

ZONING REGULATIONS AND SUBDIVISION REGULATIONS

PLANNING AND ZONING COMMISSION TOWN OF WESTPORT CONNECTICUT

Effective June 03, 2020

See "APPENDIX C" located at the end of the Regulations for the Summary List of Amendments from March 15, 1991 to November 25, 2018

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The Town of Westport Zoning Regulations were originally adopted in September of 1930.

*The Town of Westport Subdivision Regulations were originally adopted in November of 1937
and*

Re-codified pursuant to Amendment #200 effective May 26, 1978

Both Regulations have been amended throughout the years.

This edition of the Zoning Regulations

and

*Subdivision Regulations incorporates
all previous text amendments.*

*Summaries of amendments adopted since March 15, 1991
and the effective date can be found in Appendix C.*

*The Zoning Commission requested addition of revision dates
be added to chapter headers in September of 2010.*

All attempts have been made to ensure the accuracy and completeness of this electronic version of the Westport Zoning Regulations (and Subdivision Regulations).

In the event of a discrepancy between these electronic Regulations and the Regulations on file in the Planning and Zoning Office, the Regulations on file in the Planning and Zoning Office shall be deemed to supersede the electronic version.

STAFF LIST

Town of Westport Zoning Regulations - Establishment of Zoning Staff & Commission List, Revised 11/19/21

WESTPORT PLANNING AND ZONING COMMISSION

Danielle Dobin, Chairwoman

Paul Lebowitz, Vice Chairman

Michael Cammeyer, Secretary

Neil Cohn
 Jon Olefson
 Amie Tesler
 Maria Patrizia Zucaro

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 Laurie Montagna, Zoning Official
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 Stephanie McNally, Administrative Assistant II
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WESTPORT BOARD OF SELECTMEN

Jennifer Tooker, First Selectwoman
 Andrea L. Moore Second Selectwoman
 Candice Savin, Third Selectwoman

WESTPORT TOWN ATTORNEY

Ira Bloom, Town Attorney
 Eileen Lavigne Flug, Assistant Town Attorney

GENERAL PROVISIONS

§1 LEGISLATIVE INTENT

Revised 05-26-78

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

Revised 05-26-78

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

Revised 06-24-94

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

Revised 06-03-2020

Contents:

- 4-1 Districts Established**
- 4-2 Map Established**
- 4-3 District Boundaries**
- 4-4 Split Zone - Residential Lots**
- 4-5 Maximum Allowable Multi-Family Dwellings**

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)
39A	Inclusionary Housing Overlay District (IHZ)
40	Dedicated Open Space and Recreation District #1, #2 and #3 (DOSRD)

4-2 Map Established

The boundaries of these districts are established as shown on the Official 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. The map was replaced, effective January 1, 2008 pursuant to Amendment #575 utilizing the Town's Geographic Information System (GIS). The GIS version of the map is updated periodically when zoning map changes are approved. 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

1. Affordable Housing Developments Permitted in All Residence Districts

Affordable Housing Developments shall be permitted in all Residence Districts by Site Plan approval in accordance with Section 43 of these Regulations.([751](#), 01/20/2021)

2.

Application

An affordability plan must be submitted at the time of application in accordance with Connecticut General

Statues Section 8-30g. Fractional units at 0.5 and above shall be rounded up.(751, 01/20/2021)

3. Comparable Dwelling Units

Affordable housing units cannot be clustered, but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units shall be comparable. No affordable unit shall be smaller than 75% of a market rate unit containing the same number of bedrooms.(751, 01/20/2021)

4. Exemptions for Affordable Housing Developments

An Affordable Housing Development shall not be subject to §32-8, §34-11.4, §35 and §44-5.4 of these Regulations.(751, 01/20/2021)

5. Setbacks (See §31-4 through §31-8 & §32-18 HRS, also)

No principal building, structure or use or accessory building or structure in an Affordable Housing Development shall extend closer than ten (10) feet from any street or lot line.(751, 01/20/2021)

6. Height (See §5 Definitions, Attic, & See §32-18 HRS, also)

No principal building or other structure in an Affordable Housing Development shall exceed four (4) stories and a height of fifty (50) 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.(751, 01/20/2021)

7. Coverage (See §5 Definitions & §32-18 HRS, also)

The total coverage of an Affordable Housing Development constructed without tennis courts shall not exceed twenty-five percent (25%) of the lot area plus an additional three-thousand six-hundred (3,600) square feet.(751, 01/20/2021)

8. Parking and Loading

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations except that tandem parking shall be allowed in an Affordable Housing Development and the required multifamily parking standards shall be reduced by 0.5 spaces per efficiency, 1 bedroom and 2 bedroom unit and reduced by 0.75 spaces per 3 or more bedroom unit. All parking spaces shall be at least five (5) feet from any street or lot line.(751, 01/20/2021)

9. Underlying Zoning District

Except as modified in this Section 4-5, the provisions of the underlying zoning district shall apply to Affordable Housing Developments.(751, 01/20/2021)

§5 DEFINITIONS

Contents:

5-1 General Terms

5-2 Specific Terms

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:

Accessory Dwelling Unit

A smaller secondary home on the same lot as a primary dwelling which are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation. (798, 08/13/2021)

Adaptive reuse:

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.

Addition:

Any alteration, extension or expansion in a building, which increases its size, building area, footprint, floor area, height or roof area.

Affordable Housing Development

A housing development containing dwelling units consisting of attached dwellings, single-family dwellings, two-family dwellings or multiple family dwellings. 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 definition means "affordable housing development" as defined in §8-30g(a) of the General Statutes on the date when an application is filed under this provision of these Regulations.

(751, 01/20/2021)

Alteration:

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.

Additionally for [§36](#) - Village District Overlay Zone, an Alteration shall include: replacements, reconstruction, alterations and additions to the exterior facade of a building that will change the appearance of the building by changing the material, color, texture, design or other visual qualities.

Antenna:

A commercial device, which is, attached to a tower or other structure, for transmitting and receiving

electromagnetic waves.

Antenna Tower or Telecommunication Tower:

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.

Apartment:

An apartment shall be considered a dwelling unit.

Arboretum

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

Assisted Living Facility:

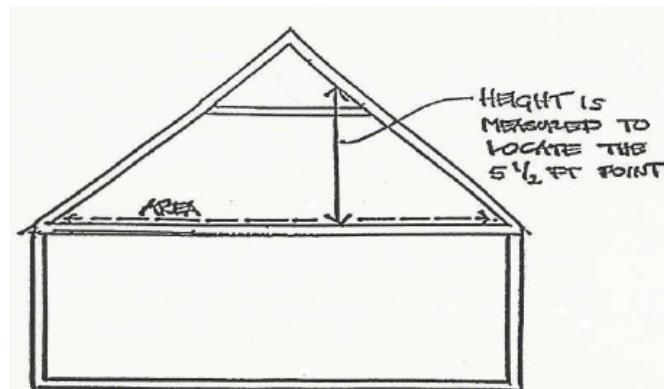
A group of private dwellings and/or shared living quarters with common rooms and facilities (i.e. kitchen, living rooms, etc.) for Seniors in need of some medical care and/or professional assistance with performing typical activities of daily living.

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. Any part of the principal building in an Affordable Housing Development directly under the roof, containing roof rafters and permanently designated as unfinished space shall be considered an attic regardless of headroom. (751, 01/20/2021)

(See Floor Area, Headroom, Story, Half-Story).

An attic is determined as follows:



Automobile:

Any wheeled vehicle that is powered by a fuel or battery source including cars, motorcycles, sport utility vehicles, trucks and vans, but excluding mobile homes, trailers, camper and farming or other heavy equipment.

Automobile Dealership, Electric Vehicle:

An automobile dealership that sells, services, provides maintenance, charging, repair, delivery and storage of: (a) new and pre-owned automobiles that run exclusively on electricity, (b) energy products, and (c) related parts and accessories. For clarification, an Automobile Dealership that sells a combination of electric and gasoline powered, or hybrid type vehicles will not be deemed to be an Electric Vehicle Automobile Dealership.(755, 11/25/2018)

Automobile Dealership, New:

An automobile distribution business that sells new and/or used vehicles under 10,000 pounds at the retail level, based on a dealership contract with an automaker or its sales subsidiary and does not include wholesale sales, but may include vehicle servicing.

Automobile Dealership, Used:

An automobile distribution business that sells used vehicles at the retail level and does not include wholesale sales, but may include vehicle servicing.

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 North American Vertical Datum (NAVD) of 1988.

Base Flood Elevation:

The elevation of the crest of the Base Flood (100-year flood). The height in relation to Mean Sea Level (NAVD of 1988) expected to be reached by the waters of the Base Flood at pertinent points in the floodplains of coastal and riverine areas.

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.

Berm:

A man-made deposit of material that is raised above the natural surface of the land. ([775](#), 03/30/2020)

Breakaway Walls:

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.

Buffer or Buffer Strip:

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.

Building:

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. 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.

Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building, except for a Non-Residential Balcony as defined in §5-2 ([800](#), 11/19/2021)

Building Accessory:

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.

Building Area and/or Footprint:

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 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. A Non-Residential Balcony shall not be included within the building area or footprint. ([800](#), 11/19/2021) (Also see §31-4, Projections into setbacks).

Building Height or Height:

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:

- Solar panels on a pitched-roofed building provided the highest point of the panels are located no higher than the roof ridge line;
- 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;
- Roof parapets and turrets 3 feet or less in height;
- Roof guards, as defined in the Building Code, and rooftop railings not to exceed the minimum height in the Building Code; provided that such railings or roof guards are not solid or opaque;
- Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
 - 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
 - The structure shall fit within a 10' x 10' square; and
 - 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.
- Church spires and belfries, pole type TV antennas and chimneys.

(See Attic, Cellar, and Crawl Space)

Building, Principal:

A building or structure in which is conducted the main or primary use of the lot on which said building is located.

Bus Shelter

A covered structure providing convenience and protection against the weather for people waiting for public transportation buses. Bus shelter locations shall be subject to approval by the Public Works Director in consultation with the Police Department and the Fire Marshal's Office. Bus shelters may contain reasonable accessories, such as individual seats and trash receptacles; provided that benches are not permitted. Bus shelters may have electricity and necessary electrical accessories, including solar panels and energy storage, charging for personal electronics and phones, security lighting, security cameras, and digital signage to provide transportation information. Commercial signage is prohibited anywhere on a bus shelter. Donor plaques and curated art are permitted.

(795, 07/01/2021)

Cannabis

"Cannabis" means marijuana, as defined in section 21a-240 of the general statutes.

(799, 09/15/2021)

Cannabis Establishments

"Cannabis Establishment" means a producer, medical dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, as those terms are defined in Section 1 of Public Act No. 21-1 of the June 2021 Special Session ("medical dispensary facility" constitutes a "dispensary facility" under Public Act No. 21-1).

([799](#), 09/15/2021)

Canopy:

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.

Cellar:

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.)

Certification:

A signed, written approval by the Planning and Zoning Commission or its designated agent.

Change of Use:

A change of use shall be subject to Site Plan Review.

The following shall be deemed to be a change of use for purposes of these regulations.

