 Commercial wireless telecommunication service facilities shall be located on existing structures, such as existing buildings, water towers, utility poles or existing telecommunications facilities, provided that such installation preserves the character and integrity of those structures. These telecommunication service facilities shall be camouflaged. Existing telephone and electric utility structures also need to be considered as sites for one or more commercial wireless telecommunications service facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.
- 32-16.2.2 If the applicant provides proof that it is not feasible to locate on an existing structure, commercial wireless telecommunication service facilities shall be designed so as to be camouflaged. The applicant shall use compatible building materials and colors, screening, landscaping and placement within trees, or shall disguise the structure to resemble a tree or structure compatible with the site.
- 32-16.2.3 The applicant shall submit documentation indicating Federal Communication Commission licensure supporting the legal right to install and use the proposed facility mount at the time of application for a Special Permit.
- 32-16.2.4 The following additional siting criteria are required:
  - (a) No tower shall be located on land designated or deed-restricted as open space.
  - (b) No tower may be constructed within a mile radius of an existing tower.



**32-16.3 Setbacks**

- 32-16.3.1 Antenna towers, telecommunication towers and rooftop antennas shall adhere to the setback requirement of the zoning district in which the tower or antenna is located. No tower can be located a minimum of 50 ft. or within the fall zone, whichever is greater, from of any residential property line.

**32-16.4 Height**

- 32-16.4.1 No communication tower, including any antenna attached thereto, shall exceed a height of 150 feet, measured to the top of the highest antenna from the average existing grade surrounding and within 10 feet around the proposed tower. The overall height of a telecommunication tower or antenna on a building cannot exceed 150 feet measured from the existing grade of the ground.

**32-16.5 Accessory Buildings and Equipment**

- 32-16.5.1 Any equipment must be housed in an existing building or in a building not to exceed 750 square feet of gross floor area or be more than 16 feet in height. Manned equipment including a business office, maintenance depot and vehicle storage is prohibited in a residential district.
- 32-16.5.2 All accessory or equipment buildings shall be architecturally designed to blend in with the surrounding environment. All buildings and/or grounds shall conform to the general style of architecture and landscaping in the neighborhood.
- 32-16.5.3 If the equipment is located on the roof of a building, the area of the equipment building and other equipment structures shall not occupy more than twenty-five (25) percent of the roof area and must be suitably screened.

**32-16.6 Additional Standards**

- 32-16.6.1 No signs shall be permitted on any facility unless otherwise permitted by these regulations set forth in §33, as amended from time to time.
- 32-16.6.2 All utilities proposed to serve a commercial wireless telecommunication service facility shall be installed underground.
- 32-16.6.3 All commercial wireless telecommunication service facilities shall comply with FCC standards for non-ionizing electromagnetic emissions and upgraded as necessary to comply with new scientific findings and associated regulations. All generators and equipment shall comply with all state and local noise and emission regulations. Proper documentation to prove compliance with these standards must be submitted with each application.

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- 32-16.6.4 No commercial wireless telecommunication service facility shall be permitted on property located within a Westport Historic District, National Register Historic District or on any property located on the state or national Register of Historic Places.
- 32-16.6.5 Antenna towers and telecommunication towers shall be camouflaged or painted to reduce visual impact.
- 32-16.6.6 A fence with a height of eight (8) feet shall be required around an antenna tower or telecommunication tower and any free-standing equipment.
- 32-16.6.7 Landscaping shall be required around the fence and shall consist of a row of evergreen trees (planted 10 feet on center minimum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum height of fifteen (15) feet at maturity. Such screen shall be maintained by the owner of the property to ensure its effectiveness.
- 32-16.6.8 The proposed support structure (tower or building) shall be designed for additional facilities including other commercial wireless telecommunication service facilities, and local police, fire and ambulance needs, unless it is determined to be technically unfeasible.
- 32-16.6.9 Written notice of a proposed telecommunication tower must be sent to any municipality located within 1,500 feet from the tower. Said notice must be sent by registered mail to the Town Clerk's office of the adjoining municipality.

**32-16.7 Materials for Application Submission**

Construction of a commercial wireless telecommunication service facility requires a Site Plan and Special Permit approval from the Planning and Zoning Commission. Documents to be filed with the application shall be the same as those described in §44 of the Westport Zoning Regulations with the following additional information:

- 32-16.7.1 A description of technological alternatives for the proposed telecommunication tower and a statement containing the reasons for the choice of the proposed facility.
- 32-16.7.2 A statement containing a description of the siting criteria and the process by which other possible sites were considered and eliminated.
- 32-16.7.3 Photographs showing existing conditions. Each sight line shall be illustrated by a photograph depicting what can currently be seen from any public road and residential area within a one mile radius.

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- 32-16.7.4 Photographs showing proposed conditions. Each of the existing condition photographs shall have the proposed commercial wireless telecommunication service facility superimposed on it to show what will be seen from public roads and residential area within a one mile radius if the proposed commercial wireless telecommunication service facility is built.
- 32-16.7.5 A map depicting the extent of the provider's existing and planned coverage and the service area of the proposed commercial wireless telecommunications service facility.
- 32-16.7.6 If coverage greater than 50% from the proposed commercial wireless telecommunications services facility is outside Westport, the applicant must demonstrate that they are unable to locate, for reasons other than financial, within the municipality which is primarily receiving service from the proposed facility.
- 32-16.7.7 Demonstration on a map that reasonable coverage and capacity is either not already being provided in the Town of Westport, or the potential to provide coverage is not possible by modifying other sites.
- 32-16.7.8 Demonstration on a map and in a written narrative, of the provider's long range plan for location and necessity of facilities within the Town of Westport describing existing and proposed coverage areas. Such long range plan shall span a time period not less than 36 months from the anticipated time of installation. The long-range plan shall include a report of technological progress relevant to the application. Special emphasis should be placed upon planning that recognizes that technological progress can be used to both improve the quality of service and lessen the impact upon the quality of life. For example, improved receivers can reduce required power levels. Similarly, improved coding systems can reduce interference and improve signal to noise ratios which reduces the probability of a call being dropped.

**32-16.8 Review by Independent Consultants**

The applicant shall hire independent consultants approved by the Planning and Zoning staff to conduct an independent review of any application for a new tower. The consultants will work under the direction of the Planning and Zoning Department. As many qualified professionals as are necessary must be hired so that the following fields of expertise are addressed: a) telecommunications engineering, b) structural engineering and d) others as determined by the Planning and Zoning Office. The Planning and Zoning Director may waive this requirement for municipal public safety service providers (police, fire, and emergency medical service).

**32-16.9 Requirement to Fly Balloon**

When an antenna tower or a telecommunication tower is proposed, prior to the meeting with the Commission the applicant shall arrange to fly a brightly colored three foot diameter balloon at the site that is at the maximum height of the proposed installation. The applicant shall provide written notification to the Planning and Zoning Commission, at least ten days in advance, of the time and date of the flight. The balloon shall be flown for at least three consecutive hours between 9:00 A.M. and 5:00 P.M. on the dates chosen.

**32-16.10 Abandonment**

A commercial wireless telecommunication service facility not in use for six (6) months shall be removed by the facility owner and/or the property owner. This removal shall occur within ninety (90) days of the end of such six (6) month period.

**32-16.11 Bond**

A bond shall be required in an amount determined by the Town Engineer at the time of issuance of a zoning permit for the construction of all telecommunication towers and antenna(e) to ensure that such removal will be accomplished.

**32-16.12 Zoning Certificate of Compliance**

- 32-16.12.1 Subsequent to completion of the telecommunication tower, a certificate from a structural engineer licensed in the State of Connecticut confirming that the tower is properly constructed and structurally sound shall be submitted.

**32-17 Affordable and Middle Income Housing on Town-Owned Property**

**32-17.1 Purpose**

It is the purpose of this section to address the need of the Town of Westport for additional one family, two-family and multi-family affordable and middle income housing. This Regulation is intended to promote the health, safety and general welfare of the community by authorizing the conversion of existing municipal buildings and the construction of new buildings on town-owned property for the purpose of decent, safe and sanitary dwelling units and such dwelling units shall be rented or sold at below market rate. Fifty percent (50%) of the dwelling units on a property shall be affordable. The remainder will be middle income housing. In case of an uneven number of housing units more than 50% of the dwelling units shall be affordable. In the case of one dwelling on a property the unit shall be for middle income housing.

- a) The affordable housing to be provided will be affordable housing defined as:
- assisted housing, which means housing which will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate housing, or
  - any housing occupied by persons receiving rental assistance under Chapter 319 of Section 1437F of Title 42 of the United States Code, or
  - any housing currently financed by Conn. Housing Finance Authority mortgages or

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- any housing subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income.

Median income means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development.

b) Middle Income Housing will be housing for persons or families earning up to or equal to 80% of the median income of the Stamford Norwalk Service Area of which Westport is a part.

**32-17.2 Permitted Uses**

Affordable housing and middle income housing only, as defined in §32-17.1 on the date that the application is filed under this section of the Zoning Regulations. Conversion of existing town owned buildings and the construction of new buildings on town-owned land for single family, two-family or multi-family dwelling units shall be permitted under this Section, subject to a Special Permit and Site Plan approval in accordance with §43 and §44 of these Regulations. Hotels, motels, rooming, boarding, home occupations and lodging houses or tourist homes shall not be permitted.

**32-17.3 Accessory Uses**

Necessary accessory buildings, structures and uses including, but not limited to, facilities for recreation, maintenance, administration, off-street parking, storage and utilities serving the development may be permitted.

**32-17.4 Density**

- a) The minimum required lot area shall not be less than 3,000 square feet of land. The project density shall not be greater than six (6) dwelling units per gross acre with no more than a total of 36 dwelling units.
- b) The types of units shall be limited to efficiency, one-bedroom and two-bedroom dwelling units, except a single family dwelling may have three bedrooms.
- c) The gross interior floor area per dwelling unit shall not exceed: (1) six hundred (600) square feet for an efficiency; (2) eight hundred and fifty (850) square feet for a one-bedroom unit; and (3) one thousand (1,000) square feet for a two-bedroom unit; unless such parts of the existing building are otherwise arranged or designed to be reasonably, conveniently and safely transformed into slightly larger units.
- d) The gross interior floor area of a unit in a multifamily or two family unit, shall exclude garage parking spaces, common storage areas, common stairs, common halls, common foyers and other similar spaces used in common.
- e) Libraries, dens, studios or similar rooms in any dwelling unit shall be counted as bedrooms.

**32-17.5 Setbacks**

No new principal building, structure or use and no new accessory building, structure or use shall extend closer than 30 feet from any street line and 25 feet from any side or rear property line except in a Res. AAA Zone where all setbacks shall be at least 50 feet.

**32-17.6 Height**

The height of an existing municipal building shall not be increased in the course of conversion except for necessary mechanical units, elevator shafts, skylights, solar panels and other similar features which shall not extend more than 4 feet above the height of the existing building. No new accessory building or structure shall exceed a height of either 12 feet to the top of a flat roof or 16 feet to the peak. Additions to a building cannot exceed the height of the existing building.

The height of new buildings shall not exceed 2 stories and 26 feet in height.

**32-17.7 Coverage (See Definitions)**

The building coverage shall not exceed fifteen percent (15%) and the total coverage shall not exceed twenty-five percent (25%) of the lot area.

**32-17.8 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings for new buildings.

**32-17.9 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

**32-17.10 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations and the following additional standards:

- 32-17.10.1 A safe and convenient system of drives, service access roads and walks shall be provided and shall be designed with amenities such as handrails and ramps. Such facilities shall be adequately lighted from poles no higher than 16 feet and said lighting shall be down-directed. Gradients of new walks shall not exceed five (5) percent.
- 32-17.10.2 All parking areas, including aisles and driveways, shall be paved with hard-top surfaces upon a suitable subgrade. The pavement areas shall be adequately drained so as to prevent excessive accumulations of water, snow and ice.

**32-17.11 Landscaping, Screening and Buffer Areas**

Landscaping shall be provided in accordance with §35 of the Supplementary Regulations.

32-17.11.1 Refuse collection areas shall be provided, screened, supplied with covered receptacles, and conveniently located to serve all dwelling units.

32-17.11.2 Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

**32-17.12 Utilities**

The applicant must investigate the existing capacity sewer collection and treatment system to accommodate any increase in sanitary sewer flow created by the proposed conversion.

All utilities and conduits within the lot shall be underground.

No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line or private septic system.

All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer. Septic systems require approval by the Westport Weston health District.

**32-17.13 Usable Open Space**

There shall be at least 450 square feet of usable open space for each dwelling unit. Land so set aside shall be properly laid out, graded, screened and landscaped and shall include recreation facilities suited to the needs of the residents and may include land adjacent to each unit for use by its occupant.

**32-17.14 Change of Use**

No dwelling unit approved under these provisions shall thereafter be changed to any non-residential use.

**32-17.15 Architectural Design**

32-17.15.1 The building fenestration, facade and roof line shall be preserved.

32-17.15.2 All buildings shall be compatible with the existing architecture.

32-17.15.3 The historic and/or architectural integrity of the existing building shall be maintained.

32-17.15.4 Dwelling unit facades need to be designed to avoid a barracks or dormitory appearance. Staggered or offset unit facades and/or varied unit façade materials shall be utilized.

32-17.15.5 All mechanical units shall be screened, ground mounted and rooftop.

**32-18 Historic Residential Structure (HRS)**

**32-18.1 Purpose**

The purpose of this regulation is to further the preservation, rehabilitation, restoration, reconstruction and/or adaptive re-use of historic structures containing existing special permit uses listed in Sections 11-2.1 thru 11-2.2.13, historic residential structures and associated historic accessory structures in Westport residential districts. The Planning and Zoning Commission may, by grant of a Special Permit/HRS, authorize the use, setback, height parking, landscaping and coverage incentives of this section in those circumstances where applicable zoning regulations have the practical effect of discouraging the preservation or continued use of historic buildings and historic accessory structures.

**32-18.2 Definitions**

**32-18.2.1 Historic Structure**

For the purposes of this regulation, a structure is considered historic if, as of the effective date of this regulation, it is located in Westport and meets at least one of the following criteria:

- (a) The structure or accessory structure is:
  - (i) A property listed or eligible for listing on the National or State Register of Historic Places or is a contributing historic resource in an established or eligible National or State Historic Register District; and
  - (ii) Has been determined to be historic by the Historic District Commission (“HDC”) Administrator after consultation with the Historic District Commission or its designee.
- (b) The structure or accessory structure is a local Historic Landmark Property or a contributing resource in a local Historic District. Such Properties and Districts are listed in Chapter 63 of the Town Code.
- (c) The structure or accessory structure is:
  - (i) Listed on the Westport Historic Resources Inventory; and
  - (ii) Has been determined to be historic by the HDC Administrator after consultation with the Historic District Commission or its designee.
- (d) The structure or accessory structure has been determined eligible for consideration under this Section by the Historic District Commission or its designee after consideration of including but not limited to the following standards:
  - (i) The structure is fifty or more years old.



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(ii) The property is associated with events or persons important to the history and development of the Town of Westport, State of Connecticut or the Nation.

(iii) The property is associated with a famous person.

(iv) The structure was designed by a significant architect.

(v) The structure is indicative of a significant architectural style or period.

(vi) The structure contributes contextual significance to the historic or cultural value of the property

**32-18.2.2 Alteration, Historic Structure**

Any Regulated Activity in the Westport Historic Districts & Properties Handbook, or any relocation, demolition, restoration or reconstruction of the historic structure or historic accessory structure.

**32-18.2.3 Scale**

The relationship of a structure as a whole to its neighboring structures, street and landscape. For the purposes of this regulation, neighboring structures are understood to be those located on properties within 250 feet of the subject property.

**32-18.3 Application Requirements**

An application for Site Plan and Special Permit/HRS shall be submitted as required under Section 44 of the regulations. In addition to Section 44, the applicant must submit the following:

- (a) Information sufficient to demonstrate that the structure or accessory structure meets any one of the criteria set forth in Section 32-18.2 (a) through (d) hereof.
- (b) Any proposed plans for alteration to the historic structure or historic accessory structure or its use.
- (c) All applications shall be accompanied by a perpetual preservation easement pursuant to Connecticut General Statutes, Section 47-42 a-c, enforceable by both the Planning and Zoning Commission and the Historic District Commission, which shall provide, among other things, for the right of the holder of the easement to do all things necessary to preserve the structural and historic integrity of the historic structure or historic accessory structure and to charge the expense thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair.
- (d) All applications shall be referred to the Historic District Commission and the Architectural Review Board for a combined recommendation from a joint meeting. Their guidelines for review will be the most recent Secretary of the Interior's

Standards for the Treatment of Historic Properties, Standards for Rehabilitation.

**32-18.4 Considerations**

When considering a Special Permit/HRS application, the Planning and Zoning Commission shall consider and determine in each case whether:

- (a) The preservation of the historic structure or historic accessory structure is in the public interest and will promote the general health and welfare of the residents of the Town.
- (b) The proposal will permit the preservation and exterior historic integrity of the historic structure or historic accessory structure.
- (c) The historic structure or historic accessory structure will require height, setback, coverage parking, and/or landscaping incentives, provided that the number of existing parking spaces shall not be reduced, and, in the case of historic structures containing existing special permit uses and/or historic accessory structures, use incentives to allow for its preservation, retention of its historic scale and/or its location on the property.
- (d) The proposal will be contextually consistent with the architectural design, scale and massing of the subject structure as well as with its immediate surroundings. Scale is the primary consideration in determining whether a historic structure or historic accessory structure is compatible with its setting.
- (e) The proposal will not adversely affect public safety.
- (f) The proposal will be consistent with the current Town Plan of Conservation and Development and other Westport zoning regulations.
- (g) The proposal will be consistent with the Special Permit standards in Section 44-6.

**32-18.5 Commission Action**

After the required public hearing is held and findings are made, the Commission may, at its sole discretion:

- (a) Allow an area or dimensional requirement (height, setback, coverage) and/or a parking or landscaping requirement (number, size or dimension) to be reduced or exceeded, provided that the number of existing parking spaces shall not be reduced.
- (b) Allow customary home occupations and accessory apartments in a historic accessory structure under such conditions as set forth in Section 32-18.8 hereof.

- (c) Allow limited office uses in one historic accessory structure containing an existing special permit use under such conditions as set forth in Sections 32-18.8 and 32-18.9 herein.

**32-18.6 Conditions of Approval**

Any Special Permit/HRS approved by the Planning and Zoning Commission under this regulation shall be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

- (a) A copy of this document is available at the Planning and Zoning department and online at: CT Trust for Historic Preservation.
- (b) Prior to issuance of a Zoning Permit, the applicant shall grant a perpetual preservation easement pursuant to Connecticut General Statutes, Section 47-42 a-c, enforceable by both the Planning and Zoning Commission and the Historic District Commission, which shall provide, among other things, for the right of the holder of the easement to do all things necessary to preserve the structural and historic integrity of the historic structure or historic accessory structure and to charge the expense thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair.
- (c) Any Special Permit/HRS granted under this regulation shall prescribe the specific conditions to be observed and exterior architectural elements (See Westport Historic Districts & Properties Handbook) which are to be maintained for the subject structure.

**32-18.7 Alterations, Historic Structure**

Once a Special Permit/HRS has been granted, the historic structure or historic accessory structure shall not be altered unless such alteration is reviewed by the HDC Administrator to evaluate whether HDC review is needed and is reviewed by the Planning and Zoning Commission or their designee to determine if approval is required from the Planning & Zoning Commission.

- 32-18.7.1 Any significant maintenance requirements to a historic structure or historic accessory structure covered by this regulation required to preserve its structural and historic integrity shall be completed by the owner within a reasonable period or within eighteen months of notification by the Zoning Enforcement Officer.
- 32-18.7.2 Emergency repairs may be made by the owner as a result of fire, flooding, or other similar type of damage. The Zoning Enforcement Officer shall be notified in writing not later than 72 hours after the repair or stabilization process is initiated. A plan for permanent repair must be submitted for review to the Planning and Zoning Office. This will include review by the

HDC Administrator. The subject structure must be returned to its previous exterior appearance within eighteen months.

**32-18.8 Change of Use**

Any change in use of any historic structure or historic accessory structure which has an approved Special Permit/HRS under this regulation may only be authorized by application to, and approval by, the Planning and Zoning Commission. Said application shall contain all relevant information pertaining to the previously approved use and proposed change of use for the historic structure or historic accessory structure. The Planning and Zoning Commission shall determine if the proposed change in use is appropriate and in keeping with the intent of the original Special Permit/HRS granted for the subject structure according to the standards referenced in Section 32-18.4 hereof.

**32-18.9 Permitted Uses of Historic Accessory Structure**

32-18.9.1 Customary Home Occupations: Special Permit and Site Plan approval in accordance with Section 43 herein is required for the use of an historic accessory structure for a Customary Home Occupation. All conditions associated with Section 11-2.4.6, Customary Home Occupations, are required to be met except as modified herein:

- (a) Location: the home occupation shall be incidental and clearly a secondary use of the residential use of the property.
- (b) Floor Area: the total interior floor area devoted to a home occupation in an historic accessory structure shall be the larger of the following, including waiting rooms, file rooms and similar spaces devoted to uses which are supplementary to such home occupation:
  - (i) The size of the accessory building, as of the effective date this regulation or
  - (ii) Up to 600 square feet including additions to the original accessory building (excluding cellars and basements).

32-18.9.2 Accessory Apartments: one historic accessory structure or portion thereof may be converted to allow the incorporation of one (1) additional dwelling unit on the premises subject to Special Permit and Site Plan Approval in accordance with §43 herein, and all conditions associated with Section 11-2.4.12 Accessory Apartments except as modified herein:

- (a) Qualifications: no accessory apartment exists in the main dwelling unit nor does any other historic accessory structure contain a dwelling unit.
- (b) Occupancy: the main dwelling unit or the historic accessory structure must be occupied by the principal owner of the property.
- (c) Eligibility: No age restriction.

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- (d) Floor Area: the total floor area of the historic accessory structure used for a dwelling unit shall be the larger of the following:
  - (i) The size of the historic accessory structure as of the effective date of this regulation.
  - (ii) Up to 800 square feet, including additions to the original historic accessory structure.
  - (iii) Up to 1,000 square feet, including additions to the original historic structure, if the unit is designated affordable in compliance with the affordability standards of Connecticut General Statutes Section 8-30(g) and is deed restricted on the Westport Land Records for 40 years as an affordable unit. (See 32-18.10)

32-18.9.3 Annual Certification: prior to the issuance of a Zoning Permit, a certificate in the form of an affidavit to verify that the principal owner is in residence or in possession of a special permit use. Thereafter, the principal owner shall submit such notarized affidavit to the Planning and Zoning Office by January 31<sup>st</sup> of each year as a requirement for the continuance of the Special Permit/HRS.

32-18.9.4 Limited Offices:

One historic accessory structure or portion thereof containing an existing special permit use may be converted to limited office space subject to Special Permit and Site Plan Approval in accordance with Secs. 43 & 44, except as modified herein; provided that the following requirements are met:

- (a) Location: The existing Special Permit site (lot):
  - (1) must have frontage on a collector or arterial street,
  - (2) must adjoin a commercial zoning district, and
  - (3) must be within 500 feet of a municipal (Town-owned) public parking lot.
- (b) Office Uses: The allowable office uses shall be limited to business, professional or other administrative offices accessory to and directly associated with the existing Special Permit Use. Healthcare offices, medical offices, banks and retail uses shall be excluded.
- (c) Floor Area: The floor area devoted to limited office uses shall not exceed either 5,100 square feet, 60% of the total existing floor area within the accessory historic structure or 20% of the total existing floor area on the site, whichever is less.

**32-18.10 Affordable Accessory Apartment in Historic Accessory Structure Requirement**

- 32-18.10.1 The income of the occupant(s) of any Affordable Accessory structure shall not exceed 80% of the state median adjusted for family size, as determined by the United States Department of Housing and Urban Development for the State of Connecticut, in accordance with CGS 8-30(g). The rental charge for this unit shall not exceed 30% of the renters' income.
- 32-18.10.2 In conjunction with an application for approval of a Special Permit for an affordable accessory apartment in an historic accessory structure, the applicant shall submit an Affordability Plan, in accordance with CGS Section 8-30(g) which shall describe how the regulations regarding affordability will be administered. The plan shall include provisions for administration of and compliance with the income of the occupant of the affordable unit and the rent charged. It shall also include procedures for verification and yearly confirmation to the Planning and Zoning Department of the unit occupancy income in compliance with the affordability requirements and an explanatory statement that will be provided to the occupant of the affordability unit of the restrictions on income and rent for the unit. In addition, it must include notice procedures to the general public of the availability of the affordable unit.

**32-19 Lighted Athletic Fields on Town Owned Public School Property**

**32-19 Purpose**

The purpose of this regulation is to encourage expanded use of Town owned public school athletic fields while not causing unreasonable adverse impacts to surrounding residential neighborhoods. Lighted Athletic Fields on Town Owned Property may be permitted on properties that have a minimum of 20 acres and a minimum of 200 parking spaces. The amount of lighting required shall achieve safe conditions for athletes, coaching staff and spectators. Lighted Athletic Fields on Town Owned Property are subject to a Special Permit and Site Plan approval in accordance with §43 & §44, herein, and subject to the following conditions:

**32-19.1 Application Requirements**

An application for Site Plan and Special Permit shall be submitted as required under §43 & §44 of the regulations. In addition the applicant must submit the following:

- (a) photometric plans for the entire area to be lighted including a separate plan for Westport athletic special events and a separate plans for practices. These plans shall show all property lines that abut the area to be lighted. The values to be measured are to be the vertical and horizontal foot candles measured at the property line on

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a ten foot vertical grid at ground level up to the highest elevation of any lighting structure or luminary.

- (b) a design plan for the sound system and sound mitigation that minimizes the impacts on adjacent properties.

**32-19.2 Considerations**

When considering Lighted Athletic Fields on Town Owned Property, the Planning and Zoning Commission shall consider and determine in each case the following:

- (a) the impact that such approval shall have on the general health and welfare of the residents of the Town,
- (b) the effects of light and noise that this approval will have upon surrounding residential neighborhoods,
- (c) the proposal will not adversely affect public safety.
- (d) the proposal will be consistent with the current Town Plan of Conservation and Development and the Westport zoning regulations.
- (e) the proposal will be consistent with the Special Permit standards in Section 44-6.

**32-19.3 Commission Action**

After the required public hearing is held and findings are made, the Commission may, at its sole discretion:

- (a) approve the application as proposed or introduce additional requirements or conditions to insure that surrounding residential areas are not unreasonable adversely impacted as a result of the application
- (b) deny any application that would cause unreasonable adverse impacts to surrounding residential areas.

**32-19.4 Conditions of Approval**

Any Special Permit for a lighted athletic field on town owned public school property approved by the Planning and Zoning Commission under this regulation shall be subject to the following.

- (a) The property shall be a minimum 20 acres in size and have a minimum of 200 parking spaces.
- (b) All structures used to light athletic fields shall achieve a minimum 50 foot setback from all residential property boundaries.
- (c) The structures used to light athletic fields shall not exceed 80 feet in height measured from ground elevation at the center of the field to the highest point of the structure including any attached fixture.

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- (d) Lighting structures shall be designed to avoid light spillage onto and minimize offensive glare visible from surrounding residential properties. All lighting must be down directed to the greatest extent possible. No measurement of luminance taken at the property line as a result of lighting sources located on the subject property shall exceed 0.3 foot candles as measured in the photometric plan required in Section 32-19.1a. The 0.3 foot candles may be achieved by using evergreen screening and/or fencing or other types of screening acceptable to the Commission.
- (e) All athletic field lighting must be turned off at the earlier of either
  - a) 30 minutes after the end of any event, practice or other activity,
  - or b) 8:00 pm. No game or event may be scheduled to start later than 7:30 PM. The lighting control system shall have provisions acceptable to the Commission in order to guarantee these limited use restrictions which must be specified in a special permit application.
- (f) The Commission may, at its discretion, permit a limited number of exceptions to the 0.3 foot candle limitation and the 8:00 pm curfew for Westport athletic special events provided that
  - a) the measurement of luminance at the at the property line as a result of lighting sources at the subject property may not exceed 1.0 foot candle as measured in the photometric plan specified in Section 32-19.1a for Westport athletic special events and
  - b) all athletic field lighting is turned off by 11:00 pm.
- (g) No athletic field lighting may be used at any time on either Saturdays or Sundays. No athletic field lighting may be used between December 1<sup>st</sup> and September 1<sup>st</sup> except for permitted spectator events.
- (h) There shall be no more than 12 lighted Westport athletic special events at any particular facility during any 12 month period that begins September 1<sup>st</sup> of each year. No later than August 15<sup>th</sup> of each year a list of special events for the upcoming 12 month period shall be submitted to the Planning & Zoning Department. The Commission may, at its discretion, further limit the number of or prohibit lighted special events and impose additional requirements or restrictions on lighted special events as it deems necessary.
- (i) There shall be no more than 2 such lighted athletic fields constructed after the effective date of this amendment (08-30-2009)
- (j) There shall be no more than 1 lighted athletic field per property.
- (k) The use of gas or diesel power generators, except as emergency backup, shall be prohibited.
- (l) The applicant shall provide information about sound and noise as part of any special permit application. Any application shall



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demonstrate that noise and sound effects on surrounding residential properties shall be to the minimum extent possible. If deemed necessary by the Commission sound attenuation measures shall be installed. A public address system shall only be used for varsity Westport athletic special events. There shall be no amplified music for any event after 9:00 PM.

- (m) Any additional requirements or restrictions the Commission determines at its discretion are necessary to insure that adjacent properties are not significantly adversely impacted by the proposed special permit.
- (n) All special permit applications under this section shall provide guidelines for controlling, air horns, bull horns and similar devices.
- (o) The lighted fields shall only be used for Westport team athletic practices and games (except for required league reciprocity).
- (p) Prior to the issuance of a Zoning Certificate of Compliance the applicant shall submit a final engineer's certification of luminance measurements at the property line.

## **§33 SIGNS**

### **33-1 Purpose**

It is the intention of these sign regulations to promote the public safety, protect property values, create an attractive business climate and enhance the physical appearance of the community.

### **33-2 General Requirements**

#### **33-2.1 Permits**

No sign, except as provided herein shall be erected, or structurally altered or otherwise changed, unless a Zoning Permit has been approved by the Zoning Enforcement Officer. A new name shall be deemed to be a change. Normal maintenance shall not be a change.

#### **33-2.2 Applications**

All applications for a sign permit shall be accompanied by a plot plan showing the location of the sign and by a building elevation or sketch, drawn to scale with dimensions, showing the height, design, materials, colors and illumination of the sign.

#### **33-2.3 Illumination**

All illuminated sign or lighting devices shall employ only lights emitting a light of constant intensity and shall be designed, located, erected and maintained to confine or direct all illumination to the surface of the subject sign and away from adjoining premises. Self-illuminated signs shall be such that all direct light sources are completely covered.

#### **33-2.4 Maintenance**

All signs together with their supports, braces, guys and anchors shall be kept in good repair and in safe condition. The owner or lessee of the premises on which a sign is erected shall be directly responsible for keeping such sign and premises in a safe and neat condition.

#### **33-2.5 Nonconforming Signs**

Currently existing signs of a size or type not permitted in the district in which they are situated, or which are located or illuminated contrary to the above regulations, or which do not conform to all provisions of these regulations, will be considered nonconforming structures under this Section.

No nonconforming sign shall be altered or changed unless such sign is made to conform with these regulations. A change shall not include a change on a theater marquee sign or a change in name where the size and style of lettering conforms to the previous lettering, and there are no other changes.

Any change of such signs or increase in size shall be deemed to be an enlargement or extension producing an increase in nonconformity. Any signs described above shall not be relocated to any other location on the premises unless such relocation results in reducing or eliminating the degree of nonconformity. Normal maintenance activities are not considered to be a change of name or alteration.

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**33-2.6 Measurement of Area**

The area of a sign shall include all exposed faces of a sign measured as follows:

- 33-2.6.1 When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.
- 33-2.6.2 When such sign is comprised only of letters, designs or figures affixed on a wall, the entire face of said wall being of uniform material, color, and texture, the total area of such sign shall be considered to be the area of the smallest geometric shape such as a rectangle, circle which encloses all letters, symbols, or designs which constitute such a sign.
- 33-2.6.3 When a sign is double-faced, the area of the sign shall include the sum of both sides.

**33-3 Sign Prohibition**

The prohibitions contained in this section shall apply to all signs, all artificial lighting and all districts regardless of designation within the Town of Westport.

- 33-3.1 No sign shall project beyond any property line, except under the provisions of §33-7.2.3, herein.
- 33-3.2 No hanging sign shall be over any portion of the traveled path of any driveway or other accessway.
- 33-3.3 No sign shall project beyond the sides of a building or above the lowest point of the main roof line of any building.
- 33-3.4 No sign shall be permitted on the top of any building.
- 33-3.5 No sign structure shall conflict with the corner visibility requirements of these regulations.
- 33-3.6 No sign shall interfere in any way with vehicular or pedestrian traffic, traffic signals or signs or visibility of motorists by virtue of the location, color or size of such signs.
- 33-3.7 No sign shall obstruct access to or from any door, exit, window or fire escape.
- 33-3.8 No artificial light or reflecting device shall be used, located, or displayed where such light distracts the attention of users of a street and competes for attention with, or may be mistaken for, a traffic signal.
- 33-3.9 No sign shall be animated or flashing, except for a time-temperature device employed as part of an otherwise non-flashing, non-animated display.
- 33-3.10 Except for flags, no sign shall be permitted which is in motion by any means, including swinging, fluttering or rotating or signs such as banners strung in series set in motion by movement of the atmosphere. The area of any flag (except national, state or town flags) shall be computed as signage and shall require permits in accordance with §33-2.1.
- 33-3.11 The stringing of lights is prohibited, except during the holiday season, from 11/15 through 1/15 of each year.

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- 33-3.12 No sign shall be permitted to be painted or posted directly upon the exposed surface of any wall except for individual, raised, mounted letters. All other painted or posted signs shall be on a plate or backing made of a durable material such as metal or plywood which is affixed to the wall.
- 33-3.13 No signs shall be mounted or posted on any tree or utility pole.
- 33-3.14 Directly-illuminated gaseous signs, such as neon tube signs, that are visible from outside the building shall be prohibited.
- 33-3.15 Free-standing portable signs, such as sandwich signs, shall be prohibited.
- 33-3.16 All signs and other advertising devices shall be prohibited except as they refer to products sold, and/or services rendered to business conducted on the property on which such sign is located.

**33-4 Signs Permitted in All Districts**

33-4.1 The following signs are permitted in all districts and do not require a zoning permit.

- 33-4.1.1 Official government notices.
- 33-4.1.2 Governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.
- 33-4.1.3 Signs that warn of danger, prohibit trespassing or direct traffic on the lot. Such signs shall not exceed a total area of two (2) square feet, each.
- 33-4.1.4 Signs of public service companies to warn of danger.
- 33-4.1.5 Temporary signs for public and charitable events which shall be removed after the publicized event.
- 33-4.1.6 Signs for political purposes.

**33-4.2 Temporary Signs**

The following signs are permitted in all districts subject to §33-2, herein.

- 33-4.2.1 A temporary sign not over two (2) square feet per side for a residential property or nine (9) square feet per side for a nonresidential property set back from any property line at least five (5) feet, advertising the sale or lease of the premises.
- 33-4.2.2 A temporary construction sign not over twenty-four (24) square feet in aggregate area identifying the designers and/or builders for a lot on which a building is under construction or reconstruction.
- 33-4.2.3 Any such temporary sign shall be removed from the premises within ten (10) days after the rental of the space, sale of the premises or completion of the construction.

**33-5 Signs Permitted in Residence Districts**

33-5.1 The following signs are permitted in all Residence Districts, subject to §33-2, herein.

- 33-5.1.1 Identification signs for Special Permit use in any Residence District; provided the aggregate area of the signs shall not exceed twenty-four (24) square feet. Only one free-standing sign is permitted. The free-standing sign must be at least 15 feet from any property line and shall include the street address number at least 4 inches in size.
- 33-5.1.2 A marker not to exceed two (2) square feet identifying an historic building or use.
- 33-5.1.3 Directional sign necessary for public safety or convenience not to exceed two (2) square feet in area.
- 33-5.1.4 Public convenience signs advertising hours of operation not to exceed one (1) sign of two (2) square feet in area.

**33-6 Signs Permitted in RPOD, RORD, CPD, and HDD Districts**

33-6.1 One (1) wall sign per tenant not to exceed two (2) square feet in area stating the name of the occupant, is permitted in the RPOD, for office establishments in the RORD 1, RORD 2 and RORD 3 districts subject to the provisions of §33-2.

33-6.2 One wall sign per tenant not to exceed six (6) square feet in area, stating the name of the occupant, is permitted for retail establishments in the RORD 1 and retail establishments, grocery stores, delicatessens, restaurants and other food service establishments in RORD 2.

33-6.3 One (1) free-standing sign not to exceed fourteen (14) square feet in area is permitted per lot in the RPOD and RORD Districts subject to §33-2, ARB review and the issuance of a zoning permit. Such free-standing sign shall be set back at least 15 feet from any property line, shall not exceed a height of six (6) feet and shall contain the street address number at least four (4) inches in size.

33-6.4 Signs in the CPD - the aggregate sign area of all signs on the premises shall not exceed fourteen (14) square feet.

33-6.5 Signs in the HDD - All signs, other than traffic and directional signs, shall be designed to reflect signage that was appropriate for the buildings at time the buildings were first constructed. Based on historical data gathered from the town archives, along with U. S. Department of Interior guidelines regarding historical signage, signage and signage illumination shall be designed on a building by building basis, and shall be subject to the review and recommendation by a majority of the Historic District Commission. Wall signs, projecting or hanging signs, signs on glass and free-standing signs (attached to historical light fixtures) shall be permitted in the district, with a total aggregate signage area not to exceed 361 s.f. (1 s.f. for each linear foot of the longest facade of each building within the HDD). In addition, no one business or tenant shall exceed more than (3) signs on the premises, and the total allowable sign area for building shall be prorated based on the

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relationship of the length of the longest facade of the individual building to the entire district. Where the Historic District Commission deems it to be appropriate, signage s.f. may be transferred between HDD tenants, provided that the sum of said tenant signage area does not exceed their total permitted signage area. One sign identifying the district will be permitted, up to 30 square feet, which is in addition to the 361 s.f. permitted for the businesses. In no case shall any sign exceed 50 square feet in area, and backlighted signage is prohibited.

**33-7 Signs Permitted in Other Non-Residence Districts**

The following signs are permitted in all Non-Residence Districts other than the RPOD, RORD, CPD and HDD Districts, subject to §33-2 and the following conditions:

**33-7.1 Sign Area**

The total surface area of all signs except for free standing signs on a premises shall not exceed either one (1) square foot for each lineal foot of the lot fronting on a public street or one (1) square foot for each lineal foot along the longest building face of each building, whichever is less.

- 33-7.1.1 In mixed use or multi-tenant buildings, the total allowable sign area for said building shall be pro-rated on an equitable basis; such as the amount of gross floor area of each rental unit; the number of rental units, or the facade area.
- 33-7.1.2 No one business use or tenant shall have more than three (3) signs on the premises; except that one additional wall identification sign shall be permitted at a secondary business entrance facing a parking lot. Said secondary identification sign shall not exceed two (2) square feet in area and shall be exempt from the sign area and §33-2, herein.