- Any change that requires the designation or construction of more than three (3) spaces for a building or use.
- Any change from a vacant lot area to a parking area.
- The change from any residential use to any commercial use shall also be deemed to be a "change of use." ([753](#), 11/25/2018)

Coastal AE Zone:

The portion of the Coastal High Hazard Area with wave heights of between 1.5 feet and 3.0 feet during the base flood and seaward of the line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). The Coastal AE Zone are areas landward of a V-Zone, where, during base flood conditions, there exists the potential for wave effects, velocity flows, and erosion.

([759](#), 02/10/2019)

Coastal Dunes:

Accumulation of sand in mounds or ridges located landward of the beach face, usually arranged parallel to the shoreline, created by constructive waves, wind, and/or manmade restoration that tend to grow landward and/or seaward in response to windblown sand accumulation trapped by vegetation.

Coastal High Hazard Area:

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zones VE and Coastal AE on a Flood Insurance Rate Map (FIRM).

([759](#), 02/10/2019)

Coin Operated Amusement Device:

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.

Co-Location:

A means of locating commercial wireless telecommunications facilities from more than one provider on a single antenna tower.

Commercial Use:

An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commercial Wireless Telecommunication Service Facilities:

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.

Compliance Alternative:

Under the Site Plan Review process in a Village District Overlay Zone [§36](#), the Planning and Zoning Commission and the Applicant may, by mutual agreement, allow a design solution that does not meet the requirements of the Design Standards under [§36-2.3](#) but does meet the objectives of the Design Principles [§36-2.1](#). The Compliance Alternative is governed by [§36-2.2](#).

Continuing Care Retirement Community (CCRC):

A facility that provides under a single residency agreement the ability for a person 62 years of age and older to reside in an Independent Living Unit (ILU) and as medical needs dictate have the ability to transfer to assisted living and various levels of skilled care and memory care managed by the CCRC operator. The CCRC shall be regulated by the Connecticut Department of Social Services and the Connecticut Department of Health shall license the skilled nursing component of the CCRC.

Cost:

As related to Substantial Improvements, the Cost of any reconstruction, rehabilitation, addition, Alteration, repair or other improvement of a Structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the Cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: Cost of plans and specifications, survey Costs, permit fees, outside improvements such as septic systems, water supply wells, geothermal wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached Structures such as garages, sheds, and gazebos.

Coverage, Building:

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. A Non-Residential Balcony shall not be included within the Building Coverage.([800](#), 11/19/2021)

Coverage, Total:

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, swimming pools, 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. A Non-Residential Balcony shall be excluded from Total Coverage. 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, swimming pools, 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). ([800](#), 11/19/2021)

Crawl Space:

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)

Day Care Center or Nursery School:

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.

Development:

Any man made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or Structures; the construction of additions, Alterations or Substantial Improvements to buildings or structures; the placement of Buildings or Structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities in Special Flood Hazard Areas.

Disturbed area:

An area of land where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Dunes:

A mound or ridge of sand or loose sediment natural (or man-made) within a marine beach system.

([775](#), 03/30/2020)

Dwelling:

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.

Dwelling, Attached:

A dwelling having any portion of one or more walls, floors or ceilings in common with another dwelling.

Dwelling, Multiple Family:

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.

Dwelling Single Family:

A detached dwelling which is one (1) dwelling unit and contains one kitchen only.

Dwelling, Two Family:

An attached dwelling containing two (2) dwelling units and only one kitchen for each dwelling unit.

Dwelling Unit:

Any room or group of rooms providing living quarters and an independent kitchen.

Elevated Building:

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.

Elevation:

The height in feet relative to mean sea level (MSL). Alternatively a plan of the sides of a building.

Erosion:

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Existing Manufactured Home Park or Subdivision:

A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date, June 30, 1980, of the floodplain management ordinance adopted by the community.

Expansion to an Existing manufactured Home park or Subdivision:

The preparation of additional sites by the construction of facilities for servicing the Lots on which the Manufacturing Homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fall Zone:

The radius around an antenna or telecommunication tower equal to the height of the antenna or telecommunication tower.

Family:

- 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).

Family Day Care Home:

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.

Federal Emergency Management Agency (FEMA):

The federal agency that administers the National Flood Insurance Program (NFIP).

Fence or Wall:

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)

Flood or Flooding:

A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM):

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.

Flood Insurance Study (FIS):

The official study of the Town of Westport in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of Flood hazards and, if appropriate, corresponding Water Surface Elevations.

Flood proofed:

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.

Flood proofing:

Any combination of structural and nonstructural 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

Floodway:

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.

Floor:

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.

Floor Area:

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.

Floor Area, Patron:

All floor space accessible to customers, including foyers and hallways, but excluding bathrooms and coat rooms.

Floor Area Ratio (F.A.R.): 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.

Floor Area Ratio (F.A.R.)

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.

Floor, Lowest:

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.

Floor Space:

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.

Food Establishment Retail:

A retail food establishment shall mean any business where food or beverages are sold to the public for either on premises or off premises consumption; except that the sale of alcoholic beverages must be for off-premises consumption. A retail food establishment may have no more than 10 indoor patron seats. Such establishments shall not be considered Restaurants and no additional parking will be required provided that they have indoor seating for no more than 10 patrons For outdoor seating – See [§5-2](#) & [§32-20](#) Outdoor Eating Areas.

Footprint:

See [Building Area](#).

Full Care Living Facility:

A shared living facility for Seniors in need of 24-hour professional care including, but not limited to, skilled nursing and hospice services.

Functionally Dependent Facility:

A facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Game Room:

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.

Garages, Commercial:

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.

Garages, Private:

An accessory building or portion of a principal building used for the storage of vehicles as an accessory use.

Group Day Care Home:

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.

Headroom:

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.

Healthcare Professional:

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).

Historic Structure:

Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered federal, state or local historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on the Westport Historic Resource Inventory.

Home Based Business:

The use of a portion of a Principal or Accessory Building for business purposes by the resident occupants including: 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, and similar uses, in the following hierarchy of intensity:

- Home Office – The use of a Principal or Accessory Building for occasional business use (as part of employment typically occurring elsewhere) or a Home Based Business involving minimal visits (less than 10 per day) to the premises by non-residents. Non-resident employees or contractors are not allowed, (see standards listed in §11-2.4.6). This use shall not require a Zoning Permit.
- Home Occupation, Level 1 – The use of a Principal or Accessory Building for Home Based Business, which may include one (1) non-resident on-site employee or contractor and is limited to ten (10 patron, client, or associate visits a day. This use shall require a Zoning Permit and is subject to the requirements listed in §11-2.4.6A and §32-18.9 as applicable.

- Home Occupation, Level 2 – The use of a Principal or Accessory Building for a Home Based Business involving more than one non-resident on-site employee or contractor and is limited to ten (10) patron, client, or associate visits a day. This use shall require a Zoning Permit and Special Permit approval from the P&Z Commission and is subject to the requirements in §32-18.9 and §32-21 as applicable.

Hospital:

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.

Hydrodynamic Loads:

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.

Hydrostatic Loads:

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.

Independent Living Facility:

A group of private dwellings and/or shared living quarters with common rooms and facilities (i.e. kitchen, living rooms, etc.) available to Seniors who are capable of independently performing typical every-day activities.

Kitchen:

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.

Limit of Moderate Wave Action (LiMWA):

The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are seaward of the line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

(759, 02/10/2019)

Living Quarters:

Separate and independent space including kitchen, sleeping and bathroom facilities within a building.

Lot:

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 access way 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.

Lot Area:

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)

Lot, Corner:

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.

Lot, Depth:

The average horizontal distance between the front and rear lot lines, measured parallel to or as nearly parallel as possible to side lot lines.

Lot Line:

Any property line bounding a lot.

Lot Line, Front:

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.

Lot Line, Rear:

The property line between the side lot lines and generally opposite to the front lot line.

Lot Line, Side:

The property line(s) generally extending from the street and connecting the front and rear lot lines.

Lot, Rear:

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 access way that is part of the rear lot.

Lot Shape:

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.

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:

16A=R

P2

A= Gross area of lot in square feet

P=Lot Perimeter

R=Regularity factor

Lot, Through:

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.

Lot, Width:

The average horizontal distance between the side lot lines, measured at right angles to the lot depth.

Maintenance and Minor Repairs:

Ordinary maintenance and repair for which no building permit is required and which does not alter the exterior appearance of the building. Maintenance and Minor Repairs shall not be deemed an alteration as defined herein.

Managed Residential Community:

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.

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.

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.

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.

Manufactured Home:

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.

Manufactured Home Park or Subdivision:

A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value:

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) prior to the start of the initial repair or improvement, or in the case of damage, the value of the Structure prior to the damage occurring.

Mean Sea Level:

The average height of the sea for all stages of the tide which is considered as Elevation 0.0 feet based upon the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

Medical:

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)

Medical Dispensary Facility

A "Medical Dispensary Facility" constitutes a "Dispensary Facility" as that term is defined in Section 1 of Public Act No. 21-1 of the June 2021 Special Session: A place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department [of consumer protection] has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder.

(799, 09/15/2021)

Mobile Home:

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.

Mobile Home Park:

An area zoned for mobile home use which meets the standards set forth in §16, and which has been approved by the P&Z Commission.

Mobile Home Replacement Unit (MHRU):

A permanent, non-transportable dwelling unit constructed to replace an existing Mobile Home Unit and/or infill additional dwelling units, situated within a Mobile Home Park District existing prior to 8-15-11, and designed for long-term occupancy as a residence. (MHRU)

Mobile Home Unit Space:

An area of ground within a mobile home park designed for the accommodation of one mobile home.

Motel, Hotel, Motor Inn, Tourist Court:

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.

Multiple Use Development:

A use of land, buildings or structures with a combination of office, retail or other commercial uses and two family or multifamily dwellings on a lot.

New Construction:

New Construction shall be defined as any of the following:

- An entirely new structure.
- An increase in the size of a structure by more than 35% of its footprint or Floor Area within a 5 year period. For structures listed on the Westport Historic Resources Inventory – up to 50% may be considered.
- Removal, destruction or reconstruction of more than 35% of the exterior walls or structural members of building or structure within a 5 year period, except a change in a building facade that is less than four (4) inches in depth. For structures listed on the Westport Historic Resources Inventory – up to 50% may be considered.
- New Construction 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).

New Manufactured Home Park or Subdivision:

A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after the effective date, June 30, 1980, of the floodplain management regulation adopted by the community.

Non-Conforming Structure:

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.

Non-Conforming Lots:

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.

Non-Conforming Use:

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.

Non-Residential Balcony

A platform, located above grade, which is enclosed by a railing or balustrade, but without a roof, on the outside of a Building located adjacent to the Saugatuck River in a non-residential district, with building area no larger than 500 square feet and protrudes no further than ten (10) feet from the Building and its drainage

must be tied into the Building's storm management system with sufficient capacity to support the Non-Residential Balcony runoff. There shall be no more than two (2) Non-Residential Balconies per building that benefit from the Building Coverage and setback relief referenced in the Structure definition in §5-2. (800, 11/19/2021)

Outdoor Eating Area:

An outdoor area located on the same property as a Restaurant, Cafe, Tavern or Retail Food Establishment that allows for tables & chairs for outdoor table service or self-service dining subject to a Zoning Permit renewed each year prior to May 1st and the requirements found in §32-20.

Outdoor Special Events:

Outdoor Special Events shall include special cases, unusual circumstances, annual events or seasonal uses including; 1) any outdoor event open to the public located on private property; 2) any outdoor event in a residential zone on private property occupied by a Special Permit use as listed in §11-2.2; 3) any outdoor event that has a tent(s) that total larger than 350 square feet of area that will be placed on a residential property for more than 7 days; 4) any commercial filming, photography or promotion projects that involve either a cast/crew of larger than 7 people or last for more than 3 hours; 5) amusement devices, such as carousels, roller coasters, whirligigs, merry-go-rounds and Ferris wheels.

Owner, Principal:

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.

Places of Worship:

A building or place that by design is intended for conducting organized religious services and may be referred to more commonly as a church, synagogue or mosque.

Parking Space, Loading Space:

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.

Patio:

See Terrace or Patio.

Pilings:

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.

Premises:

A lot, plot or parcel of land including the buildings, structures and uses thereon.

Private Occupational School:

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.

Private Residential Unit:

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.

Provider:

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.

Public Building:

Any building owned, leased or otherwise held by the federal, state or town government.

Public Park and Recreation Area:

Public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space areas or similar public land within the town that is under the control, operation or management of the town, any other town or the state.

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. (For specific requirements see §31-10.7.4 herein.)

Recreational Vehicle:

A vehicle which is:

- Built on a single chassis;
- 400 s.f. or less when measured at the horizontal projection;
- 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.
- designed to be self-propelled or permanently towable by a light duty truck; and
- designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Redevelopment:

Development activity characterized by the removal of an existing building and/or structure to be replaced with new construction.

Regularity Factor:

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)

Research Laboratory:

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:

- a. The manufacturing is the direct outcome of the research activity conducted therein; and
- 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
- c. The manufacturing activity is light in intensity; and
- 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.

Restaurant:

A place having an adequate kitchen and dining room, the primary business of which is the service of food or beverages to patrons seated at tables, counters or cafeteria style. A Restaurant is distinguished from a Retail Food Establishment if it has indoor seating for more than 10 patrons. A Restaurant may have a 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 and Restaurant, Drive-in).

Restaurant, Drive-In:

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.

Riverine:

Relating to, formed by or resembling a river, including tributaries, streams, brooks and creeks.

Rooming Unit:

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.

Scenic Vista:

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.

School:

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.

Sediment & Erosion Control Plan:

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Senior:

A person sixty-two (62) years of age or older.

Senior Center:

A facility that offers services and activities to promote the physical, mental and social well-being of Seniors.

Senior Residential Community:

A Senior Residential Community shall consist of dwelling units and may include facilities intended to support and enhance the lives of Seniors including, but not limited to, service enriched residential opportunities, and/or other uses aimed at providing a continuum of care, hospice services, housing, recreation, Senior Centers, education and socialization for Seniors (i.e. Independent, Assisted, and Full Care Living Facilities).

Separation Distance:

A straight measurement taken from the nearest lot line of the proposed use to the nearest lot line of the protected use.

Setback:

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)

Setback, 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).

Setback, Rear:

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).

Setback, Side:

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.

Signs:

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.

Sign, Commercial or Off Premises (Billboards):

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.

Signs, Directional:

A non-conforming sign intended to direct the way to a place or activity.

Sign, Free Standing:

A sign supported by one or more uprights or braces in or on the ground. For temporary free standing portable signs see §33-5.3.

Sign, Identification or on Premises:

Any sign advertising a commodity sold or produced on the premises or a business (businesses) or activity conducted on the premises where the sign is located.

Sign, Roof:

A sign attached to a building and erected upon the roof or extending above the main roof line of such building.

Sign, Wall:

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.

Single Use Development:

A use of land, buildings or structures comprised of only permitted commercial uses or only permitted residential uses, but not both, on a lot.

Special Flood Hazard Area:

Land within the floodplain 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). SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones VE and Coastal AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard. ([759](#), 02/10/2019)

Special Needs Individuals:

Persons that are blind, physically disabled, and/or have intellectual disabilities pursuant to Sections 1-1f and/or 1-1g of the Connecticut General Statutes ([778](#), 06/03/2020)

Start of Construction:

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. For a Substantial Improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external

dimensions of the building.

Story:

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. Any unfinished area below the Base Flood Elevation located within the Special Flood Hazard Area is not considered a story provided a Non-Conversion Agreement, acceptable to the Town Attorney, is filed on the Land Records. An annual inspection by Planning and Zoning Staff is also required. A story is counted in floor area and height measurements.

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, except for a Non-Residential Balcony.([795](#), 07/01/2021; [800](#), 11/19/2021)

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, platform lifts necessary for ADA compliance and temporary signs as specified in §33-5 are not considered structures. Access stairs required by a public utility and no larger than 50 square feet are not considered structures. Bus Shelters are not considered structures for purposes of coverage and setbacks. A Non-Residential Balcony as defined in §5-2, shall not be considered a structure for purposes of Building Coverage. A Non-Residential Balcony as defined in §5-2 shall not be considered a structure when located in the Rear setback facing the Saugatuck River. For those properties that qualify for a Non-Residential Balcony, but have no Rear setback, a Non-Residential Balcony shall not be considered a structure when located in a Side setback facing the

Saugatuck River. ([795](#), 07/01/2021; [800](#), 11/19/2021)

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.

Substantial Damage:

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.

Substantial Improvement:

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. 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.

Substantial Reconstruction and Rehabilitation:

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values. A Substantial Reconstruction and Rehabilitation is distinct and separate from Substantial Damage and Substantial Improvement as defined herein. All work on any structure within the Special Flood Hazard Area as defined herein, including Substantial Repair and Rehabilitation, shall comply with all of the requirements of §[31-11](#), "Floodplain Regulations." In the event of a conflict between this definition and the definition of New Construction, the definition herein shall prevail.

Supportive Housing:

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.

Swimming Pool:

Swimming pool as defined by the State Building Code, shall be deemed a structure and its surface area as measured from the inside face of the exterior walls shall be used in computing Total Coverage. A swimming pool having a supported roof shall be deemed a building and shall be computed in Building Coverage.

Tennis Courts:

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.

Terrace or Patio:

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 §24A of these Regulations.

Unfinished Living Space:

A fully enclosed space below the Base Flood Elevation that is not heated and/or cooled, does not contain finished floors, does not have sheetrock walls, and does not have other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. Unfinished enclosed areas below the Base Flood Elevation should comply with FEMA Technical Bulletin 2 as amended, Flood-Damage Resistant Materials Requirements. Unfinished living space may be used only for storage, parking and access to upper levels. ([759](#), 02/10/2019)

Unified Shopping Center:

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.

Usable Open Space:

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.

Uses:

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.

Use, Accessory:

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.

Use, Principal:

Principal: The main or primary use of a premise.

Variance of Floodplain Regulations:

A grant of relief by a community from the terms of the floodplain management regulation that allows Construction in a manner otherwise prohibited and where specific enforcement of the regulations would result in unnecessary hardship.

Village District:

An area designated by the Zoning Commission under Chapter 124 §8-2j of the Connecticut General Statutes (CGS) for the purpose of protecting the distinctive character, landscape and historic structures within the boundaries of that area.

Violation of Floodplain Regulations:

Failure of a Structure or other Development to be fully compliant with the community's floodplain

management regulations. A Structure or other Development without required permits, lowest Floor Elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Walkway:

An improved pedestrian sidewalk, path, trail or accessory at least three (3) feet in width.

Waterbody:

Any pond, lake or body of standing water either natural or artificial; excluding swimming pools.

Watercourse:

Any river, stream, brook, or other natural or artificial waterway.

Water Surface Elevations:

The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of Floods of various magnitudes and frequencies in the Flood plains of coastal or riverine areas.

Westport Athletic Special Event:

A "Westport Athletic Special Event" is any Westport team athletic practice or game, including, but not limited to, football, soccer, field hockey, and lacrosse that utilizes the athletic field lighting after 8:00 p.m. between September 1st and December 1st, or any event that uses athletic field lighting after December 1st through August 31st, or any event utilizing field lighting that exceeds a measurement of 0.3 foot candles at the property line. Other conditions applying to Westport Athletic Special Events shall include the following:

- Such events must involve a Westport Board of Education or Westport Parks and Recreation Dept. sponsored or sanctioned team.
- Any event that continues or otherwise occurs after 8:00 p.m. and utilizes the athletic field lights, including practices, shall constitute a Westport Athletic Special Event; except that regularly scheduled Staples High School Varsity games which are scheduled to begin at 6:00 p.m. or earlier, but which are delayed due to unforeseen circumstances (e.g. weather, travel delays), may be completed and will not be considered a Westport Athletic Special Event.
- Soccer, field hockey, lacrosse, other games and practices for any sport may take place under lighting which is in compliance with §32-19.4(d), herein and shall be completed before 8:00 p.m., and therefore shall not count toward the stipulated number of Westport Athletic Special Events.
- Football Games associated with CIAC or FCIAC playoff or Championship playoffs for the Staples High School football team are permitted and shall not be counted as Westport Athletic Special Events. Practices for such games shall also not be counted as Westport Athletic Special Events provided that they are concluded by 8:00 p.m.

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. Example: (\$111,000 x 110% = \$122,100) NOTE: This number is for example

purposes ONLY. The Median Family Income changes on an annual basis.

§6 NON CONFORMING USES, BUILDINGS & LOTS

Contents:

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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 as listed below:

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 not be deemed to be a non-conforming building or structure; but rather it shall be deemed to be permitted by variance. (762, 07/13/2019)

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. The vertical or horizontal alteration of a structure located within the Special Flood Hazard Area which is proposed to have its first finished floor elevated to at least the Base Flood Elevation, have no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. See §6-3.1, §13-4 and §14-4.

6-2.1.8

Except for entry stairs, platforms and open porches necessary for ingress and egress which shall be permitted to be added to a structure within the Special Flood Hazard Area provided that the first finished floor is elevated to at least the Base Flood Elevation and has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) which would not represent an increase in non-conformity. Structures in the VE zone shall comply with all the requirements in §31-11.3.5.

6-2.1.9

The construction of Non-Residential Balconies as defined in §5-2 and as described in the Structure definition are not considered an expansion, extension, or alteration. (800, 11/19/2021)

6-2.2 Coverage

Expansion or extension of an existing structure located within the Special Flood Hazard Area which is proposed to have its first finished floor elevated to at least the Base Flood Elevation, has no basement or cellar below the BFE and if in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added to an existing structure within the Special Flood Hazard Area shall be permitted provided that the first finished floor is elevated to at least the Base Flood Elevation and has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) which would not represent an increase in non-conformity. Structures in VE zone shall comply with all the requirements in §31-11.3.5. The maximum allowable additional coverage shall be 15 square feet per entrance per foot that the building is to be elevated above average grade to at least the BFE up to a maximum of 225 square feet.(762, 07/13/2019)

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.
- d. such restoration or reconstruction of any structure within the Special Flood hazard Area as defined herein shall comply with all of the requirements of §31-11, "Floodplain 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:

LOT SIZE IN SQUARE FEET	FRONT SETBACK **	SIDE SETBACK **	REAR SETBACK **
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.

** Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added an existing structure within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. In no case may such structures be less than 5 feet from any property line.