**33-7.2 Wall Signs**

Any wall sign shall comply with the following requirements:

- 33-7.2.1 Each sign must be attached to a wall or facade of a building.
- 33-7.2.2 No sign shall extend above the lower sill of a second story window nor exceed a height of twenty (20) feet as measured from the ground to the top of the sign, whichever is less.
- 33-7.2.3 A wall sign may extend forward as much as eighteen (18) inches from the wall to which it is attached. No part of such sign shall project in front of the street line except that if the face of the wall is coincident with the street line such sign may extend no more than three (3) inches beyond such street line.
- 33-7.2.4 Each unit occupancy above the first floor may display a sign on the inside of one (1) window serving said unit of occupancy, provided that no such sign shall exceed six (6) square feet in area.
- 33-7.2.5 Wall signs for individual tenants or occupants of a unified shopping center shall be designed to reflect a coordinated aesthetic scheme for the entire shopping center. Such signs shall be uniform in letter size, letter style, type of illumination, wall placement, colors and types of signs within the center.
- 33-7.2.6 Wall signs in excess of fifty (50) square feet of area shall require ARB review.

**33-7.3 Projecting or Hanging Signs**

All projecting or hanging signs shall comply with the following requirements:

- 33-7.3.1 Signs may project from the face of the building or hang from a roof canopy, provided that such signs shall be under a roof and over a walkway, but not a public sidewalk.
- 33-7.3.2 One (1) sign, not to exceed two (2) square feet in area, is permitted for each business or use in the building as part of the total allowable sign area.
- 33-7.3.3 No sign or any part thereof shall be less than eight (8) feet above the walkway.

**33-7.4 Free-Standing Signs**

All free-standing signs shall be subject to ARB review and shall comply with the following requirements:

- 33-7.4.1 Only one (1) free-standing sign shall be permitted on a lot provided that it has at least one hundred (100) feet of street frontage on one street.
- 33-7.4.2 The free-standing sign shall identify the name of the business(es) occupying the lot and shall include the street address number at least 4 inches in size.
- 33-7.4.3 The sign shall be supported by a free-standing, self-supporting structure that is erected on the ground and is not attached to a building. The width of the support structure cannot be more than 25% of the horizontal dimension of the free-standing sign, and may be divided into one or more support legs, or the support structure will be included in calculating the total surface area of the sign
- 33-7.4.4 No free-standing sign shall exceed a height of twenty (20) feet or extend above the lowest point of the main roof line of any building, whichever is less, as measured from the ground to the top of the sign.
- 33-7.4.5 All free-standing signs except for a unified shopping center shall not exceed a total surface area of thirty-two (32) square feet. A unified shopping center sign shall not exceed a total surface area of one hundred (100) square feet. The sign area for free standing signs is not included in the sign area as defined in §33-7.1.
- 33-7.4.6 No sign shall be located within fifty (50) feet of the boundary of a Residence District.
- 33-7.4.7 All signs shall be at least fifteen (15) feet from any property line.

**33-8 Temporary Signs**

Temporary Signs shall comply with the following requirements:

- 33-8.1 Signs temporarily affixed to or on a window or door announcing sales or special features are permitted, provided they do not exceed twenty-five (25) percent of the area of said window and/or door and provided they are in place for not more than thirty (30) days.
- 33-8.2 Special advertising devices for new businesses such as plaques, banners, pennants and streamers are permitted, provided they are in place for not more than thirty (30) days.

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**33-9 Non-Commercial Content**

Any sign may contain non-commercial content, provided that the sign otherwise conforms to the provisions set forth in these Sign Regulations.

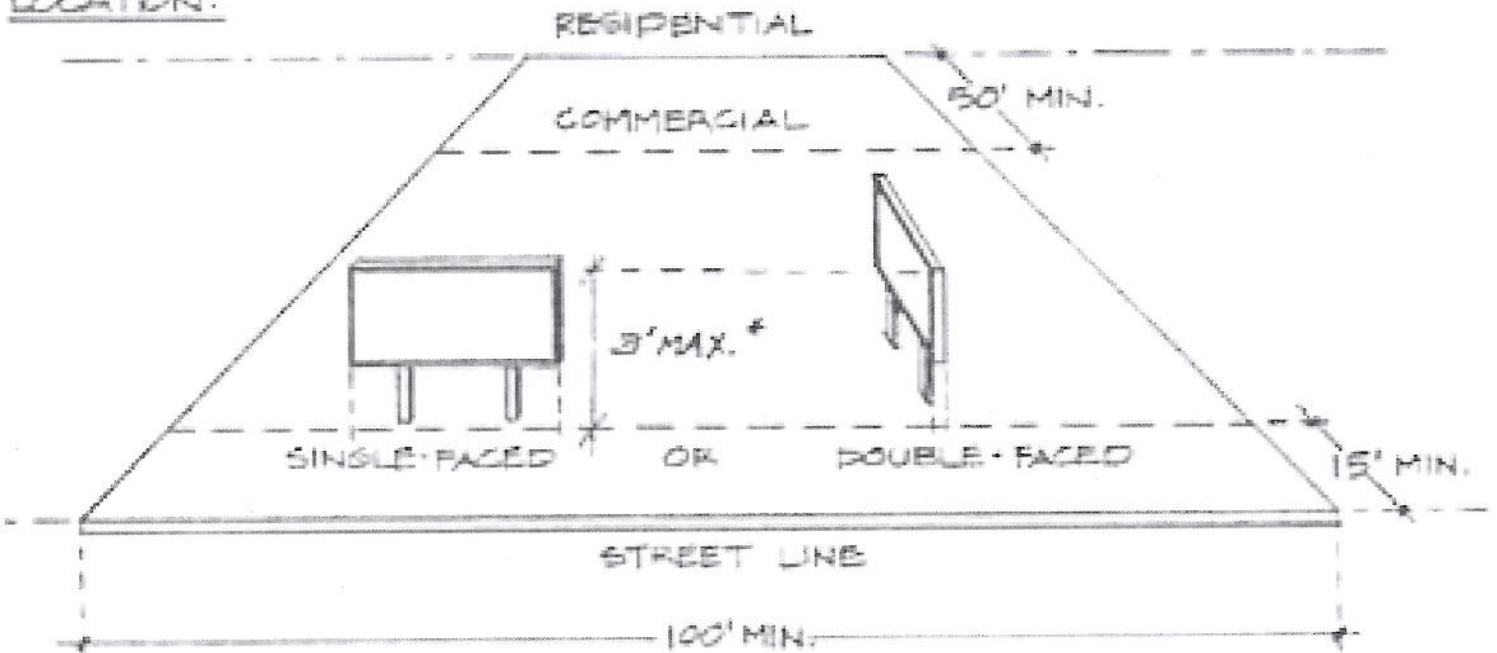
**33-10 Severability**

If any provision, subsection, or application of §33 (Sign Regulations) to any person or circumstance shall be held invalid, such invalidity shall not affect other subsections, provisions or applications of §33 which can be given effect without the invalid subsection, provision, or application, so that to this end the provisions of these Sign Regulations are severable.

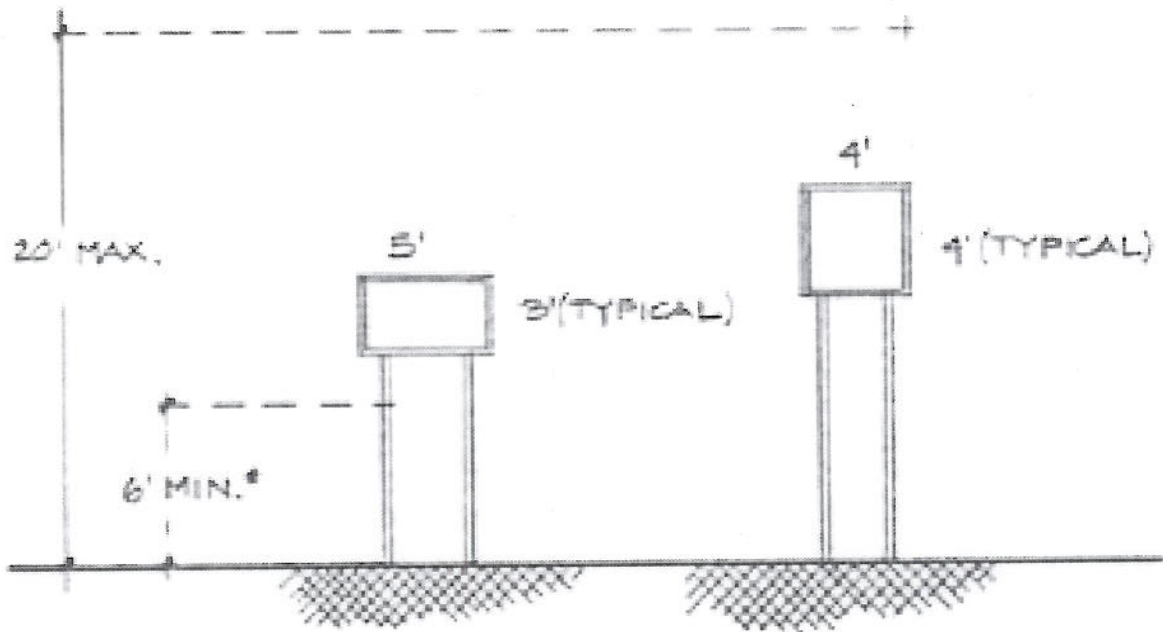


# SIGN LOCATION AND DESIGN

## LOCATION:



## DESIGN:



\* REQUIRED FOR SIGHT LINES WHERE NECESSARY  
 TYPICAL: 16 SQ. FT. -- ONE SIDE  
 MAXIMUM: 32 SQ. FT. -- DOUBLE-FACED

## **§34 OFF-STREET PARKING AND LOADING**

### **34-1 Intent**

Off-street parking and loading shall be provided in accordance with this Section and shall comply with the provisions for the physically handicapped in the State Building Code for any building or use hereafter erected, established, enlarged, expanded or changed. The number of parking and loading spaces required shall be based on construction or development activity after the effective date of these regulations. The number of parking and loading spaces shall be retained and the parking lot or paved areas shall not be increased or encroached upon as long as said principal building or use remains, unless the Commission determines that public parking spaces are available to be allocated as provided elsewhere in these regulations.

### **34-2 Obligation**

The requirement for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the property on which any such building or use is located, as long as the building or use is in existence and its use requiring vehicle parking facilities continues, unless a change in use also increases the parking requirements. No owner of any building or use affected by this Section, shall discontinue, change or dispense with, or cause the discontinuance of any required parking or loading space. No person, firm or corporation shall occupy a building without providing off-street parking and loading spaces which meet with the requirements of and are in compliance with these regulations.

### **34-3 Parking Requirements of Developed Sites**

When a proposed change of use or extension or expansion of a building or structure causes an increase in the number of parking spaces required, the incremental parking, and only the incremental parking, shall be required to be additionally provided. Such incremental parking shall conform to all regulations, including, without limitation, §34, Off-Street Parking and Loading, and §35, Landscaping, Screening and Buffer Areas.

### **34-4 Reduction of Parking Requirements by Special Permit**

When a proposed change of use or extension or expansion of a building or structure causes an increase in the number of parking spaces required, the Planning and Zoning Commission may, by Special Permit waive the minimum forty-five (45) foot turning radius for a loading bay and authorize a reduction in the number of parking spaces that would otherwise be required by these regulations; provided that:

- (a) The site is non-conforming with respect to parking and/or landscaping, and
- (b) Such a reduction shall not be more than the greater of:
  - (i) three parking spaces, or
  - (ii) Five percent (5%) of the total number of parking spaces shown on the proposed comparison map (if applicable, otherwise on the existing comparison map).

Such waiver and reduction are solely for the purposes of such change of use, extension, or expansion, and is not to be interpreted as making an otherwise non-conforming site conforming.

**34-5 *Parking Requirements Table (See table at end of this section)***

**34-6 *Location of Parking***

- 34-6.1 In Residence Districts, the parking spaces required for all uses shall be provided on the same lot as the principal use, except that parking spaces for athletic fields, auditoriums, fieldhouses and gyms shall be provided within a reasonable distance of the fieldhouses, auditoriums, gyms, fields and stadiums.
- 34-6.2 In Non-Residence Districts, the parking spaces, access aisles and maneuvering areas required for all uses shall be provided on the same lot as the principal use.
- 34-6.3 Parking lots for short-term parking generators such as shopping centers, retail stores, restaurants, banks, etc. should generally be located between the generator and street and in close proximity to the generator thereby easing vehicular access and shortening pedestrian walking distances.

**34-7 *Classification of Uses***

Whenever two (2) classifications provided in §34-5 shall apply to a use of premises, the regulation requiring the larger number of parking spaces shall apply. In the case of two (2) or more uses in the same building, the total requirements for off-street parking shall be computed for each use to the hundredths place and added together. Off-street parking for one (1) use shall not be considered as providing required parking for any other use in the building, except as hereinafter specified in §34-6 of the regulations.

**34-8 *Joint Parking***

The Commission may reduce the parking requirements for churches and other places of worship, places of public assembly, theaters, non-profit clubs, bowling alleys, cafes, taverns, restaurants, night clubs, dwelling units, and other similar uses where such uses will be generating a demand for parking during periods when other uses are not in operation subject to the following conditions:

- 34-8.1 The reduction of parking requirements of any such use shall not exceed 50% of its parking requirements, or the number of spaces by which it fails to meet its parking requirements, whichever is less.
- 34-8.2 Joint off-street parking facilities provided by another building or use shall be within five hundred (500) feet of applicant's building or use and on the same lot therewith.
- 34-8.3 The applicant shall demonstrate that there is no substantial conflict in the operating hours of the two buildings or uses for which joint parking facilities are proposed and that parking on the street will not occur.

**34-9 *Small Car Spaces***

The applicant may provide a limited number of small car spaces in accordance with the following standards:

- 34-9.1 The applicant shall prepare and submit a preliminary parking layout plan based on a Class A-2 Survey showing the minimum number of required parking spaces based on the standard dimensions of a 9 feet x 18 feet, as well as parking, front and buffer landscaping areas, lighting, loading area and refuse disposal areas.

- 34-9.2 Up to twenty (20) percent of the minimum number of required parking spaces may be allocated for small cars and correspondingly reduced in size subject to the approval of a small car parking layout plan. A small car space (stall) shall not be less than 8 feet in width and 16 feet in stall length.
- 34-9.3 The differences in the parking area between small and standard sized spaces (stalls) shall be computed, shown as additional landscape areas and landscaped on the small car parking layout.
- 34-9.4 The small car spaces shall be laid out in groups and marked with "Small Car Only" free-standing or wall signs not to exceed one (1) square feet each.

### **34-10 Loading Spaces**

Each hospital, institution, office, or commercial building or other commercial structure or group of commercial buildings on the same lot shall provide off-street loading spaces on the same lot as the principal building or structure, in accordance with the following minimum standards:

GROSS FLOOR AREA	NUMBER OF LOADING SPACES
(a) Zero to 3,999 square feet of gross floor area	0
(b) 4,000 to 24,999 square feet of gross floor area	1
(c) 25,000 to 29,000 square feet of gross floor area	2
(d) Each additional 25,000 square feet of gross floor area	1

#### **34-10.1 Location of Loading Space**

At least one of the required loading spaces shall be located immediately adjacent to a service entrance to the principal building.

#### **34-10.2 Loading Space Location**

If a loading dock is provided, a loading space shall be located so as to allow direct service from the end of the loading space or rear of a truck.

#### **34-10.3 Loading Space Radius**

Loading spaces shall be so designed that trucks, when loading and unloading will have adequate maneuvering areas with a minimum turning radius of forty-five (45) feet to the outside wheels for perpendicular loading stalls and said trucks will not project over any street line.

#### **34-10.4 Encroachment prohibited**

No loading space (stall) shall encroach on any part of an access drive or parking aisle.

### **34-11 Design Requirements**

The general layout and traffic circulation of parking and loading areas shall be designed so as to avoid unsafe conditions, traffic congestion in the streets upon which the area has access and to provide for the safety and adequacy of access for vehicles and pedestrians using the area according to the following standards:

#### **34-11.1 Layout Requirements**

All parking lots shall be laid out with large car standards in accordance with the "Design Standards for Off-Street Parking and Loading" as set forth hereinafter. In addition, all proposed curb cuts, access drives, fire lanes, maneuvering areas and parking areas shall comply with all applicable requirements of the Dept. of Public Works, Fire Dept. Police Dept., State Traffic Commission, State Dept. of Transportation and State Building Code.

#### **34-11.2 Curb Cuts and Access Drives**

Entrances and exits to a parking lot should be placed as far as possible from intersections in order to provide maximum storage and maneuver space. Combined entry-exit points should preferably be located at mid-site. When entrances and exits are separate, the entrance should be placed as far upstream in the site frontage as possible and the exit should preferably be placed in the downstream portion of the site. There shall be a maximum of two (2) curb cuts per site, unless a third emergency vehicle access is required for public safety.

- 34-11.2.1 Curb cuts shall conform to the Town Driveway Ordinance in Town Roads and any State Regulations that may apply on State Highways and preliminary approvals and/or recommendations shall be secured prior to Planning and Zoning Commission review of the project. Final authorization from the appropriate State or Town agencies shall be secured prior to the issuance of a Zoning Permit.
- 34-11.2.2 Access drives should cross sidewalks and enter streets at right angles. Parking areas should be designed to prevent backing into streets and across sidewalks along street frontages.
- 34-11.2.3 Clear unobstructed visibility shall be provided for a minimum distance of one hundred fifty (150) feet in each direction for egress at all driveways, as measured from a point ten (10) feet back from the traveled portion of the road (edge of pavement) to the center line of the street. Clear unobstructed visibility shall also be provided for a minimum distance of one hundred fifty (150) feet for the left turn ingress as measured in a straight line along the centerline of the roadway. Said sight lines may be increased by the Town Engineer based on street alignment, gradients, traffic volumes and speed limits.

#### **34-11.3 Fire Lanes**

Fire lanes shall be provided on a site where required by the Fire Marshal pursuant to the Town Fire Lanes Ordinance. Such designated fire lanes shall be at least eight (8) feet in width and shall be marked "No Parking." No required parking or loading space shall encroach on any required fire lane.

#### **34-11.4 Circulation**

Internal circulation on the site should be in a counter clockwise direction. Sites containing between 20 and 39 parking spaces should and sites containing 40 or more parking spaces shall

provide a complete internal loop access drive or parking aisle within the lot in order to minimize turning conflicts within the site and on the street.

- 34-11.4.1 The interconnection of adjoining parking lots shall be encouraged where said connections would result in improved circulation, increased parking spaces, decreased curb cuts and/or signalized access. Parking spaces lost or abandoned to a cut-through may be exempted from the minimum parking requirements by the Commission.

**34-11.5 Grades**

The maximum grade for an access drive or driveway to a parking area shall not exceed 3% from its intersection with the travelled portion of the road edge of pavement to the street line. The grade of the access drive or driveway from the street line into the property shall not exceed six (6) percent for the first forty (40) feet nor ten (10) percent at any point thereafter. The maximum grade for driveway aisles and stalls (parking field) for parking shall not exceed six (6) percent. The minimum grade shall be as required for surface drainage. Any access drive with grades of six (6) percent or more shall be paved. Storm drainage facilities, as required by the Town Engineer, shall be installed on any access drive or parking area with long, sustained or steep grades in excess of four (4) percent which may cause surface water to drain onto adjacent streets or lots.

**34-11.6 Identification**

Individual parking and loading spaces, handicapped parking spaces, maneuvering areas, entrances and exits and one-way aisles shall be identified with signs, lines and/or arrows.

**34-11.7 Drainage**

Off-street parking and loading areas within Non-Residence Districts shall be paved with a durable and dustless surface of bituminous concrete, unless existing drainage problems warrant use of porous material. The parking area shall be curbed where necessary to control or direct surface water runoff. The Planning & Zoning Commission may approve a porous paving system as an alternative to asphalt and concrete for traffic-bearing surface applications in Non-Residence Districts as part of a site plan application.

**34-11.8 Improvements**

Parking areas shall be improved so as to create no hazard from surface water runoff, dust, erosion or lights and shall be separated from the street by a curb, and by fencing, walls, landscaping or other barriers along street lines.

**34-11.9 Back around**

Dead end parking bays or aisles shall be provided with a back around or backup area at least 5 feet in depth.

**34-11.10 Underground Stalls**

Parking stalls located in underground garages, buildings or above ground garages may be reduced in stall width from nine (9) feet to eight and one half (8.5) feet to allow for column spacing.

**34-11.11 Rooftop Parking**

Parking areas or stalls located on the top of a building, structure or deck shall be screened from any adjacent street or Residence District by a solid wall, fence or barrier at least four (4) feet in height. Related access ramps shall be designed to screen vehicle headlights.

**34-11.12 Reserved Future Spaces**

If the actual demand or need for off-street parking spaces for a specific use is actually less than the minimum required number of parking spaces for said use, the Commission may reserve up to twenty five (25) percent of the required spaces for future parking needs. Such reserved spaces shall be standard sized, shown in the site plan and labeled "Future Parking", but landscaped for the present. The Commission may require the future construction of said reserved spaces, or portion thereof, within three (3) months of written notice to do so based on a change in parking demand, a change of use or a change in traffic safety circumstances.

**34-11.13 Lighting Standards for Parking Lots**

Any lighting used to illuminate any off-street parking area shall be shielded, down directed and so arranged as to reflect the light away from adjoining premises and public rights-of-way. Lighting of the parking lot must be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation (Also see §44-5.5.1(b), Lighting and Noise).

**34-11.14 Design and Access to Dumpster Area**

Dumpsters shall be placed upon an impervious surface, and shall be screened from view from adjoining premises. The placement of the dumpster shall make allowance for loading, removal, and access to the dumpster taking into account the traffic flow, the surrounding parking spaces and the available turning radii. The size and number of the dumpsters shall adequately handle the refuse and recyclable products generated on site. Dumpsters shall not be located within any required setback area in a Residential Zone nor within any required Front Landscaping Area or Buffer Strip in any other Zone. (Also see §32-9, Refuse Disposal).

**34-11.15 Sidewalks**

Sidewalks at least three (3) feet in width shall be installed within the site to provide pedestrian access between parking areas and other principal or accessory use when deemed necessary for safety. Such sidewalks shall provide handicapped ramps at all driveways and intersection crossways. Where deemed appropriate, curbing shall also be installed. Unless otherwise approved, all sidewalks and curbing shall be of reinforced cement concrete and shall be constructed at all locations, to the dimensions and in accordance to specific details approved by the Town Engineer. (Also see §35-2.3.4, Sidewalks).

**34-12 Concealed Parking Requirements**

Any commercial, retail, service or office building or group of such buildings on a single lot which contains more than ten thousand (10,000) square feet of gross interior floor area (GFA) shall be required to conceal parking from adjacent streets and properties around the perimeter of the site as follows: Required Parking Building Site to be Concealed 10,000 - 14,999 20.0% 15,000 - 19,999 GFA 40.0% 20,000 - 39,999 GFA 50% 40,000 - 59,999 GFA 65% Over 60,000 GFA 80% This requirement shall only apply to new or expanded floor space of ten thousand (10,000) square feet or more in any such existing or proposed building(s) after the effective date of this Section.

**34-12.1 Below Grade Structures**

Said concealment shall be in a structure, the roof of which is entirely below either the average established centerline grade of the street(s) in front of the lot or the average existing level of the ground surrounding the structure and within ten (10) feet thereof at the time of application.

**34-12.1.1 Exposure**

Such structures shall only be exposed for necessary vehicles and pedestrian accessways.

**34-12.1.2 Height**

Such structures shall not be deemed a story, but they shall adhere to the maximum allowable vertical height as measured in feet from the average existing level of ground. (See Building Height definition and applicable Height provision).

**34-12.1.3 Total Coverage**

That portion of the area of such structure whose roof is treated as natural ground surface shall not be included in total coverage. Said roof surface shall have sufficient earth over it to support vegetation and be planted with grass, ground cover, shrubs or trees. That portion of the area of such structure whose roof surface is treated as floor area, parking area, pedestrian plaza or other similar surface shall be included in total coverage.

**34-12.1.4 Building Coverage**

Such structures shall not be included in building coverage, provided that the maximum grade of the roof shall not exceed a slope of one (1) foot or rise to three (3) feet in length. Floor area and building above the roof of such structures shall be included in building coverage.

**34-12.1.5 FAR**

That portion of the floor area of such structures which is used for parking stalls, parking aisles, driveways, ramps, elevators, stairwells and electrical or mechanical equipment space shall not be included in the FAR. That portion of the floor area of such structures that is used for storage, rental, habitable or other similar usable space shall be included in the FAR.

**34-12.1.6 Setbacks**

The walls or faces of such structures shall adhere to all applicable setback, front landscape and buffer strip requirements.

**34-12.2 Alternative Concealment**

In the case of high ground water table, wetlands, floodplains, extensive ledge, rock outcroppings or other severe physical limitation that directly affects thirty percent (30%) or more of the site, the Planning and Zoning Commission may, upon written request for a modification and written substantiation of such severe physical limitation by a registered professional engineer, accept one or more of the following alternative methods of concealment:

- (1) structure partially below grade;
- (2) structure within or under the principal building;
- (3) utilization of natural topographic features;



- (4) utilization of sculptured landscaped surfaces other than structures with grades not to exceed 1 foot vertical to three (3) feet horizontal; and/or
- (5) utilization of evergreen landscaping used in conjunction with Item 4 above.

### **34-12.3 Partially Below Grade Structures**

Said alternative concealment may be in a structure which is partially below grade provided that the floor of said structure is entirely below the average established centerline grade of the street(s) in front of the lot at the time of application.

#### **34-12.3.1 Exposure & Height**

Such structures shall not be deemed a story, provided that the exposure, does not exceed the following limitations:

- (a) full exposure of one side only;
- (b) partial exposure of two additional sides above a sloping grade commencing at the exposed side and rising no less than one (1) foot for every three (3) feet of depth;
- (c) the total length of the fully and/or partially exposed faces or walls of the structures shall not exceed twenty (25) percent of the total perimeter of the structure, but the Commission may allow up to 50% of the total perimeter of the structure to be fully and/or partially exposed in cases where dwelling units are to be provided; and
- (d) The maximum height of any exposed face or wall of said structure, as measured to the roof-top, deck-top or first floor of a building above, shall not exceed three (3) feet above the average existing level of the ground surrounding the structure and within ten (10) feet thereof, at the time of the application.

Such structures, however, shall adhere to the maximum allowable vertical height as measured in feet from the average existing level of the ground. (See Building Height definition and applicable Height provision).

#### **34-12.3.2 Total & Building Coverage**

That portion of the area of such structure shall not be included in total coverage, provided that:

- (a) the maximum height of any exposed face or wall of said structure shall not exceed three (3) feet above the average existing level of the ground, except that cross walls or beams starting from said three (3) foot height may follow the slope of an earth covered roof; and
- (b) the maximum grade of the roof surface of such structure shall not exceed a slope of one (1) foot of rise to three (3) feet of length. That portion of the area of such structure whose roof surface is treated as floor area, parking area, pedestrian plaza or other similar surface shall be included in total coverage. That portion of the area of such structure whose roof surface is treated as floor area or building area above shall be included in building coverage.

34-12.3.3 FAR

That portion of the floor area of such structure that is used for parking stalls, parking aisles, driveways, ramps, elevators, stairwells and electrical or mechanical equipment space shall not be included in the FAR. That portion of the floor area of such structure that is used for storage, commercial, retail service, office, rental, habitable or other similar usable space shall be included in the FAR and shall be used in calculating the minimum parking requirements for said buildings.

34-12.3.4 Setbacks

The walls or faces of such structure shall adhere to all applicable setback, front landscape and buffer strip requirements.

34-12.4 **Surface Areas**

All areas that are not otherwise occupied by buildings or surface parking shall be suitably planted or landscaped.

34-12.5 **Parking Expansion**

A new site plan review and zoning permit shall be required if additional parking spaces, exceeding 10% of the minimum required number of parking spaces for the approved concealed parking use, are added to the site.

34-12.6 **Project Design**

In order to reduce surface water runoff, concealed parking projects should be designed with a minimal amount of impervious surfaces. Concealed parking areas shall be located under the principal building, and/or surface parking areas shall be located on top of concealed parking structures, to the greatest extent possible, considering the physical characteristics of the site.

**34-13 Handicapped Parking**

Handicapped parking shall be provided in conformance with the Connecticut Supplement to the Basic Building Code.

*Town of Westport Zoning Regulations, §34, Off-Street Parking and Loading*

<b>§34-5 USE</b>	<b>MINIMUM REQUIRED PARKING SPACES</b>
Mobile Home Units	2 spaces
Single-family dwelling unit	2 spaces
Supportive Housing	1 space for each dwelling unit
Two-family dwelling unit	2 spaces per unit
Multi-family dwelling units, studio, efficiency, or 1 bedroom unit	
1-bedroom unit	1.75 spaces per unit
2 bedroom unit	2.25 spaces per unit
3 or more bedroom unit	2.50 spaces per unit
public elderly housing	0.75 spaces for each dwelling unit for elderly persons
Accessory apartment unit	1 space for the converted unit
Managed Residential Community	0.75 space for each private residential unit
Home Occupations located in residence districts	2 spaces in addition to the requirements for the dwelling unit.
Community residence for the mentally retarded	2 spaces in addition to the requirements for the dwelling unit.
Elderly group home	1 space per bedroom or guest room.
Automobile repair shops, garages and gas stations	5 spaces per bay or vehicle work station plus 1 space per employee plus 2 additional spaces
Automobile dealers	1 space per employee plus 1 space per vehicle work station plus 20 spaces for customer parking.
Vehicle Rental	1 space per employee plus 1 customer space for each 5 rental vehicles
Funeral Homes, except within the BCD and BCD/H.	One space per 75 square feet of floor area, with a minimum of 25 spaces required for any funeral home.
Office (business and professional), Bank Office Area, except within the BCD and BCD/H.	1 space for each 250 square feet of gross floor area
Bank Customer Area with cashier and/or teller, except within the BCD and BCD/H.	1 space for each 220 feet of gross customer area.
Medical offices, except psychiatrists, and clinics including other similar uses including chiropractors, physical therapists, optometrists, and dentists, except within the BCD and BCD/H.	1 space for each 165 square feet of gross floor area.

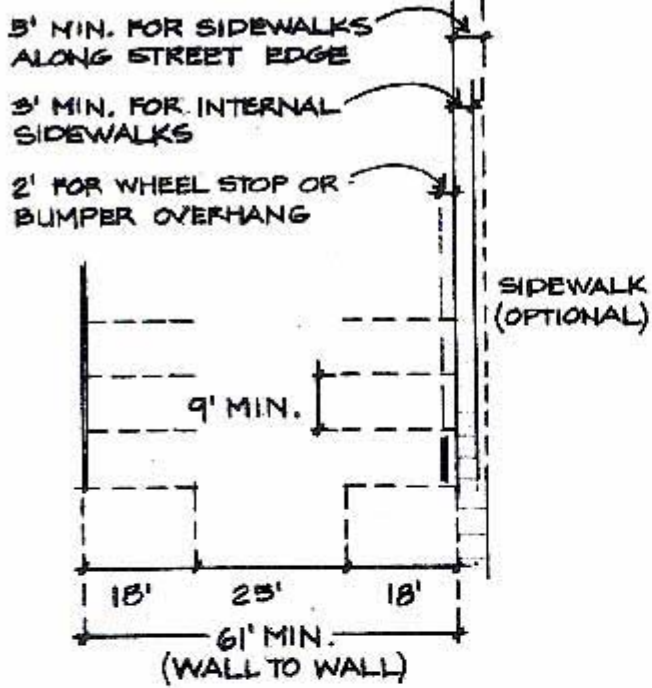
*Town of Westport Zoning Regulations, §34, Off-Street Parking and Loading*

<b>§34-5 USE</b>	<b>MINIMUM REQUIRED PARKING SPACES</b>
Professional Healthcare offices and clinics including psychologists, social workers, counselors, naturopaths, massage therapists, psychiatrists and nutritionists, except within the BCD and BCD/H.	1 space for each 200 square feet of gross floor area
Retail and service establishments including spas, beauty salons, opticians, gyms, healthclubs, and fitness centers, except within the BCD and BCD/H.	1 space for each 180 square feet of gross floor area
Restaurants & private clubs, excluding patron bar area, except within the BCD and BCD/H.	1 space for each 35 square feet of gross patron floor area plus 1 space for each additional 500 square feet of gross interior floor area.
Patron bar area of restaurants, private clubs, taverns & cafes – gross patron floor area including Patron bar area includes the barroom area, all areas designated as cocktail lounges and areas devoted mainly to alcohol consumption, except within the BCD and BCD/H.	1 space for each 20 square feet of gross patron floor area including the entire top surface of the bar.
Hospitals and convalescent homes	1 space for each 3 beds.
Theaters, except within the BCD and BCD/H.	1 space for each 3 seats.
Places of Worship	The greater of (a) one space for each 3 occupants of the sanctuary as determined by the Fire Marshall, or; (b) one space for each 3 occupants of all rooms, other than the sanctuary, used for social functions, as determined by the Fire Marshall.
Auditoriums, field houses, gym, athletic fields & stadiums	1 space for each 5 spectator seats of design capacity.
Game Room for coin operated amusement devices	1 space per 180 square feet of gross interior floor area.
Laboratory, wholesale, warehouse storage establishment <sup>1</sup>	1 space for each 1-1/2 employees during the largest daily work shift or 500 square feet of gross interior floor area, whichever is greater.
Group quarters, guest, boarding, rooming or lodging house.	1 space for each rooming unit or 1 space for each bedroom, whichever is greater.
Marinas, exclusive of boat storage	0.5 spaces per slip or wet mooring.
Other Uses	In order to maintain the purpose and intent of these regulations the Commission shall determine the number of parking spaces to be provided in connection with any use not included in this Section.

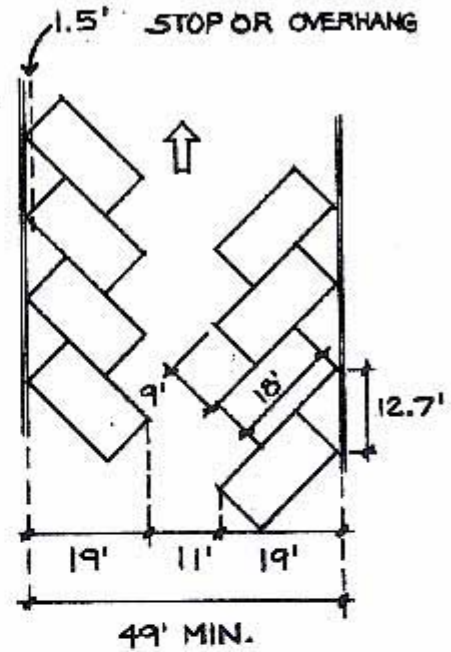
<sup>1</sup> In order to be considered as a separate use such areas, excluding laboratories, shall comprise at least 15% of the total gross interior floor area of the building or tenant space and shall be a block of space(s) located in an attic, 1/2 story, or cellar. The space less than 15% shall be part of the principal use for parking.

DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING

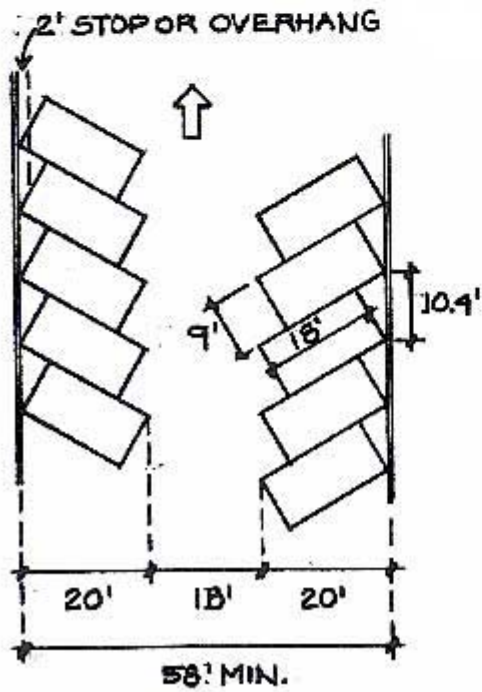
90° DRIVE-IN



45° DRIVE-IN



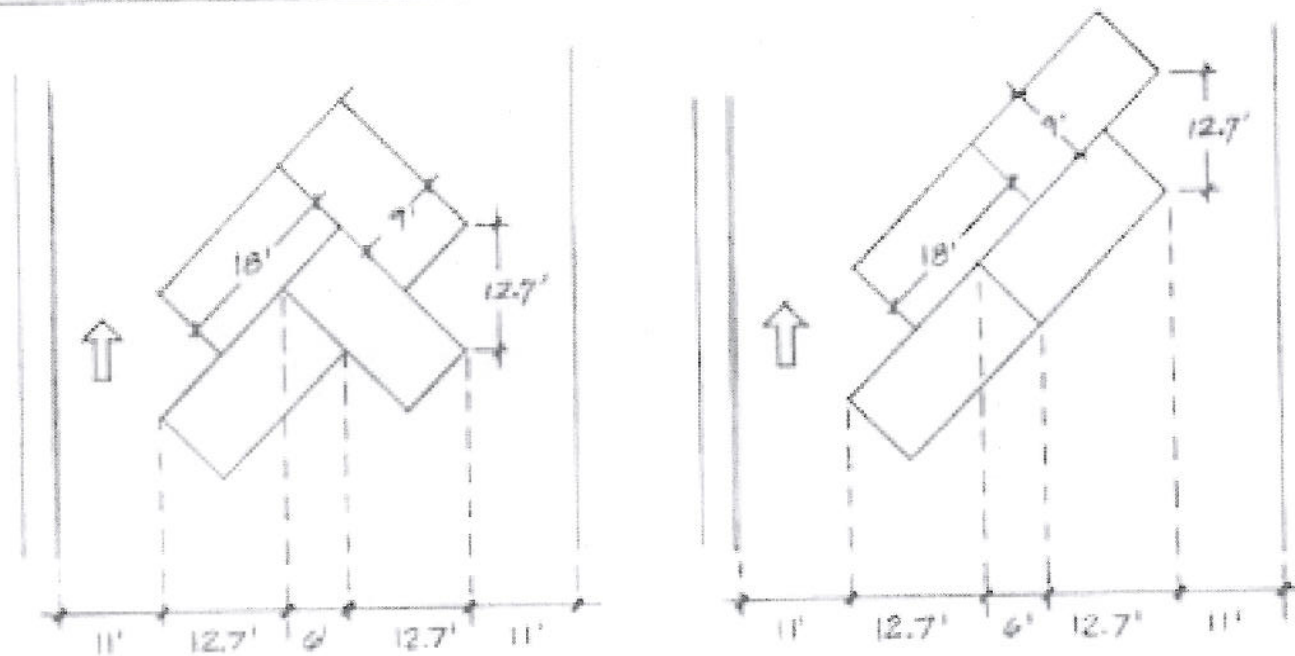
60° DRIVE-IN



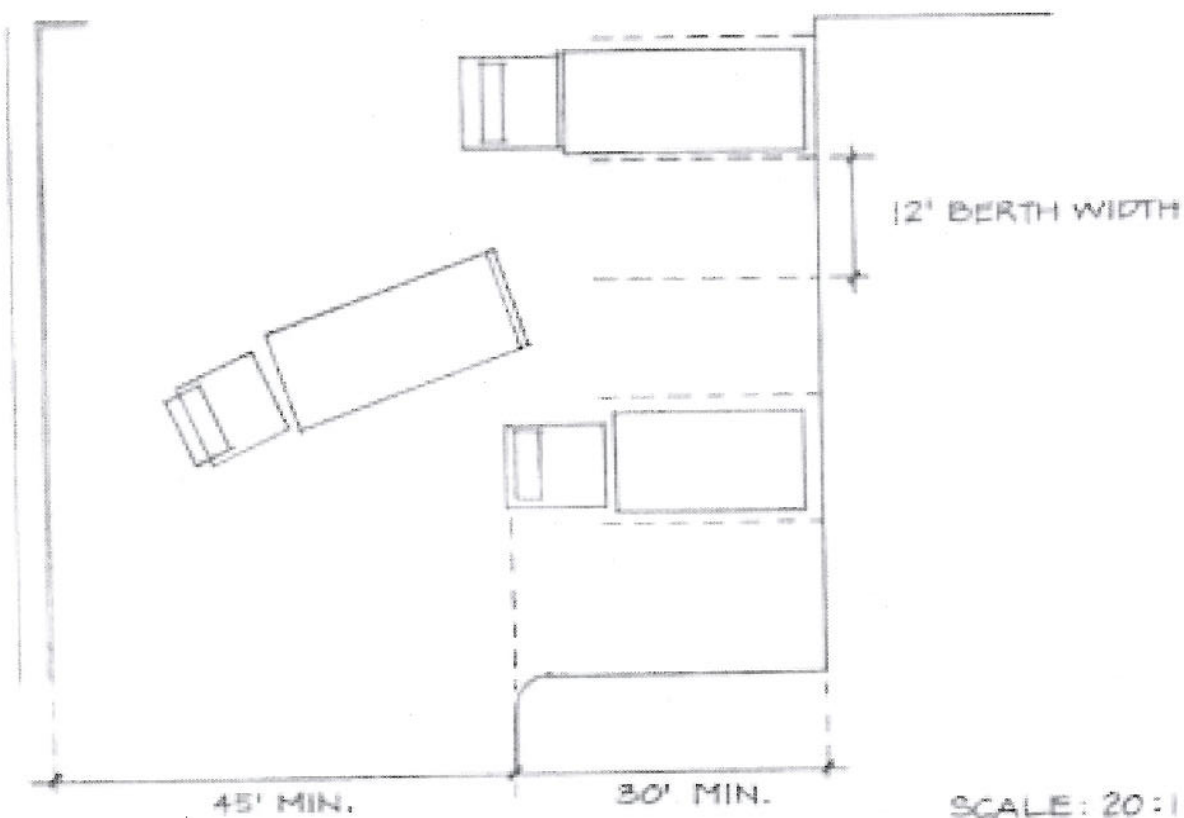
SCALE: 30:1

# DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING

## HERRINGBONE PATTERNS

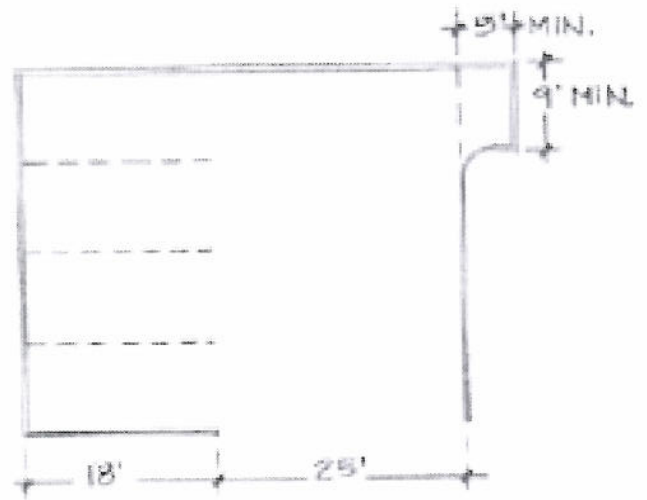
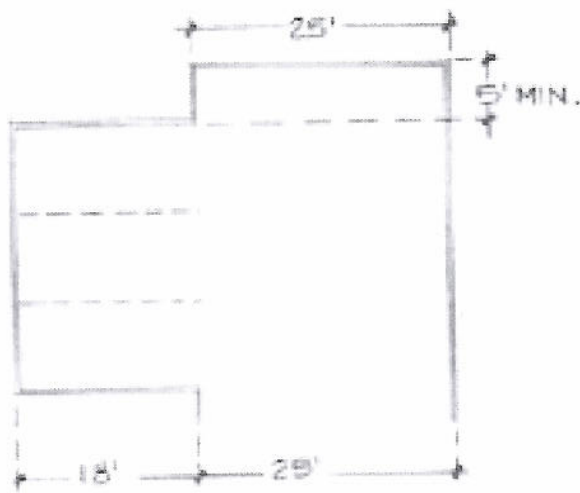


## LOADING BERTHS AND APRON SPACE

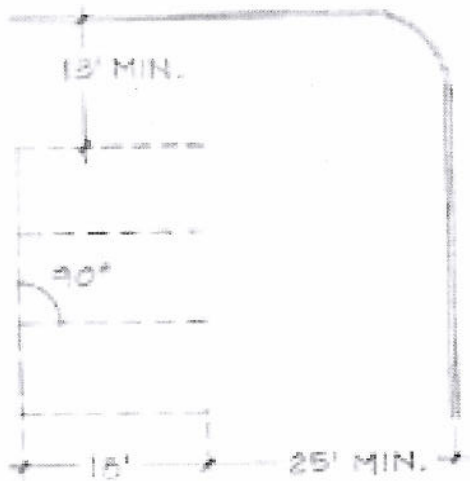


# DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING

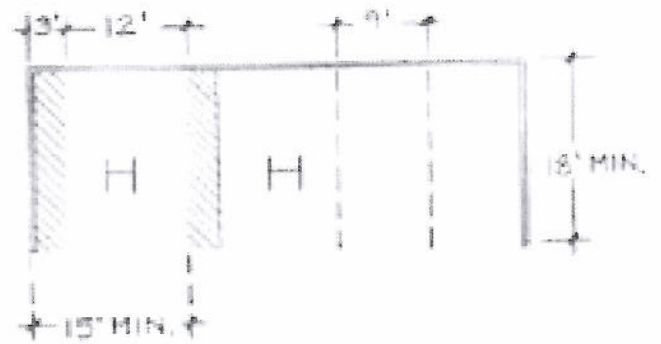
## TYPICAL DEAD-END BAYS



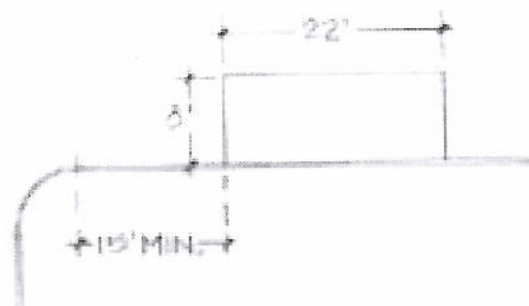
## INTERIOR AISLE WIDTHS



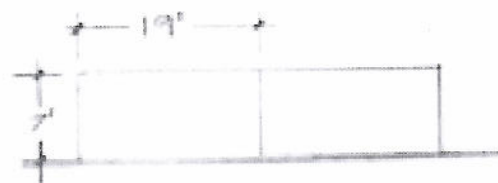
## HANDICAPPED STALLS



## PARALLEL SPACE STANDARD

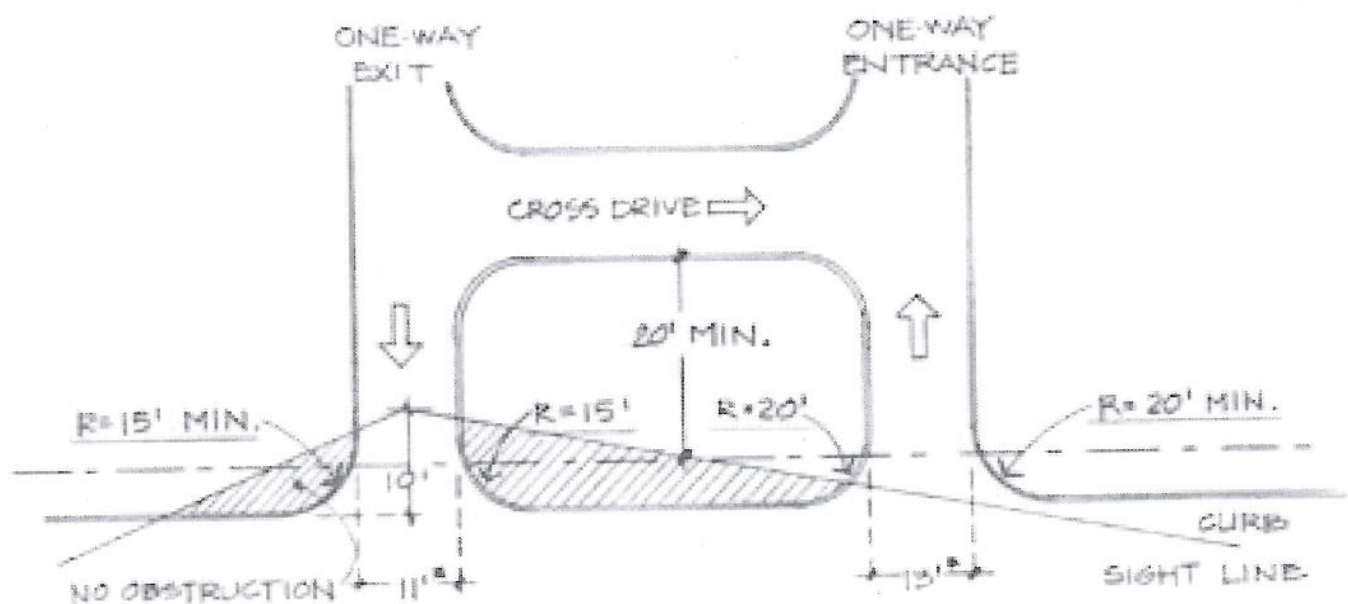
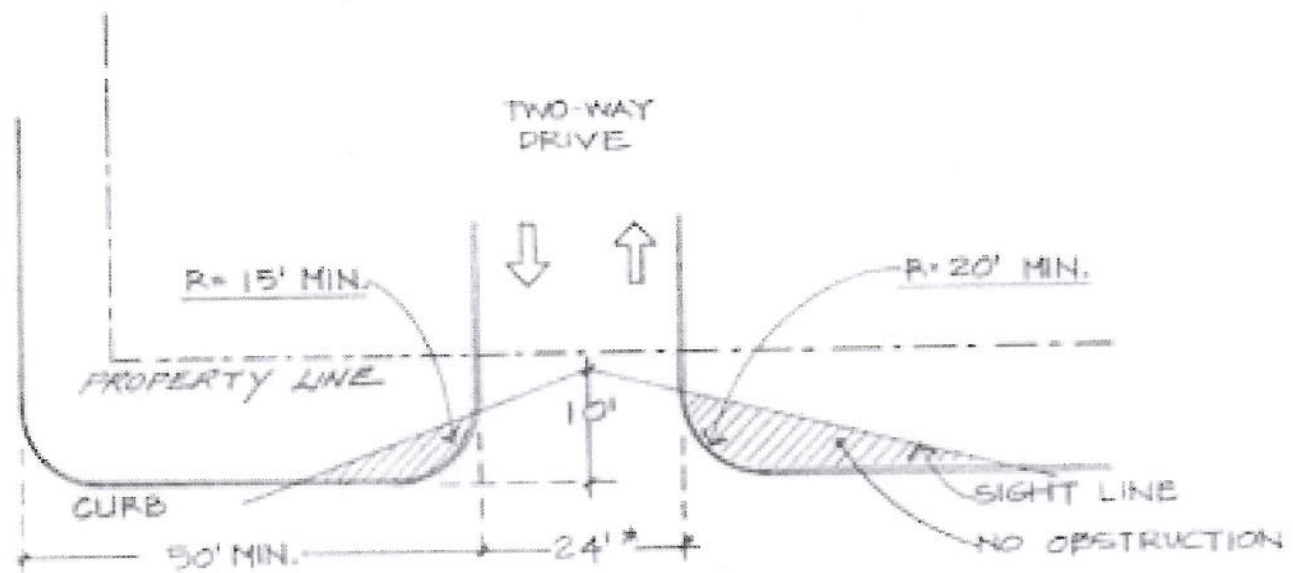


## PARALLEL SPACE SMALL



SCALE: 20:1

# DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING



\* MINIMUM OF 15 FT. 2-WAY DRIVE, 11 FT. 1-WAY ENTRANCE AND/OR 9 FT. 1-WAY EXIT MAY BE PERMITTED PROVIDED THE GFA OF ALL BUILDINGS ON THE LOT IS LESS THAN 5000 SQ. FT. AND NO ANGLE PARKING IS PROVIDED ALONG THE DRIVEWAY.



# §35 LANDSCAPING, SCREENING AND BUFFER AREAS

## 35-1 *Intent*

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect and increase property values through preservation of existing vegetation and establishment of new screening and landscaping material. Specifically, these standards are intended to moderate heat, noise, glare and accumulation of dust, to shade, to provide privacy from noise and visual intrusion and to prevent the erosion of the soil, excess run-off of drainage water and the consequent depletion of the ground water table and the pollution of water bodies, watercourses, wetlands, and aquifers and to guide the safe circulation of cars and people to parking lots.

## 35-2 *Uses Requiring Special Permit and/or Site Plan Approval*

The following provisions shall apply to all uses requiring Special Permit and/or Site Plan approval, including any non-residential use.

### 35-2.1 **General**

All portions of a lot or property which are not used for locations of buildings, structures, accessory uses, off-street parking and loading areas, sidewalks or similar purposes, shall be landscaped and permanently maintained to minimize storm water runoff and to improve the appearance of the Town as a whole. To the extent possible, existing specimen trees shall be retained and protected and incorporated into the landscape scheme.

#### 35-2.1.1 Official Plans

All landscaping plans shall conform with the "Greening of the Post Road Tree Program", as amended, and any other officially approved street planting plans, where applicable.

#### 35-2.1.2 Installation

All plant materials shall be installed according to accepted horticultural methods and planting areas and beds shall be mulched to a minimum depth of one and one half (1 1/2) inches. Sprinkling or permanent watering systems are encouraged.

#### 35-2.1.3 Maintenance

All plantings shown on an approved Site Plan shall be maintained in a healthy growing condition and all fences and walls shall be maintained in good physical condition throughout the duration of the use. Plants, fences or walls not so maintained shall be replaced with new materials no later than the beginning of the next immediately following growing season.

### 35-2.2 **Front Landscaping Area**

#### 35-2.2.1 Location

The required front setback area, as measured from the property line, except for sidewalks and perpendicular driveways, shall include a minimum thirty (30) foot deep front landscape area along all streets, as shown on the attached "Landscape Design Standards." Such landscape area shall be retained and is to be used for no other purposes.

- (a) In cases where the edge of pavement or curb within a street right-of-way does not coincide with the front lot line, the applicant shall, in addition,

landscape the area between the front lot line and the edge of the street pavement or sidewalk in such a manner as will not obstruct vehicle sight lines.

- (b) In a BCD Zone the minimum required front landscape area shall be reduced to twenty (20) feet in depth along streets other than the Post Road.

#### 35-2.2.2 Standards

All front landscape areas shall have at least one (1) shade tree for each fifty (50) feet of front length (measured parallel to the street line) and shall be setback at least ten (10) feet from the street line.

#### 35-2.2.3 Type A Plants

The desired effect of this type of planting is partial visual screening and partial separation. Plant materials shall consist of shade trees, flowering trees and/or low broad leafed or needled evergreens planted with ground cover and may include evergreen trees as shown on the attached "Landscape Type Standards." The trees may be planted in groups, however, the spacing between trees or groups of trees shall not exceed fifty (50) feet. Shade trees shall not be planted under or within fifteen (15) feet of overhead utility lines. Each required shade tree shall be at least four (4) inch caliper as measured six (6) inches above the root crown. Each flowering tree shall be ten (10) feet to twelve (12) feet in height at the time of planting. Street trees shall be high branched with at least six (6) feet of clearance from the ground to the first branch. Low broadleaf evergreens shall not exceed thirty six (36) inches in height.

#### 35-2.2.4 Sidewalks

Concrete sidewalks at least five (5) feet in width shall be installed within the front landscape areas as shown on the attached "Sidewalk Design Standard" unless deemed unnecessary by the Commission. Such sidewalks shall provide handicapped ramps at all driveways and intersections, shall be aligned at the property line and shall be relocated around poles and fire hydrants.

### **35-2.3 Parking Areas**

#### 35-2.3.1 Location

On-site parking areas shall be planted with shade trees that are located entirely within the parking field as shown on the attached "Landscape Design Standards" except that no more than one required tree shall be located in each field corner.

#### 35-2.3.2 Standards

All parking areas shall have at least one (1) shade tree for each ten (10) required off-street parking spaces. Each such tree shall be located in a porous island, esplanade, pot(s) or well(s) at least nine (9) feet in diameter or nine (9) feet on each side.

#### 35-2.3.3 Type B Plants

The desired effects of this type of planting are to screen interiors of parking areas to provide shade for the protection of pedestrians and vehicles. Plant materials shall consist of shade trees planted with ground cover as shown on the attached "Landscape Type Standards." The trees shall be evenly distributed throughout the parking area and shall be protected from vehicle bumpers. Each required shade tree shall be at least four

(4) inches caliper as measured six (6) inches above the root crown and shall be high branched with at least six (6) feet of clearance from the ground to the first branch.

**35-2.3.4 Sidewalks**

Sidewalks at least three (3) feet in width shall be installed within the site to provide walkways between parking areas and other principal or accessory uses when deemed necessary for public safety. Such sidewalks shall provide handicapped ramps at all driveway and intersection crossways. Where deemed appropriate, curbing shall also be installed. Unless otherwise approved, all sidewalks and curbing shall be of reinforced cement concrete and shall be constructed at all locations, to the dimensions and in accordance to specific details approved by the Town Engineer.

**35-2.4 Buffer Strip**

**35-2.4.1 Location**

A buffer strip shall be required along and within all Non-Residential District boundaries immediately adjacent to a Residence District and may be required along and within the rear, and/or side lot lines on any Special Permit use. Such buffer strip shall comply with at least the following minimum provisions.

- (a) The buffer strip shall be at least fifteen (15) feet in width and shall be retained as an integral part of the development project and is to be used for no other purposes.
- (b) A berm, mound, hedge, wall or six (6) feet high fence of suitable location, height, design and materials as determined by the Planning and Zoning Commission may be required in conjunction with any portion of the required planting and/or buffer strip.

**35-2.4.2 Standards**

The buffer strip shall include evergreen plantings with at least one tree for each ten (10) feet of buffer length as measured parallel to the property line.

**35-2.4.3 Type C Plants:**

The desired effect of this type of planting is complete visual screening of the activity on the lot. The planting shall consist of evergreen trees at least eight (8) to ten (10) feet in height as shown on the attached "Landscape Type Standards." Non-evergreen planting and/or a screening berm, hedge, fence, or wall at least five (5) feet in height may be used in conjunction with the evergreen trees. The evergreen trees shall be planted at ten (10) feet on center. The evergreen trees may be grouped or staggered at intervals provided that the spacing between groups is filled with a screening hedge, berm, fence, or wall at least 5 feet in height.

**35-2.5 Protection from Vehicles**

When vehicles will be located adjacent to sidewalks, fences, walls, buffer strip, trees, landscaping, or similar obstructions, a suitable bumper, curb, wheelstop or similar objects shall be provided in such a location that the vehicle cannot overhang or otherwise damage said plantings or obstructions.

**35-2.6 Sight Lines**

These minimum required front, parking and buffer landscape areas shall not obstruct vehicle sight lines and shall be planted with trees, shrubs, and other materials of a type and height as required herein.

### **35-2.7 Quality and Methods**

All required plantings shall be of species and varieties as approved by the Landscape Committee of the Planning and Zoning Commission and shall be installed in accordance with the standards of the American Nurserymen's Association.

### **35-3 Design Development Districts**

For any use in a Design Development District, the required buffer strip (§35-2.4) shall be located between the proposed buildings, structures and uses and adjacent residential districts and shall be increased in width by ten (10) feet for each additional fifty (50) required off-street parking spaces, or major fraction thereof, over and above the first one hundred (100) required off-street parking spaces. No buffer area shall be required to exceed one-hundred (100) feet in width. Furthermore there shall be a distance buffer of at least one hundred fifty (150) feet between any proposed commercial building and the nearest existing or probable residence in a residential district. A parking lot may extend to within fifty (50) feet of any existing or probable residence in a residential district.

### **35-4 Landscaping of Developed Sites**

To the greatest extent possible, the minimum landscape requirements contained in this Section shall be adhered to for any Site Plan application involving the expansion or structural alteration of an existing building and/or a new use or change of use for a developed site.

### **35-5 Landscape Modifications**

Existing trees may be used to satisfy the landscape requirements provided they are protected during construction and the area within five (5) feet of the tree trunk consists of porous materials to permit adequate drainage.

#### **35-5.1 Modifications**

The Planning and Zoning Commission, upon written request, may modify the location, number and/or type of plantings required for any front, parking or buffer landscape area where the existing natural topography, existing natural vegetation and/or a proposed alternative method such as a berm, mound, hedge, fence or wall at least five (5) feet in height can be reasonably shown to achieve the applicable landscape objectives as identified in this §35. The Planning and Zoning Commission, however, shall not reduce the minimum width of a front landscape area, the minimum dimensions for parking, planting areas or the minimum width of a buffer strip except as follows: The Planning and Zoning Commission may reduce the width of a buffer strip to not less than five (5) feet, only when said strip is located adjacent and parallel to either a residential zoning district boundary line or an existing street, road or vehicular right-of-way, provided that existing natural topography, existing natural vegetation, existing street trees, and/or a proposed alternative method can be reasonably shown to achieve the required buffer and/or screening objectives along said boundary line or street.

#### **35-5.2 Required layout**

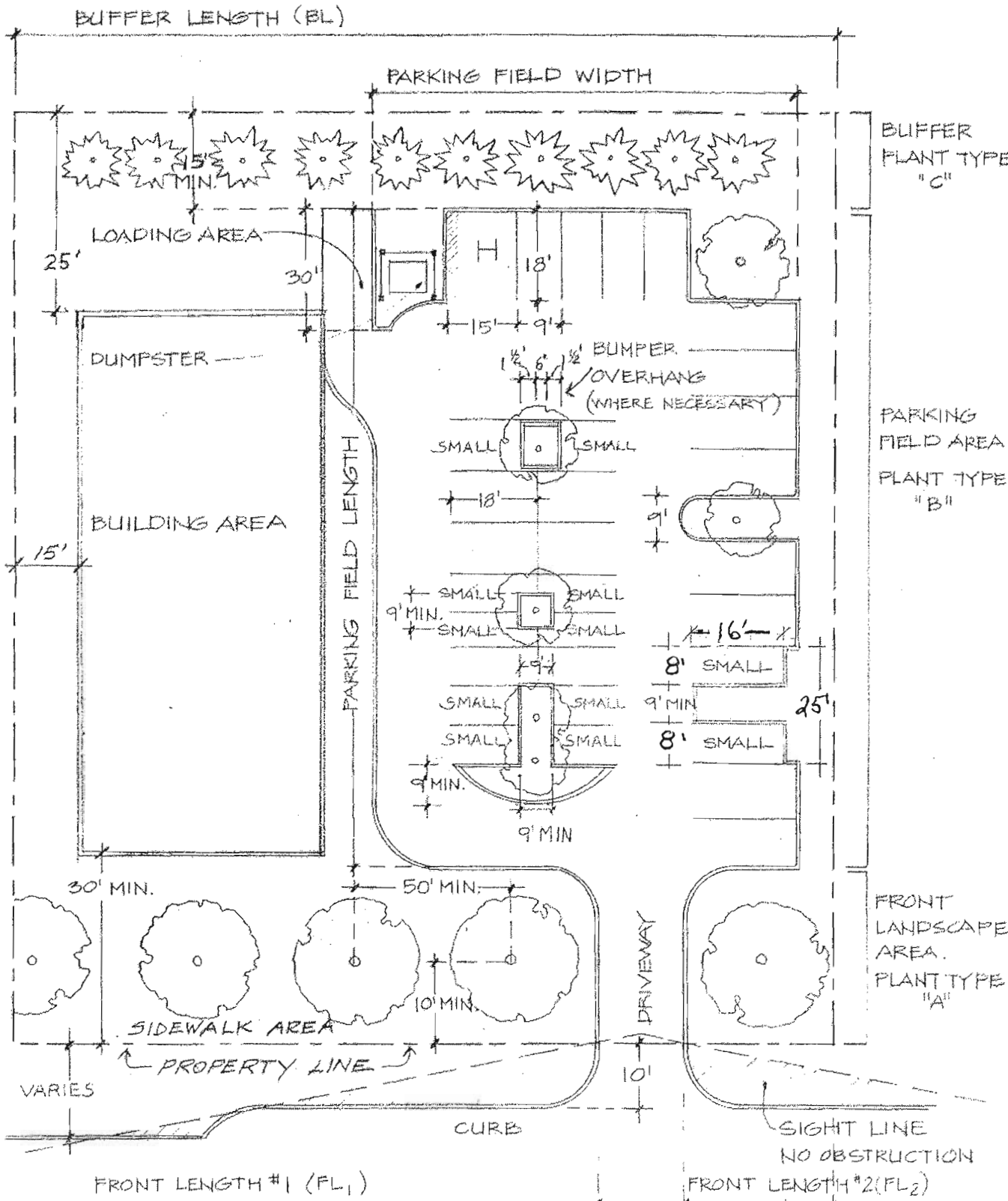
Prior to granting any modification or reduction of these landscaping requirements by the Commission, the applicant shall submit a preliminary standard car parking layout with all required landscape areas pursuant to §34-7.1 herein, in order to substantiate that the proposed project can, in fact, comply with these regulations prior to any such landscape modification.

**35-6 Other Landscape Plan Elements**

Any preliminary or final landscape plan required under these regulations shall show all required landscape areas plus the following additional elements, as applicable:

- 35-6.1** Lighting fixtures including location, height, fixture design, materials and illumination.
- 35-6.2** Free-standing signs including location, height, design, colors, materials and illumination.
- 35-6.3** Refuse collection areas including dumpsters, screening and vehicle pick-up maneuvering areas. Any refuse collection area should be located near or adjacent to the buildings loading area and/or service entrance.
- 35-6.4** Mail box clusters including location, height and design.
- 35-6.5** Ground-mounted mechanical units including cooling towers, air-conditioning units, compressors, etc. with their locations and heights.
- 35-6.6** Other similar site improvements such as wall, fences, fire hydrants, utility poles, walkways, etc.

# LANDSCAPE DESIGN STANDARDS



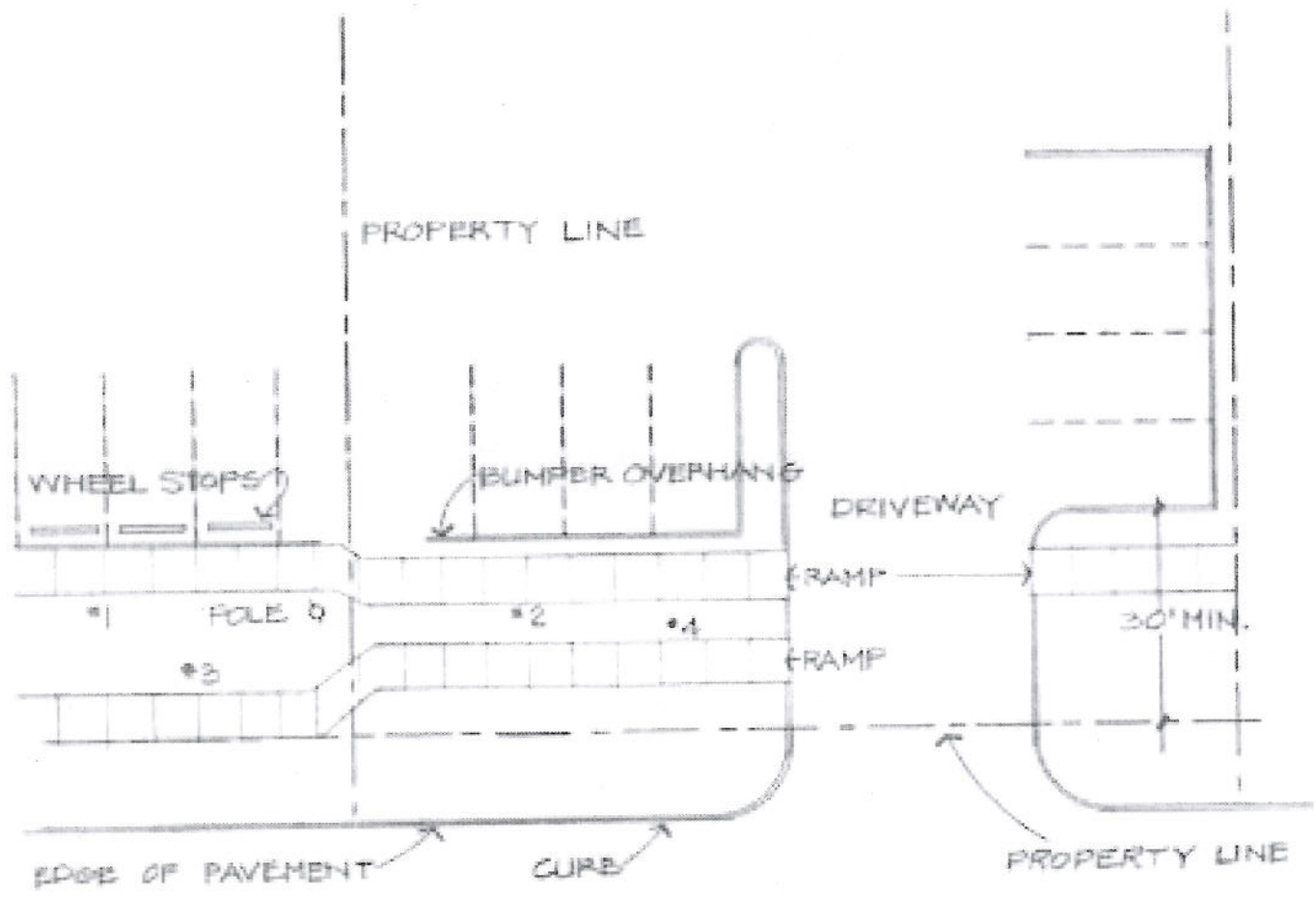
FRONT TREES =  $\frac{\text{FRONT LENGTH} - \text{DRIVEWAY WIDTH}}{50}$

PARKING TREES =  $\frac{\# \text{ OF REQUIRED PARKING SPACES}}{10}$

BUFFER TREES =  $\frac{\text{BUFFER LENGTH}}{10}$





(NOT TO SCALE)



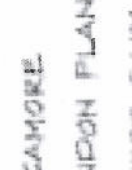


SIDEWALK DESIGN STANDARDS  
 OPTIONAL SIDEWALK LOCATIONS  
 # 1, 2, 3, 4



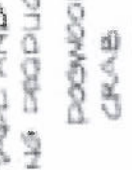
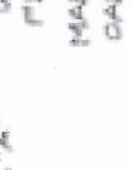
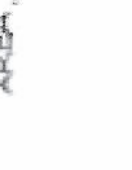


REQUIRED SIDEWALKS - 5' CONCRETE  
 SIDEWALK RAMPS AT DRIVEWAY AND STREET INTERSECTIONS  
 SIDEWALKS SHALL BE ALIGNED AT THE SIDE PROPERTY LINES

LANDSCAPE TYPE STANDARDS

LOCATION/TYPE	SPECIES/VARIETY	FORM/TEXTURE
BUFFER STRIP	TALL EVERGREENS	
TYPE "C"	HEMLOCK	 8'-10' MIN.
	WHITE PINE	 CONE
	SPRUCE	 COARSE
	ARBORVITAE	 PYRAMID
	OTHER	UPRIGHT

LOCATION/TYPE	SPECIES/VARIETY	FORM/TEXTURE
PARKING AREA	TALL SHADE	
TYPE "B"	MAPLE	 4" CALIPER
	SYCAMORE	 V-SHAPED
	LONDON PLANE	 14'-16' TYP.
	SWEET GUM	 6" TRUNK
	GINGKO	 ROUND
	OAK	OVAL
	OTHER	

LOCATION/TYPE	SPECIES/VARIETY	FORM/TEXTURE
FRONT LANDSCAPE AREA, TYPE "A"	MIXED	
	TALL SHADE AND FLOWERING DECIDUOUS	 10'-12' MIN.
	MAPLE	 10'-12' MIN.
	DOGWOOD	 10'-12' MIN.
	OAK	 10'-12' MIN.
	CRAB	 10'-12' MIN.
	SYCAMORE	10'-12' MIN.
	CHERRY	10'-12' MIN.
	OTHER	10'-12' MIN.
	FLOWERING, SPREADING, AND UPRIGHT EVERGREEN	10'-12' MIN.
	RHODODENDRON, FIBRIS, JUNIPER, AZALEA, LAUREL, YEW, HOLLY, OTHER	10'-12' MIN.
	FLOWERING DECIDUOUS	SMALL FLOWERING
	PERCIOUS	UPRIGHT
	SPREADING	EVERGREEN
	AND SHRUBS	



## **§37 SEDIMENT AND EROSION CONTROL REGULATIONS**

### **37-1 Purpose**

The purpose of these Sediment and Erosion Control Regulations is to reduce accelerated soil erosion; reduce the danger from storm water runoff and to minimize nonpoint sediment pollution resulting from and being developed.

### **37-2 Activities Requiring a Sediment and Erosion Control Plan (S&E Plan)**

A S & E Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre.

### **37-3 Exemptions**

A single family dwelling that is not a part of a subdivision of land shall be exempt from these sediment and erosion control regulations.

### **37-4 Procedure**

All S & E Plans shall be submitted to the Conservation Director for recommendation prior to the filing of any application with either the Planning and Zoning Commission or the Zoning Board of Appeals, as applicable or prior to the issuance of a Zoning Permit. The Conservation Director shall review the plan to determine compliance with § 37-5 below and shall inform the appropriate authority and the applicant of his/her recommendation within thirty (30) days of the date of receipt of said plan. Upon receipt of the Conservation Director's recommendations the Zoning Enforcement Officer shall certify that the plan complies with the requirements of this Section.

### **37-5 Inspection**

Following approval of the S & E Plan and based on the schedule identified on said plan the Zoning Enforcement Officer shall inspect the site for compliance with said plan.

### **37-6 Standards**

Any S & E Plan submitted pursuant to this Section shall include but not be limited to the following:

- (a) the cumulative area(s) of disturbance, including any areas of excavation, filling or stockpiling of earth material;
- (b) existing and proposed grades or spot elevations;
- (c) location of any inland wetlands, tidal wetlands, watercourses, existing or proposed drainage facilities on or adjacent to the site;
- (d) anticipated start and completion dates;
- (e) agent's name;
- (f) sequence for installation of soil erosion and sediment control measures;
- (g) the minimum Soil Erosion and Sediment Control Plans shall be developed using the principles outlined in Chapters #3 & #4 of the Connecticut Guidelines for Soil Erosion and Sediment Control.
- (h) a bond may be required in accordance with §43-13 of the Zoning Regulations.

## **§38 AQUIFER PROTECTION OVERLAY ZONE**

### **38-1 Purpose**

The purpose of this section is to protect critical aquifers used for public water supply from potential sources of contamination.

### **38-2 Prohibited Uses**

Uses permitted within the applicable zoning district are permitted within the Aquifer Protection Overlay Zone, except the following uses shall be prohibited.

- (a) gasoline filling stations or motor vehicle repair garages.
- (b) dry cleaning establishments.
- (c) furniture stripping.
- (d) printing or photo processing.
- (e) beauty salons.
- (f) storage or disposal of hazardous materials or waste, potentially hazardous to surface or groundwater, except storage of fuel oil. Also exempt are chemicals used for the treatment of swimming pools and public drinking water supply.
- (g) outdoor storage of road salt.

### **38-3 Fuel Storage**

Underground storage of fuel oil products shall not be permitted, unless the tank is enclosed within a pre-cast concrete vault or is a double-wall fiberglass tank with leak detection. The walls of the vault shall be coated with an impervious epoxy coat to prevent seepage into ground water.

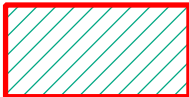
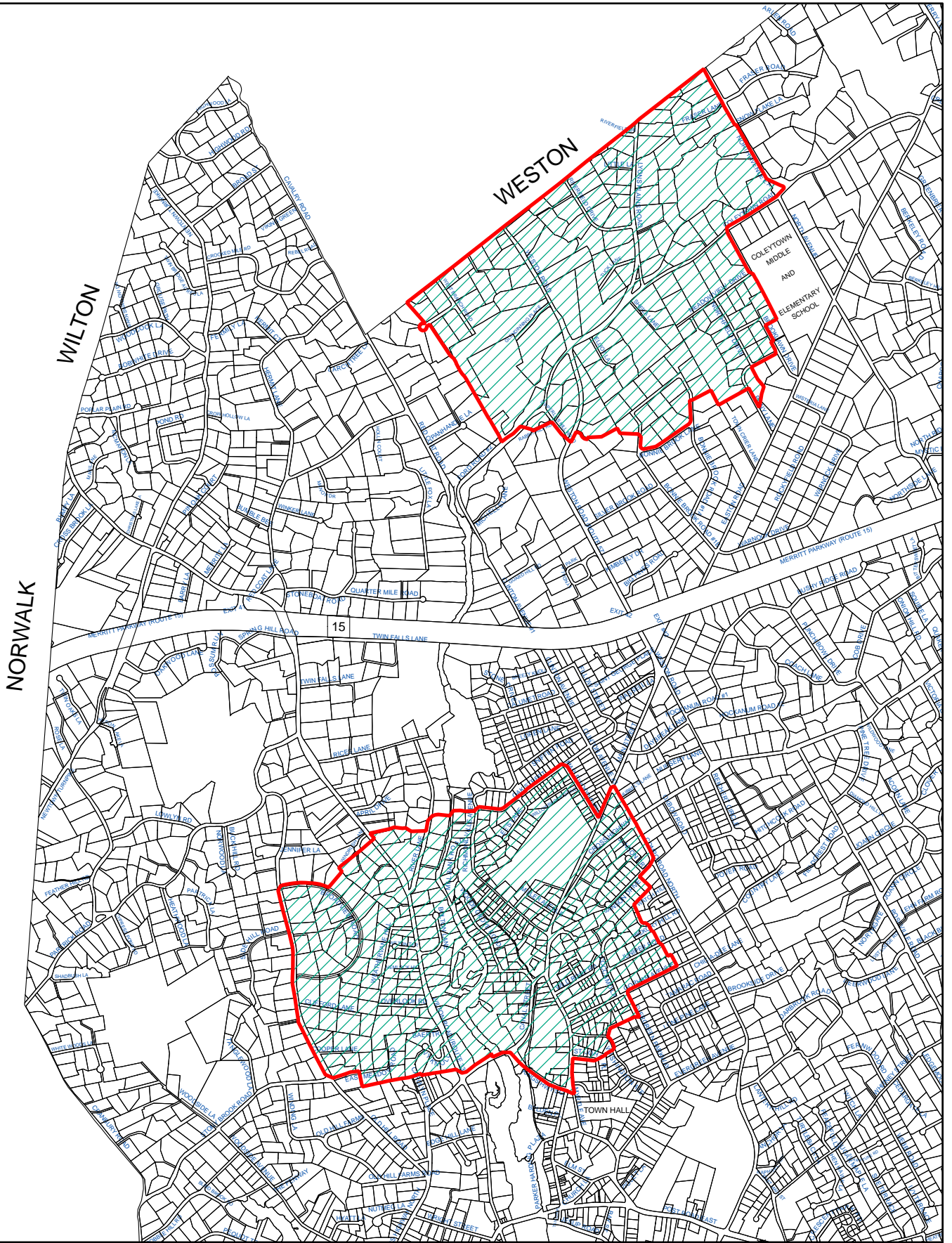
A Zoning Permit shall be required for all fuel storage tanks. Above ground tanks shall be suitably screened on all sides.