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:

Lot Size Max.	Maximum Stories	Maximum Feet (See Building Height)
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'

* Building Height for principal buildings may be increased by up to an additional five feet; (Maximum of 31') for an existing or new structure located within the Special Flood Hazard Area specifically, when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in the VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height as measured from average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation up to a maximum of five feet. Wet flood proofed enclosed spaces below the first floor with a head room of five feet or less shall not be considered a story. (See §5-2 Definition of Crawl Space).

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 to 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 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.

6-6.2 Non-Conforming Automobile Dealerships:

Notwithstanding the above, on lots with a minimum of one hundred fifty (150) feet of frontage on the Post Road, and fifty (50) feet of residentially zoned frontage, a minimum of thirty thousand (30,000) square feet of land, a portion of which lies in each of the GBD and Residential zone, and legally used as an Automobile Dealership where the Planning and Zoning Commission makes a finding that the redevelopment significantly improves the streetscape and public safety, a nonconforming building and its uses may be allowed full or partial redevelopment, in the nonresidential portion of the lot, except as permitted by §6-6.2.7.5 below, provided the redevelopment shall result in no increase of building coverage, total coverage, or floor area, except as provided below and subject to the standards herein. (755, 11/25/2018)

Redevelopment shall be pursuant to Special Permit and Site Plan review, consistent with §34, §35, §43 and §44, except that where nonconformities legally exist, such nonconformities may be maintained, reduced, and/or reorganized, subject to the approval of the Planning & Zoning Commission and the standards outlined below:

6-6.2.1

Building Coverage shall not be increased except to accommodate either:

- a. new building, facade materials and/or entryways for an existing gasoline powered Automobile Dealership

- (New), such new Building Coverage shall not increase the existing Building Coverage by more than 1%; or
- b. increased floor area and building area when converting a gasoline Automobile Dealership to an electric vehicle dealership and service center, subject to the provisions of §6-6.2.7 below. (755, 11/25/2018)

6-6.2.2

The following exemptions from calculated floor area may be excluded:

- a. Internal vehicular queuing and drop-off for customer vehicle servicing;
- b. Up to three (3) showroom display vehicles, each not to exceed a 9'x18' dimension.(755, 11/25/2018)

6-6.2.3

Existing first floor area being removed and/or exempted under this section may be relocated to the second floor above, and up to the face of the existing floor below which may or may not conform to setback standards provided it does not exceed 25% of the floor area below inclusive of any atrium space and is a minimum of fifty (50') feet from the nearest residential district and adequately screened to the satisfaction of the Planning and Zoning Commission.

6-6.2.4

Legally nonconforming display, employee and visitor parking spaces may be maintained or reorganized, provided that overall front landscaping is brought more into compliance with §35-2.2.(755, 11/25/2018)

6-6.2.5

Existing conforming or legally non-conforming signage may be updated in its current location and/or relocated to a more appropriate location, as determined by the Planning and Zoning Commission, provided that the total size of the legally non-conforming signage may not be increased in the aggregate.(755, 11/25/2018)

6-6.2.6

Notwithstanding §32-8, grading within five (5') of a front property line may be allowed for removal, installation, and/or relocation of curb cuts, driveways, landscaping, sidewalks and parking subject to the approval of the Planning and Zoning Commission, and subject to the review of the Town Engineer. (755, 11/25/2018)

6-6.2.7 Electric Vehicle Automobile Dealership Incentives

The Commission, by Special Permit and Site Plan Review in accordance with §43, herein, shall allow a change from one non-conforming automobile dealership use to an Electric Vehicle Automobile Dealership as defined, and the following alterations to applicable lots and buildings are permitted: ([755](#), 11/25/2018)

6-6.2.7.1

An Electric Vehicle Automobile Dealership may add up to 8,000 square feet of gross interior floor area located on the lot provided that: (a) the total gross interior floor area of the existing building and the new addition located on the lot do not exceed a total of 18,000 square feet when completed; and (b) the additional square footage shall replace paved area that had been historically utilized for exterior vehicle display, parking, and/or circulation.

6-6.2.7.2

No buildings or structures of an electric vehicle dealership and/or service center shall exceed a Floor Area Ratio (FAR) of 0.28 of the area of the lot. Floor area used for parking and loading spaces shall be excluded from the FAR.

6-6.2.7.3

The building coverage shall not exceed twenty-eight (28%) percent of the area of the lot.

6-6.2.7.4

An Electric Vehicle Automobile Dealership shall also be permitted to have on-site general office use associated with its operations.

6-6.2.7.5

§6-6.2.3 shall not be applicable to an Electric Vehicle Automobile Dealership that takes advantage of the incentives provided in this §6-6.2.7.

6-6.2.7.6

Additional parking spaces and drive aisles necessary to accommodate the proposed Electric Vehicle Automobile Dealership site plan shall be permitted in the residential portion of the lot.

6-6.2.7.7

Additional lot coverage in the Residential zone shall be permitted to accommodate the necessary parking

spaces and drive aisles permitted by §6-6.2.7.6.

6-6.2.7.8

Electric Vehicle Automobile Dealership Incentives shall be limited to those properties that are existing Non-Conforming Automobile Dealerships, have a minimum of 150 feet of frontage on the Post Road, a minimum of 50 feet of frontage in a residential zone, a minimum lot size of 30,000 sq. ft., are a split zoned lot in the GBD and a residential zone, and are in existence and meet the above mentioned criteria on the effective date of this regulation (11/25/2018).

6-6.3 Non-Conforming Medical Redevelopment

Notwithstanding the above, on lots (a) not less than 2.5 acres nor more than 3.0 acres, (b) located in a split zone comprised of the General Business District (GBD) & Residence A districts, (c) where a building is located entirely in the GBD zoned portion of the lot, and (d) where the building is intended for redevelopment primarily as medical offices; a non-conforming building and its uses may be allowed full or partial redevelopment subject to Special Permit/Site Plan approval from the Planning and Zoning Commission, in the non-residential portion of the lot, provided the redevelopment will achieve superior architectural design, will improve access for disabled individuals, will enhance existing landscaping and buffering, and shall result in no increase of height, building coverage, or floor area, except as provided below and subject to the standards herein.

(796, 07/15/2021)

6-6.3.1 Height

Rooftop mechanical equipment necessary for compliance with the building, health or other applicable code shall be permitted and shall be concealed from all sides.

(796, 07/15/2021)

6-6.3.2 Coverage

Building coverage shall not exceed 37% for the area of the lot located in the GBD. In no event shall additional building coverage be located in the Residence A portion of the lot, nor shall total coverage in the Residence A portion of the lot exceed 80%.

(796, 07/15/2021)

6-6.3.3 Floor Area

Notwithstanding the provisions of § 24-8.1, no building shall exceed 50,000SF of gross interior floor area, which may be utilized by a single user or by multiple users. FAR shall not exceed 0.51 for the area of the lot located in the GBD. In no event shall additional floor area be located in the Residence A portion of the lot.

(796, 07/15/2021)

6-6.3.4 Parking and Loading

Off-street parking shall be provided in accordance with §34-5 of the Supplementary Regulations. Existing parking spaces shall not be required to comply with the Design Standards for Off-Street Parking and Loading unless proposed to be modified as part of the redevelopment plan.

Notwithstanding §34-10, no loading spaces shall be required.

(796, 07/15/2021)

6-6.3.5 Landscaping

Where the existing lot is non-conforming with respect to the landscape buffers and parking lot landscaping and further modifications are necessary to improve building access, notwithstanding the provisions of §34-3, 35-2.2, 35-2.4 and 35-4, screening, landscaped buffer areas or parking lot landscaping shall be provided to the greatest extent possible without reducing required parking.

(796, 07/15/2021)

6-6.3.6 Fire Lanes

When the existing lot is non-conforming with respect to the fire lane requirements established by § 34-11.3, appropriate emergency access shall be provided to the satisfaction of the Fire Marshal.

(796, 07/15/2021)

6-6.3.7 Setbacks

No building setback shall be required from a Residential District Boundary Line.

(796, 07/15/2021)

RESIDENCE DISTRICTS

§11 RESIDENCE AAA DISTRICT

Revised 01-11-16

Contents:

- 11-1 Purpose**
- 11-2 Permitted Uses**
- 11-3 Lot Area and Shape**
- 11-4 Setbacks**
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- 11-10 Signs**
- 11-11 Parking and Loading**
- 11-12 Landscaping, Screening and Buffer Areas**
- 11-13 Open Space Subdivision**

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

A Community Residence which houses six (6) or fewer intellectually disabled persons and two (2) staff persons and which is licensed by the State.

11-2.1.5

A family Day Care Home registered pursuant to §19a-87b of the Connecticut General Statutes.

11-2.1.6

Temporary Lighted athletic fields on town owned public school property subject to Site Plan approval by the P&Z Commission pursuant to the provisions of §32-19A as applicable.

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

Senior 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 Seniors.

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

Permanent Lighted athletic fields on town owned public school property.

11-2.3.15

Home Occupation, Level 2, as defined in §5-2, Home Based Business.

11-2.3.16

Inclusionary Two-Family and Multifamily Dwellings.

11-2.3.17

Senior Residential Community.

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. The surface area of a swimming pool as measured from the inside face of the exterior walls shall be used in computing Total Coverage.

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 unless they also contain an accessory unit that meets the requirements of Section 11-2.4.8A ([791](#), 05/07/2021; 798, 08/13/2021) below, in which case, the garage shall be subject to the height limitations set forth in Section 11-2.4.8c below. ([791](#), 05/07/2021; 798, 08/13/2021)

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

Home Office, as defined in [5-2](#), Home Based Business. A Principal Building, Accessory Building, Two-Family Dwelling Unit or Multi-Family Dwelling Unit may be permitted a Home Office. Pursuant to §33-6 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 Home Office. A Zoning Permit is not required for this use. Such occupation shall be incidental and clearly a secondary use of the principal residence.

11-2.4.6A

Home Occupation, Level 1, as defined in §5-2, Home Based Business, subject to a Zoning Permit, and the following conditions:

- a. Resident Occupant - Only one Home Occupation, Level 1 shall be conducted on any premises. Such occupation shall be conducted by one or more residents of the premises.
- b. Location - A Home Occupation, Level 1 shall be located within the Principal Building on the lot, unless approved in an Accessory Building pursuant to §32-18, Historic Residential Structures. Such 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, Level 1 shall not exceed 25% of the floor area of the Principal Building, excluding cellars and basements, and including waiting rooms, file rooms and similar spaces devoted to uses which are supplementary to such occupations. In the case of a Two-Family building, the floor area of the Principal Building shall be interpreted as the floor area of the individual dwelling unit.
- d. Visitors – There shall be no more than ten (10) patron, client, or associate visits a day.
- e. Students or Pupils - No more than four (4) students or pupils at any one time shall be permitted.
- f. Employees – There shall be no more than one (1) non-resident on-site employee or contractor.
- g. Display - No display shall be visible from the outside.
- h. Signs - Pursuant to §33-6 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 Home Occupation, Level 1 is permitted.
- i. 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.
- j. Prohibition - The use of any Multiple Family Dwelling Unit for any Home Occupation, Level 1, shall be prohibited.
- k. Limitation - Either one (1) Home Occupation Level 1 or Level 2 is permitted per lot.