Design specifications for all below ground tanks and/or precast concrete vaults shall be submitted to the Zoning Enforcement Officer prior to the issuance of a zoning permit.

All tanks and vault/tank installations shall be inspected by the Zoning Enforcement Officer or his/her designee or the Building Official prior to being covered and/or sealed.

### **38-4 Map**

A copy of the Aquifer Protection Overlay Zone map is attached to these regulations.



AQUIFER  
PROTECTION  
OVERLAY ZONE

# TOWN OF WESTPORT AQUIFER PROTECTION OVERLAY ZONES



## **§39 HISTORIC OVERLAY DISTRICT**

The purpose of the Historic Overlay District is to encourage the preservation, restoration, and rehabilitation of buildings of historical, architectural or cultural value and to preserve and prevent the loss of significant historic elements, buildings and sites, located within non-residential districts.

### **39-1 Standards For Eligibility**

In order to qualify for the Historic Overlay District designation, the site must be listed on the National Register of Historic Places or the State Register of Historic Places either as an individual building or site or as a contributing building or site in a district. If the site is not so listed then eligibility shall be determined by the Historic District Commission.

### **39-2 Designation**

A site rezoned by the Planning and Zoning Commission to Historic Overlay shall continue to bear its original district designation, but with the initials HO appended to indicate a Historic Overlay district designation. All zoning regulations applying to the underlying district shall continue to govern the Historic Overlay District, except as amended by this section 39. Designation as a Historic Overlay or the removal of such designation shall be considered a change of zone.

### **39-3 Architectural Design**

39-3.1 Proposed exterior building additions and alterations and roof top mechanical units shall be submitted to the Historic District Commission for review and recommendation.

39-3.2 The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall serve as the basis for rehabilitation projects within the Historic Overlay District. 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 so as to retain the architectural integrity of the particular building or buildings in order to preserve the beauty and appearance of the community. New construction or reconstruction shall adhere to the design purposes and the historic character of the Historic Overlay District.

### **39-4 Special Permit**

No reconstruction, alteration, or addition shall be made to any existing structure, nor shall any additional structure be constructed upon a site in the Historic Overlay District, unless a special permit has been issued by the Planning and Zoning Commission with a recommendation by the Historic District Commission. Ordinary maintenance and repair for which no building permit is required shall be exempted from this requirement.

### **39-5 Facade Easements**

As a condition of the Special Permit, the owner shall grant a perpetual preservation easement pursuant to Connecticut General Statutes §47-42 a-c, enforceable by the Town of Westport, which shall provide for, among other things, the right of the holder of the easement to perform repairs and charge the cost thereof to the owner upon the owner's

failure to keep the exterior of the structure in good repair as specified by "The Secretary of the Interior's Standards for Rehabilitating Historic Buildings."

## **§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 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**

#### **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, gardens and benches;
- (b) nature preserves;
- (c) hiking, jogging and 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.

**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.



*Town of Westport Zoning Regulations - §40, Dedicated Open Space & Recreation District #1, #2 and #3 (DOSRD)*

**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.

**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.



## **§41 PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission, as authorized by the General Statutes of the State of Connecticut and the provisions of these regulations, shall have the following powers and duties, among others, such as:

### **41-1 Zoning Regulations**

Adopt, amend or repeal the provisions and district boundaries established by these regulations.

### **41-2 Special Permit**

Grant or deny such Special Permits as are specifically authorized under the terms of these regulations.

### **41-3 Site Plan Review**

Approve, modify and approve, or disapprove Site Plans for those uses specifically authorized under the terms of these regulations.

### **41-4 Enforce Zoning**

Administer and enforce the provisions of these regulations

### **41-5 Location of Uses**

Hear and decide upon the location of gasoline stations, motor vehicle dealerships, motor vehicle recycler, and motor vehicle repair garages as defined by State Statutes.

# §42 AMENDMENT OF ZONING REGULATIONS

## **42-1 Authority**

The Planning and Zoning Commission may, on its own motion from time to time, adopt, amend or repeal the provisions and boundaries established by these regulations. However, no change in the regulations, restrictions, or boundaries shall become effective until after notice and public hearing is held by the Commission, at which time parties-in-interest and citizens shall have an opportunity to be heard. All amendments shall be considered in accordance with and subject to the Connecticut General Statutes, as amended.

## **42-2 General**

Any person, firm or corporation desiring an amendment or change in the Zoning Regulations and/or Official Building Zone Map of the Town of Westport, may submit an application proposing such amendment or change to the Planning and Zoning Commission. Before the Commission shall consider any such application the following requirements shall be met and the following information submitted.

## **42-3 Application for Change of Zone**

All proceedings to change the zoning boundaries or the zoning text of these regulations, including any change in punctuation or wording, shall be instituted by application in writing to, and in a form prescribed by, the Commission. Applications shall be signed by the applicant and shall be considered in accordance with the procedures adopted by the Commission, as amended, from time to time.

### **42-3.1 Zoning Boundary Changes**

The application shall describe the existing and proposed zone boundaries of the property and shall give a metes and bounds description of the property or identification by Assessor's Map and Lot Number of the lots, or parts thereof to be included in the amendment or change.

#### **42-3.1.1 Existing Land Use Map**

Twelve copies of a map shall be submitted with the application showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing land uses in the standard color key of the Commission, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map shall also show the above required information for the area included in and within two hundred fifty (250) feet of area affected by the application. The Existing Land Use and Existing Conditions may be combined on one map. The Standard Color Key of the Commission is as follows:

- Yellow - residential
- Red - commercial
- Blue - light and dark - water and institutional
- Green - open space
- Brown - multi-family residential
- Purple – industrial

**42-3.1.2 Existing Conditions Map**

Twelve copies of a map shall be submitted with the application showing all existing streets, existing buildings and structures, existing waterbodies and watercourses, the existing contours at a contour interval not to exceed two (2) feet, and any existing wetlands boundary lines, flood boundary lines and/or mean high water lines, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map shall also show the above required information for the area included in and within two hundred fifty (250) feet of the area affected by the application. The Existing Land Use and Existing Conditions may be combined on one map.

**42-3.1.3 Proposed Zoning Map**

In addition to the above maps twelve copies of a separate zoning map shall be submitted with the application showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map or accompanying list shall also show both the names and addresses of property owners and any Zoning Board of Appeals Variance case numbers for all lots included in and within two hundred fifty (250) feet of the area affected by the application, as indicated in the current records of the Westport Assessor's and the Zoning Board of Appeal's offices, respectively.

**42-3.1.4 Map Sources**

The above listed maps shall be drawn to a scale of one hundred (100) feet or two hundred (200) feet to the inch and may be based on the property line maps of the Assessor's office, topography maps of the Engineering Department and the zoning maps of the Engineering Department and the zoning maps of the Commission, and may show any other information considered pertinent by the applicant.

**42-3.2 Notice Mailing**

A list of names and addresses of all property owners located in and within 500 feet of the proposed zone change line shall be submitted along with stamped business envelopes addressed to the applicant and each such property owner as shown on the tax assessment records as of the date of application submission.

**42-3.3 Zoning Text Changes**

The application shall precisely set forth the existing provisions, the specific provisions to be changed and the provisions to be substituted, deleted or added to the regulations. Deletions shall be bracketed and stricken out, "[---]" and additions shall be underlined. Twelve (12) copies of the proposed text shall be submitted.

**42-3.4 Fees**

All applications shall be accompanied by a fee, pursuant to an adopted Fee Schedule, to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.

**42-3.5 Explanatory Statement**

All applications shall be accompanied by ten (10) copies of a statement explaining the need for the proposed amendment and identifying any benefits to the Town.

**42-4 Completeness, Date of Submission and Date of Receipt**

An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by §42-3, Application. The planning staff shall note on the application the date of submission to the Commission. If the planning staff fails to so note within thirty (30) days of the date of filing said application in the Planning and Zoning Office, the application shall be deemed to be submitted on the 31st day after the date of filing.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of submission to the Commission, of a complete application or thirty-five (35) days after such submission, whichever is sooner.

**42-5 Regional and Municipal Referral**

Any proposed change of zone or regulation affecting the use of a zone within five hundred (500) feet of the Town Line shall be referred to the Regional Planning Agency and adjoining municipality in accordance with the Connecticut General Statutes.

**42-6 Public Hearings**

Within sixty-five (65) days after the date of receipt of a complete application, the Commission shall hold a public hearing on said application. Notice of a public hearing shall be published in accordance with the Connecticut General Statutes.

**42-6.1 Additional Information**

The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these regulations.

**42-7 Commission Action**

Within sixty-five (65) days after completion of the public hearing, the Commission shall adopt or deny the change of zone or amendment to the regulations. Whenever the Commission adopts any change of zone or amendment to the regulations, it shall state upon its records the reason why such change was made.

**42-8 Extension of Time**

The applicant may consent in writing to an extension of the time periods in accordance with the Connecticut General Statutes.

**42-9 Effective Date**

Zoning regulations, zoning district boundaries and any amendments or changes thereto, shall become effective at such time as may be fixed by the Commission, pursuant to the Connecticut General Statutes, provided that both a copy of such regulation, boundary or change shall be filed with the Town Clerk and notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the Town before such effective date

## **§43 SPECIAL PERMIT AND /OR SITE PLAN REVIEW PROCEDURES**

### **43-1 Purpose**

The purpose of this process is to review the development plans of an applicant to assure that they meet the stated objectives and standards, provide for necessary public facilities or services, preserve topographic features, protect historical and archeological factors and protect adjacent properties, through appropriate design considerations and siting of buildings, structures, uses, access, parking, landscaping and other site development features.

### **43-2 Authorization**

#### **43-2.1 Special Permit**

In all cases where these regulations require approval of a Special Permit, no zoning permit shall be issued by the Zoning Enforcement Officer except after a public hearing and upon authorization of the Planning and Zoning Commission.

#### **43-2.2 Site Plans**

In all cases where these regulations require approval of a Site Plan, no zoning permit shall be issued by the Zoning Enforcement Officer except after Site Plan Review by and authorization of the Planning and Zoning Commission.

### **43-3 Application**

Applications for a Special Permit and/or Site Plan Review shall be in a form prescribed by the Commission and shall be considered in accordance with the procedures adopted by the Commission, as amended from time to time.

#### **43-3.1 Required Documents**

Before the commission shall consider any such application, all the required documents set forth in §44-1 shall be submitted by the applicant.

#### **43-3.2 Required Dates**

The applicant shall submit any required report or document set forth in §44-2 at least fourteen (14) calendar days prior to the public hearing or Commission review of an application. If any such report or document has not been submitted, the Commission may deny the application.

#### **43-3.3 Application Forms**

Application for approval of a special permit or site plan shall be made to the commission in writing on Westport Planning and Zoning forms. The application shall be signed by the applicant, and if the project is proposed by an applicant other than the owner of the property, the application shall be signed by the owner. If the applicant is unable to obtain the signature of the property owner the applicant may submit a letter of authorization signed by the property owner.

### **43-4 Completeness, Date of Submission and Date of Receipt**

An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by §44-1. The Planning Staff shall note on the application the

date that these requirements have been met and that date shall be the date of submission to the commission.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of submission to the Commission of a complete application, or thirty-five (35) days after such submission, whichever is sooner.

#### **43-5 Public Hearing**

##### **43-5.1 Special Permit Hearings**

The Commission shall hold a public hearing on an application for a Special Permit. If the grant of such an application is dependent on the Commission's approval of a Site Plan, the applicant shall submit an application for Site Plan review at the same time as he submits his application for a Special Permit and both applications shall be considered at the same public hearing.

##### **43-5.2 Site Plan Hearings**

The Commission, at its discretion, may hold a public hearing on an application for Site Plan review, other than an application for a Site Plan review covered by 43-5.1, above.

##### **43-5.3 Hearing Dates**

Any such public hearing shall be held within 65 days after the date of receipt of a complete application and shall be completed within 35 days after such public hearing commences.

#### **43-6 Commission Review**

##### **43-6.1 Conditions and Safeguards**

In reviewing a Special Permit and/or Site Plan application, the Commission shall take into consideration the public health, safety and general welfare, and may prescribe such conditions and safeguards as are necessary to assure compliance with §44, herein.

##### **43-6.2 Submission of Additional Information**

The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these regulations.

##### **43-6.3 Conservation Commission Regulated Activities**

If a Special Permit or Site Plan application involves an activity regulated by the Conservation Commission or Conservation Director, the Planning and Zoning Commission shall not render its decision on such application until the Conservation Commission or Conservation Director has submitted a report with its final decision.

##### **43-6.4 Hiring of Outside Consultants**

The Planning and Zoning Director, his/her designee, or the Planning and Zoning Commission may require an applicant to pay for hiring one or more outside consultants to assist the Planning and Zoning staff and Commission in analyzing, reviewing, and reporting on areas requiring technical review.

- 1) Upon the filing of an application, the Planning and Zoning Director, or his/her designee, shall make a determination whether one or more consultant(s) are needed to analyze, review and report on areas requiring technical review in order to assist the Commission. Such consultant(s) may include, but shall not be limited to engineers, surveyors, soil scientists, traffic consultants and information technologists.

If such determination is made, the Director shall assess the reasonable costs for such consultant(s) to the applicant based upon a preliminary estimate from the consultant(s). The Director shall collect 150% of the estimate from the applicant, which amount shall be held in escrow until the technical review(s) are completed. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered as an integral component of the application. The failure by the applicant to make this payment shall render the application incomplete.

- 2) The Planning and Zoning Commission may also make a determination whether one or more outside consultant(s) are needed in the event that the Director does not make such a determination, or in the event that the Planning and Zoning Commission determines that one or more additional outside consultant(s) are needed. Prior to making such a determination, the Planning and Zoning Commission shall determine:
  - (a) That the evidence in the record of the proceedings has been produced or is likely to be produced which requires the hiring of such consultant(s);
  - (b) That the department staff will be unable to perform the technical review; and
  - (c) That adequate time exists for the applicant to review and respond to such consultant(s)' report(s).

The Planning and Zoning Commission shall then make such a reasonable assessment and collect 150% of the estimate from the applicant. Any excess amount collected over the actual costs shall be refunded to the applicant. This payment shall be considered as an integral component of the application. The failure by the applicant to make this payment shall render the application subject to denial as incomplete.

#### **43-7 Commission Action**

##### **43-7.1 Special Permit and/or Site Plan Requiring Public Hearing**

Subject to §43-7.3, within 65 days after completion of the public hearing the Commission shall grant or deny such application.

##### **43-7.2 Site Plan Not Requiring Public Hearing**

Subject to §43-7.3, within sixty five (65) days after the date of receipt of an application for a site plan for which the Commission does not require a public hearing, the Commission shall approve, modify and approve, or deny the Site Plan.

##### **43-7.3 Special Permit or Site Plan Involving Conservation Commission**

If in the case of applications involving an activity regulated by the Conservation Commission, the time for decision by the Planning and Zoning Commission pursuant to §43-7.1 or §43-7.2 would elapse prior to the thirty-fifth (35th) day after a decision by the Conservation Commission or Conservation Director, the time period for a decision shall be extended to thirty five (35) days after the Conservation decision.

**43-7.4 Simultaneous applications for Special Permit and Site Plan Review**

If, pursuant to § 43-5.1, and applicant submits two such applications at the same time, the two applications shall be deemed to be a single proposal for purposes of voting and the Commission shall with one vote approve, approve with conditions, modify and approve or deny such proposal, simultaneously.

**43-7.5 Modifications or Denial**

A site plan may be modified or denied only if it fails to comply with the requirements already set forth in the Zoning or Inland Wetland Regulations in accordance with § 8-3(c) of the Connecticut General Statutes.

**43-7.6 Conditions of Approval**

When the Commission grants a Special Permit or approves a Site Plan with conditions, each and all of said conditions shall be an integral part of the commission's decision. Should any of the conditions on appeal from such decision be found to be void or of no legal effect, then the conditional approval is likewise void. The applicant may refile another application for review.

**43-7.7 Reasons & Permits**

The Commission shall state upon its records the reason for its decision. Upon granting of a Special Permit or approval of a Site Plan, the applicant shall apply for a zoning Permit from the Zoning Enforcement Officer.

**43-8 Extension of Time**

The applicant for a Special Permit or Site Plan application may consent in writing for an extension of the time periods in accordance with § 8-7d of the Connecticut General Statutes.

**43-9 Notice of Decision**

Notice of the decision of the Commission on a Special Permit application or Site Plan shall be published in a newspaper having a substantial circulation in the Town of Westport and a copy of the decision on a Special Permit or Site Plan application shall be sent by certified mail to the applicant within fifteen (15) days after the decision.

**43-10 Effective Date**

Special Permits shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and the recording of a copy thereof in the land records of the Town.

**43-11 Time Period and Expiration**

In granting a Special Permit, the Commission may set or impose time periods or limits on the use or require periodic renewal of the permit, without a public hearing. In the event an appeal is taken from the Commission's granting of a Special Permit, any such time period shall commence on the date of final resolution or disposition of such litigation. Expired Special Permits shall be considered null and void.

**43-11.1 Year to obtain permit**

Failure to obtain a Zoning Permit within one year of the date of granting a Special Permit or within one year of the date of approval of a Site Plan or within one year of the date of final



resolution or disposition of any resulting appeal, shall render such Special Permit and/or Site Plan null and void.

**43-11.2 Extension request**

In order to obtain the required Zoning Permit, the Commission may grant the extension of a Special Permit or Site Plan approval for a period not to exceed one (1) additional year, only; provided there are unusual or extenuating circumstances that warrant such extension.

**43-11.3 Time to complete project**

Except as provided in sub-section (j) of §8-3 of the Connecticut General Statutes (CGS) for very large multi-family and non-residential projects, all work in connection with any site plan shall be completed within the following times from the date of approval of such plan:

- Plans approved before October 1, 1989 - 7 years
- Plans approved on or after October 1, 1989 - 5 years

The Commission may grant one or more extensions of the time to complete all or part of the work in connection with such site plan, provided that the total time for completion shall not exceed ten years from the date such site plan was approved.

The Commission may condition the approval of an extension on a determination of the adequacy of the amount of the bond or other surety furnished under §43-12, Bond. The Resolution of approval of a site plan shall state the date on which such approval expires.

Failure to complete all work within the period of approval (including extension[s], if any,) shall result in an automatic expiration of the approval of such site plan.

**43-12 Bond**

The Commission may require, as a condition of approval, that the applicant post a bond with surety satisfactory to the Commission in order to assure conformance with all physical improvements (excluding buildings) shown on the approved site plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period and shall be submitted to the Town Engineer and the Planning Director for approval. The bond may be in the form of cash, a certified check payable to the Town of Westport, a savings passbook with a signed withdrawal slip for a joint account in the name of the Town and the applicant, an irrevocable letter of credit from a bank, or an insurance company performance bond written by a company authorized to write bonds in the State of Connecticut. Said bond shall be posted with the Town, in accordance with the approved Site Plan. The bond cannot expire in less than five (5) years. All site work shall be completed within the period of approval of the site plan, pursuant to §43-11.3.

**43-13 Release of Bond**

Upon written request of the applicant for the reduction or release of the bond, the Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the Town Engineer, and/or other appropriate Town Officials to determine if all of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans. Before release of any bond, the Commission may require the applicant to submit an "As-Built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. Based on the findings, the Commission may authorize the reduction or release of said bond and the subsequent issuance of a Zoning Certificate of Compliance.

#### **43-14 Administrative Approval**

In special cases, as defined below, an administrative site plan application for minor projects may, at the applicant's option, be submitted to the Planning and Zoning Office for review by either the Administrative Review Committee (ARC) or the Planning and Zoning Commission. The Administrative Review Committee shall be composed of the Planning Director, (or his/her designated agent who is a member of the Planning and Zoning staff), the Zoning Enforcement Officer (or his/her designated agent who is a member of the Planning and Zoning staff) and Chairman of the Planning and Zoning Commission (or his/her designated agent who is a member of the Planning and Zoning Commission). The ARC shall act on behalf of and have the authority of the Planning and Zoning Commission as defined in §43, except that the required reports and documents set forth in §44-2 and the waivers granted pursuant to §44-4 must be submitted seven (7) days prior to the hearing or Commission action.

##### **43-14.1 Procedures**

The Administrative Review Committee shall review applications in accordance with the standards and procedures set forth in § 43 and shall either approve, modify and approve, or disapprove said application with conditions or reasons as appropriate, all within the statutory time period of sixty five (65) days.

- 43-14.1.1 Said application shall only be approved with the full written concurrence of all three committee members.
- 43-14.1.2 The review Committee may defer action and forward any eligible application to the full commission for their review and action within the statutory time period.
- 43-14.1.3 Any applicant, upon receipt of a Review Committee denial, may submit a new application to the Planning and Zoning Commission for full Commission review.

##### **43-14.2 Eligible Applications**

Administrative Site Plans may be submitted to the Administrative Review Committee for the following types of projects only:

###### 1) Site Plan Modifications

Where only site work is involved such as parking lot alterations or expansions, landscape modifications (refuse area, screening, retaining walls, fences) and utility modifications; provided that said minor modifications complies with §34 and 35, herein.

###### 2) Small Building Additions

Small building additions with fewer than five hundred (500) square feet of building coverage and containing fewer than five hundred (500) square feet of gross interior floor space. Exterior staircases mandated by the Fire Marshal and handicap ramps and elevators mandated by the Building Official for public safety; and awnings. Site Plan approval is not required for ground mounted or roof top mechanical units.

###### 3) Small Changes of Use

A small change of use within an existing building including an increase of not more than three (3) required parking spaces on the lot.

Coastal site plan review pursuant to §31-10.7 shall be required for small changes of use on waterfront property.

4) Accessory Apartments

In accordance with §11-2.4, herein.

5) Affordable Accessory Apartments

In accordance with §11-2.4.12A, herein.

6) Apartments that predate 1959 per §11-2.4.13.

7) Exterior facade changes to commercial buildings.

**43-14.3 Other Eligible Applications**

The Administrative Review Committee shall also have authority over the following types of applications not requiring Site Plan approval.

43-14.3.1 Administrative Excavation/Fill Permits in accordance with §32-8.6, herein.

43-14.3.2 Temporary Zoning Permits in accordance with §45-4, herein and the following:

(a) A temporary zoning permit is required for special cases, unusual circumstances, annual events or seasonal uses. Specifically, temporary zoning permits are required for the following:

(1) Any outdoor event open to the public located on commercial properties.

(2) Any outdoor event open to the public located on residential properties occupied by a Special Permit use as listed in §11, herein.

(3) Tents larger than 350 square feet of total area that will be placed on a residential property for more than 7 days.

(4) Commercial filming, photography and promotion projects which take place on residential properties.

(b) The above activities must comply with the following, See also §46-3.3:

(1) No temporary structure or use shall extend into the required front, side or rear setback in the underlying zoning district.

(2) Adequate on site parking shall be provided for any event.

(3) The event shall not have objectionable light, noise or odor emanating from the premises.

(4) Hours of operation shall be limited to between 8:00am and 11:00pm.

(5) Review of all temporary zoning permit applications by the Police Department.

43-14.3.3 Exceptions

Annual or special public events located on Town-owned property are authorized by the Board of Selectman and do not require a temporary zoning permit.

# §44 SPECIAL PERMIT AND/OR SITE PLAN DOCUMENTS, STANDARDS AND OBJECTIVES

## 44-1 Documents

For all uses requiring a Special Permit or Site Plan, a complete application shall be submitted on Westport Planning and Zoning forms together with a fee, payable to the Town of Westport and the following information. If the Planning and Zoning Director finds any of the following requirements not applicable for small-scale projects, such items may be waived pursuant to §44-4.

### 44-1.1 General Information

- 44-1.1.1 The following information shall appear on all maps and plans:
- (a) Name of the applicant and the name of the owner of record as listed in the Assessor's Office.
  - (b) Date, north arrow, numerical and graphic scale and revision dates.
  - (c) The street and address of the property.
- 44-1.1.2 On the Site Plan map a table or chart shall appear indicating the proposed number or amount and types of uses, lot area, setbacks, coverage, building area, building height, floor area ratio, parking computations and landscaping computations as they relate to the requirements of the zoning regulations.
- 44-1.1.3 In addition to the required maps, a written description of the proposed use or uses.
- 44-1.1.4 In the case of a non-conformity in a non-residence district, the statement required by §6.5, with supporting evidence.

### 44-1.2 Location Map

One (1) copy of the Assessor's Map(s) at a scale not to exceed one (1) inch equals two hundred (200) feet. The map shall show the subject property and all adjoining property including those properties directly across a street, waterbody, or watercourse and within one hundred (100) feet of the subject property. The following additional information shall be submitted:

- 44-1.2.1 A list of names and addresses of all property owners within 250 feet of the subject property.
- 44-1.2.2 **Certificates of Mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.**

### 44-1.3 Existing Conditions Map

Three (3) copies of an accurate scaled survey map of the property prepared by a registered Land Surveyor at a scale not to exceed one (1) inch equals forty (40) feet on sheets not to exceed 24" x 36." Said survey map shall be drawn to an A-2 accuracy as defined by the Connecticut Technical Council, shall be certified "substantially correct" by a registered Land Surveyor and shall include all existing property lines, easements, rights-of-way, contours at intervals of two feet referred to

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USGS MSL datum, wooded areas, watercourses, wetlands, aquifers, rock outcrops, stone walls, location of existing trees with a trunk caliper of more than eight (8) inches, except in wooded areas, buildings, structures, signs, fences, walls, paved areas, curbs, curbcuts, edges-of-pavement, sidewalks, light poles, utility poles, catch basins, manholes, hydrants and other similar physical features.

- 44-1.3.1 The survey shall also show the following off-site information:
- (a) Buildings, parking areas and curb-cuts on all adjoining property located within fifty (50) feet of the site.
  - (b) All cross streets located within fifty (50) feet of the site.
  - (c) All curb-cuts or driveways located across the street from or opposite the site.
  - (d) All traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets.

**44-1.4 Site Plan Map**

Ten (10) copies of an accurate scale plan, prepared and sealed by a registered architect, landscape architect, engineer or surveyor at a scale not to exceed one (1) inch equals forty (40) feet on sheets not to exceed 24" x 36". Said site plan shall be prepared from a plot plan certified "substantially correct" by a registered Land Surveyor, based on a Class A-2 Survey, said plot plan shall be identified. The site plan shall illustrate the proposed development of the property and shall include the following information:

- 44-1.4.1 The Property
- (a) The boundaries of the property and Zoning District Boundary Line located on the subject property.
  - (b) Location, width and purpose of all existing and proposed easements and rights-of-way on the property.
  - (c) Existing and proposed contours at intervals of two feet; referred to USGS MSL datum; except for a change of use application.
  - (d) Location of all existing wooded areas, watercourses, wetlands, aquifers, rock outcrops, stone walls and other significant physical features and, where applicable, the mean high water line, the wetlands boundary, the waterway protection line, the twenty five (25) year flood line, the one hundred (100) year flood line, the floodway boundary and the CAM boundary; except for A Change of Use application.
  - (e) Location of existing trees, not located in wooded areas, with a trunk caliper of more than eight (8) inches as measured four (4) feet above the ground and mature evergreens of ornamental quality.
- 44-1.4.2 Buildings, Structures and Uses
- (a) Location, design and height of all existing and proposed buildings, structures, signs, fences and walls, including retaining walls.
  - (b) Location of all existing and proposed uses and facilities not requiring a building.

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44-1.4.3 Parking, Loading, and Circulation

- (a) Location, arrangement and dimensions of standard automobile parking stalls, aisles, vehicular drives, fire lanes, entrances, exits and ramps.
- (b) Location, arrangement and dimensions of loading and unloading areas.
- (c) Location and dimensions of pedestrian entrances, exits, sidewalks and walkways.

44-1.4.4 Front, Parking and Buffer Landscaping

A preliminary landscape plan showing the general location and layout of plantings within all landscaped areas; as well as any fencing, walls, and other screening proposed.

44-1.4.5 Signs and Lighting

Locations, size, height, orientation, design and plans of all signs and outdoor lighting including shielding, foot candles and hours of operation.

44-1.4.6 Utilities

Locations and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and refuse collection areas as well as other underground and above ground utilities and any ground level mechanical equipment. All new utility services shall be located underground and the Commission may require existing overhead lines to be placed underground. (a) Sanitary sewer, storm drainage, retaining walls and other similar engineering improvement(s) plans shall be designed and sealed by a registered professional engineer unless the Town Engineer otherwise approves an incidental improvement. Such engineering improvements shall be accompanied by appropriate data in accordance with good engineering practice such as quantity and velocity calculations, profiles, cross-sections, pipe sizes, flow lines, pipe slopes and lengths, invert and top of grate elevations, existing and proposed grades and construction materials.

**44-1.5 Staging or Phasing Plan**

In cases where the applicant wishes to develop the site in stages, an overall site and staging plan indicating both phases and development schedule for obtaining Zoning Permits and for completing work on a phase-by-phase basis shall be submitted.

**44-1.6 Building Plans**

Ten (10) copies of preliminary architectural drawings of all proposed buildings and structures, at a scale not to exceed one (1) inch equals eight (8) feet, showing the following information:

- 44-1.6.1 All exterior wall elevations, indicating finished floor elevations, building heights in relation to mean sea level, base flood elevation data, lowest floor elevation, doors and windows, size and location of roof top mechanical equipment and building material.
- 44-1.6.2 Building floor plan(s) indicating existing and proposed usage, interior floor area and/or patron floor area. All building floor plans shall indicate floor area dimensions.

**44-1.7 Comparison Maps**

If an applicant is unable to demonstrate that the site plan is conforming with respect to parking and landscaping, then ten (10) copies of each required comparison map shall be provided.

An "existing comparison map" shall be required based on the existing footprint(s) of building(s) and structure(s) and lot area(s) being used. If the site plan proposes changes to such footprint(s) and/or lot area(s) then a "proposed comparison map" shall also be required based on the proposed footprint(s) and/or lot area(s).

Comparison maps shall be used by the Planning and Zoning Commission for comparison with each other, and with the "parking, loading, and circulation" information on the site plan map, for the purpose of determining the extent of non-conformance with respect to parking and landscaping, and for calculations pursuant to §34-3, Reduction of Parking Requirements by Special Permit.

Comparison maps shall be based on the site plan map, and shall include all information on the site plan map relevant to parking and landscaping.

Parking plans shown on comparison maps shall conform to §34, Off-Street Parking and Loading, and §35, Landscaping, Screening and Buffer Areas, as if for an undeveloped site, except that:

- (a) such parking plans shall show only the number of parking spaces which can be placed on the site using the parking and landscaping design standards, i.e., such parking plans shall not be required to demonstrate the ability to place the number of spaces required for the proposed use(s), and
- (b) such parking plans shall show the intrusion, if any, of existing buildings and/or structures into setbacks, buffers, and/or landscape areas.

**44-2 Other Reports and Documents**

The applicant shall also obtain and submit to the Commission pursuant to § 43-3.2 such of the following reports and documents as are applicable.

**44-2.1 Local Agency Reports**

- 44-2.1.1 The applicant shall obtain a written report indicating recommendations, preliminary approvals, final approvals or disapprovals from any of the following agencies having jurisdiction over the application, or any aspect thereof, where applicable:
  - Zoning Board of Appeals
  - Westport-Weston Health District
  - Water Pollution Control Authority
  - Town Engineer
  - Flood and Erosion Control Board
  - RTM Waterway Protection Lines
  - Architectural Review Board
  - Historic District Commission
  - Westport Housing Authority
- 44-2.1.2 If the application involves an activity regulated by the Conservation Commission and/or Conservation Director, as applicable, indicating their final decision.

**44-2.2 State or Federal Agency Reports**

The applicant shall EITHER obtain a written report indicating recommendations, preliminary approvals, final approvals or disapprovals from any State or Federal Department, Bureau or Agency such as Connecticut Department of Transportation, Connecticut Department of Environmental Protection, State Traffic Commission, U.S. Army Corps of Engineers, etc., having jurisdiction over the application or any aspect thereof; OR otherwise provide sufficient written State or Federal agency approvals appears to have a reasonable probability of success.

**44-2.3 Legal Documents**

The applicant shall EITHER obtain all necessary legal documents or rights such as easements, rights-of-way, articles of association, covenants, deed restrictions, etc., OR otherwise provide sufficient written evidence to demonstrate that the acquisition of all such necessary legal documents or rights appears to have a reasonable probability of success.

**44-2.4 Drainage Report**

A storm drainage analysis shall be required for any project containing either twenty (20) or more parking spaces in a new or expanded parking lot or ten thousand (10,000) or more square feet of gross floor area in a new or expanded building. The storm drainage analysis shall contain at least the existing and projected storm water runoff calculations for the affected watershed based on a 25 and 100 year storm.

- (a) Storm drainage facilities shall be designed to achieve at least a zero impact runoff based on a minimum 25-year storm flow. The design shall be based on the maximum allowable total coverage for the project site.
- (b) Street culverts and bridges shall be designed for a 100-year storm flow.
- (c) Where it is projected that the additional storm water runoff will increase or otherwise aggravate any downstream flooding condition, the Commission shall not approve the project unless and until either: (1) provision has been made by the applicant for the improvement of said inadequate condition; or (2) the proposed project has been otherwise approved in writing by both the F&ECB and the Town Engineer.

**44-2.5 Requirements for Traffic Impact Analysis**

A traffic impact analysis submitted by a recognized traffic engineer shall be required for any project containing either forty (40) or more parking spaces in a new or expanded parking lot or twenty thousand (20,000) or more square feet of gross floor area in a new or expanded building.

The traffic impact analysis shall include at least the following information:

- past and present roadway conditions,
- existing roadway capacity, including Level of Service (LOS), vehicle delay (seconds) and volume to capacity ratios,
- length of time and the direction of intersection delay during each day which reduces the Level of Service to D or below,
- traffic accidents,
- existing and projected traffic volumes (ADT, Peak A.M. and Peak P.M.) unless there are other projected peak hours of the proposed or expanded use, such as mid-day, mid-afternoon, evening and/or weekends,



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- existing and projected volume/capacity ratios,
  - existing and proposed sightlines based on facts and reasonable generation factors for the site and affected road networks and intersections.
- (a) The project shall be designed to minimize left turn movements or conflicts on the street at the site for traffic entering and exiting the site.
- (b) Driveways shall be designed to achieve clear sight lines based on a minimum thirty five (35) mph design speed and shall be constructed in a manner that supports prohibited left turns from the site where applicable.
- (c) The project design shall consider interconnecting parking areas, shared common access drives and future access connections to adjacent property.
- (d) Where it is projected that the additional traffic resulting from the project will exceed a volume/capacity ratio of 0.8 on the adjacent streets, increase the peak hour volume by ten (10) percent or more, reduce the Level of Service to "D" or below for the intersection as a whole, or further reduce the Level of Service when it is already at "D" or below for the intersection as a whole, the Commission may at its discretion require that:
- (1) provision be made by the applicant for the improvement of said inadequate condition; or
  - (2) the proposed project be otherwise reduced or modified to mitigate the adverse impacts.

**44-2.6 Sewerage Reports**

A sewer impact analysis shall be required for any project that proposes either to change the use to multi-family housing, to extend a public sanitary sewer line, to install a new pump station, or to provide a common sewer line serving two or more properties. The sewer analysis shall assume the impact on the existing capacity of any downstream truck sewers, pump stations, and force mains affected by the project. Where it is projected that the additional sewage effluent resulting from the project will exceed a volume/capacity ratio of 0.8 in any affected public sanitary sewer line or reduces the peak hour efficiency of any affected sewer pumps below eighty (80) percent, the Commission shall not approve the project unless and until either:

- (1) provision has been made by the applicant for the improvement of said inadequate condition; or
- (2) the proposed project has been otherwise approved by the Water Pollution Control Authority.

**44-2.7 Archaeological Report**

A site investigation report identifying archaeological and historic areas, within a specific site may be required for any Site Plan or application for a proposal that:

1. Is located within 200 feet of a watercourse, wetlands (tidal and freshwater) or Long Island Sound where the site has not been previously significantly disturbed; and
2. Involves cumulative site disturbance of 1/2 acre or more, where the ground will be dug up, regraded or otherwise disturbed.

The investigation shall be undertaken for the applicant by or under the supervision of a professional such as a professional archaeologist, or other professional with similar credentials.

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- (a) The investigative report shall include historic research, an on-site inspection, identification of any artifacts or features found (with photos), an assessment of the project's impact on and the site sensitivity of any affected area, a description of the recommended research design methodologies and techniques, an estimate of implementation costs and time for more intensive site examination and recommended alternatives to mitigate adverse impacts from the project.
- (b) Where it is found that the project will adversely impact an historically or archaeologically sensitive area, the Commission shall not approve the project unless and until either:
  - (1) provision has been made by the applicant for a more intensive site investigation to proceed by qualified professionals for a reasonable period of time prior to the commencement of the project; or
  - (2) the proposed project has been otherwise revised or modified to mitigate the adverse impacts.

**44-2.8 Sediment and Erosion Control Plan (S & E Plan)**

A Sediment and Erosion Control Plan, pursuant to §37-1 herein, shall be required for all applications for Special Permit or Site Plan Review where the cumulative area(s) of disturbance is one half (1/2) acre or more; and if deemed necessary by the Planning and Zoning Commission may be required for applications/projects with less than one half (1/2) acre of cumulative disturbed area(s).

**44-3 Final Landscape Plan**

Prior to the issuance of a Zoning Permit for an approved Site Plan, the applicant shall prepare and submit a detailed landscape plan to the Planning and Zoning Commission for final approval. The detailed landscape plan shall show the location, layout, type, size, number and species of plantings within all landscape areas; the fencing, walls and other screening; and the proposed methods of, and specifications for planting. Final approval must be secured prior to the issuance of a Zoning Permit.

**44-4 Delete or Modify Document Requirements**

The Planning and Zoning Director may delete or modify in writing any Site Plan document requirement specified in §44-1 and §44-2 (other reports and documents) for any small scale project such as a change of use, building expansion of 1,000 square feet or less or parking expansion of ten (10) spaces or less and other similar minor modification provided that the information required is unnecessary for the particular application and the lack of such information will not impair or prejudice the Planning and Zoning Commission's determination as to the application's conformity to the Zoning Regulations. Any such deletion or modification shall be noted in the file not less than fourteen (14) days prior to the date of the Public Hearing or Review, except if not required pursuant to §43-14.

**44-5 Site Plan Standards and Objectives**

In reviewing a Site Plan Application, the Commission shall take into consideration the public health, safety and welfare and the standards contained in this §44-5 and its subsections. If an application does not comply with such standards and objectives the Commission may deny it or may require such modifications of the proposed plans as it deems necessary to comply with the specific areas, bulk, parking, landscaping, sign and document standards contained herein as well as to assure the accomplishments of the standards and objectives of this §44-5.

**44-5.1 Public Safety**

That all buildings, structures, uses, equipment or material are directly accessible for fire, police and ambulance services. The plans shall comply with the Town's Fire District and Fire Lane Ordinances, subject to the approval of the Fire Marshal. The plans shall comply with the State Building Code, with specific regard to the handicapped ramp, depressed curb and parking provisions and the elevator provisions, subject to the approval of the Building Inspector. All elevators shall be of adequate size to accommodate a standard ambulance stretcher.

**44-5.2 Traffic and Pedestrian Access**

That all proposed vehicular and pedestrian accessways are safely designed, adequately provided and conveniently arranged to prevent traffic and pedestrian hazards both within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

- (a) The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
- (b) The width, grade and alignment of entrances and exits.
- (c) The distance of entrances and exits from street corners, places of public assembly and other accessways.
- (d) The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.

**44-5.3 Circulation and Parking**

That the vehicular circulation pattern and the off-street parking and loading spaces are safely designed, adequately provided and conveniently arranged to meet the needs of the proposed uses and to prevent traffic congestion, within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

- (a) The effect of the proposed development on traffic conditions on abutting streets.
- (b) The patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk systems.
- (c) The adequacy of traffic signalization traffic channelization, left turn lanes, or roadway width on the adjoining streets.
- (d) The interconnection of parking areas via access drives within and between adjacent lots or uses, in order to maximize efficiency, minimize curb cuts and encourage safe and convenient circulation.
- (e) The adequacy of vehicular stacking lanes and/or distances.
- (f) The adequacy of pedestrian drop-off areas for visitors, car pools or transit buses.
- (g) The location, arrangement and adequacy of off-street parking and loading facilities.
- (h) The location, arrangement and adequacy of handicapped facilities such as ramps, depressed curbs and reserved twelve (12) foot wide parking spaces.
- (i) The location and design of vehicle maneuvering areas, backaround areas and fire lanes.
- (j) The physical identification of entrances, exits, one-way drives, small car spaces, handicapped spaces and fire lanes.

- (k) The provision of bumper guards, guard rails, wheel stops, speed bumps, traffic signs, islands, crosswalks and similar safety devices necessary to protect life and property.

**44-5.4 Landscaping and Screening**

That the proposed development will protect the environmental quality of the site and will preserve and enhance the adjacent property values. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective.

- (a) Existing large and/or specimen trees shall be preserved to the maximum extent possible particularly within the front landscape and buffer strip areas.
- (b) The front landscape area shall conform to the "Greening of the Post Rd." and other Beautification Committee plans dated November 1973 and January 1974, as revised, where applicable. No such street tree shall be removed without the approval of the Beautification Committee. Any such tree so removed shall be replaced in kind at the expense of the property owner.
- (c) The location, arrangement and adequacy of landscaping within and bordering parking and loading areas.
- (d) Vehicular parking, loading and service areas shall be screened during all seasons of the year from adjacent residential districts in accordance with Sec. 35, herein.
- (e) The location, height and materials of walls, fences, mounds, berms, hedges and plantings so as to ensure compatibility with the character of adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features in accordance with § 35, herein.
- (f) The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.
- (g) The preservation of natural attributes and major features of the site such as watercourses, waterbodies, wetlands, highly erodible areas, major trees, historic structures and scenic views both from the site and onto or over the site.

**44-5.5 Lighting and Noise**

44-5.5.1 That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at, and glare across, the property lines.

- (a) All exterior light fixtures shall be located at the minimum height from the ground and the maximum distance from the property line consistent with providing adequate and safe lighting of the building entrances, walkways, parking area and accessways.
- (b) All exterior lighting shall be designed so that the filaments, light sources or lenses are shielded with opaque material in such a way that the light will be down directed and will not be visible at a height greater than six (6) feet above the ground level at property lines.
- (c) Unshielded lighting may be used if it can be shown that the light distribution characteristics of the proposed fixtures are not objectionable.
- (d) Lighting may be directed upward at such an angle to light only on-site buildings, trees, shrubs or site surfaces.

- (e) Lights producing varying intensities, changing colors, or light movement shall be prohibited.

44-5.5.2 Buildings and accessory facilities shall be designed and arranged and the installation of sound absorptive shielding on the site (mounds, berms, screening or other suitable noise barriers) may be required so as to minimize noise levels at the property line.

#### **44-5.6 Public Health**

That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the Town.

- (a) Provisions shall be made for any necessary sedimentation control and/or control of erosion by wind or water during the construction period as recommended by the Conservation Director pursuant to Sec. 37 herein.
- (b) Storm drainage facilities shall be provided to adequately and safely drain the site while minimizing downstream flooding, subject to the approval of the Town Engineer.
- (c) All refuse collection areas shall be located near the service entrance or loading area of a building, shall be easily accessible to service trucks, and shall be screened or otherwise enclosed by plantings, walls or fencing.

#### **44-5.7 Character and Appearance**

That the location, size and design of any proposed building structure or use, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be compatible and harmonious with the character and appearance of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, buildings or structure as indicated by the exterior appearance of existing buildings (bulk, height, roof style, materials and color), their location on the site in relation to streets, parking and adjacent residences and their relationship to the natural terrain, watercourses, waterbodies, wetlands and vegetation.

#### **44-6 Special Permit Standards**

In reviewing a Special Permit application or an application for a change in a Special Permit use, the Commission shall consider all the standards contained in § 44-5, Site Plan Standards and Objectives, herein, and shall take into consideration the public health, safety and general welfare and may prescribe reasonable conditions and appropriate safeguards to assure the accomplishment of such standards and objectives. In granting any Special Permit, including any change in a Special Permit Use, the Commission shall determine that the proposed use conforms to the overall intent of these regulations and shall consider in each case whether the proposed use will:

- (1) Be in conformance with the Town Plan of Development;
- (2) Not prevent or inhibit the orderly growth and development of the area;
- (3) Not have a significant adverse effect on adjacent areas located within the close proximity to the use;
- (4) Not interfere with pedestrian circulation;

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- (5) Not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation;
- (6) Not have a significant adverse effect on historical, archeological and/or paleontological sites;
- (7) Preserve important open space and other features of the natural environment related to the public health, safety and welfare;
- (8) Not obstruct significant views which are important elements in maintaining the character of the Town or neighborhood for the purpose of promoting the general welfare and conserving the value of buildings;
- (9) Not have a significant adverse effect on storm drainage, sewage disposal or other municipal facilities;
- (10) Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.

**44-7 Division Of Land In Mixed Use Developments**

**44-7.1 Purpose**

The purpose of this provision is to facilitate a more cohesive development of land; to encourage the development of land with mixed uses; to require the provision of joint parking pursuant to §34-8, herein; to require the lessening of congestion in the streets during the weekday AM and PM peak periods and/or the Saturday noon peak pursuant to the provisions of §44-2.4 and §44-2.6, herein; and to require the provision of shared driveways to enhance public safety.

**44-7.2 Two Lot Split**

Where the Planning and Zoning Commission has granted site plan or special permit approval for either a multi-use development or a residential or non-residential single-use development that contains at least one use listed in §34-8, herein; in which the owner or developer wishes to create separate parcels, a division of the approved parcel into two lots for the purpose of sale or building development may be permitted by the Commission after the submission of an amended site plan and a certified record map both to be filed in the Town Clerk's Office showing such division, lot areas, floor area ratios, building coverages and parking spaces, and containing a notation that the lots shown thereon are subject to the site plan number approved for the total parcel. Any conveyance relating to said approved parcel, or any portion thereof, shall make reference to said certified record map and site plan number; provided however, that such a division shall not be permitted if the mixed use development includes only office buildings or only office and retail buildings.

44-7.2.1 Cross-easements for access, parking, utilities, and other similar facilities shall be provided, as necessary, to enable each lot to be a self-sufficient entity.

44-7.2.2 For the purpose of compliance with these regulations such a divided development parcel shall be considered a single lot.

**44-7.3 Changes to Amended Site Plan**

The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review and the consent of the lot owners as follows:

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- 44-7.3.1 If the proposed changes to the Amended Site Plan are on both lots, the majority in interest of the lot owners of both lots must consent in writing to said changes.
- 44-7.3.2 If the proposed changes to the Amended Site Plan are on one lot only, the majority in interest of the lot owners on such lot only, must consent in writing to said changes.
- 44-7.3.3 In all cases, plans required to be submitted for approval of proposed changes to the Amended Site Plan shall show the entire site development, including both lots and the Commission shall consider the overall effect of the proposed changes on the entire site.

**44-7.4 Subdivision**

A division of a development parcel into three or more lots shall only be effected by the procedures set forth in the subdivision regulations.

# **§45 ZONING ADMINISTRATION AND ENFORCEMENT**

## **45-1 Zoning Enforcement Officer**

These regulations shall be enforced by the Planning and Zoning Commission which may appoint a person or persons to act as a Zoning Enforcement Officer. The Zoning Enforcement Officer shall be directly responsible to the Planning and Zoning Commission, but for administrative purposes shall report to the Director of Planning, and shall carry out his/her duties according to law and under such rules and regulations as the Planning and Zoning Commission may, from time to time, adopt. All references to Zoning Enforcement Officer in §45 shall also be interpreted to include the Director of Planning and Zoning, the Deputy Director of Planning and Zoning, the Zoning Inspector, members of the Planning and Zoning Commission or any other person designated by the Planning and Zoning Commission to enforce the zoning regulations. The Zoning Enforcement Officer is authorized by the Planning and Zoning Commission to enforce the conditions listed in the Certificate of Appropriateness from the Historic District Commission pertaining to the premises designated by the RTM as Historic Districts and Historic properties.

## **45-2 Enforcement**

The Zoning Enforcement Officer may cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist in violation of any provision of these regulations. The owner, agent, lessee, tenant, architect, builder, or contractor of any building or premises or part thereof in which a violation has been committed or exists shall be considered the violator and shall be subject to the penalties in accordance with §8-12, Planning and Zoning Statutes of the Connecticut General Statutes. Any official having jurisdiction may institute an action (such as an Order to Discontinue or a Cease and Desist Order), proceeding or other remedies to prevent the unlawful erection, construction, alteration, conversion, maintenance or use of a building or to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises.

All Orders to discontinue and Cease and Desist Orders shall be filed on the land records in the Town Clerk's Office.

## **45-3 Zoning Permit**

No building or structure shall be erected, added to, or structurally altered and no change of use shall be established until a Zoning Permit has been issued by the Zoning Enforcement Officer. No Zoning Permit shall be issued for any building, structure or use that requires site plan review under these regulations without the prior approval of said site plan. If the conditions of the Planning & Zoning Commission resolution, conditions of the Zoning Board of Appeals variance or Zoning Permit have not been met, have been violated or if work extends in time or scope beyond approvals then the Zoning Permit shall be revoked. A Zoning Permit shall be rendered null and void if there are any substantial changes or alterations to the Plot Plan, Building Plans and/or other supporting application documents after the issuance of such Zoning Permit. All applications for such permits shall be in a form prescribed by the Commission and shall include the following information:



**45-3.1 Application**

Every application for a Zoning Permit shall be accompanied by such information and exhibits as are required herein or such additional information as may be requested by the Zoning Enforcement Officer in order that the proposal may be adequately interpreted and evaluated as to its conformity with the intent and provisions of these regulations.

**45-3.2 Plot Plan**

The application shall be accompanied by three (3) copies of a plot plan drawn to scale on a sheet, not to exceed 24" x 36" and certified "substantially correct" by a licensed Civil Engineer or Land Surveyor, based on a Class A-2 Survey, not more than ten (10) years old showing the following information as of the date of application:

- 45-3.2.1 Name of applicant and name of the owner of record.
- 45-3.2.2 Assessor's map and lot numbers and street address of property.
- 45-3.2.3 North point, graphic scale and date.
- 45-3.2.4 Dimensions of the present lot and lot area.
- 45-3.2.5 Size and location of all existing and proposed buildings, or additions, structures, and uses. Coverage information must be identified and represented in square footage and percentage form.
- 45-3.2.6 The minimum required setback lines must be shown and dimensions of all setback lines observed by buildings and structures.
- 45-3.2.7 Location of parking areas, driveways, curbcuts, easements and rights-of-way.
- 45-3.2.8 Location of sewer lines or septic tank, leaching field and reserve areas.
- 45-3.2.9 Location of water line or water well.
- 45-3.2.10 Location of high pressure gas lines and high tension transmission lines.
- 45-3.2.11 Location of waterbodies, watercourses, swamps and flood prone areas with delineated channel encroachment lines, wetland boundary lines, twenty five (25) year flood line, one hundred (100) year flood line, floodway boundary line, CAM boundary line, or mean high water line.
- 45-3.2.12 Location of all storm drainage facilities on the property.
- 45-3.2.13 Existing and proposed contours at two (2) foot intervals which may be based on Town of Westport topographic maps, and must be verified in the field by a surveyor.
- 45-3.2.14 When an application is located in a flood prone area include existing and proposed site grades, contours or elevations, base flood elevation data, top-of-foundation elevations, finished floor elevations, and any proposed watercourse relocation.
- 45-3.2.15 When an application for development involves one half (1/2) acre or more of cumulative disturbed area(s), a Sediment and Erosion Control (S&EC) Plan pursuant to Section 37-1 shall be submitted. However, an S & E Plan may be required for applications with disturbed land of less than one half (1/2) acre, if deemed necessary by the Zoning Staff.

**45-3.3 Building Plan**

The application shall be accompanied by two (2) copies of architectural drawings of all new buildings or structures, or alterations, at a scale not to exceed one (1) inch equals eight (8) feet, showing the following information:

- 45-3.3.1 Name of applicant and name of the owner of record.
- 45-3.3.2 Assessor's map and lot numbers and street address of property.
- 45-3.3.3 Numerical scale and date.
- 45-3.3.4 All exterior wall elevations, indicating floor heights, overall building height and fenestration.
- 45-3.3.5 Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.

**45-3.4 Delete or Modify Submission Requirements**

The Zoning Enforcement Officer may delete or modify any requirements for a Zoning Permit specified in §45-3.2 and §45-3.3 provided the information required is inappropriate to the particular application and the lack of such information will not impair or prejudice the Zoning Enforcement Officer's determination as to the application's conformity to the Zoning Regulations.

**45-3.5 Prior Approvals**

- 45-3.5.1 Prior to the issuance of a Zoning Permit, the applicant shall obtain and submit all approvals, in writing, required by any other Local, State or Federal Department, Bureau or Agency. Such prior approvals shall include, where applicable:
  - (a) Zoning Board of Appeals Variance
  - (b) Health Permit or Sewer Approval
  - (c) Driveway Permit
  - (d) Inland Wetlands Permit
  - (e) Flood and Erosion Control Board Approval
  - (f) Town Engineer Approval of Drainage & Sewer Plans
  - (g) Architectural Review Board Action or Approval
  - (h) Historic District Commission Approval
  - (i) R.T.M. Approval
  - (j) Connecticut DOT Permit
  - (k) State Traffic Commission
  - (l) Connecticut DEP Permit and/or Corps of Engineers Permit
  - (m) Planning and Zoning Landscape Committee Approval
  - (n) CAM Exemption or Approval
  - (o) Sediment & Erosion Control Plan Recommendations

- 45-3.5.2 All such approvals shall be duly noted on a copy of the final Plot Plan, Site Plan, including separate landscape, Utility, Grading or S & E Plans, and/or Building Plan, as applicable. Any such plan shall include the date of approval and signature of the approving official, as applicable.
- 45-3.5.3 If new construction on a property increases the Total Coverage by at least 100 square feet an on-site drainage system for water retention will be required, unless deemed unnecessary by the Town Engineer. In cases where total coverage will both be removed and added, total coverage for new construction shall be determined based on the total coverage after the proposed removal of any building(s), structure(s), driveway(s), or any portion thereof, and then adding the total coverage associated with new construction.

Example:	Existing Total Coverage =	5,000 SF
	- Coverage to be removed =	1,000 SF
	Coverage post removal =	4,000 SF
	+Coverage for new construction =	2,000 SF
	Proposed Total Coverage =	6,000 SF

Drainage to be provided for total coverage associated with new construction = 2,000 SF

- (a) Where construction on a property increases the total coverage due to new construction by 100 square feet, but less than 850 square feet, the Zoning Enforcement Officer may issue an administrative approval for an on-site drainage system, subject to approval by the Town Engineer.
- (b) Where construction on a property increases the total coverage due to new construction by 850 square feet or greater, a site plan and drainage calculations, prepared by a Licensed Civil Engineer, must be submitted to the Zoning Enforcement Officer, and is subject to approval by the Town Engineer.

**45-3.6 Fee**

- 45-3.6.1 All applications for a Zoning Permit shall be accompanied by a fee, pursuant to an adopted Fee Schedule to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.
- 45-3.6.2 All applications for the renewal of a Zoning Permit shall be accompanied by a fee of ten (10) dollars or ten (10) percent of the original application fee, whichever is greater.

**45-3.7 Other Information**

The Zoning Enforcement Officer may require such other information as may be necessary to determine compliance with the intent and purpose of these Regulations, e.g. total lot coverage computations, etc.

**45-3.8 Zoning Permit Renewal**

A zoning permit shall be valid for one year only, unless the Planning and Zoning Commission has approved a phasing plan with a longer time period. A zoning permit may be renewed for one additional year provided the renewal is obtained before the expiration of the first permit and a substantial amount of work on the project has been done. Substantial work shall be deemed to mean at least the subsurface utility facilities, drainage structures and a complete building foundation with a certified "As-Built" plot plan, where applicable. An expired zoning permit shall be considered null and void. Any further renewal will require a new application for a new zoning permit and other necessary approvals as applicable.

**45-3.9 Sediment and Erosion Control Plan**

A sediment and erosion control plan shall be required pursuant to § 37-1 herein for all applications where the cumulative area(s) of disturbance is one half (1/2) acre or more; and maybe required for applications with less than one half (1/2) acre of disturbed area(s), if deemed necessary by the Zoning Enforcement Officer.

**45-4 Temporary Zoning Permits**

In special cases or unusual circumstances, such as seasonal uses, a temporary Zoning Permit, may be issued by the Zoning Enforcement Officer after authorization by the Administrative Review Committee pursuant to Section 43-14, herein. A Temporary Zoning Permit shall be valid for a specified time period, not to exceed six (6) months and may be renewed for a second six (6) month period, only. The ARC may impose appropriate safeguards and reasonable conditions for approval and may require the posting of surety in accordance with Sections 43-12 and 43-13 herein, to guarantee satisfactory compliance with such conditions. Administrative Review Committee approval is not required for annual events that have previously been reviewed by the Administrative Review Committee. In these cases only a temporary zoning permit is required to be issued by the Zoning Enforcement Officer. See §43-14.3 and §46-3.3.

**45-5 Building Permits**

No building permit shall be issued by the Building Inspector for any building, building addition, structure, structural alteration, use or change of use, unless and until the Zoning Enforcement Officer certifies in writing that such building, structure or use is in conformity with or is a valid non-conforming use under these regulations.

**45-6 Foundation Verification**

The applicant shall submit a certified "As-Built" plot plan to the Zoning Enforcement Officer within fourteen (14) days after the completion of foundation footings, columns, piers or walls, for verification of setbacks for any new detached building or structure on a lot. The Zoning Enforcement Officer may require a certified "As-Built" plot plan in other situations involving close proximity to setback lines, lot lines, wetland boundary lines, channel encroachment lines, mean high water lines or other similar building restriction lines.

**45-7 Utility Verification**

All storm drainage facilities, and sanitary sewer facilities required by any Special Permit, Site Plan or Subdivision approved by the Commission shall be installed by the applicant and inspected for compliance by the Dept. of Public Works prior to the backfilling of any such utility holes or trenches. The applicant shall notify the DPW when the utility is ready for inspection; and the DPW shall inspect the utility within a reasonable period of time and shall notify the ZEO of his/her inspection results.

**45-8 Zoning Certificate of Compliance**

No building or structure or structural alteration hereafter erected shall be occupied or used, in whole or in part, for any purpose until a Zoning Certificate of Compliance shall have been issued by the Zoning Enforcement Officer, stating that the premises or building complies with all the provisions of these regulations. Such a Zoning Certificate of Compliance may also be required for any change, extension or alteration in a use. No zoning certificate of compliance can be issued for a premises designated as a Historic Landmark property by the RTM or the North Kings Highway Area and Jesup Road Historic Districts as designated by the RTM until the Historic District Commission submits a written approval of the project to the Zoning Enforcement Officer.

**45-8.1 Compliance**

No such Zoning Certificate of Compliance shall be issued by the Zoning Enforcement Officer until the Zoning Enforcement Officer or a designee has inspected the property and the Zoning Enforcement Officer has determined that all requirements and conditions of the Zoning Permit, including Special Permit and/or Site Plan, have been met by the applicant.

**45-8.2 Applications**

A certified "As-Built" plot plan of the lot and buildings involved, showing the exact placement of the buildings, structures, driveway, parking areas and stalls, septic tank and leaching fields and water wells on the lot must be submitted to the Zoning Enforcement Officer or a designee. Where applicable, such application shall also be accompanied by a certified "As-Built" plan and invert elevations of all storm drainage pipes, manholes, catch-basins, and headwalls and all sanitary sewer pipes and manholes, other than on-site sewer connections for individual buildings. Applications involving a change of use shall be accompanied by a certified "As-Built" floor plans indicating usage, gross interior floor area and/or patron floor area. An elevation certificate must be submitted by a registered surveyor that certifies that the lowest floor (including basement or cellar) is elevated to or above the base flood level for a zoning certificate of compliance involving the construction of a new residential structure, or a substantially improved residential structure, within the Flood Hazard Areas.

**45-8.3 ZCC for approved subdivisions**

No Zoning Certificate of Compliance shall be issued by the Zoning Enforcement Officer for a principal building on an approved subdivision lot unless and until the sub-grade and base course for the new subdivision road and any required storm drainage facilities located downstream or downhill from said lot have been installed, inspected and approved by the Town Engineer.

**45-8.4 Sewer permit or septic permit**

No Zoning Certificate of Compliance shall be issued by the Zoning Enforcement Officer unless a Sewer Connection Permit has been issued by the Department of Public Works (DPW) or a Septic System Permit has been issued by the Westport-Weston Health District (WWHD), where applicable.

**45-9 Conditional Zoning Certificate of Compliance**

When the required site work cannot be completed because of inclement weather or other pertinent reasons, a Conditional Zoning Certificate of Compliance may be issued by the Zoning Enforcement Officer for a period not to exceed six (6) months provided that the applicant shall post a bond in accordance with Sections 37-1, 43-13 and 43-14 herein, to guarantee satisfactory completion of the site work in accordance with the approved Zoning Permit, including Special Permit and/or Site Plan, as determined by the Zoning Enforcement Officer. Upon satisfactory completion of the site work, the Zoning Enforcement Officer shall release the bond, subject to approval of the Commission.

**45-10 Filing of Record Maps**

In instances where a division of land or adjustment of a property line is involved, the proposed record map will be subject to an administrative review by the Planning and Zoning Director or his/her official designee, to determine that the division of land or property line adjustment is in conformance with the applicable zoning regulations. After this determination has been made, a stamp signed by the Director or his/her designee, will be placed upon the proposed record map. The record map is then eligible for filing within the Westport Land Records.

# **§46 ZONING BOARD OF APPEALS**

## **46-1 Purpose of the Board**

The Zoning Board of Appeals is an agency, separate from the Planning and Zoning Commission, engaged in, and necessary to the proper administration of the zoning regulations. The Zoning Board of Appeals is an administrative agency which exercises quasi-judicial functions to provide relief in cases where literal application of the Zoning Regulations acts peculiarly on a particular piece of property to produce an undue hardship on that property under special circumstances and to provide a local review for questions arising from zoning enforcement. The exercise of the Board's power to vary the zoning regulations is guided by statute and by general rule of law as well as local zoning conditions.

## **46-2 Establishment of the Board**

On the basis of the foregoing, the Zoning Board of Appeals in Westport, established pursuant to the Connecticut General Statutes and the Westport Town Charter, shall have all the powers and duties prescribed by law and these regulations.

## **46-3 Powers and Duties**

### **46-3.1 Appeals**

The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is any error in any order, requirement, or decision regarding the enforcement of these regulations made by the official charged with zoning enforcement. Such appeals shall be made within thirty (30) days of the decision appealed from. Nothing in this paragraph shall be interpreted to permit any person, otherwise entitled to appeal to the Superior Court an order, requirement or decision of the Planning and Zoning Commission or of the Administrative Review Committee to appeal such order, requirement or decision to the Zoning Board of Appeals.

### **46-3.2 Variances**

The Zoning Board of Appeals shall determine and may vary the application of the zoning regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such zoning regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and public safety and welfare secured; provided, however, that in no case may a variance be granted which permits a commercial use in a district in which such use is not otherwise allowed by these regulations, including the extension of a non-conforming commercial use.

- (a) Unless otherwise specified by the Zoning Board of Appeals, a Zoning Permit must be obtained within one year of the date the variance is filed on the land records. When a Zoning Permit is issued, all conditions associated with the variance must be adhered to or completed as appropriate. If the zoning permit is not obtained within one year of the date the variance is filed on the land records another Zoning Board of Appeals hearing will be required in order for the Zoning Board of Appeals to determine that conditions or circumstances relating to the property have not changed.

*Town of Westport Zoning Regulations §46, Zoning Board of Appeals*

- 46-3.2.1 Whenever a variance is granted, the approval of a site plan by the Planning and Zoning Commission in accordance with §43 and §44 shall also be required prior to the issuance of a zoning permit in the following circumstances:
- (a) In all cases, in a non-residential district except for (c) or (d).
  - (b) In cases involving non-conforming uses, or non-residential use or multi-family use of buildings structures or land, in a residential district, except for (c) or (d).
  - (c) Site Plan approval is not required for architectural and structural features such as exterior staircases or elevators mandated by the Fire Marshal or Building Official for reasons of public safety, or for minor structural changes or awnings, if the Planning and Zoning Director determines that the dimensions of such structural features or structural changes or awnings have been clearly specified in the variance granted, and that no useful purpose would be served by seeking site plan approval. The Planning and Zoning Director shall note any such determination in the file.
  - (d) Site plan approval is not required for accessory apartments that have been approved by the Zoning Board of Appeals, if the Planning and Zoning Director determines that the public has been sufficiently informed through the Zoning Board of Appeals hearing, and that no useful purpose would be served by seeking site plan approval. The Planning and Zoning Director shall note any such determination in the file.
- 46-3.2.2 Whenever an application for a variance is submitted to the Zoning Board of Appeals for a use, a structure or activity which lies either wholly or partially within the Coastal Area, the Zoning Board of Appeals shall review a Coastal Site Plan to assure compliance with §31-10 of these regulations and with the CAM Act. The Statutory requirement for a Coastal Site Plan Review shall not be varied by the Zoning Board of Appeals.
- 46-3.2.3 Whenever an applicant requests a variance from §31-11, Flood Plain Regulations, the following provisions shall apply:
- (a) Variances shall not be granted within any designated regulatory floodway for any development which will cause an increase in flood levels during the base flood discharge. The burden of proof lies with the applicant subject to review by the Town Engineer. If the Town Engineer determines that Flood and Erosion Control Board review is required the project must also be acceptable to the F&ECB.
  - (b) The applicant for a variance shall be notified in written statement signed by the Clerk of the Zoning Board of Appeals that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (c) of this section.



- (c) The Zoning Board of Appeals shall (1) maintain a record of all such variance actions, including the findings adopted upon their issuance, (2) include such variances issued in its annual report, and (3) submit said annual report to the Administrator.

46-3.2.4 Whenever an applicant requests a variance from §31-10, Setbacks from Waterbodies, Watercourses and Wetlands, such variances shall not be granted unless the Board makes a specific finding that such project will have its lowest finished floor elevation at or above the 100-year based flood level, will not adversely affect the flood carrying capacity of the watercourse, and/or will not adversely impact any designated wetland area, as applicable.

46-3.2.5 In a Zoning Board of Appeals case where a nonspecific setback variance has been granted for a nonconforming lot, any new building, structure or construction must conform to the nonconforming setbacks as defined in §6-3.1 of these regulations.

#### **46-3.3 Conditional Permits for Temporary Non-Conforming Uses**

The Zoning Board of Appeals may, upon application, grant conditional permits for temporary nonconforming uses not otherwise covered by these regulations, such as amusement devices, including carousels, roller coasters, whirligigs, merry-go-rounds and ferris wheels, if the public health, safety or welfare is to be served and provided that appropriate safeguards for the type of the use; and size and location of the site; the intensity of the use; traffic access and circulation and parking areas and utility services are in general harmony with the purpose of the regulations and are designed to be adequate.

#### **46-4 Zoning Board of Appeals Procedures**

All applications and appeals to the Zoning Board of Appeals shall be filed in a form prescribed by and in accordance with procedures established by the Zoning Board of Appeals and shall be accompanied by a fee pursuant to an adopted Fee Schedule.

The following information must also be submitted:

A list of name and addresses of all property owners within 500' of the subject property in an AAA and AA zone; and within 250' of the subject property in all other zones.

Variances are granted in accordance with specific plans approved by the Zoning Board of Appeals. The demolition of a structure cannot exceed the demolition shown on the plan approved by the Zoning Board of Appeals.

#### **46-5 Procedures for Variances in Flood Hazard Zones Pursuant to §31-11**

##### **46-5.1 Pre-Existing, Small Lot Location**

Variances may be issued by the Zoning Board of Appeals for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with §46-5.4.2.

**46-5.2 Functionally Dependent Uses**

Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of §46-5.4.2.

**46-5.3 Floodway Prohibition**

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**46-5.4 Considerations For Granting of Variances**

- 46-5.4.1 In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) The danger that materials may be swept onto other lands to the injury of others;
  - (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community;
  - (e) The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
  - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (g) The compatibility of the proposed use with existing and anticipated development;
  - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (k) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (l) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and;
  - (m) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

46-5.4.2 Conditions for Variances

- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
- (b) Variances shall only be issued upon
  - (1) a showing of good and sufficient cause,
  - (2) a determination that failure to grant the variance would result in exceptional hardship, and;
  - (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
- (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest floor elevation.

**46-6 Public Hearing**

The Zoning Board of Appeals shall hold a public hearing on all applications and appeals within sixty-five (65) days after the date of receipt and proper notice in accordance with the provisions of the General Statutes.

**46-7 Board Action**

The Zoning Board of Appeals shall decide each case in accordance with the General Statutes.

**46-8 Notice of Decision**

Notice of decision of the Zoning Board of Appeals shall be published in accordance with the General Statutes.

**46-9 Effective Date**

Variances shall become effective upon the filing of a copy thereof in the office of the Town Clerk and the recording of a copy thereof in the land records of the Town.

## **§47 SEVERABILITY, REPEALER AND EFFECTIVE DATE**

### **47-1 Severability**

Should any section or provision of these regulations be declared by the courts to be unconstitutional, invalid or unlawful; or become inoperative by virtue of the operation of any law or otherwise, such decision or inoperability shall not affect the validity of these regulations as a whole, or in any part thereof other than the section or provision so declared to be unconstitutional, invalid or unlawful.

### **47-2 Repealer**

The provisions of the Zoning Regulations of the Town of Westport as adopted August 30, 1930 and subsequently amended are hereby repealed as of the effective date of these Zoning Regulations, except that all terms and conditions attached to Special Permits, Site Plans, Zoning Permits, Conditional Permits, and Variances granted under prior regulations shall remain in effect.

### **47-3 Effective Date**

These Regulations shall take effect on May 26, 1978, as amended

# §51 GENERAL REQUIREMENTS

## **51-1 Purpose**

The following regulations shall apply to the subdivision and re-subdivision of land within the Town of Westport.

## **51-2 Definitions**

The terms "subdivision", "re-subdivision" and "work" as used in these regulations are defined in §8-18 and §8-26c of the Connecticut General Statutes. The definitions contained in §5 of the Zoning Regulations shall also apply to the Subdivision Regulations.

## **51-3 Waiver**

The Commission, upon written request from the applicant, may waive specific requirements of these regulations by a 3/4 vote of all Commission members, with respect to a subdivision where, owing to physical site conditions, especially affecting such subdivision, a literal application of these regulations would result in undesirable development, adverse impacts, practical difficulty or unusual hardship, so that substantial justice will be done. No waiver shall be granted that would conflict with the Zoning Regulations, the Town Road Acceptance Ordinance in cases of subdivision of four (4) or more lots, or any other Town, State or Federal regulation, or that would reduce the paved travelpath of any roadway to less than eleven (11) feet in width, or that would have a significant adverse effect on adjacent property or on public health and safety. In granting a waiver of a specific requirement of these regulations, the Commission shall state a reason for its action and may attach such conditions that it deems necessary to preserve the purpose and intent of these regulations.

### **51-3.1 Subdivision Modifications**

Applications for subdivision modifications, including driveway relocations, which are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application; except that modifications which are found to be of minor nature or which do not materially alter the Subdivision, may be authorized by the Planning Staff with the concurrence of the Town Engineer, where appropriate. Whenever the Planning Staff authorizes any such modification it shall at the same time record such authorization in the file.

## **51-4 Map Required**

No subdivision of land shall be made until a map for such subdivision has been approved and endorsed by the Commission and filed in the office of the Town Clerk.

## **51-5 Approval**

The Commission shall not approve any subdivision plan unless it conforms to the standards hereinafter specified.

No subdivision map shall be valid until it has been endorsed by the Chairman or Secretary of the Commission and is filed in the Office of the Westport Town Clerk.

## **51-6 Penalties for Violations**

Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be subject to penalties in accordance with the General Statutes.

# **§52 PROCEDURES**

## **52-1 Purpose**

The Commission, in reviewing any subdivision maps, and the person, firm or corporation proposing a subdivision shall follow the provisions hereinafter specified. Applications shall be considered in accordance with the procedures adopted by the Commission, as amended from time to time.

## **52-2 Submission of Required Materials**

All maps, plans, documents and data required by these regulations shall be presented to the Commission or its designated agent(s) at the Commission Office.

## **52-3 Required Materials**

**52-3.1** Before the Commission shall consider an application for a subdivision, all the required maps, plans and documents set forth in §52-4 shall be submitted by the applicant.

**52-3.2** The applicant shall also obtain and submit any required report or document set forth in §52-5 at least fourteen (14) days prior to the public hearing or Commission Review. If any such report or document has not been submitted, the Planning Staff shall so notify the Commission.

## **52-4 Applications**

### **52-4.1 Application Forms**

Application for approval of a subdivision shall be made to the Commission in writing on forms prescribed by the Commission. The application shall be signed by the applicant, and if the subdivision is proposed by an applicant other than owner of the land to be subdivided, the application shall be signed by the owner.

### **52-4.2 Fee**

All applications shall be accompanied by a fee, pursuant to an adopted Fee Schedule, to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.

### **52-4.3 Map of Existing Conditions**

All applications shall be accompanied by a map of existing conditions, the proposed general layout of the subdivision and a tentative layout of all contiguous land of the applicant that may be subdivided in the future, prepared by and bearing the seal of a land surveyor or engineer, licensed to practice in the State of Connecticut. Ten (10) prints of the map shall be submitted to the Commission. The map shall show the following:

- 52-4.3.1 Existing buildings and structures and existing and proposed property lines, street lines, zoning district boundary line, easements and rights-of-way with dimensions.

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- 52-4.3.2 Adjoining property lines for a distance of one hundred (100) feet from the perimeter of the subdivision and the names of owners, as shown on tax assessment records, but within two hundred fifty (250) feet of the subdivision.
- 52-4.3.3 Existing and proposed waterbodies, watercourses, wetland boundaries, mean high water line, extreme high tide line and channel encroachment lines.
- 52-4.3.4 Existing and proposed street lines.
- 52-4.3.5 Existing and proposed building locations (footprint), driveways, parking areas, storm drains, sanitary sewers, septic systems, and reserve areas, water wells, catch basins, manholes, bridges, headwalls, utility poles and lines, high pressure gas lines and electric high tension lines, and all other structures pertaining to streets, drainage, sewers, utilities and site development.
- 52-4.3.6 Proposed lot arrangement and lot numbers.
- 52-4.3.7 Existing contours at an interval not exceeding two (2) feet based on Town datum with source of the contours noted on the map.
- 52-4.3.8 Key elevations of existing adjoining roads and spot elevations showing proposed grading of proposed roads within the subdivision.
- 52-4.3.9 Location of percolation test holes and all test pits.
- 52-4.3.10 Existing and proposed parks, recreation areas and open spaces.
- 52-4.3.11 Principal wooded areas, open areas and other specimen trees of more than 12" caliper measured four feet off the ground and mature evergreens of ornamental quality and any ledge outcrops and existing stone walls and fences.
- 52-4.3.12 Location map [scale one (1) inch equals eight hundred (800) or one thousand (1,000) feet] showing location of subdivision and relation to primary roads in town.
- 52-4.3.13 Name of subdivision and applicant and names of those having any beneficial interests.
- 52-4.3.14 Title, date, graphic scale, name of Town and north point
- 52-4.3.15 Name of engineer or surveyor preparing map.
- 52-4.3.16 The map shall be drawn to a scale of not smaller than one hundred (100) feet to the inch.

**52-4.4 Subdivision Map**

A subdivision map, prepared by and bearing the seal of a land surveyor or engineer, licensed to practice in the State of Connecticut, certifying that the accuracy of the information on the map meets standards for a "Class A-2 Transit Survey" of the Connecticut Technical Council, Inc. shall be submitted. The map shall not exceed twenty-four by thirty-six inches (24"x36"), shall be drawn to a scale not smaller than one hundred (100) feet to the inch and shall be drawn with black waterproof ink on good quality linen or mylar. Ten (10) paper prints of the map shall be

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submitted to the Commission. If the map is not drawn at a scale of one hundred (100) feet to the inch, a Photostat reduction of the map to one hundred feet (100) to the inch shall also be submitted when the mylar is brought in for endorsement. The map shall show the following:

- 52-4.4.1 Existing buildings and structures and existing and proposed property and street lines.
- 52-4.4.2 Adjoining property lines and the names of adjoining owners as shown on tax assessment records, including those within two-hundred fifty (250) feet of the subdivision.
- 52-4.4.3 Waterbodies, watercourses, rights-of-way, wetlands boundaries, mean high water line, extreme high tide line and channel encroachment lines and the first twenty (20) feet of existing and proposed driveways.
- 52-4.4.4 Existing and proposed parks, recreation areas and open space.
- 52-4.4.5 Proposed lots, proposed lot numbers in a circle symbol and new street address numbers in a hexagon symbol.
- 52-4.4.6 All dimensions and all bearings or angles on all property lines, proposed lots, street lines, easements, rights-of-way, parks, recreation areas and open spaces.
- 52-4.4.7 The central angle, tangent distance and radius of all arcs.
- 52-4.4.8 The width of all streets, rights-of-way and easements.
- 52-4.4.9 The square footage and acreage of all lots, parks, recreation areas, playgrounds and open spaces including lot area calculations as defined herein.
- 52-4.4.10 The minimum required setback lines and rectangle shall be drawn in all proposed lots including rectangle area calculations as defined herein.
- 52-4.4.11 Existing and proposed street names and street monument sites.
- 52-4.4.12 The designation "Private" on any proposed private street or right-of-way.
- 52-4.4.13 The survey relationship of proposed streets to nearby monumented town or state highways or to nearby subdivisions if any such highways or subdivisions
- 52-4.4.14 Title, date, graphic scale, name of Town and north point.
- 52-4.4.15 The words "Approved by the Director of Health" with a designated place for the signature of the Director and date of signing, or the words "Approved by the Westport Water Pollution Control Authority" with a place for the signature of the head of the Authority and date of signing.
- 52-4.4.16 The words "Approved by the Planning and Zoning Commission" with a designated place for the signature of the Chairman or Secretary and date of endorsement.
- 52-4.4.17 The words "Work Completion Date" with a designated place for the five-year expiration date.