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. Permanent and temporary light poles for lighted athletic fields on town owned public school property shall be permitted up to a height of 80 feet for permanent and 50 feet for temporary lights provided that all requirements of §32-19 or §32-19A are in compliance.(798, 08/13/2021)

11-2.4.8A

- a. The Building Area of an Accessory Dwelling Unit the accessory building or structure shall not exceed the following:

Lot Size	Maximum Building Area of an Accessory Dwelling Unit
Lots up to and including 65,340 sq. ft.	650 sq. ft., provided, however, that for the purposes of calculating Building and Total Coverage: the first 350 sq. ft. of any such accessory building or structure shall not be counted. The maximum footprint inclusive of 350 sq. ft. bonus is 650 sq. ft.
Lots over 65,340 sq. ft.	1,000 sq. ft.

b. The Accessory Dwelling Unit may only have a single interior kitchen.

c. The Accessory Dwelling Unit shall not exceed the following height limitations:

Roof Type	Maximum Height (measured to the highest point of the roof, excluding a cupola as permitted below)
Any Roof with a slope [of at least 6:12]	Twenty-six (26) feet
Any Roof with a slope [of less than 6:12]	Sixteen (16) feet

Existing non-conforming accessory structures are permitted to be converted into an Accessory Dwelling Unit with Special Permit approval.

d. Subject to Section 11-2.4.8A.(a) and (b) above, the accessory building or structure shall meet all setback, coverage, grading, drainage, and other requirements applicable to the property.

e. If the property is not on Town sewers, the property owner or their designee must obtain the Westport-Weston Health District approval for the septic system. State approval of the proposed septic systems may also be required pursuant to state statute.

f. If the property is on Town sewers, proof of the sewer hookup must be submitted to the P&Z Office by the property owner or their designee.

g. There are at least three (3) off-street parking spaces on the lot and proof of adequate parking must be

submitted to the Planning and Zoning Office by the property owner or his designee.

h. Cupolas shall be permitted on accessory buildings provided that: (i) the cupola shall not be higher than 5 feet above the ridge line or highest point of the roof; and (ii) the cupola shall not exceed 5% of the footprint of the roof area of the building on which it is located, or 25 square feet, whichever is less. The cupola cannot be used for human habitation.

i. Cellars, basements and crawl spaces shall be permitted in accessory buildings but must be unfinished and may not be used as living space. Stairs which access a cellar or basement from outside the building do not count in building coverage.

j. The provisions listed above may be modified for applications approved pursuant to §32-18. (Historic Residential Structures).

k. Only one accessory dwelling unit shall be permitted per lot.

l. Any accessory dwelling unit located in the Special Flood Hazard Area must be compliant with the floodplain regulations in §31-11. No additional building height is permitted for an existing or new structure located within the Special Flood Hazard Area when proposed to be floodplain compliant.(798, 08/13/2021)

11-2.4.9

No accessory building, structure or lot shall include any use or activity conducted for gain or profit, except (i) for residential occupancy, including rentals (so long as the term of lease is at least (6) months and so long as the owner resides on the property, and (ii) as otherwise expressly permitted herein.(791, 05/07/2021)

11-2.4.10

Reserved(791, 05/07/2021)

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 subject to approval of a Zoning Permit and the following conditions:(791, 05/07/2021)

11-2.4.12A Accessory Apartments.

- a. Occupancy – At least one of the dwelling units shall be occupied by the principal owner.(791, 05/07/2021)
- b. Reserved (791, 05/07/2021)).
- c. Signatures – All requests shall contain the signature(s) of the owner(s), or a letter of authorization by the property owner.
- d. Floor Area - The additional dwelling unit shall not exceed 1500 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. If the property is not on Town sewers, the property owner or his designee must obtain the Health Department approval of the septic system.
- f. If the property is on Town sewers, proof of the sewer hookup must be submitted to the P&Z Office by the property owner or his designee.
- g. There are at least three (3) off-street parking spaces on the lot and proof of adequate parking must be

submitted to the Planning and Zoning Office by the property owner or his designee.([791](#), 05/07/2021)

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 approval of a Zoning Permit 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 Office an Affidavit in the form prescribed by the Planning and Zoning Office 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. All requests 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 hookup must be submitted to the P&Z Office by the property owner or his designee.
- i. Proof of adequate parking must be submitted to the P&Z 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:

A Declaration of Restriction in the form prescribed by the Planning and Zoning Office and approved by the Town Attorney and which includes language stating that the Declaration of Restriction cannot be released without the consent of the P&Z Director 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 P&Z 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 P&Z Director 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 a Senior accessory apartment upon compliance with all the standards and requirements therefore in §11-2.4.12A and upon review and approval by the P&Z Director or designee such owner shall then record a Release 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 the following conditions and Zoning Permit approval:

- 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 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 hookup 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 P&Z Office. A different apartment configuration than existed in 1959 may be approved, including areas of new construction, provided the floor area of the approved apartment does not exceed the floor area of the apartment that existed as of 10/1/59.
- 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.

11-3 Lot Area and Shape (See §5 Definitions & §32-18 HRS, also)

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 & 32-18 HRS, 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 (See §32-18 HRS, also)

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 permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8

11-6 Coverage (See §5 Definitions & §32-18 HRS, also)

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. Permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage.

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.

§11-B (11-2.4.12B AFFORDABLE ACCESSORY APARTMENT)

Revised 5/7/2021

As of April 25, 2021, the state median income for Connecticut is \$102,600 and the area median income for the Stamford-Norwalk HMFA is \$151,800, according to the U.S. Dept. of Housing and Urban Development (HUD). Therefore, since the lower of the state or area median income is to be used to determine affordable income figures, staff has based the maximum figures on the \$102,600 figure.

The chart below lists the maximum allowable income for persons occupying an accessory affordable apartment as well as the maximum allowable housing rent that can be charged for the unit.

Apartment Size	Maximum Monthly Housing Cost		
	80% of SMI	60% of SMI	40% of SMI
1-Bedroom	\$1,429	\$1,044	\$660
2- Bedroom	\$1,697	\$1,235	\$773
3- Bedroom	\$1,934	\$1,401	\$867

Family Size	Maximum Annual Income		
	80% of SMI	60% of SMI	40% of SMI
1 person	\$57,456	\$43,092	\$28,728
2 people	\$65,664	\$49,248	\$32,832
3 people	\$73,872	\$55,404	\$36,936
4 people	\$82,080	\$61,560	\$41,040
5 people	\$88,646	\$66,485	\$44,323

Unit Size	Maximum Sale Price of Affordable Units		
	80% Max Sale Price	60% Max Sale Price	40% Max Sale Price
1-Bedroom	\$263,380	\$160,851	\$52,728
2-Bedroom	\$312,114	\$189,079	\$58,588
3- Bedroom	\$355,256	\$213,314	\$71,105

* All numbers assume a 20% down payment and a mortgage paid in 360 equal payments at 3.86%

§12 RESIDENCE AA DISTRICT

Revised 01-11-16

Contents:

- 12-1 Purpose**
- 12-2 Permitted Uses**
- 12-3 Lot Area and Shape**
- 12-4 Setbacks**
- 12-5 Height**
- 12-6 Coverage**
- 12-7 Building Area**
- 12-8 Floor Area**
- 12-9 Architectural Design**
- 12-10 Signs**
- 12-11 Parking and Loading**
- 12-12 Landscaping, Screening and Buffer Areas**
- 12-13 Open Space Subdivision**

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 §5 Definitions & §32-18 HRS, also)

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 & §32-18 HRS, 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 (See §32-18 HRS, also)

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 permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

12-6 Coverage(See §5 Definitions & §32-18 HRS, also)

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. Permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage.

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

Revised 10-09-16

Contents:

- 13-1 Purpose**
- 13-2 Permitted Uses**
- 13-3 Area and Shape**
- 13-4 Setbacks**
- 13-5 Height**
- 13-6 Coverage**
- 13-7 Building Area**
- 13-8 Floor Area**
- 13-9 Architectural Design**
- 13-10 Signs**
- 13-11 Parking and Loading**
- 13-12 Landscaping, Screening and Buffer Areas**
- 13-13 Open Space Subdivision**

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.

13-2.1 Special Permit Uses Subject to Special Conditions

The following additional uses are permitted subject to the conditions provided for in §32 and Special Permit & Site Plan approval in accordance with §43, herein.(778, 06/03/2020)

13-2.1.1

Small Home Developments.

13-2.1.2

Special Needs Housing (778, 06/03/2020)

13-3 Area and Shape (See §5 Definitions & §32-18 HRS, also)

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 & §32-18 HRS, 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.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added to an existing structure within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. In no case may such structures be less than 5 feet from any property line.

13-5 Height (See §32-18 HRS, also)

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 permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

Building Height for principal buildings may be increased by up to an additional five feet (Maximum of 31') for an existing or new structure located within the Special Flood Hazard Area located south of the railroad tracks specifically when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in the VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height as measured from average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation up to a maximum of five feet. Wet flood proofed enclosed spaces below the first floor with a head room of five feet or less shall not be considered a story. (See §5-2 Definition of Crawl Space).

13-6 Coverage (See §5 Definitions & §32-18 HRS, also)

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. Permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added to an existing structure within the Special Flood Hazard Area shall be permitted provided that the first finished floor is elevated to at least the Base Flood Elevation and has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) which would not represent an increase in non-conformity. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. The maximum allowable additional coverage shall be 15 square feet per entrance per foot that the building is to be elevated above average grade to at least the BFE up to a maximum of 225 square feet.

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

Revised 11-17-14

Contents:

- 14-1 Purpose**
- 14-2 Permitted Uses**
- 14-3 Lot Area and Shape**
- 14-4 Setbacks**
- 14-5 Height**
- 14-6 Coverage**
- 14-7 Building Area**
- 14-8 Floor Area**
- 14-9 Architectural Design**
- 14-10 Signs**
- 14-11 Parking and Loading**
- 14-12 Landscaping, Screening and Buffer Areas**
- 14-13 Open Space Subdivisions**

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.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added to an existing structure within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. In no case may such structures be less than 5 feet from any

property 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.

Building Height for principal buildings may be increased by up to an additional five feet (Maximum of 31') for an existing or new structure located within the Special Flood Hazard Area located south of the railroad tracks specifically when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation. has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in the VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height as measured from average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation up to a maximum of five feet. Wet flood proofed enclosed spaces below the first floor with a head room of five feet or less shall not be considered a story. (See §5-2 Definition of Crawl Space).

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.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added to an existing structure within the Special Flood Hazard Area shall be permitted provided that the first finished floor is elevated to at least the Base Flood Elevation and has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) which would not represent an increase in non-conformity. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. The maximum allowable additional coverage shall be 15 square feet per entrance per foot that the building is to be elevated above average grade to at least the BFE up to a maximum of 225 square feet.

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)

Revised 06-14-10

Contents:

- 15-1 Purpose**
- 15-2 Permitted Uses**
- 15-3 Lot Area, Width, Depth & Frontage**
- 15-4 Density**
- 15-5 Setbacks**
- 15-6 Height**
- 15-7 Coverage**
- 15-8 Building Area**
- 15-9 Building Length**
- 15-10 Building Spacing**
- 15-11 Usable Open Space**
- 15-12 Architectural Design**
- 15-13 Signs**
- 15-14 Parking and Loading**
- 15-15 Street Access**
- 15-16 Sidewalks**
- 15-17 Landscaping, Screening and Buffer Areas**
- 15-18 Utilities**

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 §11-2.4.6A Home Occupation Level 1, and §32-21, Home Occupation Level 2.

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.

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)

Revised 08-15-11

Contents:

- 16-1 Purpose**
- 16-2 Permitted Uses**
- 16-3 Lot Area, Shape & Frontage**
- 16-4 Setbacks**
- 16-5 Height**
- 16-6 Coverage**
- 16-7 Building Area**
- 16-8 Floor Area**
- 16-9 Architectural Design**
- 16-10 Signs**
- 16-11 Parking, Loading & Streets**
- 16-12 Landscaping, Screening and Buffer Areas**
- 16-13 Location and Utilities**

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 and enhance 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 access way 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. On sites where not less than 65% of the total units are affordable to families earning not more than 80% of the State Median Income and not less than an additional 15% of the total units are affordable to families earning not more than 60% of the State Median Income, density may be increased, not to exceed twenty (20) units or forty (40) bedrooms per gross acre. 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. New units must qualify for moratorium points pursuant to CGS 8-30g.

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, except on sites where not less than 80% of the units are affordable to families earning not more than 80% of the State Median Income, where at least 150 square feet of usable open space for each MHRU shall be required.

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

Unless used for the purposes described in 16-2.1.4 through 16-2.1.6 above, 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 access way providing direct access to the Post Road. Such access way 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, and need not maintain a building setback from lot lines interior to a development where the lot is not less than two (2) acres and approved under the same Special Permit.

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. On MHRU sites where not less than 80% of the units affordable to families earning not more than 80% of the State Median Income, a height of three (3) stories and thirty-five (35) feet may be allowed adjacent to Non-Residential and MHPD zones and for MHRU buildings thirty (30) feet away from any single-family residence zone. In addition, New Mobile Home Replacement Units (MHRUs) not existing MHRUs may be replaced with three (3) stories and 35 feet if approved by the P& Z Commission, otherwise height shall be limited to two and one-half (2.5) stories and 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 total of each mobile home lot.

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. On MHRU sites where not less than 80% of the units are affordable to families earning not more than 80% of the State Median Income, building coverage maybe increased not to exceed thirty percent (30%) of the lot, and total coverage may be increased not to exceed sixty percent (60%) of the lot.

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. On MHRU sites where not less than 80% of the units are affordable to families earning not more than 80% of the State Median Income, the maximum area for an individual unit shall not exceed 1350 square feet and the maximum average unit size may be increased to 1200 square feet.

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 §16-12.1 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. Tandem parking may be considered subject to the discretion of the P&Z Commission. To minimize the paved coverage, the P&Z Commission may allow parking spaces provided in excess of the minimum number of spaces required per §16-12.2 above to be established on grass pavers or other permeable surface.

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.

16.11.7

For MHRU developments, the minimum back-up distances for perpendicular spaces, as depicted in §34 of these regulations, may be reduced to twenty four (24) feet, if approved by the P&Z Commission.

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)

Revised 06-14-10

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- 17-17 Landscaping, Screening and Buffer Areas**
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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 §[11-2.4.6A](#) Home Occupation, Level 1, and §[32-21](#), Home Occupation, Level 2.

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:

- Each such accessory building or structure shall not exceed 300 square feet of gross floor area;
- No such accessory building or structure shall exceed the allowable height; and
- 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, back around area, or part thereof, shall be located within the 50 foot setback area in an OSRD except for access ways 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 sides.

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 back around 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 Connecticut Development of Energy & Environmental Protection (DEEP) and WWHD.

§18 RESIDENCE C DISTRICT

Revised 12-09-13

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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 nonresidential 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 §11-2.4.6A, Home Occupation, Level 1, and §32-21, Home Occupation, Level 2.

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 and §31-10.7.4 herein) 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, and 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 offsite 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 onetime 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)

Revised 08-30-05

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- 19-2 Location of District**
- 19-3 Permitted Uses**
- 19-4 Accessory Uses**
- 19-5 Lot Area Size and Shape**
- 19-6 Frontage**
- 19-7 Density, Units per Acre**
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- 19-10 Building Setbacks**
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- 19-17 Architectural Design**
- 19-18 Development Applications**
- 19-19 Affordability Plan**

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 dwellings 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.

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.

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, and 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)

Revised 05-31-11

Contents:

- 19A-1 Purpose**
- 19A-2 Permitted Uses**
- 19A-3 Lot Size, Location and Frontage**
- 19A-4 Density**
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- 19A-14 Historic Preservation**
- 19A-15 Utilities**
- 19A-16 Affordability Plan**
- 19A-17 CAP**
- 19A-18 Traffic Level of Service**

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 Section:

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. To the extent permissible under applicable State and Federal laws, the Affordability Plan shall establish a priority system for the affordable and workforce housing units including, but not limited to, Westport residents, Westport Seniors and Westport municipal employees.

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.

§19B RESIDENTIAL-RENTAL HOUSING OPPORTUNITY / WORKFORCE ZONE (R-RHOW)

Revised 10-09-16

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19B-2 Permitted Uses:

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19B-1 Purpose

The purpose of the Residential-Rental Housing Opportunity/Workforce Zone (“R-RHOW”) is to:

- a. Increase the availability of affordable and attainable rental workforce dwellings in Westport where existing and adequate public facilities and services are present.
- b. Encourage the construction of rental workforce dwellings that is within the economic means of moderate and low income households, and is in a mixed-income development.
- c. Promote housing choice and economic diversity, including rental housing for low and moderate income households, within the Town of Westport.
- d. Efficiently utilize existing infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a diversity of housing, densities, sizes, and prices.

Workforce housing which fully satisfies the intent, requirements and purposes of Section 8-30g of the Connecticut General Statutes, must be part of any housing proposal submitted for approval within this Zone District.

19B-2 Permitted Uses:

The following uses shall be permitted subject to site plan approval by the Commission in accordance with the standards set forth herein:

- a. Multi-family residential dwellings, related accessory buildings, amenities, structures and uses.
- b. Commercial, including retail, and professional and medical office, with related amenities. Commercial uses shall not exceed 6,000 square feet in total. Any commercial use shall be located in a building housing residential dwellings.

19B-3 Site Requirements:

- a. No parcel of land shall be rezoned to R-RHOW unless it satisfies the following:
- b. has a minimum lot size of 1.5 acres;
- c. has a minimum of 400 feet of frontage on the north side of the Boston Post Road;
- d. is within 400 feet of the intersection of Morningside Drive and the Boston Post Road;
- e. is within 650 feet of the intersection of Turkey Hill Road and the Boston Post Road; has access to existing public water and public sewer; and
- f. Does not exceed four stories of livable floor area, not including below grade living area.

19B-4 Bulk, area, dimensional, and open space requirements:

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of an application:

a. Minimum <u>lot area</u>	1.5 acres
b. Minimum <u>lot width</u>	400 feet
c. Minimum <u>front setback</u>	30 feet
d. Minimum <u>side setback</u>	15 feet
e. Minimum <u>rear setback</u>	30 feet
f. Maximum <u>building height</u>	60 feet or 4 <u>stories</u>
g. Maximum impervious coverage:	80% of gross lot area

19B-5 Other standards:

19B-5.1 Private roads:

When private roads are proposed, they shall be designed and constructed in accordance with the standards of the Town of Westport for municipal roads.

19B-5.2 Parking (Residential):

Notwithstanding the requirements of §34, parking shall be designed to provide safe circulation, at least 25% of provided parking shall be covered, and the following minimum parking shall be provided:

a. studio <u>dwelling</u>	1.50 parking spaces
b. One <u>bedroom</u> dwelling	1.50 parking spaces
c. Two bedroom dwelling	2.25 parking spaces

19B-5.3 Parking (Commercial):

Notwithstanding the requirements of §34, adequate parking shall be provided.

19B-5.4 Density:

The maximum number of multi-family dwellings shall not exceed 50 per acre.

19B-6 Site Plan Documents Required to be submitted

Those documents provided by §44-1 of these Regulations are required to be submitted with an application filed pursuant to this §19B, except as otherwise provided in this §19B.

19B-7 Traffic Study:

Upon request of the Commission, a traffic study shall be prepared and submitted to the Commission with regard to the existing and proposed traffic conditions and circumstances. An application for site plan submitted pursuant to this §19B, not be subject to §44-2.5.

19B-8 Application Requirements:

19B-8.1

Petition to re-zone, if required, as provided by these Zoning Regulations.

19B-8.2

Application for site plan, with only those documents provided by §44-1 of these Zoning Regulations being required as part of the application, except as otherwise provided in this §19B.

19B-8.3

An application for site plan submitted pursuant to this §19B is not subject to §32-8, §32-12 and §32-18.

19B-8.4

An application for site plan submitted pursuant to this §19B is not subject to §44-2, although the Commission may refer the application for comment to any of the agencies referenced in §44-2.1.

19B-8.5

An application for site plan approval submitted pursuant to this §19B is not subject to §44-2.6. However, any RHOD shall obtain necessary approvals from the Water Pollution Control Authority prior to obtaining any related certificate of occupancy.

19B-8.6

An application for site plan approval submitted pursuant to §19B is not subject to §44-2.7.

19B-8.7

An application for site plan approval submitted pursuant to §19B is not subject to §35, §37, §44-1.4.5, §44-3, §44-5.4 and §44-5.5. However, appropriate landscaping and lighting, and appropriate sediment and erosion control measures, shall be provided.

19B-8.8

An application for site plan approval submitted pursuant to §19B shall provide for no net increase in peak storm water flows or volume from existing conditions at the subject property.

19B-8.9

An application for site plan approval submitted pursuant to §19B shall not be subject to the multi-family housing restrictions of §4-5, or any other regulatory restriction on, or prohibition of, multi-family housing.

19B-9 Definitions:

Rental Housing Opportunity Development

A "Rental Housing Opportunity Development" ("RHOD") is a housing development in which not less than thirty percent (30%) of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require, for a period of at least forty (40) years, that such dwelling units be rented at, or below, prices which will preserve the units as affordable housing as defined in §8-30g of the Connecticut General Statutes, as amended.

Rental Workforce Dwelling

"Rental Workforce Dwelling" means a dwelling unit within a Rental Housing Opportunity Development that is subject to long-term price restrictions that comply with §8-30g of the Connecticut General Statutes, as amended.

19B-10 Requirements for Workforce Homes:

19B-10.1 the following requirements shall apply to Rental Workforce Dwellings:

- a. Rental Workforce Dwellings shall be of a construction quality that is comparable to market-rate units within the development.
- b. Rental Workforce Dwellings shall be dispersed throughout the development and built on a pro rata basis as construction proceeds.
- c. In conjunction with an application for approval of a site plan for an RHOD development, the applicant shall submit an "Affordability Plan," as required by §8-30g of the Connecticut General Statutes, which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with this section; notice procedures to the general public of the availability of affordable units; identification of the method for designating affordable units; procedures for verification and periodic confirmation of unit occupancy income; and compliance with affordability requirements.
- d. A violation of the regulations contained in this section shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission of the Town of Westport or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including §8-12.

19B-11 Sunset Provision:

No application(s) may be submitted to the Commission pursuant to the provisions of this §19B of the Regulations after November 8, 2016. However, any application submitted to the Commission pursuant to the provisions of this §19B prior to November 8, 2016, which is subsequently approved by the Commission, shall be subject to the provisions of this §19B after November 8, 2016. Any request to modify, extend or revise such approval, even after November 8, 2016, shall be subject to the provisions of this §19B of the Regulations.