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- 52-4.4.18 The error of closure, which shall not exceed one (1) in five thousand (5,000).
- 52-4.4.19 An index map if the proposed subdivision is divided into sections or is of such size that more than one (1) sheet is required.
- 52-4.4.20 A location map [scale one (1) inch equals eight hundred (800) or one thousand (1,000) feet] showing the location of the subdivision and relation to primary roads in town.
- 52-4.4.21 The words "Subdivision Approval" with a designated place for the date of approval.

**52-4.5 Construction Plans**

All applications shall be accompanied by plan and profile drawings of all proposed streets, sight lines, street trees, storm drains, sanitary sewers, catch basins, manholes, ditches, waterbodies, watercourses, headwalls, sidewalks, curbs, gutters, bridges, culverts, underground utilities and all other structures pertaining to streets, drainage and sewers. Plan and profile drawings shall be submitted on good quality linen or mylar, shall not exceed twenty four (24) x thirty six (36) inches in size, and shall be drawn to a horizontal scale of one (1) inch to forty (40) feet and vertical scale of one(1) inch to four (4) feet. Profile drawings and elevations shall be based on town datum. In the case of streets, sample road cross sections shall be shown and the profiles shall show the existing grades and proposed elevations at the center line and both street lines. The depth, invert, slope and size of all pipes, ditches, ponds and streams shall be shown. Detail drawings of any bridges, box culverts, deep manholes, street signs, traffic signs and other special structures shall also be submitted. Ten (10) black line or blue line prints of the construction plans shall be submitted and shall bear the seal of a land surveyor or engineer licensed to practice in the State of Connecticut.

**52-4.6 Grading Plans**

In the event that any major regrading, cuts, fills, or soil or rock removal is proposed in the area of the subdivision, an application shall be accompanied by a grading plan showing existing contours, proposed contours, the estimated amount of material to be added or removed and the proposed layout of streets, lots, park and recreation areas, trees and drainage, at a scale of not less than one hundred (100) feet to the inch. The Commission may require the grading plan to show the proposed location of the septic system, reserve area, buildings, structures, parking areas and driveways. The contour interval shall not exceed two (2) feet and shall be based on Town datum. Ten (10) black line or blue line prints of the grading plan shall be submitted and shall bear the seal of a land surveyor or engineer licensed to practice in the State of Connecticut.

**52-4.7 Notice Mailing**

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- 52-4.7.1 A list of names and addresses of all property owners within two hundred fifty (250) feet of the subject property, shall be submitted.
- 52-4.7.2 Certificates of Mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.

**52-5 Other Reports and Documents**

The applicant shall also obtain and submit to the Commission such of the following reports and documents as are applicable.

**52-5.1 Water Pollution Control Authority Certificate**

When the subdivision is to be served by sanitary sewers, a statement from the Westport Water Pollution Control Authority and State Department of Environmental Protection, where applicable, shall be submitted, certifying that the plans for sanitary sewers and appurtenances have been approved by the Authority and/or the Department of Environmental Protection.

**52-5.2 Health Certificate**

When the subdivision is not served by sanitary sewers and/or by public water supply, a statement from the Director of the Westport-Weston Health District shall be submitted certifying that the land to be subdivided and the subdivision plans are satisfactory for private sewage disposal and water supply systems. The Director's approval shall be endorsed on the subdivision map prior to the Commission's endorsement.

**52-5.3 Conn. DOT Permits**

Where a proposed street, driveway or drainage system joins with a state highway, the applicant shall obtain a permit for such connection from the Connecticut Department of Transportation and shall present a copy of such permit to the Commission.

**52-5.4 Easements and Deeds**

Easements for sanitary sewers and public rights-of-way, and easements for storm drainage and watercourses draining existing or proposed public or private streets that may be constructed in the future, shall be confirmed by written easements and deeds describing the land involved and privileges of the Town in a form eliminating any Town liability for installation and maintenance and shall be satisfactory to the Town Attorney. Such easements and deeds shall be submitted to the Commission.

**52-5.5 Subdivision Within the Coastal Area**

Any subdivision proposed to be located within the Coastal Area as defined in Sec. 4 of the CAM Act shall be subject to a Coastal Site Plan Review pursuant to § 31-8 Coastal Area Regulations of the Westport Zoning Regulations.

**52-5.6 Archeological Report For Certain Subdivisions**

Any subdivision of five (5) lots or more, or of five (5) or more acres will require a site investigation to identify historically, archaeologically and/or paleontological sensitive areas and/or actual sites within the proposed subdivision area, unless the professional determines in writing that such investigation is unnecessary. The Commission may require said investigation for smaller subdivision if deemed necessary. The investigation is to be undertaken by or under the supervision of a professional, such as a professional archaeologist, or other professional with similar credentials. A complete report of the investigation shall be submitted to the Commission. The report is not limited to, but shall include the information required in §44-2.7 of the Zoning Regulations.

**52-5.7 Sediment and Erosion Control Plan**

A sediment and erosion control plan shall be required pursuant to §37-1 herein for all subdivision applications where the cumulative area(s) of disturbance is one half (1/2) acre or more; and may be required for applications with less than one half (1/2) acre of disturbed area(s) if deemed necessary by the Planning and Zoning Commission.

**52-6 Standards For Subdivisions in Flood Hazard Areas**

In all special flood hazard areas, the following requirements shall apply:

52-6.1 All subdivision proposals shall be consistent with the need to minimize flood damage;

52-6.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

52-6.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

52-6.4 In Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development.

**52-7 Other Evidence**

Other evidence may be required, if necessary for the Commission's determination, establishing that the land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety or alteration of significant archeological, historical and/or paleontological resources (significance to be determined by the State Historic Preservation Officer), that the proper provision will be made for water, drainage and sewerage and, in areas contiguous to wetlands, brooks, rivers or other areas subject to flooding, that proper provision will be made for protective flood control measures, that in places deemed proper by the Commission open space for parks and playgrounds will be established and if the Commission

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shall have adopted a Town Plan of Development affecting the area of the proposed subdivision, that any proposed street shown on the subdivision plan is in harmony with existing or proposed streets shown on said plan, especially in regard to safe intersections with such streets.

## **§53 APPROVAL AND COMPLIANCE**

### **53-1 *Completeness, Date of Submission and Date of Receipt***

An application shall be deemed to be complete if it is in proper form and accompanied by all the application material required by §52-4. The Planning Staff note on the application the date by which all such requirements have been met and such date shall be the date of submission to the Commission. If the Planning Staff fails to so notify the Commission within 30 days of the date of filing such application in the Planning and Zoning Office, the application shall be deemed to be submitted on the 31st day after the date of filing.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of submission to the Commission of a complete application or thirty-five (35) days after such submission, whichever is sooner.

### **53-2 *Regional Referral***

Any proposed Subdivision which abuts or crosses the Town Line shall be referred to the Regional Planning Agency and adjoining municipality in accordance with §8-26b and P.A. 87-307 of the Connecticut General Statutes, respectively.

### **53-3 *Public Hearing***

Within sixty-five (65) days after the date of receipt of a complete application, the Commission shall hold a public hearing on said application. Notice of a public hearing shall be published in accordance with §8-26 of the Connecticut General Statutes.

### **53-4 *Commission Review***

53-4.1 In reviewing a Subdivision application, the Commission shall take into consideration the public health, safety and general welfare.

53-4.2 The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these regulations.

53-4.3 If an application involves land regulated by the Conservation Commission, the Planning and Zoning Commission shall not render its decision until the Conservation Commission or Conservation Director has submitted a report with its final decision. In making its decision the Planning and Zoning Commission shall give due consideration to such report.

### **53-5 *Commission Action***

#### **53-5.1 *Approvals***

Subject to §53-5.2, within 65 days after completion of the public hearing, the Commission shall approve, modify and approve or disapprove any subdivision map or any accompanying plan or document. The Commission shall give approval to the proposed subdivision if it shall find that the subdivision map and plans and accompanying certificates, documents and data conform to the conditions and requirements of these regulations. In granting approval the Commission may attach such conditions it deems necessary to modify the subdivision map, plans or documents and to preserve the purpose and intent of proper regulations. The grounds for its action shall be stated in the records of the Commission.

**53-5.2 Conservation Decision**

f in the case of an application involving an activity regulated by the Conservation Commission, the time for decision by the Planning and Zoning Commission pursuant to §53-5.1 would elapse prior to the thirty-fifth day after a decision by the Conservation Commission or Conservation Director, the time period for a decision by the Planning and Zoning Commission shall be extended to thirty-five days after the Conservation decision.

**53-5.3 Conditional Approvals**

When the Commission approves a subdivision or re-subdivision with conditions each and all of said conditions shall be a integral part of the Commission's decision. Should any of the conditions of appeal from such decision, be found to be void or of no legal effect, then the conditional approval is likewise void. The applicant may refile another application for review.

**53-6 Extension of Time**

The applicant may consent in writing to an extension of the time periods in accordance with §8-26d of the Connecticut General Statutes.

**53-7 Notice of Decision**

Notice of decision of the Commission shall be published in a newspaper having a substantial circulation in the Town of Westport and shall be sent by certified mail to the applicant within 15 days after the decision.

**53-8 Map Endorsement**

The Chairman or Secretary of the Commission shall not endorse the subdivision map to permit filing with the Town Clerk until applicable conditions of final approval have been met, until the map has been signed by the Head of the Water Pollution Control Authority or the Director of Health, whichever is applicable, and until all required subdivision improvements have been completed in accordance with §53-10 herein.

**53-9 Bonding**

Prior to endorsement of the subdivision map, the applicant shall post a bond with surety with the Commission. Such bond shall be in a form acceptable to the Town Attorney and in such amount as the Commission shall deem sufficient to ensure the satisfactory completion of all required improvements in accordance with the approved subdivision plans. An itemized estimate of the cost of the specific improvements, including water, electric and telephone lines, shall be prepared by applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Town Engineer and the Planning Director for approval. The bond may be in the form of cash, a certified check payable to the Town of Westport, a savings passbook with a bank letter and a signed withdrawal slip for a joint account in the name of the Town and applicant, an irrevocable letter of credit from a bank or an insurance company performance bond written by an insurance or surety company authorized to write bonds in the State of Connecticut. Said bond shall be posted with the Town, in accordance with the approved Subdivision. The bond cannot expire in less than five (5) years. The Commission may extend the period for completion of improvements up to a maximum of ten (10) years from the date of approval upon receipt of evidence of need of such extension and upon receipt of assurance from the applicant, bank or company that the bond obligation as determined pursuant to §53-11 will cover the extension period. Such bond must be posted with the Commission prior to the endorsement of the subdivision map by the Commission.

**53-10 Delivery and Filing**

Any plan for subdivision, including easements and deeds shall be filed by the applicant in the office of the Town Clerk within ninety (90) days of the expiration of the appeal period under §8-8 of the General Statutes of the State of Connecticut, or in the case of an appeal, within ninety days of the termination of such appeal by dismissal, withdrawal, or judgement in favor of the applicant. All such plans and documents shall be delivered to the applicant for filing not less than thirty days after the time for taking an appeal from the action of the Commission has elapsed, and in the event of an appeal, not less than thirty (30) days after the termination of such appeal by dismissal, withdrawal or judgement in favor of the applicant. No such plan shall be filed with the Town Clerk until its approval has been endorsed thereon by the Commission.

**53-11 Completion of Work**

All work in connection with any subdivision shall be completed within the following times from the date of approval of such subdivision:

- Subdivision approved on or before October 1, 1989 - 7 years
- Subdivision approved after October 1, 1989 - 5 years

The Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the total time shall not exceed ten years from the date the subdivision was approved. The Commission may condition the approval of an extension on a determination of the adequacy of the amount of the bond or other surety furnished under §53-9. The Commission's endorsement of approval of a plan shall state the date on which such approval expires. Failure to complete all work within the period of approval (including extensions, if any) shall result in expiration of the approval in accordance with §8-26 c (b) of the CGS.

**53-12 Release of Bond**

Before release of any subdivision bond, (or before the Commission endorses any subdivision map to permit filing with the Town Clerk when no subdivision bond has been posted) the applicant shall submit three (3) copies of "As-Built" construction plans, signed and sealed by a land surveyor or engineer licensed to practice in the State of Connecticut, certifying that the streets, curb cuts, storm drains, sanitary sewers, catch basins, manholes, ditches, headwalls, sidewalks, curbs, gutters, bridges, culverts, underground utilities, street trees and all other required improvements pertaining to streets, drainage and sewers have been installed in the location and at the elevation or grade shown on the approved construction plans. The Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the Town Engineer and the Tree Warden to determine if all of the conditions of approval have been met and if all required improvements have been satisfactory completed in accordance with the approved plans. Based on the findings only, the Commission may authorize the reduction or release of said bond and the subsequent release of conditions.

**53-13 Zoning Certificate of Compliance**

No Zoning Certificate of Compliance shall be issued by the Zoning Enforcement Officer for a principal building on an approved subdivision lot unless and until the subgrade and base course for the new subdivision road and any required drainage facilities located downstream or downhill from said lot have been installed, inspected and approved by the Town Engineer.

## **§54 DESIGN STANDARDS**

### **54-1 Purpose**

The following regulations and design standards shall apply to the planning and map layout of streets, lots, parks, recreation areas and other improvements and facilities shown on the subdivision map.

### **54-2 Streets**

Streets shall be planned in such a way as to provide a safe and convenient system for present and prospective traffic and to conform to the following standards.

### **54-3 Classification of Streets**

All existing and proposed streets and vehicular rights-of-way shown on the subdivision map shall be classified by the Commission in accordance with the Town Plan of Development as follows:

#### **54-3.1 Arterial Street or Major Thoroughfare**

The Commission shall classify as "Arterial," a street of considerable length, designed primarily to carry higher volumes of through traffic at higher speeds, to serve major traffic centers of activity and to interconnect towns and cross-town areas.

#### **54-3.2 Collector Street or Secondary Thoroughfare**

The Commission shall classify as "Collector," a street of medium length, primarily designed to carry some through traffic at medium speeds, to serve traffic between arterial and local streets and to connect adjacent neighborhoods.

#### **54-3.3 Minor or Local Streets**

The Commission shall classify as "Minor," a street of generally shorter length, primarily designed to carry local traffic at lower speeds and to provide access to abutting properties.

#### **54-3.4 Private Street or Right-of-Way**

Upon written request of the applicant, the Commission may classify a proposed street or right-of-way as a permanent private street or right-of-way if the Commission shall find that such street or right-of-way will not carry more traffic than is expected on a minor street and that such street or right-of-way will not impair the orderly development of the neighborhood or the safe and convenient circulation of vehicles and pedestrians in the neighborhood.

### **54-4 Street Width**

All streets shown on the subdivision map shall have the following minimum width of right-of-way according to their classifications:

**54-4.1** Arterial, sixty (60) feet.

**54-4.2** Collector, fifty (50) feet.



**54-4.3** Minor, forty (40) feet.

**54-4.4** Private street or right-of-way, twenty (20) feet to serve one (1) lot; thirty (30) feet to serve two (2) to five (5) lots; forty (40) feet to serve six (6) or more lots.

**54-5 Street Alignment**

The minimum radius of curvature at the center line of all streets shall be as follows, unless otherwise approved by the Town Engineer:

**54-5.1** Arterial, six hundred (600) feet.

**54-5.2** Collector, three hundred (300) feet.

**54-5.3** Minor, one hundred fifty (150) feet.

**54-5.4** Private street or right-of-way, one hundred fifty (150) feet on a private street or right-of-way serving six (6) or more lots; seventy-five (75) feet on other private streets or rights-of-way.

**54-6 Street Gradient**

The minimum gradient at the center line of all streets shall be as follows:

**54-6.1** Arterial, not less than one (1) percent nor more than eight (8) percent slope.

**54-6.2** Collector, not less than one (1) percent nor more than eight (8) percent slope.

**54-6.3** Minor and/or private streets, not less than one (1) percent nor more than ten (10) percent slope.

**54-6.4** Street intersections, not more than 6% slope. Gradients at street intersections shall be as flat as practicable on those sections to be used as storage space for stopped vehicles, subject to approval by the Town Engineer.

**54-7 Intersections**

The following standards shall apply to street intersections:

**54-7.1** No more than two (2) proposed streets shall intersect at any one (1) point.

**54-7.2** No streets shall intersect at any angle of less than eighty-five (85) degrees; except that no minor street or private street shall intersect with another minor street or private street at an angle of less than sixty (60) degrees.

**54-7.3** All intersecting street lines shall be rounded at the corner with a minimum radius of twenty (20) feet.

**54-8 *Sight Distances***

Clear visibility shall be provided for a minimum distance of 250 feet at intersections, as measured along the center line of the streets, and may be increased by the Town Engineer based on the street alignment and gradients.

**54-9 *Relation of Adjoining Areas***

Proposed minor streets and private streets and rights-of-way shall be planned to discourage through traffic, but also to provide a safe and convenient system for prospective traffic in the subdivision. Minor streets shall also provide a safe and convenient system for present and prospective traffic in the neighborhood, and shall be planned where appropriate to provide for continuation of existing streets in adjoining areas and for projection into adjoining properties when subdivided. Proposed streets or rights-of-way which may be projected into adjoining properties shall be carried to the boundary line; no reserve strips shall be permitted.

**54-10 *Cul-de-Sac***

Cul-de-sac streets closed at one (1) end by building lots and which will not be extended in the future, shall not exceed 1,200 feet in length.

**54-11 *Turnarounds***

A turnaround with a minimum diameter of ninety (90) feet shall be provided at the closed end of a cul-de-sac serving six (6) or more lots. Temporary dead-end streets which may be projected into adjoining property at some future date shall also be provided at the closed end with a turnaround having a minimum diameter of ninety (90) feet, but land for a turnaround on a temporary dead-end may be provided in the form of an easement bearing a condition for automatic termination upon extension of the dead-end. A "back-around" area shall be provided for dead-end streets serving only 2 to 5 lots.

**54-12 *Street Names and Street Address Numbers***

All streets, serving more than one (1) lot, shall be named and shall bear the names which are appropriate to the character of the Town and which do not duplicate or too closely approximate in spelling or sound existing street names in Westport. All proposed lots shall be given a street address number, by the Department of Public Works.

**54-13 *Street Monuments and Signs***

Two (2) street monument sites, preferably on a tangent and with an unobstructed line of sight between them shall be provided for each eight hundred (800) feet of street or right-of-way and shall not be less than two hundred (200) feet apart. The location of monument sites shall be subject to the approval of the Town Engineer and Police Chief.

**54-14 *Existing Streets***

Proposed subdivisions abutting an existing public or private street or State Highway may provide for proper widening of the right-of-way of such street or highway to the width appropriate for the classification given such street or highway by the Commission and may provide for proper widening of the traveled path of such street or highway to a width of not less than twenty (20) feet, exclusive of curbs and gutters and/or may provide for proper improvement of the traveled path of such street or highway to other Town road standards, such as surfacing, curbs, and drainage, when deemed necessary by the Commission for public safety.

**54-15 Street Lines**

Street lines on each side of a proposed street shall be parallel or concentric arcs. The boundary line between a private street intersecting an existing or proposed Arterial, Collector or Minor street shall be clearly delineated on the map.

**54-16 Street and Driveway Planning**

Proposed street and driveways shall be planned in such a manner as to provide safe and convenient access to proposed lots and with due consideration for accomplishing an attractive layout and development of the land in the subdivision and in the neighborhood. Streets should in general follow the contour of the land.

**54-16.1** The center line of any proposed street shall be staked out in the field from its beginning to the center of the turnaround or its end. The stakes shall not be more than 100 feet apart.

**54-16.2** All proposed streets shall connect with or extend from an existing improved street with at least a 20 feet travel path.

**54-16.3** No driveway locations shall be relocated without the prior approval of the Commission.

**54-17 Lots**

The area, shape and frontage of proposed lots shall conform to the Zoning Regulations of the Town of Westport and shall be of such shape, size, location, topography and character that buildings can be reasonably constructed in conformity with the requirements of the Zoning Regulations. Lots shall be of such character that they can be occupied and used for buildings purposes without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for occupancy and building by reason of swamps, water or flooding conditions, unsuitable soil, topography, ledge rock or other physical conditions shall be combined with another lot that is suitable or shall be marked "Not an Approved Building Lot" on the subdivision map.

**54-17.1** Three or more contiguous rear lots shall be served by a street.

**54-18 Utility Easements**

Easements, at least fifteen (15) feet in width or greater if required by the Town Engineer, shall be provided for all storm water and sanitary sewer pipes that are not to be installed in the streets. Easements shall also be provided for the full width of the channel of any stream or drainage ditch which will carry drainage runoff from any proposed street, existing street or streets which may be constructed in the future on the undeveloped land within the watershed. Easements at least fifteen (15) feet in width, or greater if required by the Town Engineer, shall also be provided for any storm water or sanitary sewer pipes to be installed in proposed private streets of rights-of-way when such pipes serve an existing public street or a proposed street that may be proposed for acceptance by the Town. Easements shall also be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision.

**54-19 Channel Encroachment Lines**

Channel encroachment lines shall be provided along any brook, stream or river for the purpose of preventing encroachment upon and construction of the natural water channel or flood prone areas by buildings, structures, filling or other activities, facilities and construction. The channel encroachment lines shall be based on sound engineering calculations anticipating a 25-year storm and/or 100-year flood potential and recognizing proper alignment and gradients of the channel. A note shall be placed on the subdivision map explaining the channel encroachment lines and stating the restrictions against building, structure, and activity encroaching upon the channel.

**54-20 Pedestrian and Conservation Easements**

**54-20.1 Public Access Easements**

In subdivisions where the proposed street system does not conform to the anticipated pattern of pedestrian circulation, particularly in the vicinity of schools, parks, playgrounds and open space, the Commission may require the provision of easements of at least ten (10) feet in width for the establishment of pedestrian ways for public access.

**54-20.2 Conservation Easements**

In subdivisions where there are environmentally sensitive and/or ecologically fragile natural resources such as wetlands, steep slopes in excess of 25% or scenic vistas, the Commission shall require the provision of appropriate conservation easements, as deemed necessary, to protect and preserve such natural resources and in locations deemed proper by the Planning and Zoning Commission. Unless approved by the Planning and Zoning Commission, within the area of the easement, it shall not be permitted to : (a) erect, build or place any buildings or other structures on the land, (b) disturb the topography of the land within said area from its present condition, (c) alter the vegetation (d) dump trash or any unsightly or offensive material.

**54-20.3 Location of Easements**

The locations and boundaries of any such easements shall be clearly shown on the subdivision map and physically identified on the ground with monuments where appropriate.

**54-21 Park, Recreation and Open Space Areas**

Land for park, recreation and open space areas shall be provided and reserved in each subdivision as deemed necessary by the Planning and Zoning Commission and in locations deemed proper by the Commission. The amount of open space for these purposes shall not exceed 10% of the total acreage of the subdivision. The land reserved shall be of such location, shape, topography and general character as to be usable to satisfy the needs determined by the Commission. Proper pedestrian reservation of land shall also conform to any Town Plan of Development pertaining to parks, playgrounds, recreation areas and open spaces.

Land for open space may be deeded as follows:

- (1) To the town for active or passive recreational purposes or for conservation; or
- (2) To a private association (such as a nature conservancy or the Aspetuck Land Trust) legally constituted for conservation purposes; or
- (3) To a private association consisting of the owner(s) of the lot(s) within the subdivision or resubdivision for a use determined by the Planning and Zoning Commission.

**54-21.1 Payments in lieu of open space.**

As provided under Section 8-25 and 8-25b of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the town or pay a fee to the town and transfer land to the town in lieu of any requirement to provide open space in the subdivision. Such payment or combination of payment and the fair market value of the land to be transferred shall be equal to ten per cent of fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Planning and Zoning Commission and the applicant, but the cost of such appraisal shall be paid by the applicant. Instead of an appraiser the Town Assessor could determine the current market value upon agreement of the applicant and the Commission. This value would be binding upon the parties. A fraction of such payment in lieu of open space, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision, shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

**54-21.2 Exceptions**

As provided in Section 8-25(a) of the Connecticut General Statutes, the open space requirement of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in section 8-39a of the Connecticut General Statutes, equal to twenty per cent or more of the total housing to be constructed in such subdivision.

**54-22 Flood Prone Areas**

If a proposed subdivision is located in a flood prone area, as designated on the Flood Insurance Rate Map (FIRM) as published by the Federal Emergency Management

- (1) it shall be designed to minimize the impact on the flood prone area;
- (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage; and
- (3) adequate drainage shall be provided to reduce exposure to flood hazards. For residential structures the lowest floor (including cellar or basement elevation) must be equal to, or above, the base flood level.

For non-residential structures the lowest floor (including cellar or basement elevation) must be elevated or flood-proofed to or above these minimum finished floor elevations. Non-compliance with these elevations shall preclude the issuance of a Certificate of Zoning Compliance and/or a Certificate of Occupancy. Base flood level data shall be utilized from the Flood Insurance Rate Map (FIRM) in Flood Zone A1-A30 and V1-V30 in Flood Zone A the base flood level data from alternative sources shall be reasonably utilized.

**54-23 Aquifer Impact**

In order to help maintain drinking water standards, sanitary wastewater discharge into on-site septic disposal systems should not average more than 350 gallons per gross acre per day within that portion of the primary recharge area of the Saugatuck River Aquifer located north of the Kings Highway Bridge (State Rt. 57) as shown in the "Guide to Ground Water & Aquifer

Protection" report for Westport by SWRPA dated July, 1980. Larger average discharges may require either the installation of community sewerage systems or public sanitary sewers or the construction of smaller buildings i.e. fewer bedrooms or less gross floor area.

**54-24 Solar Access and Design**

The purpose of this section is to encourage energy conservation, energy-efficient patterns of development and land use, and the use of solar and other renewable forms of energy.

**54-24.1 Standards and Conditions**

In addition to the other design standards and improvement requirements of these regulations, all subdivisions or re-subdivisions of land involving 4 or more building lots or 5 or more acres, whichever is greater, shall conform to the following standards and conditions:

54-24.1.1 Lot Lines

Insofar as practicable, the side lot lines of all lots shall be at right angles or radial to the street on which the lot has frontage unless the purpose of lot line orientation is to secure greater solar access or protection or control thereof.

54-24.1.2 Street Layout

Streets should, in general, follow the contour of the land and should have a location and grade which accomplishes an attractive layout and development of the land, which preserves natural terrain, large isolated trees and desirable woods and other vegetation; and which will enhance property values in the subdivision. When few natural constraints exist which limit street layout and location such as, but not limited to, steep slopes and unsuitable soils, streets should have an east-west orientation to the greatest extent possible with acceptable variations of ten (10) degrees to the northwest and twenty five (25) degrees to the southwest in order to provide for orientation of lots and buildings to the south, and thereby to encourage the use of solar energy systems.

54-24.1.3 Building Location and Orientation

The location and orientation of proposed principal residential buildings shall be such that each building has maximum solar access, i.e. the longest building wall should be south oriented.

54-24.1.4 Septic System

Septic system should be located on the south side of the house in order to protect the future solar access by removing trees and other vegetative cover that would cast a shadow on the building.

54-24.1.5 Natural Vegetation

The removal of large isolated trees and desirable woods and other vegetation, particularly those existing plant materials which serve as wind barriers and aid energy conservation, should be avoided.

## **§55 IMPROVEMENTS**

### **55-1 Approval of Improvements**

All streets, drainage, sewers and other required subdivision improvements shall be designed and constructed as provided herein and shall be subject to approval by the Commission and the Town Engineer.

### **55-2 Street Construction and Design**

All streets, including Arterial, Collector and Minor streets, and including private streets serving six (6) or more lots, shall be designed and constructed in accordance with the Requirements for the Acceptance of Roads by the Town of Westport adopted by the Representative Town Meeting on Sept. 9, 1964, as amended. Roads in private rights-of-way serving two (2) to five (5) lots only shall also be designed and constructed in accordance with such Regulations and Specifications, except that the aggregate total width of traveled path and gutters may be reduced to twenty (20) feet, subject to approval of the Town Engineer.

### **55-3 Storm Drainage Construction and Design**

Storm drainage in connection with Arterial, Collector and Minor streets and in connection with private streets serving six (6) or more lots, shall be provided, designed and constructed in accordance with Requirements for the Acceptance of Roads by the Town of Westport, adopted by the Representative Town Meeting on Sept. 9, 1964, as amended. Private rights-of-way serving two (2) to five (5) lots shall be provided with such storm drainage as may be determined necessary by the Town Engineer to prevent erosion, to prevent storm water from crossing the traveled path and to provide adequate collection and disposal of storm water where the private right-of-way joins with an existing public street or a street that may be proposed for acceptance by the Town. Storm drainage in the subdivision shall also be designed and constructed in accordance with the following standards:

#### **55-3.1 Design**

The minimum criteria for the design of all storm drainage systems and facilities shall be a 25-year storm and the maximum allowable total coverage.

- 55-3.1.1 Where it is anticipated that the additional run-off resulting from the development of a subdivision will overload an existing drainage facility during a 10-year design storm flow, the Commission shall not approve the subdivision unless and until provision has been made for the improvement of said condition.
- 55-3.1.2 Storm drainage facilities shall be designed to achieve at least a zero impact runoff based on a minimum 25 year storm flood, unless otherwise approved by both the Flood and Erosion Control Board and the Town Engineer.
- 55-3.1.3 Street culverts and bridges shall be designed for a 100-year storm flow.

#### **55-3.2 Pipe**

Sufficient storm water pipe shall be installed within the subdivision to drain the proposed streets and to carry existing watercourses within the subdivision area. If in its judgment there will be no substantial danger from soil erosion or danger to the public health and safety, the Commission may permit the discharge of rivers and large streams in their natural courses and may permit the discharge of storm water and established watercourses in open ditches across proposed lots. All

pipes and ditches shall be of such size, material and construction as will be sufficient to properly carry storm water expected to enter the pipe or ditch from the proposed subdivision and from other properties when developed which normally drain across the area of the proposed subdivision. Such pipe shall not be less than 15 inches in diameter with a minimum slope of 0.5% unless otherwise approved by the Town Engineer. The Commission may require the installation of additional drainage facilities, such as a detention pond, in order to maintain a zero runoff impact, in the subdivision where necessary to prevent flooding or soil erosion, to protect the public health and safety and to make the lots suitable for occupancy.

### **55-3.3 Discharge**

The discharge of all storm water shall be into suitable streams or rivers or into Town or State Highway drains with adequate capacity to carry the additional water. Where the discharge shall be into or through private property, proper easements and discharge rights shall be secured by the applicant. Where the discharge into or through private property consists of any storm water coming from an existing public street or a proposed street other than a private street or right-of-way, such easements and discharge rights shall also be secured by the applicant for the Town.

### **55-4 Sanitary Sewers**

The Commission may require the installation of sanitary sewers in any subdivision located within or reasonably close to the public sanitary sewer system of the Town. Installation of new sewer lines may be required and capped in anticipation of a future sewer connection. Sanitary sewers shall be designed and constructed in accordance with the Regulations of the Westport Sewer Authority dated August 30, 1960, as amended, and shall be subject to the approval of the Sewer Authority and the Connecticut Department of Environmental Protection, where appropriate.

### **55-5 Special Structures**

Bridges, box culverts, deep manholes, detention ponds, weirs, street signs, traffic signs and other special structures shall be designed in accordance with good engineering practice and shall be subject to approval of the Town Engineer.

### **55-6 Other Utilities**

All new electric and telephone lines shall be installed underground. The Commission may require the installation of water lines in any subdivision located within or reasonably close to the public water distribution system in the Town.

### **55-7 Monuments and Pins**

All property corners, angles and tangent points defining the property limits shall be either pinned or monumented. Monuments shall be provided at those locations indicated upon the subdivision map and unless noted herein, shall be installed in accordance with the Requirements for the Acceptance of Roads by the Town of Westport, adopted by the Representative Town Meeting on Sept. 9, 1964, as amended. All other property corners, angles and tangent points shall be pinned.

Monuments shall be precast of concrete having a twenty-eight day compressive strength of four thousand psi and shall be constructed with steel reinforcement, including four corner rods of minimum three-eighths inch diameter each. Monuments shall have minimum dimensions of four inches square at the top, seven inches square at the base and thirty-six inches in overall length. The top center of each unit shall be marked with a brass or bronze plug or drill hole. Survey pins shall be solid steel rods of minimum three-quarter inch diameter and thirty inch overall length.



Monuments and pins shall be installed after site grading has been completed and shall be either flush with, or with no more than two inches exposed above, finished grade. If the point of installation is exposed ledge, the point shall be marked with a brass plug in lieu of a monument and a drill hole or chiseled cross in lieu of a pin. Where site conditions preclude the installation of monuments or pins at specific locations, alternative marker locations shall be utilized at the discretion of the Town Engineer.

**55-8 Trees**

Street trees shall be planted on both sides of any proposed street and may be required on any subdivision side of an existing street. Trees shall be spaced not more than fifty (50) feet apart but subject to variations made necessary by driveways, street corners, walks and utility lines, and shall be located a minimum of five (5) feet from the edge of the pavement. Trees to be planted shall be at least 3 1/2 to 4 inches caliper as measured six (6) inches above the root crown. The type and species of tree shall be subject to the approval of the Tree Warden, and shall not include low branching trees or trees which cause damage to underground utilities, or which create a traffic hazard. Where the trees may interfere with utility poles and wires or underground utilities, or where soil and planting conditions may not be satisfactory, the Tree Warden may vary the required location for trees and may permit the location of required trees within the front fifteen (15) feet of the proposed lots. Trees shall be planted in accordance with the approved manner and conditions of the Tree Warden. Existing trees along the proposed street may be preserved to meet these requirements.

**55-9 Sidewalks**

Sidewalks shall be installed in all pedestrian easements. The Commission may require the installation of sidewalks on existing and proposed streets in the vicinity of schools, parks, and playgrounds and in other places where they are deemed necessary by the Commission for safety and convenience. Sidewalks shall be at least four (4) feet in width and shall be located within the right-of-way of the street. The Town Engineer may vary the required location for a sidewalk in unusual circumstances involving steep grades, ledge outcroppings, or where the sidewalk would require removal of a tree or utility pole which would add to the appearance of the street.

**55-10 Sediment & Erosion Control Plan**

A sediment and erosion control plan shall be required pursuant to §37 herein for all subdivision applications where the cumulative area(s) of disturbance is one half (1/2) acre or more; and may be required for applications with less than one half (1/2) acre of disturbed area(s) if deemed necessary by the Planning and Zoning Commission.

**55-11 Construction Procedure**

Construction and installation of streets, storm drainage, sanitary sewers and other improvements required by these regulations shall not be considered authorized until the proposed subdivision maps, plans and documents have been approved by the Commission and all of the conditions of approval have been met with the exception of completion of improvements or posting of a bond to guarantee such completion. Construction and installation of streets, storm drainage, sanitary sewers and other improvements shall be carried out in accordance with procedures specified in the applicable Town regulation, as amended, and subject to the approval of the Town Engineer. The subdivider will be required to supply a certified "as-built" mylar of the subdivision improvements prior to final release of the bond. This mylar must conform to the standards of the Town Clerk for mylars to be filed upon the land records.

## **§56 OPEN SPACE SUBDIVISIONS**

### **56-1 Purpose**

In accordance with the Zoning Regulations, the Commission may permit the establishment of an Open Space Subdivision in a Residence AAA or Residence AA or Residence A zoning district for one (1) or more of the following purposes:

- 56-1.1** To avoid hazardous conditions and excessive damage from storm water runoff and stream flooding, to safeguard the groundwater table, and to protect streams and ponds from pollution, to protect and preserve the natural beauty of the terrain, and to encourage the wise use and sound management of natural resources throughout the Town.
- 56-1.2** To provide land for neighborhood recreation purposes.
- 56-1.3** To permit the best possible design of a parcel of land after consideration of its particular topography, size, shape, soils or other unique features such as valuable trees, watercourses, waterbodies, and historical, archeological and/or paleontological sites.
- 56-1.4** To preserve open space within the Town and to maintain the natural appearance, beauty and character of an area.

### **56-2 Procedural Requirements**

In addition to the procedural requirements of §52, an application for a proposed Open Space Subdivision Plan shall be accompanied by the following:

#### **56-2.1 Written Application**

The application required under §52-4 shall also contain a description of the extent to which the provisions for open space will be utilized, i.e., reduction of lot sizes, shape and setback.

#### **56-2.2 Existing Conditions Map**

- 56-2.2.1** The existing conditions map required by §52-4.3 shall show a conventional layout of lots and streets in conformity with zoning and subdivision requirements without the open space.
- 56-2.2.2** A duplicate of the existing conditions map required by §52-4.3 shall also show the proposed clustered layout of lots and sheets in conformity with the zoning and subdivision regulations with the proposed open space.

#### **56-2.3 Subdivision Map**

- 56-2.3.1** A subdivision plan for the proposed Open Space Subdivision shall show the proposed lots, setbacks and open spaces, as well as all other requirements for approval of a subdivision under §52-4.4 of the of the Subdivision Regulations of the Town of Westport.

**56-3 Standards and Conditions**

In addition to the design standards and improvement requirements of §54 and 55, a proposed Open Space Subdivision Plan shall conform to the following standards and conditions:

**56-3.1 Size**

The tract of land to be subdivided shall be not less than

- (a) 6 acres in a Res. AAA zone,
- (b) 3 acres in a Res. AA zone, and
- (c) 2 acres in a Res.A zone.

**56-3.2 Number of Lots**

The number of clustered lots in an Open Space Subdivision shall not exceed the number of conventional lots that could be created under the applicable zoning regulations for the district in which it is located and under the Subdivision Regulations of the Town, as indicated by the existing conditions maps required by §56-2.2, herein.

56-3.2.1 If the Existing Conditions Maps contain any wetlands, waterbodies or watercourses, then said maps shall be referred to the Conservation Commission for their review and a written recommendation indicating that the conventional lot layout either does or does not have a reasonable probability of complying with Inland Wetland Regulations shall be submitted to the Planning and Zoning Commission.

56-3.2.2 Nevertheless, the Planning and Zoning Commission shall be solely responsible for determining the number of conventional lots that could be created on the site.

**56-3.3 Lot Area and Shape**

Proposed lots may be reduced in area and shape to an extent equal to the area and shape requirements of lots in the next less restrictive zoning district. Therefore, lots in the AAA zone can be reduced to not less than one (1) acre; lots in the AA zone can be reduced to not less than one-half (1/2) acre and lots in the A zone can be reduced to not less than one-quarter (1/4) acre.

**56-3.4 Setbacks**

Proposed lots shall be allowed to meet the setback requirements of the next less restrictive zoning district, except that any setback along the boundary of the Open Space Subdivision shall meet the setback requirements of the zoning district in which it is located.