19C SAUGATUCK VILLAGE DISTRICT

7/24/21

[19C-1- Purpose](#)

[19C-2- Parcels Eligible for Rezoning to SV District](#)

[19C-3- Uses Permitted by Site Plan Approval](#)

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19C-1 PURPOSE

The purpose of the Saugatuck Village District ("SV District") is to allow the development of multi-family rental apartment units that will meet the needs of both households that can afford market-rate rents and those that can afford rents that are restricted in accordance with § 8-30g of the General Statutes. The regulation is intended to promote housing choice and economic diversity within the Town of Westport.

(760, 07/24/2021)

19C-2 PARCELS ELIGIBLE FOR REZONING TO SV DISTRICT

Parcels of land comprised of at least seven (7) but less than ten (10) acres, such area being inclusive of private rights-of-way; abutting the Norden Place Open Space in the City of Norwalk; and with a total of at least one hundred (100) feet of frontage on Hiawatha Lane or Hiawatha Lane Extension, may be zoned as SV District.

(760, 07/24/2021)

19C-3 USES PERMITTED BY SITE PLAN APPROVAL

In an SV District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, except as provided in these regulations, and only for one or more of the following uses:

(790, 07/24/2021)

Multi-family dwellings in buildings that provide studio units, one (1) bedroom units, two (2) bedroom units, and three (3) bedroom units, and in which at least 30 percent (30%) of the units are subject to long-term maximum household income and rent or sales price restrictions compliant with General Statutes § 8-30g, and administered through an Affordability Plan that is compliant with § 8-30g.

(760, 07/24/2021)

19C-3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

(760, 07/24/2021)

19C-3.2.1

Below grade parking.

(760, 07/24/2021)

19C-3.2.2

Outdoor recreational uses, including patios, a central green, play areas, adult gym areas, and picnic areas.

(760, 07/24/2021)

19C-3.2.3

Manager's Office and amenity spaces including community room, exercise room, and other shared spaces within a principal building.

19C-3.2.4

Other buildings, structures, and uses not listed above, customarily accessory to multi-family residential use,

including lobbies, stairs, corridors, and storage areas.

(760, 07/24/2021)

19C-3.2.5

Equipment, such as a generator and control panel, adjunct to operation and maintenance of a sewer force main.

(760, 07/24/2021)

19C-4 MAXIMUM DENSITY AND BEDROOMS

(760, 07/24/2021)

19C-4.1 Maximum Number of Units

The total number of dwelling units in an SV District development shall not exceed twenty-two (22.0) per gross acre or 157, whichever is less.

(760, 07/24/2021)

19C-4.2 Bedrooms

(760, 07/24/2021)

19C-4.2.1

No dwelling unit in an SV District development shall contain more than three (3) bedrooms.

(760, 07/24/2021)

19C-4.2.2

The maximum percentage two (2) bedroom units in an SV District shall be forty-five percent (45%), and the maximum percentage of three bedroom units shall be 15 percent (15%).

(760, 07/24/2021)

19C-5 BUILDING HEIGHT AND STORIES

The maximum building height of a principal building in an SV District, measured in compliance with the "Building Height" definition in §5 of the Westport Zoning Regulations, shall be fifty-two (52) feet, excluding ornamental chimneys and rooftop mechanicals, not to exceed eight (8) additional feet, including dunnage. No building shall exceed four (4) stories, as defined in "Story" §5, of these Regulations. If parking is located below a building, it shall be deemed a cellar as defined in these Regulations.

(760, 07/24/2021)

19C-6 COVERAGE

19C-6.1 MAXIMUM TOTAL COVERAGE

Total impervious coverage for development within an SV District shall not exceed fifty-five percent (55%).
(760, 07/24/2021)

19C-6.2 MAXIMUM BUILDING COVERAGE

Building coverage within an SV District shall not exceed thirty-two percent (32%).
(760, 07/24/2021)

19C-7 BUILDING SETBACKS

(760, 07/24/2021)

19C-7.1 SETBACK FROM EXISTING ROADWAYS

All buildings in an SV District shall be set back a minimum of fifteen (15) feet from any perimeter street line existing at the date of rezoning to SV District.

(760, 07/24/2021)

19C-7.2 SETBACK FROM PROPERTY LINES

No principal building, structure, accessory structure, or use shall extend closer than twenty (20) feet from any street line, ten (10) feet from any side lot line, or fifteen (15) feet from any rear lot line. Entry stairs, balconies, patios, platforms, and open porches necessary for ingress and egress shall be permitted within such setbacks, provided that in no case may such structures be less than five (5) feet from any property line. Retaining walls no taller than six (6) feet shall also be permitted within such setbacks.

(760, 07/24/2021)

19C-7.3 SETBACK FROM SINGLE-FAMILY HOME

No building or edge of parking area in an SV District shall extend closer than ten (10) feet from a lot that, at the time of rezoning to SV District, contains a single-family home.

(760, 07/24/2021)

19C-8 USABLE OPEN SPACE

In an SV District, at least one hundred twenty-five (125) square feet per unit of land suitable for passive recreation shall be provided. Such land shall be laid out, graded, screened, and landscaped for its intended recreational purpose.

(760, 07/24/2021)

19C-9 PARKING CIRCULATION, AND LOADING

(760, 07/24/2021)

19C-9.1 PARKING

Notwithstanding the requirements of § 34 of these Regulations:

(760, 07/24/2021)

19C-9.1.1

The minimum number of parking spaces per dwelling unit in an SV District shall be:

Per studio or one (1) bedroom dwelling unit: one and half (1.5) parking spaces.

Per two (2) bedroom or three (3) bedroom dwelling unit: two (2.0) parking spaces.

(760, 07/24/2021)

19C-9.1.2

Parking within an SV District may be on grade, or below grade within a building.

(760, 07/24/2021)

19C-9.1.3

Section 31-15.1 of these Regulations shall not be applicable to an SV District.

(760, 07/24/2021)

19C-9.2 PRIVATE ROADS

When any private road is proposed, or proposed to be maintained, in an SV District, it shall be designed and constructed in accordance with the standards of the Town of Westport for municipal roads. The term "private road" shall not include parking lot aisles or connectors, or emergency only access.

(760, 07/24/2021)

19C-10 SIGNAGE

Signage shall comply with the General Requirements of § 33.2 of these Regulations and shall meet the following standards, consistent with § 33.6:

(760, 07/24/2021)

19C-10.1 The Following signs are permitted in an SV District:

(760, 07/24/2021)

19C-10.1.1

Identification signs, 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 ten (10) feet from any property line and shall include the street address number at least four (4) inches in size.

(760, 07/24/2021)

19C-10.1.2

A marker not to exceed two (2) square feet identifying an historic building or use.

(760, 07/24/2021)

19C-10.1.3

Directional sign necessary for public safety or convenience not to exceed two (2) square feet in area.

(760, 07/24/2021)

19C-10.1.4

Public convenience signs advertising hours of operation not to exceed one (1) sign of two (2) square feet in area.

(760, 07/24/2021)

19C-11 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 lighting for pedestrian safety. The glare from light sources shall be shielded from roads and abutting properties.

(760, 07/24/2021)

19C-12 LANDSCAPE, SCREENING, SIDEWALKS AND BUFFER AREAS

(760, 07/24/2021)

19C-12.1 LANDSCAPING, SCREENING AND BUFFERING

Landscaping, screening, and buffering shall comply with §35 of the Regulations, except that the minimum required front landscape area described in §35-2.2.1 shall be fifteen (15) feet, exclusive of loading spaces, porches, patios, balconies, and similar features. Landscaping, screening, and buffering shall comply with §35 of the Regulations, except that the minimum required front landscape area described in §35-2.2.1 shall be fifteen (15) feet, exclusive of loading spaces, porches, patios, balconies, and similar features.

(760, 07/24/2021)

19C-12.2 SIDEWALKS

Sidewalks shall be provided throughout a SV District development. 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. Sidewalks shall be provided throughout a SV District development. 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. Sidewalks shall be provided throughout a SV District development. 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.

(760, 07/24/2021)

19C-13 UTILITIES

(760, 07/24/2021)

19C-13.1 WATER AND SEWER

Public water and sewer must be available for the development either directly or by extension and connection to existing sewer and water lines, and all units must be connected to the sewer and water lines.

(760, 07/24/2021)

19C-13.2 ZONING CERTIFICATE

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.

(760, 07/24/2021)

19C-13.3 STORM DRAINAGE

Storm-drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a twenty-five (25) year storm flow. Street culverts and bridges shall be designed for a hundred (100) year storm flow, if required by the Town Engineer.

(760, 07/24/2021)

19C-14 FIRE DEPARTMENT ACCESS

Access for Fire Department motorized vehicles shall be provided to ensure the safety of all occupants. Such access shall include Fire Lanes and/or other locations kept clear and readily accessible for fire apparatus at all times. Turning radii, road widths, and grade changes shall comply with applicable Fire Codes.

(760, 07/24/2021)

19C-15 EARTH MATERIALS EXCAVATION

Earth materials excavation, stockpiling of earth products, or filling of land with earth products, shall comply with §32-8 of these Regulations, provided that a separate Special Permit shall not be required; and as long as the excavation, stockpiling, processing, or filling otherwise complies with the Standards of §32-8.3, site plan approval shall constitute approval of the excavation, stockpiling, processing, or filling necessary to carry out the approved site plan, even if the depth, slope, man-made earth slopes, grading within five (5) feet of a lot line or quantity exceed the limits stated in §32-8.2.1 through §32-8.2.3; §32-8.2.6; or §32-8.3.2.

(760, 07/24/2021)

19C-16 AMENITIES

(760, 07/24/2021)

19C-16.1 REFUSE AREA

Refuse collection areas shall be provided and conveniently located for all units.

(760, 07/24/2021)

19C-16.2 MAIL BOXES

Mail boxes shall be provided and conveniently located for all units, as determined by the U.S. Postal Service.
 (760, 07/24/2021)

19C-17 AFFORDABILITY PLAN COMPLIANT WITH GENERAL STATUTES 8-30G

The purpose of the SV District is to facilitate a residential community comprised of rental units with household income and monthly rent limits in compliance with General Statutes §8-30g and will be administered as stated in an Affordability Plan prepared in compliance with General Statutes §8-30g.

(760, 07/24/2021)

19C-18 SITE PLAN DOCUMENTS REQUIRED TO BE SUBMITTED

Information and documents required by §44-1 of these Regulations are required to be submitted with an application filed pursuant to this §19C, except as otherwise provided in this §19C.

(760, 07/24/2021)

19C-19 APPLICATION REQUIREMENTS

(760, 07/24/2021)

19C-19.1 REZONING

Petition to rezone, as provided by these Zoning Regulations.

(760, 07/24/2021)

19C-19.2 SITE PLAN

Application for site plan, with those documents provided by §19C-17 being required as part of the application. An application for site plan approval submitted pursuant to this §19C is not subject to the inclusionary zoning requirements of §32-12.