56-3.4.1 Setbacks for 1/4 acre lots within Residence A Zone shall be:

	Boundary Line	Interior Lot Line
Front	30 Feet	30 Feet
Side	15 Feet	10 Feet
Rear	25 Feet	25 Feet

56-3.4.2 Each one quarter (1/4) acre lot within an A zone shall be of such shape that a rectangle of seventy five (75) x one hundred (100) feet will fit on the lot.



**56-3.5 Water Supply and Sewage Disposal**

Each proposed lot may be reduced in area as provided herein only if approved by the Westport/Weston Health District and/or Westport Water Pollution Control Authority as satisfactory for the establishment of the proposed water and sewer facilities. Each proposed lot that is less than one acre (43,560 square feet) in size shall be served by either a public sanitary sewer or by a Community Sewerage System approved by the Conn. DEP.

**56-3.6 Area of Open Space**

The open space shall have an area not less than the total reduction in the normally required lot areas for the zoning district in which the Open Space Subdivision Plan is located. At least 75% of the open space shall be in one parcel. No land in streets and no recreation land as may normally be required by the Commission under §54-21, herein, shall be included in the Open Space.

**56-3.7 Location and Shape of Open Space**

The open space shall be located where it will carry out the purposes listed herein. It shall be of shape and dimensions considered adequate by the Commission after the consideration of the purposes of the Open Space.

**56-3.8 Access to Open Space**

Access shall be provided in such form and location to ensure the convenient use of the open space lands by all residents of the subdivision. Provision for at least one accessway, not less than twenty (20) feet in width, shall be made from a street.

**56-4 Use of Open Space**

The use of the resultant Open Space shall conform to the use as prescribed by the Commission in the approval of the Open Space Subdivision Plan. Open space land shall be shown on the Open Space Subdivision Plan and shall be appropriately labeled as required by the Commission.

- 56-4.1.1 Open Space land shall not be available or used for building lots at any time and shall be reserved and shall be available in perpetuity as open space.
- 56-4.1.2 Upon written petition signed by at least seventy-five (75) percent of the owners of record of the Open Space parcel, the Commission may approve changes in the use of the Open Space, provided that the Commission finds that the intent and purpose of the Open Space provision shall be maintained and preserved.

**56-5 Ownership of Open Space**

The open space shall either be conveyed to a tax-exempt agency or to the individual lot owners.

**56-5.1 Public**

- (a) If the open space parcel is more than two acres in size, the applicant may dedicate the open space to the Town of Westport, Westport Conservation Commission, Aspetuck Land Trust, Audubon Society or other similar tax exempt agency that is willing to accept and maintain said open space.
- (b) If the open space parcel is two acres or less in size, the applicant may dedicate the open space to the Town of Westport, or Westport Conservation Commission provided said parcel is contiguous to another Town-owned parcel.

**56-5.2 Private**

The applicant may convey the open space to individual lot owners as follows:

- 56-5.2.1 The owner of each lot in an Open Space Subdivision shall own an undivided interest in the Open Space proportionate to the total number of lots in the subdivision.
- 56-5.2.2 The owners shall be jointly responsible for the financial and physical maintenance of the Open Space through an association organized for that purpose.
- 56-5.2.3 Reservation and ownership of such Open Space lands shall be recorded in deeds or other legal instruments satisfactory to the Commission and approved by the Town Attorney as adequate to ensure the continued and proper maintenance and use of the Open Space lands by the owner(s) of the open space parcel(s).
- 56-5.2.4 Such deeds and legal instruments shall be recorded with the Town Clerk. This information shall also be recorded on the subdivision map in a manner satisfactory to the Commission.

**56-6 Final Approval**

An application for an Open Space Subdivision shall adhere to all of the approval and compliance requirements of §53, herein. The Commission may then approve the Open Space Subdivision Plan if it finds that the purposes, application procedure, standards and conditions of the Subdivision Regulations have been met and that the proposed development will not be detrimental to the public health, safety, general welfare and property values of the neighborhood. The Commission may attach such conditions that it deems necessary to preserve the purpose and intent of the Zoning and Subdivision Regulations of the Town.

## **§57 SEVERABILITY, REPEALER AND EFFECTIVE DATE**

### **57-1 Severability**

Should any section or provision of these regulations be declared by the courts to be unconstitutional, invalid or unlawful; or become inoperative by virtue of the operation of any law or otherwise, such decision or in operability shall not affect the validity of these regulations as a whole, or any part thereof other than the section or provision so declared to be unconstitutional, invalid or unlawful.

### **57-2 Repealer**

The provisions of the Subdivision Regulations of the Town of Westport as adopted May 23, 1955 and subsequently amended, are repealed as of the effective date of these Subdivision Regulations, except that all terms and conditions attached to approved subdivisions shall remain in effect.

### **57-3 Effective Date**

These Regulations shall take effect on August 15, 1990 as amended.

## A. LAND USE FEES

Pursuant to Public Act 82-282, as the same may be amended from time to time, the following schedule of fees is hereby adopted:

Effective July 1, 2003, Section 22a-27j of the CT General Statutes requires that an additional fee of \$20.00 (twenty dollars) be collected for remittance to the State. These funds will be used by the Department of Environmental Conservation for funding certain Environmental Review Team programs.

### Planning and Zoning Applications

**Town Plan amendment (text and/or map)** \$200.00 + \$30.00

#### Zoning Amendment

- (a) Text change \$400.00 + \$30.00
- (b) Map change \$400.00 + \$30.00

#### Special Permits

- (a) Special Permit \$400.00 + \$30.00
- (b) CAM Special Permit \$450.00 + \$30.00

#### Site Plans

- (a) Minor (to be heard by ARC) \$175.00 + \$30.00
- (b) Major (to be heard by Planning and Zoning Commission) \$400.00 + \$30.00
- (c) Residential CAM site plan \$200.00 + \$30.00
- (d) Commercial CAM site plan \$450.00 + \$30.00

#### Accessory Apartment

If property owner is 62 years of age or older \$25.00 + \$30.00

#### Excavation and Fill

- (a) 5,000 sq. ft. or 1,000 cu. yds. \$175.00 + \$30.00  
(to be heard by ARC)
- (b) Over 5,000 sq. ft. or 1,000 cu. yds. \$400.00 + \$30.00  
(to be heard by Planning and Zoning Commission)

#### Subdivision/resubdivision

Subdivision \$450.00 + \$30.00

Each additional lot in excess of two lots add \$100.00

**Zoning Permits**

**Zoning permits, per the value schedule based on construction cost and posted in the Planning and Zoning Office.**

Free-Standing Sign Permit and ZCC	\$50.00 + \$30.00
Wall Sign Permit and ZCC	\$50.00 + \$30.00
Temporary Zoning Permit	\$100.00 + \$30.00
Residential, minimum fee	\$25.00 + \$30.00
Commercial, minimum fee	\$50.00 + \$30.00

**Conditional Zoning Certificate of Compliance**

Residential	\$ 25.00
Commercial	\$ 50.00

**Final Zoning Certificate of Compliance**

Residential, additions and renovations	\$ 25.00
Residential, new house	\$50.00
Commercial/multi-family interior renovations only	\$50.00
Other commercial/ multi-family projects	\$100.00

**Zoning Board of Appeals**

(1) Commercial Uses	\$400.00 + \$30.00
(2) Appeal of ZEO Decisions	\$150.00 + \$30.00
(3) Certificate of Location	\$200.00 + \$30.00
(4) Residential Uses	\$200.00 + \$30.00
(5) Signs	\$150.00 + \$30.00
(6) Conditional Permits	\$50.00 + \$30.00

<b>Zoning permits</b>	
Residential: Minimum fee	\$ 25.00 + \$30.00



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For new construction and alterations based on the estimated cost of the project up to \$250,000	\$1/\$1000 of the construction cost +\$30.00
Residential projects over \$250,000	\$2/\$1000 of the construction cost + \$30.00
Commercial/Multifamily: Minimum fee	\$ 50.00 + \$30.00
For new construction and alterations based on the estimated cost of the project up to \$250,000	\$5/\$1000 of the construction cost +\$30.00
Commercial/multifamily projects over \$250,000	\$6/\$1000 of the construction cost + \$30.00
Zoning Regulations	\$ 12.00
Zoning Map	\$ 4.00
Town Plan	\$ 10.00
Copies	\$ .50/page
Map sign offs for first cut division of land and building lot determination	\$ 75.00

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## C. Amendment Listing from 3/15/91

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Effective Date	Section/Amend. #	Description
<b>AMENDMENT LISTING FROM 3/15/91</b>		
3/15/91	§ 39/#402	Adds Historic Overlay District
<b>AMENDMENT LISTING FROM 6/10/91</b>		
6/21/91	§4-5/#406	Substitutes "most recent" for date of 1980.
6/21/91	§5-2/#406	Clarifies wording for "Floor Area"
6/21/91	§6-2.1/#406	Clarifies wording
6/21/91	§6-2.2/#406	Adds language limiting expansion/extension of buildings with non-conforming coverage
6/21/91	§6-2.3/#406	Revises section number
6/21/91	§6-2.4/#406	Revises section number
6/21/91	§11-2.4.6(b)/#406	Clarifies wording
6/21/91	§11-2.4.6(e)/#406	Removes family day care home, adds "home occupation as a teacher"
6/21/91	§11-2.4.6(g)/#406	Clarifies sign regulation for customary home occupation
6/21/91	§11- 2.4.12(d)/#406	Adds section reference
6/21/91	§33-6/#406	Changes section title to match regulation
6/21/91	§34-3/#406	Removes beauty salons and hairdressers as a special category
6/21/91	§33-7.4.5/#406	Clarifies language
6/21/916/21/91	§35-2.2.1/#406§38-3/#406	Adds language on retention of landscape area and use thereof. Adds language regarding specifications and procedures
6/21/91	§43-3.2/#406	Clarifies language
6/21/91	§43-3.3/#406	Specifies Westport P&Z forms and use of letter of authorization

Effective Date	Section / Amendment #	Description
6/21/91	§43-4/#406	Clarifies language
6/21/91	§43-6.3/#406	Clarifies language
6/21/91	§43-14/#406	Reduces cut-off date for required submission to seven days, instead of 14, for Administrative Approval
6/21/91	§43-14.2/#406	Clarifies language
6/21/91	§44-1/#406	Clarifies language, allows certain waivers
6/21/91	§44-1.1.1/#406	Removes need for signature block, clarifies language
6/21/91	§44-1.2/#406	Clarifies language
6/21/91	§44-1.4.1/#406	Deletes channel encroachment line
6/21/91	§44-1.4.2(a)/#406	Adds retaining walls
6/21/91	§44-1.6.1/#406	Clarifies language
6/21/91	§44-4/#406	Clarifies language
6/21/91	§46-3.2(a)/#406	Adds requirement for obtaining zoning permit within one year of date of variance
<b>AMENDMENT LISTING FROM 7/29/91</b>		
8/9/91	§11-2.4.6 (h) /#409(a)	Ensures conformity with the parking requirement in §34, and identifies requirements for parking for a s.f. residence with a home occupation.
8/9/91	§27-2.2.1 /#409(a)	Removes previously allowed special permit uses allowed in a Residence AAA district from the CPD district.
8/9/91	§42-1 /#409(a)	Allows the ZBA the right to petition the commission for changes to regulations.
8/9/91	§46-3.2 /#409(a)	Adopts additional wording to regulate and limit the expansion or extension of commercial uses within a residential district.
<b>AMENDMENT LISTING FROM 8/26/91</b>		
9/6/91	§31-8.5; §31-8.6; §31-8.7; §46-3.2.2 / #409(b)	Gives the P&Z commission the right to review Coastal Area Management applications previously reviewed by the ZBA.

Effective Date	Section / Amendment #	Description
<b>AMENDMENT LISTING FROM 11/4/91</b>		
11/15/91	§34-3, §34-4 / #411	Requires the provision of incremental parking for a proposed change of use, expansion or extension on a developed site. Allows parking requirements to be reduced by special permit.
	§44-1.7 / #411	Requires comparison maps to determine the extent of non-conforming parking and landscaping.
<b>AMENDMENT LISTING FROM 12/9/91</b>		
12/20/91	§11-2.4.6 / #412	Adds "Doctor of Naturopathic Medicine" to the list of Customary Home Occupations.
<b>AMENDMENT LISTING FROM 3/30/92</b>		
4/05/92	§33-6 / #414	Revises language for signs permitted in the Historic Design District.
<b>AMENDMENT LISTING FROM 5/4/92</b>		
6/1/92	§5 / #415	Clarifies existing definitions
6/1/92	§6-1.1, §6-1.5 / #415	Clarifies existing regulations
6/1/92	§11-2.4.6 / #415	Adds state-licensed to Doctor of Naturopathic Medicine. Adds Telemarketing as a home occupation.
6/1/92	§11-2.4.6 (a) / #415	Clarifies that only one resident can conduct a home occupation on a premises
6/1/92	§11-2.3.6 (d) / #415	Allows anecdotal evidence as part of application to legalize pre-1959 apartments.
6/1/92	§21-4, §22-4.1, §22-4.2, §23-4, §24-4, §25-4, §26-4 - /#415	Increases the setbacks for buildings and structures in commercial zones from residential boundary lines.
6/1/92	§31-4 / #415	Clarifies existing regulation to specifically describe how to measure building projections
6/1/92	§31-9.1 / #415	Brings section in conformance with State Statutes, which requires proof of no intent to abandon liquor license.
6/1/92	§33-4.2.1 / #415	Increases restrictions for Real Estate signs within commercial areas.
6/1/92	§33-5.2.1 / #415	Simplifies approval procedure for free-standing signs.



Effective Date	Section / Amendment #	Description
6/1/92	33-7.2.6 / #415	Simplifies procedures for site plan approval for signs over 50 square feet.
6/1/92	§33-7.4 / #415	Eliminates site plan approval for certain free-standing signs.
6/1/92	§34-5 / #415	Adds several medical related uses to parking requirements for medical offices. Adds new uses to list of retail/service establishments.
6/1/92	§43-14.2 / #415	Eliminates free-standing signs from requiring ARC approval.
6/1/92	§44-2.7 / #415	Modifies requirements for Archeological Reports depending on site location and project size.
6/1/92	§45-4 / #415	Allows Temporary Zoning Permits for tents that will be in place less than 96 hours, instead of requiring Site Plan Approval.
6/1/92	§45-8.1 / #415	Outlines procedures for obtaining a Zoning Certificate of Compliance.
6/1/92	§46-3.2.1 (c) / #415	Eliminates requirement for Site Plan Approval for fire stairs, handicapped ramps, elevators and awnings where a variance has been granted.
6/1/92	§46-3.2.2 / #415	Replaces a section inadvertently left out of the regulations.
6/1/92	§52-5.6 / #415	Simplifies wording describing the professional hired for an archeological review.

**AMENDMENT LISTING FROM NOVEMBER 5, 1992**

11/3/92	§31-10.5.1.1. / #418	Exempts single-family homes from CAM site plan review under certain conditions if they are on lots that are part of subdivisions previously approved under the CAM Act.
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**AMENDMENT #419--Adopted 12/3/92; effective 1/1/93.**

1/1/93	§5 / #419	New language for Change of Use definition; omits formula for lot area and lot coverage; adds forms for lot area and lot coverage calculations in Appendix D; Adds retaining wall height to Terrace or Patio definition.
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Effective Date	Section / Amendment #	Description
1/1/93	§31-9 / #419	Adds language to clarify that service bars are permitted in restaurants that are within 1500 feet of another restaurant with a service bar.
1/1/93	§31-11.5.1 / #419	Permits the Town Engineer to determine whether an application requires Flood and Erosion Control Board Review.
1/1/93	§33-6 / #419	Eliminates requirement for Site Plan Approval for free-standing signs within the RPOD and RORD districts.
1/1/93	§45-4 / #419	Permits annual events that have been previously reviewed by the Administrative Review Committee to receive a temporary zoning permit without another hearing.
1/1/93	§46-3.2.1 / #419	Eliminates need for Site Plan Approval for minor structural changes approved by the ZBA.
1/1/93	§46-3.2.3 / #419	Permits the Town Engineer to determine whether an application for a variance requires Flood and Erosion Control Board Review.
<b>AMENDMENT #422--Adopted 2/11/93; effective 3/1/93</b>		
3/1/93	§23-2.1.2 / #422	Adds Dry Cleaners to the list of principal uses, provided that they meet certain conditions.
<b>AMENDMENT #423--Adopted 4/29/93; effective 5/21/93</b>		
5/21/93	§5 / #423	Changes definition language for Attic, Cellar, Crawl-space, Story, Story-half. Changes definition of building height to limit the area that may be covered by a cupola or similar structure and relate it to the size of the roof. New definition of Commercial Use, to define when a use is commercial or non-commercial in intent. New definition for headroom.
5/21/93	§11-2.2 / #423	Language addition clarifies uses permitted in a residential area.
5/21/93	§11-2.4.13 / #423	Revises type of evidence that will be acceptable to the commission for proof of pre-1959 apartment.
5/21/93	§22, §23, §24, §25 / #423	Clarifies when parking is required and not required for outdoor eating areas.
5/21/93	§23-2.2 / #423	Adds luncheonette to the Special Permit uses with certain conditions.

Effective Date	Section / Amendment #	Description
5/21/93	§31-10 / #423	Revises requirements for CAM Site Plan approval by narrowing the area for which a CAM site plan approval is required to generally within 200 feet of mean high water.
5/21/93	§33-7.4 / #423	Eliminates requirement for Site Plan Approval for name change of free-standing signs.
5/21/93	§34-4 / #423	Permits Commission to waive loading bay radius by special permit.
5/21/93	§42-3.1.5 / #423	Changes the 500-foot measurement to conform to the State statute measurement procedure.
5/21/93	§44-1.3 / #423	Clarifies minor inconsistency by adding "except in wooded areas."
5/21/93	§46-3.1 / #423	Clarifies that persons may not appeal decisions of the Planning and Zoning Commission or the Administrative Review Board to the Zoning Board of Appeals, but only to Superior Court.
<b>AMENDMENTS #426 and #428, adopted 6/17/93, effective 7/1/93</b>		
7/1/93	§27-2.3 / #426	Allows a second and third tenant use as accessory to the primary within the Corporate Park District without requiring a specific ratio of tenant space.
7/1/93	§30-2.1.2 / #428	Permits retail establishments on the second floor of buildings within the Historic Design District (HDD) not to exceed 10% of the sum of the gross floor area of all buildings existing on the effective date of the HDD; reduces permitted second floor office use to 10% from 25%.
<b>AMENDMENT #427-A, adopted 7/15/93, effective 7/26/93</b>		
7/26/93	§34-5 / #427-A	Permits parking for game rooms to be calculated at 1 space for each 180 gross square feet of game room, instead of previous 1 space for each 70 square feet.
<b>AMENDMENT #429, adopted 11/18/93, effective 12/15/93</b>		
12/15/93	§5 / #429	Removes handicapped ramps from building area definition.
12/15/93	§11-2.4.12 / #429	Allows accessory apartments not being used as a separate dwelling unit to remain with submission of a notarized affidavit.

Effective Date	Section / Amendment #	Description
12/15/93	§29-2.2.4 / #429	Prohibits dwelling units above the first floor to be changed to a non-residential use within the BCD.
12/15/93	§29-2.4 / #429	Prohibits retail use above the first floor.
12/15/93	§31-10.5.1 / #429	Adds interior modifications to buildings to the list of exemptions for CAM site plan review requirements.
12/15/93	§34-11.7 / #429	Requires off-street parking areas within non-residence districts only to be paved.
12/15/93	§39-3 (old number) /#429	Eliminates section that permitted the Commission to waive its own regulations within the Historic Overlay District.
12/15/93	§45-4 / #429	Eliminates ARC approval requirement for tents to be temporarily erected.
12/15/93	§46-32.1. (c) / #429	Strikes handicapped ramps because it is removed from structure definition.
<b>AMENDMENT 431, adopted 12/16/93, effective 1/10/94</b>		
1/10/94	§5-2 / #431	Adds definition for Mobile Home Replacement Units (MHRU)
1/10/94	§16 / #431	Revises §16, Mobile Home Park District, to include language defining and setting standards for Mobile Home Replacement Units (MHRUs).
<b>AMENDMENT #433, adopted 2/17/94, effective 3/1/94</b>		
3/1/94	Map Amendment / #433	Rezoned state-owned land at Sherwood Island State Park (Map 5448, Lot 1) from Res A to Res AAA.
<b>AMENDMENT #434, adopted 6/2/94, effective 6/24/94</b>		
6/24/94	§3 / #434	Clarifies language.
6/24/94	§5 / #434	Requires Special Permit for primary change in the nature of a restaurant or cafe that serves liquor. Revises definitions for Restaurant, Cafe, Drive-In Restaurants and introduces a Fast Food Restaurant definition.
6/24/94	§22 /#434	Adds Fast Food restaurants to Prohibited uses within the RORD.
6/24/94	§23 / #434	Replaces luncheonette with Fast Food Restaurant in §23-3.2.2 and specifies distance requirement.

Effective Date	Section / Amendment #	Description
6/24/94	§24 / #434	Removes food service establishments from Principal uses; adds Fast Food Restaurants to Special Permit Uses.
6/24/94	§25 / #434	Amends language to conform to new definitions for places that serve food.
6/24/94	§28 / #434	Amends language to conform to new definitions for places that serve food.
6/24/94	§29 / #434	Amends language to conform to new definitions for places that serve food; adds Fast Food Restaurants to Special Permit Uses.
6/24/94	§31-9 / #434	Amends language to conform to new definitions for places that serve food.
6/24/94	§31-10 / #434	Eliminates pre-application requirements for CAM Site Plan / Special Permit Review. Amends definition for "minor" in §31-10.5.1.6. Removes Zoning Board of Appeals from hearing CAM applications.
6/24/94	§42 / #434	Removes ZBA's ability to petition the Commission to change its regulations.
6/24/94	§44 / #434	Revises language for Archeological Reports so that the Commission has some discretion.
6/24/94	§44 / #434	Adds language to the Special Permit Standards section stating that the standards also apply to a Change of Use requiring a Special Permit.

**AMENDMENT #438-A, adopted December 5, 1994, Effective December 22, 1994**

12/22/94	§5 / #438	Changes the definition of "substantial improvement so that the period is extended from two years to five years."
12/22/94	§31-11 / #438	Adds "cellar" to clarify that the elevation of the lowest floor must be supplied, whether basement or cellar, as defined in the Westport Zoning Regulations.
12/22/94	§45-8.2 / #438	Adds requirement for an Elevation Certificate for a Zoning Certificate of Compliance for a residential structure to certify height of lowest floor in relation to the base flood elevation.

Effective Date	Section / Amendment #	Description
<b>AMENDMENT #438-B, adopted April 20, 1995, Effective May 1, 1995</b>		
5/1/95	§6-2.2 / #438	Further specifies coverage requirements that limit ability to expand or extend an existing building.
5/1/95	§6-3.3 / #438	Clarifies regulation of maximum height of a building so that lot area is figured on gross lot area before deductions for slopes and wetlands.
5/1/95	§6-4.1 / #438	Clarifies that buildings with non-conforming floor area cannot claim this floor area (if it is demolished or filled in) in order to transfer it within the building.
5/1/95	§6-4.2 / #438	Permits the Commission to return a site with non-conforming parking to the previously approved use even if it requires more parking, subject to site plan approval.
5/1/95	§33-6 / #438	HDD signs will be subject to review and recommendation by the Historic District Commission, rather than approval.
5/1/95	§45-2 / #438	Clarifies types of actions that may be placed upon the land records by the Zoning Enforcement Officer.
<b>AMENDMENT #439-A, Adopted April 20, 1995, Effective April 27, 1995</b>		
4/27/95	§32-14 / #439	Modifies the permitted ratio of one-bedroom and efficiency apartments in School Buildings converted to housing so that no less than 40% must be efficiencies or one-bedroom apartments.
<b>AMENDMENT #439-B, Adopted May 16, 1995. Effective June 1, 1995.</b>		
6/1/95	§5-2 / #439	Amends the definition of Building Area and or Footprint, removes Cafe definition; amends definitions for Change of Use; Coverage, Building; Coverage, Total; Tennis Courts, and Restaurants.
6/1/95	§31-9 / #439	Amends Liquor Establishments regulations so that liquor may be served from service bars to patrons seated at counters.
6/1/95	§34-8 / #439	Amends the Joint Parking regulations so that joint parking cannot exceed 50% of the amount of parking required for the use or by the number of parking spaces that are not provided, whichever is less.
6/1/95	§43-11.3 / #439	Amends language to conform to State Statutes for

Effective Date	Section / Amendment #	Description
		completion of work on an approved site plan.
6/1/95	§43-12 / #439	Amends language to conform to State Statutes for completion of work on an approved site plan.
6/1/95	§46-3.2.1 / #439	Allows Planning and Zoning Director to not require site plan approval for accessory apartments that have been approved by the Zoning Board of Appeals.
6/1/95	§46-3.2.5 / #439	Relocation of paragraph from §46-3.5 to this section.
6/1/95	§52-4.3 / #439	Technical revision to omit phrase "black line paper."
6/1/95	§52-4.4 / #439	Technical revision to minor wording details regarding driveways, and submission of mylar.
6/1/95	§53-9 / #439	Technical revision to language regulating bonds, and to bring into conformance with time permitted by State statutes.
6/1/95	§53-10 / #439	Technical revision to language regarding delivery and filing, to bring into conformance with State statutes.
6/1/95	§53-11 / #439	Technical revision to language regarding completion of work to bring into conformance with State statutes.
6/1/95	§54-6 / #439	Amends design standards to increase minimum slope for streets to one percent from one-half percent.
6/1/95	§54-18 / #439	Increases width for utility easements.
6/1/95	§55-3.2 / #439	Amends specifications for drainage pipes and ditches.
6/1/95	§55-11 / #439	Requires an "as-built" mylar prior to final bond release. The mylar will be filed upon the land records.

**AMENDMENT #441, Adopted May 16, 1995. Effective June 1, 1995.**

6/1/95	§11-2.4.6 / #441	Adds Roommate Matching Consultant to list of approved home occupations.
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**AMENDMENT #442, Adopted May 16, 1995. Effective June 1, 1995**

6/1/95	§31-10 / #442	Returns Zoning Board of Appeals to the Coastal Area Management section so that ZBA will conduct CAM Site Plan reviews together with any variance request for a non-exempt Coastal area proposal, as required by State Statute.
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Effective Date	Section / Amendment #	Description
<b>AMENDMENT #447, Adopted December 7, 1995. Effective January 1, 1996</b>		
1/1/96	§11-2.4.6 / #447	Adds Business Administrator for Manufacturing Company to list of approved home occupations.
<b>AMENDMENT #450, Adopted June 6, 1996. Effective June 21, 1996.</b>		
6/21/96	§6-4.2 / #450	Allows premises with non-conforming parking to change a use to one with lesser parking requirements, and then back to the use with previous use, provided certain conditions are met.
<b>AMENDMENT #451, Adopted June 13, 1996. Effective July 1, 1996.</b>		
7/1/96	§5 / #451	Various changes to definitions for awnings, total coverage, medical uses, and structure.
7/1/96	§6-2.1 / #451	Allows entry steps and platforms in setbacks to be replaced provided they are no larger than existing steps and platforms without requiring a variance.
7/1/96	§6-4.1 / #451	Allows alterations of less than 200 square feet of floor area to the entrance or exit of building, provided that total floor area does not increase beyond the existing floor area.
7/1/96	§11-2.2.4 / #451	Changes language of this section so that it refers to "Places of worship," rather than "Churches and other places of Worship."
7/1/96	§11-2.4.8 (d) / #451	Allows roof top disc type antennas if they are less than 2 feet in diameter to be attached to the outside of a building.
7/1/96	§22-2.2.1 / #451	Clarifies the RORD regulations to make it clear that medical uses are not permitted within the RORD.
7/1/96	§22-14.6 / #451	Minor change to clarify wording of section, which was not grammatical.
7/1/96	§32-7.4 / #451	Reiterates that disc type antennas may be attached to the exterior of any building or structure if they are less than 2 feet in diameter.
7/1/96	§33-2.5 / #451	Allows changes of name for non-conforming signs, where the lettering is the same, and there are no other changes. Also clarifies that normal maintenance



Effective Date	Section / Amendment #	Description
		activities are permitted.
7/1/96	§33-3.11 / #451	Defines the time period for the stringing of holiday lights.
7/1/96	§33-5.2 / #451	This section is eliminated because it was stated in a slightly different way in the section just above it.
7/1/96	§34-5 / #451	There are two changes to this section. The first is to change the parking calculation for Places of worship from the previous 1 space for each 3 seats. The second is to clarify that storage to be calculated at 1 space to 500 s.f. must be located in an attic, 1/2 story, or cellar.
7/1/96	§34-6 / #451	Removes the ability of the Planning and Zoning Commission to allocate surplus parking space within Town owned lots, because there is no surplus parking available.
<b>AMENDMENT #455, adopted September 12, 1996; effective October 1, 1996</b>		
10/1/96	§25-2.2 / #455	Adds "Fast Food Restaurants" as a Special Permit use within the Highway Service District (HSD).
<b>AMENDMENT #456, effective June 1, 1997</b>		
06/01/97	Map Amendment, §456	Official Building Zone map change from Res A to GBD (4 Beverly Place)
<b>AMENDMENT #459 adopted 9/18/97, effective October 15, 1997</b>		
10/15/97	§31-9 / #459	Modified the liquor regulations to permit there to be one store selling liquor for off-premises consumption, in addition to a restaurant with a license for on-premises consumption, on one premises
<b>AMENDMENT Listing #465 and #468, effective September 1, 1998</b>		
9/1/98	§11-2.4.6 / #465	Added "State Licensed Acupuncturist" to the list of approved home occupations.
9/1/98	§16-6.1 / #468	Added existing site coverage on a MHPD site as a standard that cannot be exceeded, when MHRU's are proposed.
<b>AMENDMENT #469, adopted December 3, 1998, effective January 15, 1999</b>		

Effective Date	Section / Amendment #	Description
1/15/99	§5 / #469	Adds a definition for “Managed Residential Community” and “Private Residential Unit.”
1/15/99	§11-2.3, / #469	Adds “Managed Residential Community” to the listing of “Special Permit Uses subject to Special Conditions.”
1/15/99	§32 / #469	Adds new subsection (§32-15) providing regulations for Managed Residential Communities.
1/15/99	§34-5 / #469	Adds Minimum required parking spaces for Managed Residential Communities
<b>AMENDMENT #477, adopted 12/17/98, effective 12/21/98</b>		
12/21/98	§16-5 / §477	Amendment to Mobile Home Replacement Unit height limitation to allow two habitable stories and one non-habitable story, with a maximum height of 25’.
12/21/98	§16-8 / §477	Amendment to exclude non-habitable third floor area from inclusion in calculation of floor area.
<b>AMENDMENT #478, adopted 2/25/99, effective 4/1/99</b>		
4/1/99	§5 / §478	Clarifies definition section to bring definitions into conformance with the Federal Emergency Management Act (FEMA). Adds definitions for “new construction”, “recreational vehicle, and “substantial damage.”
4/1/99	§31-11 / §478	Updates regulatory language of Flood Zone language to be in conformance with FEMA’s requirements.

Effective Date	Section / Amendment #	Description
<b>AMENDMENT #482, adopted 4/5/99, effective 9/1/99</b>		
9/1/99	§32-3, Amendment #482	Amends Hospital Regulations to allow hospitals in existing buildings, and provides standards for replacement of existing buildings (§35-3.5.2)
<b>AMENDMENT #490, adopted 9/9/99, effective 10/1/99</b>		
10/1/99	§5, Amendment #490	Change to cupola definition, building definition, school definition.
10/1/99	§6-3.1 , §6-3.3 / #490	Added "gross lot area" as defined in Appendix D to clarify setback and height requirement.
10/1/99	§11 /#490	Changed definition of schools, found in §11-2.2.2; and eliminated crematories, formerly part of §11-2.2.5
10/1/99	§33 / #490	Added size standard for the support structure for free-standing signs.
10/1/99	Appendix D / #490	Clarified language, removed redundant language
<b>AMENDMENT #489, adopted 10/28/99, effective 11/15/99</b>		
11/15/99	§29 / #489	Eliminated requirement for off-street parking to be provided within the Business Center District, for most uses. Prohibits stores, delicatessens, restaurants, cafes and taverns, and fast food restaurants from locating above the first floor. Requires off-street parking for additional floor area. Defines "first floor" of buildings within the BCD.
<b>AMENDMENT #492, adopted 10/28/99, effective 11/15/99</b>		
11/15/99	Map Amendment, #492	Changed zoning designation of small parcel of land at 1835 Post Road East from Res A to BPD.
<b>AMENDMENT #485, adopted 5/4/00, effective 6/1/00</b>		
6/1/00	§5 / #485	Added definitions for Antenna, Antenna Tower of Telecommunication Tower, Co-location, Commercial Wireless Telecommunication Service Facilities, Fall Zone, Provider.
6/1/00	§11 / #485	Removed "communication towers" from §11-2.1.9
6/1/00	§21 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.

Effective Date	Section / Amendment #	Description
6/1/00	§22 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16
6/1/00	§23/ #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/00	§24 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/00	§25 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/00	§26 / #485	Added Commercial Wireless telecommunication service facilities as a Accessory use with a Special Permit, in conformance with §32-16.
6/1/00	§27 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/00	§28 /#485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/00	§29 /#485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/00	§30 /#485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16,
6/1/00	§32 /#485	Added new subsection §32-16, entitled: Commercial Wireless Telecommunication Service Facilities. This new section describes the application and approval process for the construction wireless telecommunication service facilities within the Town of Westport.
<b>AMENDMENT #495, adopted 9/21/00, effective 11/1/00</b>		
11/1/00	§5 / #495	Amended definition for Lot Shape and provided new definition for "Regularity Factor."
11/1/00	§34 / #495	Increased required parking for Funeral Homes.

Effective Date	Section / Amendment #	Description
11/1/00	Appendix D / #495	Updated Appendix D and Appendix D Worksheets to incorporate new definition for Regularity Factor.
<b>AMENDMENT #497, adopted 2/8/01, effective 3/15/01</b>		
3/15/01	§6-5 / #497	Adds language requiring status of claimed non-conforming status of non-residential properties.
3/15/01	§44-1.1.4 / #497	Adds language requiring submission of data described in §6-5 for applications involving non-conforming status.
<b>AMENDMENT #498, adopted 7/26/01, effective 8/20/01</b>		
8/20/01	§19 / #498	Added new chapter providing for a new zone, called the Residential Affordable Housing Zone (R-AHZ).
<b>AMENDMENT #499, adopted 7/26/01, effective 8/21/01</b>		
8/20/01	Map Amendment #499	Rezoned Map 5301, Lots 74, 73A, 73-9, 73-7, 73-8 from Res A to R-AHZ (new zone).
<b>AMENDMENT #505, adopted 8/9/01, effective 8/20/01</b>		
8/20/01	§11-2.4.121 / #505	Added language allowing persons with disabilities who are receiving social security disability payments to qualify for accessory apartments.
8/20/01	§33-2.5 / #505	Clarifies non-conforming sign changes so that tenant names can be changed on a free-standing sign requiring a variance
8/20/01	§33-9, §33-10 (new) / #505	Adds two new sections to the sign regulations providing for "non-commercial content" and for a Severability clause.
8/20/01	§44-5 / #505	Revision/rewording of paragraph describing site plan approval standards.
8/20/01	§45-3 / #505	Requires drainage accommodations when coverage is increasing, under certain conditions.
8/20/01	§46-3.2 / #505	Adds language stating that an additional variance application will be required if a zoning permit is not obtained within one year after a variance is granted.
8/20/01	§55-7 / #505	Adds language expanding the requirements for monuments and pins for subdivisions.

Effective Date	Section / Amendment #	Description
<b>AMENDMENT #509, Adopted 4/18/02, effective 5/24/02</b>		
5/24/02	§27-2.2/#509	Add special permit uses to include schools, day care centers, and group day care homes.
<b>AMENDMENT #510, Adopted 6/13/02, effective 7/15/02</b>		
7/15/02	§32-10/#510	Adds language expanding qualifications of a home caterer beyond owner only, to include a resident home catering business owner.
<b>AMENDMENT #511, Adopted 7/18/02, effective 9/5/02</b>		
9/5/02	§4-1/#511	Adds reference to Affordable Housing Zone Regulations (§19) and corrects section numbers for Business Preservation District, BPD (§28) and Business Center District, BCD, (§29).
9/5/02	§5-2/#511	Clarifies definitions of specific terms including; Awnings, Basement, Building, Building Area and/or Footprint, Building Height, Cellar, Change of Use, Day Care Center or Nursery School, Dwelling, Elevation, Family Day Care Home, Floor Area, Floor Area Ration (F.A.R), Kitchen and Structure.
9/5/02	§6-2.1.3/ #511	Clarifies existing regulations.
9/5/02	§6-2.1.7/ #511	Clarifies existing regulations.
9/5/02	§11-2.4.8(f)/ #511	Adds language clarifying that kitchens cannot be located in accessory buildings.
9/5/02	§22-2.3.3(d)/ #511	Extends time of use by 1 month each year for outdoor patios in RORD.
9/5/02	§24-2.3.5(d)/ #511	Extends time of use by 1 month each year for outdoor patios in GBD.
9/5/02	§28-2.3.4(d)/ #511	Extends time of use by 1 month each year for outdoor patios in BPD.
9/5/02	§29-2.3.5(d)/ #511	Extends time of use by 1 month each year for outdoor patios in BCD.
9/5/02	§30-2.4.4(d)/ #511	Extends time of use by 1 month each year for outdoor patios in HDD.
9/5/02	§32-4/#511	Clarifies type of commercial vehicles allowed to be stored on residential properties.

Effective Date	Section / Amendment #	Description
9/5/02	§45-3/#511	Clarifies all conditions of all Planning & Zoning approvals and Zoning Board of Appeals variances must be met or the zoning permit can be revoked.
9/5/02	§46-3.2(a)/ #511	Clarifies existing regulations.
<b>AMENDMENT #516, Adopted 10/24/02, effective 12/2/02</b>		
12/2/02	§20 / #516	Added a new chapter providing for a new zone, called the Municipal Housing Zone (MHZ).
<b>AMENDMENT #517, Adopted 11/7/02, effective 7/1/03</b>		
7/1/03	§17 / #517	Added setback provisions for accessory buildings or accessory structures for multiple or community use, and expanded provisions for road/recreation buffer to Res AAA and Res AA.
<b>AMENDMENT #523, Adopted 9/11/03, effective 10/14/03</b>		
10/14/03	§5-2 / #523	Clarifies definitions of specific terms including: Attic, Total Coverage, Market Value, Patio, Story-Half, Structure, Substantial Improvement, Tennis Courts, and Terrace or Patio.
10/14/03	§11-2.4.3 / #523	Corrects a reference to the paddle/tennis court section requiring screening.
10/14/03	§11-2.4.6 / #523	Adds a section stating that a multiple family dwelling cannot be used for a home occupation.
10/14/03	§11-2.4.12 / #523	Changes section to require only the owner to submit an affidavit annually for an accessory apartment.
10/14/03	§15-2.1.2 / #523	Removes “is not allowed” from sentence explaining the types of uses requiring Special Permit.
10/14/03	§15-4.5 / #523	Adds clarification that a recreation room with no bathroom in a cellar or basement is not considered a

Effective Date	Section / Amendment #	Description
		bedroom in the PRD district.
10/14/03	§17-2.1.2 & §17-2.1.3 / #523	Removes “is not allowed” from sentence explaining the types of uses requiring Special Permit in OSRD.
10/14/03	§17-5.2 / #523	Corrects the work “background” to “backaround” in OSRD.
10/14/03	§23-2.3.2 / #523	Adds sentence stating that outdoor storage is permitted in RBD in accordance with §32-6.
10/14/03	§24-2.3.6(d) / #523	Corrects clerical error by removing reference to one attached dwelling unit listed as a condition for Game Rooms.
10/14/03	§24-2.3.7 / #523	Adds section stating that one attached dwelling unit is a permitted accessory use in GBD.
10/14/03	§32-6 / #523	Clarifies that outdoor storage and display is not permitted in HDD.
10/14/03	§32-6.1 / #523	Corrects section by removing the word “and” and adding that outdoor storage and display cannot be located in the front landscape area.
10/14/03	§32-12.2.3 / #523	Adds clarification that a recreation room with no bathroom in a cellar or basement is not considered a bedroom for Two-Family and Multi-Family dwellings.
10/14/03	§34-5 / #523	Removes the 30-degree drive-in parking standard.



Effective Date	Section / Amendment #	Description
10/14/03	§34-9.2 / #523	Reduces the maximum number of allowable spaces which can be allocated for small cars and increases the required size for small car spaces.
10/14/03	§34-11.4 / #523	Clarifies the number of parking spaces which require that an internal loop access or parking aisle be installed.
10/14/03	§34-11.13 / #523	Adds section regarding lighting standards for parking lots.
10/14/03	§34-11.14 / #523	Adds section regarding design and access to dumpster areas.
10/14/03	§34-11.15.1 / #523	Adds section regarding sidewalks.
10/14/03	§34-12.2 / #523	Clarifies section by adding the word “percent.”
10/14/03	§35-2.3.4 / #523	Adds sentence regarding curbing and materials required for sidewalks.
10/14/03	§43-5.3 / #523	Changes number of days in which an application shall be completed after the public hearing commences to make it consistent with the Connecticut General Statutes requirements.
10/14/03	§43-12 / #523	Changes the time period the town can hold a bond to a minimum of 5-years for an approved site plan.

Effective Date	Section / Amendment #	Description
10/14/03	§44-2.5 / #523	Clarifies title and requirements for traffic impact analyses.
10/14/03	§45-3.5.3 / #523	Clarifies when drainage is to be reviewed for issuance of a Zoning Permit.
10/14/03	§46-3.2 / #523	Adds sentence stating that when a Zoning Permit is issued, all conditions of the variance must be adhered to.
10/14/03	§46-4 / #523	Adds information which is required to be submitted with a variance application.
10/14/03	§52-4.4.2 / #523	Corrects clerical error by inserting missing word “subdivision” at the end of the sentence.
10/14/03	§53-9 / #523	Changes the time period the town can hold a bond to a minimum of 5-years for an approved subdivision or Resubdivision.
10/14/03	Appendix D-1 / #523	Changes to Line 1 to clarify that the area of an accessway is not included in the lot area for a rear lot.
<b>AMENDMENT #525, Adopted 4/22/04, effective 6/1/04</b>		
6/1/04	§29A / #525	Adds a new chapter providing for a new zone, called the Business Center District/Historic (BCD/H).
<b>AMENDMENT #529, Adopted 7/1/04, effective 9/1/04</b>		
9/1/04	§40 / #529	Adds a new chapter providing for new zones, called the Dedicated Open Space and Recreation District #1 (DOSRD #1) and the Dedicated Open Space and Recreation District #2 (DOSRD#2).
<b>AMENDMENT #528, Adopted 7/26/04, effective 9/15/04</b>		

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9/15/04	§5-2 / #528	Clarifies definitions of specific terms including: Building Area and/or Footprint, Total Coverage, Floor Area Ratio, Lot Area, Market Value, and Parking Space, Loading Space.
9/15/04	§11-2.4.4 / #528	Clarifies allowable height for detached private garages.
9/15/04	§11-2.4.7 / #528	Clarifies allowable height for barns.
9/15/04	§11-2.4.8(b) / #528	Clarifies allowable height for accessory buildings.
9/15/04	§11-2.4.8(g) / #528	Adds requirement that no accessory building may contain more than two water use fixtures.
9/15/04	§11-5 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/04	§12-5 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/04	§13-5 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/04	§14-5 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/04	§15-6 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/04	§16-5 / #528	Clarifies allowable height for buildings and other

Effective Date	Section / Amendment #	Description
		structures.
9/15/04	§17-6 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/04	§18-6 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/04	§19-11 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§20-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§21-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§22-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§23-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§24-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§24-6 / #528	Changes reference from Business District to General Business District.
9/15/04	§25-2.1.2(a) / #528	Changes reference from Business District to General Business District.
9/15/04	§25-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§26-2.6 / #528	Clarifies allowable height for buildings and other structures.

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9/15/04	§27-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§28-1 / #528	Changes reference from Business District to General Business District.
9/15/04	§28-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§29-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/04	§31-7 / #528	Adds parking areas to list of improvements that must meet setback requirements.
9/15/04	§31-10.7.3 / #528	Adds section identifying vegetated buffers may be required as part of a coastal site plan.
9/15/04	§31-10.7.4 / #528	Renumbers existing section on Public Hearings.
9/15/04	§31-10.7.5 / #528	Renumbers existing section on Commission/Board Action.
9/15/04	§31-10.7.6 / #528	Renumbers existing section on Time Periods.
9/15/04	§31-10.7.7 / #528	Renumbers existing section on Bonds.
9/15/04	§32-9 / #528	Adds reference at end of section to §34-11.14.
9/15/04	§34-11.14 / #528	Changes language to remove requirement that dumpsters shall be located in the rear yard, and replaces language to be consistent with §32-9.
9/15/04	§34-12.2 / #528	Adds the word “percent” to clarify existing wording
9/15/04	§43-6.4 / #528	Adds new section, consistent with recent amendments to the Town Code, to inform Planning and Zoning

Effective Date	Section / Amendment #	Description
		applicants that the Planning and Zoning Director or his/her designee, or the Planning and Zoning Commission, may require an applicant to pay for hiring one or more outside consultants to analyze, review, and report on areas requiring technical review.
9/15/04	§45.3.2/ #528	Changes requirement for number of copies of a plot plan, from two to three that must be submitted for issuance of a Zoning Permit.
9/15/04	§45-3.2.5/ #528	Adds requirement that coverage information must be shown on a plot plan submitted for issuance of a Zoning Permit.
9/15/04	§45-3.2.6/ #528	Adds requirement that minimum required setback lines must be shown on a plot plan submitted for issuance of a Zoning Permit.
9/15/04	§45-3.2.13/ #528	Changes language to require existing and proposed contours at two-foot intervals must be shown on a plot plan for all applications and additionally requires that the contours must be verified in the field by a surveyor.
<b>AMENDMENT #535, Adopted 10/28/04, effective 12/1/04</b>		
12/1/04	§33-4.1.5/ #535	Changes language to remove reference to political signs and to remove time limits on when public and charitable event signs located on private property may be posted prior to an event.
12/1/04	§33-4.1.6/ #535	Adds new section listing political signs as a permitted use on private property.
<b>AMENDMENT #539, Adopted 1/27/05, effective 3/1/05</b>		
3/1/05	§5-2 / #539	Clarifies definitions of specific terms including: Building Height or Height, and Medical.
3/1/05	§5-2 / #539	Adds definitions of specific terms including: Fence or Wall, and Healthcare Professional.

Effective Date	Section / Amendment #	Description
3/1/05	§13-5 / #539	Modifies Height requirements in the Res A to substitute the words railroad tracks for reference to Conrail Tracks (old New Haven R.R.)
3/1/05	§14-5 / #539	Modifies Height requirements in the Res B to substitute the words railroad tracks for reference to Conrail Tracks (old New Haven R.R.)
3/1/05	§21-2.2.2 / #539	Changes section to list Healthcare Professional as a permitted Special Permit Use in the RPOD.
3/1/05	§22-2.2.1 / #539	Changes section to list Healthcare Professional as a use excluded from the RORD.
3/1/05	§23-2.1.2 / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the RBD.
3/1/05	§24-2.1.2(e) / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the GBD.
3/1/05	§27-2.2.1 / #539	Changes section to list Healthcare Professional as a use excluded from the CPD.
3/1/05	§28-2.1.2(e) / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the BPD.
3/1/05	§29-2.1.2(e) / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the BCD.
3/1/05	§29A-2.1.2(e) / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the BCD/H.
3/1/05	§30-2.2(h) / #539	Changes section to list Healthcare Professional as a use excluded from the HDD.
3/1/05	§31-3 / #539	Changes section title and adds reference to §5-2.

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3/1/05	§31-3 / #539	Changes section to add “building” to the list of items that cannot obstruct visibility at corners.
3/1/05	§33-2.5 / #539	Modifies section to exempt changes to a single-tenant sign, when the change is only a change in name, and where the style and size of lettering conforms to the previous lettering.
3/1/05	§34-5 / #539	Modifies section to state uses allowed in the Business Center District/Historic are exempt from parking requirements.
3/1/05	§34-5 / #539	Adds parking standard of 1 space per 200 SF for Healthcare Professionals.
3/1/05	§34-5 / #539	Modifies list of uses considered Medical.
3/1/05	§34-5 / #539	Modifies list of uses considered Retail.
3/1/05	§43-14.3.1 / #539	Renumbers existing section.
3/1/05	§43-14.3.2 / #539	Adds section to define standards for review of Temporary Zoning Permits and lists activities that require a Temporary Zoning Permit.
3/1/05	§45-4 / #539	Adds reference at end of section to §43-14.3 and §46-3.3.
<b>AMENDMENT #540, Adopted 7/7/05, effective 7/2205</b>		
7/22/05	§11-2.3.7 / #540	Adds Residential Facility for School-Based Education Program to the listing of Special Permit Uses subject to Special Conditions.
7/22/05	§32A-13 / #540	Adds new subsection §32A-13 providing regulations for Residential Facility for School-Based Education Program.



Effective Date	Section / Amendment #	Description
<b>AMENDMENT #544, Adopted 7/7/05, effective 8/1/05</b>		
8/1/05	§54-20.2 / #544	To modify existing regulations to require in cases of subdivision, conservation easements on environmentally sensitive land such as wetlands, steep slopes in excess of 25% or scenic vistas.
8/1/05	§54-21 / #544	To modify existing regulations to provide for a developer who is subdividing property to pay a fee to the Town in lieu of any requirements to provide a set aside of open space. This amendment also modifies the existing regulations relating to how land set aside as park, recreation and open space areas may be deeded, and what uses are permitted in conservation easement areas.
<b>AMENDMENT #548, Adopted 7/7/05, effective 8/1/05</b>		
8/1/05	§11-2.3.11 / #548	Adds Affordable and Middle Income Housing on Town-owned Property to the listing of Special Permit Uses subject to Special Conditions.
8/1/05	§32-17 / #548	Adds new subsection §32-17 providing regulations for Affordable and Middle Income Housing on Town-owned Property.
<b>AMENDMENT #545, Adopted 7/28/05, effective 8/30/05</b>		
8/30/05	§19 / #545	Add a new subsection §19-3.1, Principle Uses, stating any use permitted in the Res AAA district is a permitted Principle Use subject to the same approvals and conditions specified in §11-2. Add a new subsection §19-3.2, Special Permit Uses, stating development of a property for affordable housing is a permitted Special Permit Use. Add a new subsection §19-3.2.1, Affordable Housing, to clarify that the housing development must comply with the Connecticut affordable housing statute, §8-30g of the General Statutes. Modify §19-18, to clarify that in order to develop land for affordable housing, a site plan and special permit approval is required.
<b>AMENDMENT #551, Adopted 11/17/05, effective 1/2/06</b>		
1/2/06	§24A / #551	Adds a new chapter providing for a new zone called the General Business District/Saugatuck (GBD/S).

Effective Date	Section / Amendment #	Description
<b>AMENDMENT #552, Adopted 1/12/06, effective 2/6/06</b>		
2/6/06	§35 (Diagram) / #552	Modifies Landscape Design Standards diagram to identify the dimension of a small car space is 8' x 16' not 7.5' x 15', to be consistent with the definition in §5-2 for a small car parking space.
2/6/06	§41-5 / #552	Adds new subsection identifying the Planning and Zoning Commission as authorized by the Connecticut General Statutes, may hear and decide upon the location of gasoline stations, motor vehicle dealerships, motor vehicle recycler, and motor vehicle repair garages as defined by State Statutes.
2/6/06	§46-3.4 / #552	Deletes subsection to identify the Zoning Board of Appeals is not authorized by the Connecticut General Statutes to hear and decide upon the location of gasoline stations, motor vehicle dealerships, and motor vehicle repair garages as defined by State Statutes.
<b>AMENDMENT #556, Adopted 2/16/06, effective 4/3/06</b>		
4/3/06	§5-2 / #556	Adds definition for Private Occupational Schools.
4/3/06	§22-2.2.9 / #556	Adds Private Occupational Schools as a permitted Special Permit use in the RORD.
4/3/06	§23-2.2.4 / #556	Adds Private Occupational Schools as a permitted Special Permit use in the RBD.
4/3/06	§24-2.2.6 / #556	Adds Private Occupational Schools as a permitted Special Permit use in the GBD.
4/3/06	25-2.2.5 / #556	Adds Private Occupational Schools as a permitted Special Permit use in the HSD.

Effective Date	Section / Amendment #	Description
<b>AMENDMENT #560, Adopted 7/27/06, effective 9/1/06</b>		
9/1/06	§5-2 / #560	Adds definitions for Bank and Drive-In Bank.
9/1/06	§22-2.2.1 / #560	Deletes the word financial.
9/1/06	§23-2.1.2 / #560	Substitutes the word bank for financial.
9/1/06	§24-2.1.2 (e) / #560	Deletes the words banks and financial.
9/1/06	§24-2.1.2 (f) / #560	Adds the word banks.
9/1/06	§24-2.2.7 / #560	Adds drive-in banks within 500 feet of another drive-in bank.
9/1/06	§24-2.3.3 / #560	Changes drive-up window to drive-in and to allow the Planning & Zoning Commission to approve by Special Permit a Drive-in Bank within 500 feet of another Drive-In Bank.
9/1/06	§24A-2.1.2 (e) / #560	Deletes the words banks and financial.
9/1/06	§24A-2.1.2 (f) / #560	Adds the word banks.
9/1/06	§27-2.2.1 / #560	Deletes the word financial.
9/1/06	§27-2.3.1 / #560	Deletes the word financial.
9/1/06	§28-2.1.2 (e) / #560	Deletes the words banks and financial.

Effective Date	Section / Amendment #	Description
9/1/06	§28-2.1.2 (f) / #560	Adds the word banks.
9/1/06	§28-2.2.4 / #560	Adds drive-in banks within 500 feet of another drive-in bank.
9/1/06	§28-2.3.6 / #560	Changes drive-up window to drive-in and to allow the Planning & Zoning Commission to approve by Special Permit a Drive-in Bank within 500 feet of another Drive-In Bank.
9/1/06	§29-2.1.2 (e) / #560	Deletes the words banks and financial.
9/1/06	§29-2.1.2 (f) / #560	Adds the word banks.
9/1/06	§29-2.2.7 / #560	Adds drive-in banks within 500 feet of another drive-in bank.
9/1/06	§29-2.3.3 / #560	Changes drive-up window to drive-in and to allow the Planning & Zoning Commission to approve by Special Permit a Drive-in Bank within 500 feet of another Drive-In Bank.
9/1/06	§29A-2.1.2 (e) / #560	Deletes the words banks and financial.
9/1/06	§29A-2.1.2 (f) / #560	Adds the word banks.
9/1/06	§29A-2.2.8 / #560	Adds drive-in banks within 500 feet of another drive-in bank.
9/1/06	§29A-2.3.3 / #560	Changes drive-up window to drive-in and to allow the Planning & Zoning Commission to approve by

Effective Date	Section / Amendment #	Description
		Special Permit a Drive-in Bank within 500 feet of another Drive-In Bank.
9/1/06	§30-2.2 (h) / #560	Deletes the word financial.
9/1/06	§30-2.2 (i) / #560	Changes drive-up windows to drive-in.
9/1/06	§34-5 / #560	(Office), Minimum Required Parking Spaces, to substitute the words banks and other financial institutions for Bank Office Area.
9/1/06	§34-5 / #560	(Bank Area), Minimum Required Parking Spaces, to add the word Customer and delete the word windows.
<b>AMENDMENT #559, Adopted 10/12/06, effective 12/4/06</b>		
12/4/06	§5-2 / #559	Adds definition for Supportive Housing.
12/4/06	§11-2 / #559	Adds Supportive Housing to listing of Special Permit uses subject to special conditions.
12/4/06	§32-1 / #559	Adds new subsections providing regulations for Supportive Housing in residential districts.
12/4/06	§34-5 / #559	Adds parking requirements for Supportive Housing at one space per dwelling unit.
<b>AMENDMENT #564, Adopted 10/19/06, effective 12/4/06</b>		
12/4/06	§30-2.2(a) / #564	Expands maximum permitted size of residential units from two to three bedrooms; expands maximum permitted average size of residential units from 1,200 SF to 2,000 SF and establishes maximum permitted size of residential units at 3,500 SF.

Effective Date	Section / Amendment #	Description
<b>AMENDMENT #565, Adopted 1/25/07, effective 3/1/07</b>		
3/01/07	§5-2 / #565	To add language to the definition for Terrace or Patio to identify terraces and patios shall always adhere to all setbacks except as otherwise provided in §24-A, General Business District/Saugatuck (GBD/S).
3/01/07	§24A-1 / #565	To clarify intent of the district.
3/01/07	§24A-2 / #565	To identify all rezoning applications shall be in accordance with §42, Amendment of Zoning Regulations.
3/01/07	§24A-2.1.2 / #565	To provide a cross reference to §24A-2.3 and to identify all rezoning applications shall be in accordance with §42, Amendment of Zoning Regulations.
3/01/07	§24-2.3 / #565	To provide cross reference to §24A-2.1.2.
3/01/07	§24A-4 / #565	To clarify allowable front setbacks and to identify parameters for patios and terraces to be located within setback areas.
3/01/07	§24A-5 / #565	To clarify under what circumstances the Planning and Zoning Commission may allow a height of up to 35-feet to the mid-point of a pitched roof.
3/01/07	§24A-6.1 / #565	To correct a grammatical error.
3/01/07	§24A-6.2 / #565	To add a provision for Coverage Exemptions.
3/01/07	§24A-8.1 / #565	To reduce the permitted size of a group of stores or shopping center.

Effective Date	Section / Amendment #	Description
3/01/07	§24A-10 / #565	To add a provision for Public Waterfront Access (PWA).
3/01/07	§24A-11 / #565	To add language identifying developments shall be designed to encourage the preservation of historic features of buildings listed on the Westport Historic Resources Inventory, to add language requiring views of the water from the street on any site adjacent to the water, to add language requiring public pedestrian access to the water and a Riverwalk, to add language requiring any non-residential uses shall have at least one main entrance which is publicly accessible from the street.
3/01/07	§24A-14 / #565	To identify all landscape requirements must be adhered to unless deemed unnecessary by the Commission.
3/01/07	§24A-17 / #565	To relocate within the chapter the requirement for submission of a Phasing Plan for construction, to add language identifying the maximum allowable coverage for all sites may be redistributed over all sites provided that the total coverage of any receiving site shall not exceed 40% and provided that no upland site coverage shall be transferred to any site adjacent to the water, to add language identifying no floor area from an upland site shall be added to a site adjacent to the water, to identify cross easements shall be required as necessary.
3/01/07	§24A-19 / #565	To identify no more than two GBD/S developments shall be permitted within the Town of Westport and an integrated site shall be considered a single such development.
3/01/07	§42-3.1.3 / #565	To require an applicant submit twelve instead of two copies of the map.

Effective Date	Section / Amendment #	Description
3/01/07	§42-5 / #565	To eliminate reference to specific state statutes in lieu of a general reference to the state statutes.
3/01/07	§42-6 / #565	To eliminate reference to specific state statutes in lieu of a general reference to the state statutes.
3/01/07	§42-8 / #565	To eliminate reference to specific state statutes in lieu of a general reference to the state statutes.
3/01/07	§42-9 / #565	To eliminate reference to specific state statutes in lieu of a general reference to the state statutes.
<b>AMENDMENT #570, Adopted 6/28/07, effective 8/3/07</b>		
8/3/07	§4-5 / #570	To exempt multi-family affordable housing from the cap of 10%. Also exempt any future affordable units from being included in the cap of 10%.
<b>AMENDMENT #571, Adopted 6/28/07, effective 8/3/07</b>		
8/3/07	§5-2 / #571	To add definitions for Adaptive Reuse, Public Waterfront Access (PWA), Redevelopment, and Workforce Housing; to modify.
8/3/07	§18-1 / #571	To identify the district shall allow the redevelopment and/or adaptive reuse of existing non-residential buildings on Riverside Avenue into larger sized dwelling units on lots over two-acres in size in non-residentially zone lots or residentially zoned lots that are currently have a permitted non residential use with a minimum of 200-feet of frontage on Riverside Avenue and served by public water and public sewer and to identify it is in the public interest to preserve the existing historic scale, massing and character of the affected area.



Effective Date	Section / Amendment #	Description
8/3/07	§18-3 / #571	Lot Area, Width Depth & Frontage to require lots of 2 acres or more to have 200 feet of frontage.
8/3/07	§18-6 / #571	To expand permitted height on lots two acres or more in size when the site is sloping or the site has a floodplain in conjunction with reduced coverage.
8/3/07	§18-7 / #571	To reduce permitted building and lot coverage on lots two acres or more in size where existing and/or proposed buildings exceed two and one-half stories and a height of thirty-feet and to add a provision that allows 1% additional building coverage for each workforce or affordable unit up to a maximum of 25% on lots of 2 acres or more.
8/3/07	§18-8 / #571	To add language exempting developments from building area requirements in cases of adaptive reuse of an existing non-residential building providing the minimum dwelling unit size shall be one-thousand square feet.
8/3/07	§18-9 / #571	To modify the standards to identify the minimum building spacing shall be the lesser of one-third the sum of the heights of adjacent buildings or twenty feet.
8/3/07	§18-10.1 / #571	To expand the standards to allow 0.4 FAR on lots two acres or more in size when at least one on-site workforce or affordable unit is provided
8/3/07	§18-10.2 / #571	To expand the standards to allow three-bedroom units on lots two acres or more in size.

Effective Date	Section / Amendment #	Description
8/3/07	§18-10.3 / #571	To expand the standards to identify average unit size may not exceed 2,500 SF on lots two acres or more in size.
8/3/07	§18-11 / #571	To add a standard requiring Public Waterfront Access on all sites adjacent to the Saugatuck River.
8/3/07	§18-12.1 / #571	Architectural Design to say pitched roofs may be required.
8/3/07	§18-12.2 / #571	To modify language to allow rooftop mechanical equipment and to require it be concealed from all sides.
8/3/07	§18-12.5 / #571	To add a section identifying preservation of architectural features of historic buildings or other structures in the district shall be encouraged.
8/3/07	§18-17-1 / #571	To add a section identifying there is an Affordability Requirement and to identify there is a requirement of a minimum of 15% and require the submission of an Affordability Plan.
8/3/07	§18-17-2 / #571	To add a section to identify standards allowing a fee in lieu of providing a fraction of required on-site workforce or affordable housing of 17½% with a minimum of 5% workforce or affordable units on site.
<b>AMENDMENT #573, Adopted 9/27/07, effective 10/15/07</b>		
10/15/07	§19A / #573	To create a new zoning district §19A, Residential Affordable Housing Zone/Workforce (R-AHZ/W).

Effective Date	Section / Amendment #	Description
<b>AMENDMENT #572, Adopted 11/1/07, effective 12/7/07</b>		
12/7/07	§11-2.4.12 / #572	Adding language to clarify that a single family dwelling may have one additional dwelling unit and deleted requirement that a single family dwelling shall be on the Assessor's List for five years before the date of application.
12/7/07	§11-2.4.12A / #572	Adding a new title "Accessory Apartment" and clarifying language.
12/7/07	§11-2.4.12B / #572	To create a new use Affordable Accessory Apartments which would be allowed provided that the income restrictions and other requirements required by the CGS 8-30g(K) are met.
12/7/07	§43-14.2 / #572	Adding language allowing an Affordable Accessory Apartment application to be eligible for review by the Administrative Review Committee.
<b>AMENDMENT #574, Adopted 12/13/07, effective 1/21/078</b>		
1/21/08	§11-2.3.12 / #574	Adds language to allow Residential Historic Structures as an allowable Special Permit Use Subject to Special Conditions.
1/21/08	§11-2.4.14 / #574	Adds a section in accessory structures to allow for Residential Accessory Historic Structures.
1/21/08	§32-18 / #574	Adds new section Historic Residential Structures (HRS)
<b>AMENDMENT #583, Adopted 7/7/08, effective 8/08/08</b>		
8/08/08	§5-2 / #583	To modify the building height requirements for solar panels.

Effective Date	Section / Amendment #	Description
<b>AMENDMENT #582, Adopted 7/17/08, effective 8/25/08</b>		
8/25/08	§4-2 / #582	To delete reference to the zoning map revision date of 8/17/75.
8/25/08	§11-2.4.8 (h) / #582	To modify the requirements for accessory structures pursuant to §32-18 (Historic Residential Structures).
8/25/08	§11-2.4.10 / #582	To modify this section for accessory structures pursuant to §32-18 (Historic Residential Structures).
8/25/08	§11-2.4.12B / #582	To modify this section to include non-profit corporations and Town of Westport.
8/25/08	§31-5 / #582	To eliminate a section on setbacks from high pressure gas lines.
8/25/08	§34-11.7 / #582	To allow porous paving systems in Non-Residence Districts.
8/25/08	§42-3.2 / #582	To require Certificates of Mailing instead of stamped business envelopes.
8/25/08	§44-1.2.2 / #582	To require Certificates of Mailing for site plan and special permit applications.
8/25/08	§52-4.7.2 / #582	To require Certificates of Mailing for subdivision applications.
<b>AMENDMENT #585, Adopted 10/23/08, effective 12/1/08</b>		
12/1/08	§32-18.1 / #585	To amend the purpose statement by including existing special permit uses and allowing the Commission to grant relief on parking and landscaping requirements.

Effective Date	Section / Amendment #	Description
12/1/08	§32-18.3 (c) / #585	To add the word structural to the requirements of the preservation easement
12/1/08	§32-18.4 (c) / #585	To allow the Commission to modify parking and/or landscaping requirements provided the number of existing parking spaces shall not be reduced.
12/1/08	§32-18.5 (a) / #585	To allow the Commission to modify parking and/or landscaping requirements provided the number of existing parking spaces shall not be reduced.
12/1/08	§32-18.5 (c) / #585	To add new section that allows limited office use for existing Special Permit uses.
12/1/08	§32-18.6 (b) / #585	To add the word structural to the requirements of the preservation easement.
12/1/08	§32-18.7.1 / #585	To add a requirement to preserve the structural integrity of the historic structure.
12/1/08	§32-18.9.3 / #585	To add Special Permit uses to the annual affidavit requirements.
12/1/08	§32-18.9.4 / #585	To add a new section to the regulations that allows for limited office use in accessory structures, through a site plan & special permit approval, provided that the property 1) have frontage on an arterial street, 2) adjoin a commercial district and 3) be within 500 feet on a municipal parking lot. Medical offices and banks are excluded and such uses can only occupy up to 60% of the floor area within the building or 20% of the floor area of the property, which ever is less.

Effective Date	Section / Amendment #	Description
12/1/08	§32-18.10.1 / #585	To change the word the to any.
<b>AMENDMENT #586, Adopted 10/23/08, effective 12/1/08</b>		
12/1/08	§6-6.1 / #586	To add a section that sets minimum requirements for redevelopment in split zones. This section is limited to zones split between GBD and Res. A. zones on lots of at least 3 acres with a minimum of 200 feet of frontage on the Post Road. This section goes onto say such lots shall be redevelopment, provided that the combined site across both zones results in a net reduction of coverage and floor area. This amendment has clear language that precludes further assemblages of property from utilizing the provisions of this amendment beyond the properties already identified.
12/1/08	§6-6.1.1 / #586	To add a requirement that such redevelopment must comply with the parking landscaping and site plan/special permit requirements. This section also eliminates the setback to residential property zone boundary and allows increases in floor area within the residential zones, provided that overall floor area, building and total coverage are reduced. This section also requires all landscape buffer areas to conform and places a conservation easement upon undeveloped residentially zoned property.
12/1/08	§6-6.1.2 / #586	To give the Commission discretion to require additional parking for meeting rooms and related eating facilities. This section also allows for alcohol sales, seasonal outdoor seating and retention of non conforming loading spaces.
<b>AMENDMENT #588, Adopted 12/18/08, effective 1/12/09</b>		
1/12/09	§20-3 / #588	To allow the minimum acreage to be calculated on the entire area within the zone and not on the individual parcels.
1/12/09	§20-4 / #588	To change MHZ to the word development.

Effective Date	Section / Amendment #	Description
1/12/09	§20-4.3 / #588	1) To consider density based upon the entire zone and not simply the individual lots, as explained above when it was discovered that the property actually 3 lots, not one. 2) To accommodate up to 5% of the units have 4 bedrooms. This change would not affect the parking requirements which state 3 or more bedrooms.
1/12/09	§20-6 / #588	To use the area of the zone and not the lots to accommodate the 3 parcels instead of single parcel nature of the Hales Court site.
1/12/09	§20-7 / #588	To allow the location of pre-existing non conforming structures located within the setbacks to be retained for new structures.
1/12/09	§20-11 / #588	1) To allow a 0.5 parking space reduction per unit. 2) To eliminate the requirement for counter clockwise circulation. 3) To allow for driveways to allow backing out into the road. 4) To change the visibility requirements from 150 feet to 75 feet. 5) To permitted parking space within the dead end portions of the road right of way. 6) To reduce the back-up aisle to 20 ft.
1/12/09	§20-12 / #588	To change MHZ to the word development.
1/12/09	§20-14.3 / #588	To modify building height requirements for solar panels.
1/12/09	§20-14.3 / #588	To allow applicant to only mitigate drainage increases resulting from increases in impervious coverage instead of addressing the total gross coverage on a site.
<b>AMENDMENT #584, Adopted 1/22/09, effective 2/20/09</b>		
2/20/09	§24A-18.1 / #584	To add new section 24A-18.1 Alternative Method of Compliance. 1) To allow for the construction of new off-site affordable units that are deed restricted pursuant to 8-30g for a minimum of 40 years. 2) To allow

Effective Date	Section / Amendment #	Description
		existing market rate units to be deed restricted as affordable units for up to 40 years pursuant to 8-30g.
<b>AMENDMENT #590, Adopted 3/19/09, effective 4/20/09</b>		
4/20/09	§43-14 / #590	Adds language to authorize the Chairman of the Planning & Zoning Commission and the Zoning Enforcement Officer to designate other staff members to serve in his or her place on the Administrative Review Committee.
4/20/09	§45-1 / #590	Adds language expanding the list of staff persons authorized to enforce the zoning regulations.
<b>AMENDMENT #594, Adopted 7/31/09, effective 8/30/09</b>		
8/30/09	§11-2.3-14 / #594	Adds a new item under the list of Special Permit Uses, Lighted Athletic Fields on Town Owned Public School Property.
8/30/09	§11-2.4.8 / #594	Allows these structures to be accessory uses to principal uses and allows the height of these accessory structures up to 80 feet in height.
8/30/09	§11-5, §12-5, §13-5 / #594	Allows lighting poles up to 80 feet in height within the Residence AAA, AA, A zone respectively.
8/30/09	§32-19.0 / #594	Purpose statement spells out criteria that this use cannot cause unreasonable adverse impacts to surrounding residential neighborhoods and also establishes a requirement that the lighting provided achieve safe conditions for athletes, coaches and spectators. Establishes a minimum of sites with 20 acres and 200 parking spaces.
8/30/09	§32-19.1 / #594	Adds language on application requirements for photometric plans and sound mitigation.
8/30/09	§32-19.2 / #594	To establish additional criteria that the Commission must consider.
8/30/09	§32-19.3 / #594	Adds language that specifies the actions that the Commission may undertake. (approve or deny)
8/30/09	§32-19.4 / #594	Adds conditions of approval. Sixteen conditions in total that must be satisfied for approval.



Effective Date	Section / Amendment #	Description
<b>AMENDMENT #593, Adopted 9/3/09, effective 9/26/09</b>		
9/26/09	§40-1 / #593	To establish a new designation DOSRD #3 where property shall remain completely natural, undeveloped and hereby excludes all buildings and structures.
9/26/09	§40-2 / #593	To add DOSRD #3 in permitted uses section.
9/26/09	§40-2.2 / #593	To establish permitted uses in DOSRD #3.
9/26/09	§40-4 / #593	To prohibit special events in DOSRD #3.
9/26/09	§40-9 / #593	To prohibit buildings or structures in DOSRD #3.
9/26/09	§40-11 / #593	To detail parking requirements in DOSRD #3.

## APPENDIX D, LOT CALCULATIONS

*The following directions should be used in conjunction with the "Lot Area Worksheet."*

### **Line 1-Gross Lot Area**

Lot area in square feet based on a Class A-2 survey of the lot lines. Do not include the area of the accessway for a rear lot per §31-2.2.4, herein.

### **Line 2-Above-Ground Utility Easements**

Include all easements for above ground utilities, or, in the absence of an easement, the minimum area recommended by a utility company for public safety. Exclude easements for underground utilities.

### **Line 3-Streets and Roads**

Include any and all parts of public or private roads or streets.

### **Line 4-Other Exclusive Surface Easements**

Include any easement that grants **exclusive** surface use of the property to anyone other than the owner.

Exclude drainage easements and conservation easements. .

### **Line 5-Total Easements and Roads**

Sum lines 2, 3, and 4 and enter here.

### **Line 6-Wetlands**

Include: Land covered by waterbodies, water courses and lands officially designated inland and tidal wetlands.

Exclude: Any land located below the mean high water line (MHWL) along the Long Island Sound and/or the Saugatuck River south of the Kings Highway Bridge (Route 57). This land may not be counted in any calculations.

### **Line 7-Steep Slopes of 25% or greater**

Include: Land of severe topography having slopes of 25% or greater. This land must be measured between each contour interval on a topographic map with one (1) or two (2) foot contours.

Exclude: Any land that was counted in the wetlands requirement. (i.e. do not count the overlap, if any, between the two areas here).

### **Line 8-Total Wetlands & Steep Slopes**

Sum lines 6 and 7 and enter here.

### **Line 9 - District Maximum**

No more than 20% of the district minimum lot size may be met by wetlands or steep slopes over 25%. Copy the maximum permitted amount from the table.

Enter whichever number is smaller--either line 8 or line 9.

**Line 11 - Actual Lot Size**

This is the amount of land available for computing the compliance with the minimum lot regulations. Compute Line 1, minus line 5, minus line 8, **plus** line 10.

**Line 12 - District Minimum Lot size**

Each district has a minimum allowed lot size. Determine the appropriate zoning district for the lot, and enter the value from the table.

**Line 13 - Excess or Shortfall**

If line 13 is positive, the lot complies with the zoning regulations for lot area. Otherwise, the lot does not comply.

**Line 14 - Total Lot Perimeter**

Enter the Lot Perimeter, which is found by adding up the lengths of the line segments found on an A-2 Survey Map. For purposes of this calculation, the lot perimeter may be configured to exclude any portion of lot area in excess of minimum required lot size. This is done in order to avoid having long narrow lots that are conforming in size and shape not meet the Regularity Factor.

**Line 15 - Perimeter Squared**

Multiply the Perimeter by itself and enter the value into the table.

**Line 16 - Lot Area in Square Feet**

Enter the gross lot area in square feet and enter the value into the table.

**Line 17 - Lot Area Multiplication**

Multiply the lot area by the number 16 and enter the value into the table.

**Line 18 - Regularity Factor**

Divide the number on line 17 by the number on line 15. Enter the resulting number into the table. The number must be at or above 0.55 for the lot to have a complying shape. This is in addition to the lot containing the required rectangle.

## LOT AREA WORKSHEET

(All entries in square feet--do <b>not</b> write in shaded areas)			
1.	GROSS LOT AREA		=
2.	Above-Ground Utility Easements	+	
3.	Streets and Roads	+	
4.	Other Exclusive Surface Easements	+	
5.	TOTAL EASEMENTS AND ROADS (Sum of lines 2, 3 and 4)		=
6.	Wetland area	+	
7.	Steep Slopes of 25% or greater	+	
8.	TOTAL WETLAND AND STEEP SLOPES (Sum of lines 6 & 7)	=	
MINIMUM LOT AREA CALCULATION			
9.	Zoning District Maximum Enter value: Res AAA: 17,424 Res AA: 8,712 Res A: 4,356 Res B: 1,200 Res C: 870		
10.	Maximum wetlands and slope (Smaller of line 8 or line 9)		
11,	Actual Lot Size Line 1 minus line 5 minus line 8 plus line 10)		
12.	District Minimum Lot Size Enter Value Res AAA: 87,120 Res AA: 43,560 Res A: 21,780 Res B: 6,000 Res C: 5,000		
13.	EXCESS OR SHORTFALL (Line 11 minus line 12)		
<p><b>IF LINE 13 IS POSITIVE, THE LOT COMPLIES. OTHERWISE, THE LOT DOES NOT COMPLY</b></p>			

<b>LOT REGULARITY FACTOR WORKSHEET</b>		
14. Lot Perimeter as derived from Survey Map		
15. Perimeter Squared (multiplied by itself)		
16. Lot Area (from Line 1		
17. Lot Area multiplied by the number 16		
18. Divide Line 17 above by line 15, enter number in box. This is the Regularity Factor		
<b>IF REGULARITY FACTOR IS 0.55 OR ABOVE, THE LOT SHAPE COMPLIES. IF REGULARITY FACTOR IS 0.54 OR BELOW, THE LOT SHAPE DOES NOT COMPLY.</b>		

## LOT AREA COVERAGE WORKSHEET

<b>BASE LOT CALCULATION</b>			
(All entries in square feet--do <b>not</b> write in shaded areas)			
1.	GROSS LOT AREA		=
2.	Above-Ground Utility Easements	+	
3.	Streets and Roads	+	
4.	Other Exclusive Surface Easements	+	
5.	TOTAL EASEMENTS AND ROADS (Sum of lines 2, 3 and 4)		=
6.	Wetland area	+	
7.	Steep Slopes of 25% or greater	+	
8.	TOTAL WETLAND AND STEEP SLOPES (Sum of lines 6 & 7)	=	
9.	Wetlands/Slopes reduction	0.80 x line 8	=
10.	BASE LOT AREA Lines 1, minus line 5 and line 9)		=
<b>MAXIMUM LOT AREA COVERAGE CALCULATION</b>			
11.	BASE LOT AREA (Copied from line 10, above)		
12.	Square feet of Total Coverage		
13.	Line 12 divided by line 11 for a percentage		
14.	Square feet of Building Coverage		
15.	Line 14 divided by line 11 for a percentage		
<b>IF LINE 13 and LINE 15 ARE EQUAL TO OR LESS THAN THE PERCENTAGE FOR MAXIMUM PERMITTED BUILDING AND/OR TOTAL COVERAGE WITHIN THE ZONING DISTRICT, THE COVERAGE COMPLIES</b>			