(760, 07/24/2021)

19C-20 REQUIREMENTS FOR SV DISTRICT UNITS

The following requirements shall apply to the dwelling units in an SV District development that are identified initially in the Affordability Plan, or administered subsequently as, §8-30g compliant units:

(760, 07/24/2021)

19C-20.1 COMPARABLE QUALITY

SV District Units shall be of a construction quality that is comparable to market-rate units within the development, and minimum construction, materials, finishes, and amenities for §8-30g compliant units shall be stated as a Schedule in the Affordability Plan.

(760, 07/24/2021)

19C-20.2 DISPERSAL

SV District Units subject to §8-30g restriction shall be dispersed throughout the development and built and offered for rent on a pro rata basis as construction and leasing proceed.

(760, 07/24/2021)

19C-20.3 AFFORDABILITY PLAN

The "Affordability Plan" required by §8-30g of the General Statutes shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with this section; notice procedures to the general public of the availability of affordable units; identification of the method for designating affordable units; procedures for verification and periodic confirmation of unit occupancy income; and compliance with affordability requirements.

(760, 07/23/2021)

19C-20.4 ENFORCEMENT

A violation of the regulations contained in this section shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission of the Town of Westport or its designated agent shall otherwise retain all enforcement powers granted by the General Statutes, including §8-12.

(760, 07/24/2021)

§20 MUNICIPAL HOUSING ZONE (MHZ)

Revised 05-31-11

Contents:

- 20-1 Purpose**
- 20-2 Permitted Uses**
- 20-3 Lot Size, Location and Frontage**
- 20-4 Density**
- 20-5 Height**
- 20-6 Coverage**
- 20-7 Building Setbacks**
- 20-8 Building Spacing**
- 20-9 Architectural Design**
- 20-10 Signs**
- 20-11 Parking and Circulation**
- 20-12 Usable Open Space**
- 20-13 Landscape, Screening, Sidewalks and Buffer Areas**
- 20-14 Utilities**

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 Senior Housing Requirement

A minimum of one-quarter (1/4) of the total number of housing units in the development shall be senior housing. Senior 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, and 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, and 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 PROVISION

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 provision for each district shall prevail for purposes of zoning enforcement.

ZONING	LOT	REQUIREMENTS	MIN SETBACKS REQUIRED Also See §31-4 through §31-8			MAX HEIGHT	MAX COVERAGE	
DISTRICT	AREA	SHAPE	FRONT	SIDE	REAR	REQUIREMENTS	TOTAL	BUILDING
Res AAA	2 acres 87,120 sq.ft.	Square 200' on a side	50 ft. (50 ft.)	50 ft. (50 ft.)	50 ft. (50 ft.)	3 Stories & 40'	25%	
Res AA	1 acre 43,560 sq.ft.	Square 150' on a side	30 ft. (30 ft.)	25 ft. (25 ft.)	25 ft. (25 ft.)	3 Stories & 40'	25%	
Res A	1/2 acre 21,780 sq.ft.	Rectangle 100' x 150'	30 ft. (30 ft.)	15 ft. (15 ft.)	25 ft. (25 ft.)	2 1/2 Stories & 35' <u>North of RR 2 Stories & 26' South of RR</u>	25%	15%
R-RHOW Res Rental/ Workforce	1-1/2 acre 65,340 sq. ft.	400' Min Width, 400' Min Frontage See §19B-3 & §19B-4	30 ft. (30 ft.)	15 ft. (15 ft.)	30 ft. (30 ft.)	4 Stories & 60'	80% of Gross Lot Area	
Res B	6,000 sq. ft	Rectangle 60' x 80'	20 ft. (20 ft.)	7 1/2 ft. (7 1/2 ft.)	25 ft. (15 ft.)	2 1/2 Stories & 35' <u>North of RR 2 Stories & 26' South of RR</u>	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 Max 130,680 sq.ft.	100' Min Width, able to contain Rectangle of 100' x 150'; 100' Frontage on Arterial Rd.	30' from Public or Private Streets, 50' from Single-Family Res Zone, if NOT Separated by a Street, 15' from Commercial Zones.			2-1/2 Stories & 30' Accessory Buildings Limited to 16'	60%	25%
Res AHZ/ W	1 acre Min 43,560 sq.ft.	100' Min Width, able to contain Rectangle of 100' x 150'; 30' Frontage on Arterial Rd 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' Min Depth - 300' Min Width; 300' Min Frontage on Post Rd.	See §15-5	See §15-5	See §15-5	2 1/2 Stories & 35'	50%	20%
MHPD	4 acre site 174,240 sq.ft.	50' Frontage on Post Rd.	See §16-4	See §16-4	See §16-4	1 Story & 16'	50%	20%
OSRD	50 acre site	600' Min Depth; 300' Min Width; 50' Frontage on Arterial Street	See §17-5	See §17-5	See §17-5	2 Stories & 30' If Pitched roof go 30'	50%	25%
	4 acre	100' Min on Arterial Rd or	See	See	See	2 Stories & 26' Accessory		

MHZ	site	Railroad Right-of-Way	§20-7	§20-7	§20-7	Buildings Limited to 16' & 1 Story Height.	50%	20%
SV	See §19C-2	See §19C-2	See §19C-7	See §19C-7	See §19C-7	See §19C-5	55%	32%

(Parenthesis indicate Accessory Building Setbacks)

NON-RESIDENCE DISTRICTS

§21 RESTRICTED PROFESSIONAL OFFICE DISTRICT (RPOD)

Revised 09-15-17

Contents:

- 21-1 Purpose**
- 21-2 Permitted Uses**
- 21-3 Lot Area (See Definitions)**
- 21-4 Setbacks (See §31-4 through §31-8, also.)**
- 21-5 Height**
- 21-6 Coverage (See Definitions)**
- 21-7 Building Area (See Definitions)**
- 21-8 Floor Area**
- 21-9 Architectural Design**
- 21-9A Village District Overlay Site Plan Review**
- 21-10 Signs**
- 21-11 Parking and Loading**
- 21-12 Landscaping, Screening and Buffer Areas**

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

Inclusionary 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 Setback from the Front Lot Line within the Village District Overlay

21-4.1.1 Maintenance and Minor Repairs

Existing buildings that are within the Village District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or

minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No Site Plan review is required.

21-4.2 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 as described in §32-12. 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.

21-9A Village District Overlay Site Plan Review

The following actions require Site Plan Review for properties within a Village District Boundary (see §36 Village District Overlay):

21-9A.1 Exterior Alterations

Site Plan Review under §36 Village District Overlay is required for exterior reconstruction, alteration, or addition to any existing structure or new construction that alters the exterior appearance from a building visible from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

21-9A.2 New Construction or Substantial Reconstruction and Rehabilitation of Existing Facades within Public View

Site Plan Review under §36 Village District Overlay is required for new construction or for substantial repairs or reconstruction to existing facades within view either from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

21-9A.3 Documentation of Existing Conditions

Existing façade elements and setback from the front lot line must be documented to the satisfaction of the Planning and Zoning Commission with photographs, a survey or other relevant methods.

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)

Contents:

- 22-1 Purpose**
- 22-2 Permitted Uses**
- 22-3 Lot Area**
- 22-4 Setbacks**
- 22-5 Height**
- 22-6 Coverage**
- 22-7 Building Area**
- 22-8 Floor Area**
- 22-9 Architectural Design**
- 22-9A Village District Overlay Site Plan Review**
- 22-10 Signs**
- 22-11 Parking and Loading**
- 22-12 Landscaping, Screening and Buffer Area**
- 22-13 Utilities**
- 22-14 Linked Buildings in RORD #1, Only.**

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

22-2.1.1

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 §11-2.4.6A Home Occupation, Level 1, and §32-21, Home Occupation, Level 2.

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, insurance, real estate or other offices; Healthcare Professional offices (as defined herein), but excluding medical offices, (as defined herein).

22-2.2.2

Stores and shops where goods are sold and services are rendered primarily at retail in RORD #1 and #2 only; except that a fitness center and/or exercise facility may be permitted in RORD #3 provided:

- a. The facility shall not exceed 2,700 square feet of floor area;
- b. The main exercise area in the facility shall not exceed 1,100 square feet of floor area;
- c. There shall be no more than four (4) such facilities within this zone; and
- d. Hours of operation are not restricted except the number of clients that may be present at any one time shall not exceed twenty-five (25) on weekdays between the hours of 9:00am - 5:00pm when available parking may be limited.(752, 11/25/2018)

22-2.2.3

Off-street parking lots, decks and garages.

22-2.2.4

Grocery Stores, delicatessens and Retail Food Establishments.

22-2.2.5

Restaurants, Cafes and Taverns.

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

Inclusionary two-family and multi-family dwelling units subject to the provisions of §32-12, herein.

22-2.2.8

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

22-2.2.9

Private Occupational Schools.

22-2.2.10

Indoor and Outdoor Commercial Recreation and Entertainment Uses.

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, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

22-2.3.4

One attached dwelling unit, provided 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: 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 restaurants, newspaper and job printing establishments, veterinary hospitals, animal clinics, bowling alleys, skating rinks, and heavy commercial uses such as lumber yards, septic tank sales, construction equipment yards and contractor's storage.

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 Setback from the Front Lot Line within the Village District Overlay

22-4.3.1 Maintenance and Minor Repairs

Existing buildings that are within the Village District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No Site Plan review is required.

22-4.4 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.

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.

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 as described in §32-12. 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.

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.

22-9A Village District Overlay Site Plan Review

The following actions require Site Plan Review for properties within a Village District Boundary (see §36 Village District Overlay):

22-9A.1 Exterior Alterations

Site Plan Review under §36 Village District Overlay is required for exterior reconstruction, alteration, or addition to any existing structure or new construction that alters the exterior appearance from a building visible from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

22-9A.2 New Construction or Substantial Reconstruction and Rehabilitation of Existing

Facades within Public View

Site Plan Review under §36 Village District Overlay is required for new construction or for substantial repairs or reconstruction to existing facades within view either from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

22-9A.3 Documentation of Existing Conditions

Existing façade elements and setback from the front lot line must be documented to the satisfaction of the Planning and Zoning Commission with photographs, a survey or other relevant methods.

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.

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 too 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)

Revised 09-15-17

Contents:

- 23-1 Purpose**
- 23-2 Permitted Uses**
- 23-3 Lot Area**
- 23-4 Setbacks**
- 23-5 Height**
- 23-6 Coverage**
- 23-7 Building Area**
- 23-8 Floor Area**
- 23-9 Architectural Design**
- 23-9A Village District Overlay Site Plan Review**
- 23-10 Signs**
- 23-11 Parking and Loading**
- 23-12 Landscaping, Screening and Buffer Areas**

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; corsetieres; 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.

23-2.1.4

Restaurants and Retail Food Establishments.

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

Inclusionary two family and multi-family dwelling units subject to the provisions of §32-12, herein.

23-2.2.2

Indoor & Outdoor Commercial Recreational and Entertainment Uses.

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.

23-2.3.3

Outdoor Eating Areas for Restaurants and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

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 Setback from the Front Lot Line within the Village District Overlay

23-4.1.1 Maintenance and Minor Repairs

Existing buildings that are within the Village District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No Site Plan review is required.

23-4.2 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 as described in §32-12. 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.

23-9A Village District Overlay Site Plan Review

The following actions require Site Plan Review for properties within a Village District Boundary (see §36 Village District Overlay):

23-9A.1 Exterior Alterations

Site Plan Review under §36 Village District Overlay is required for exterior reconstruction, alteration, or addition to any existing structure or new construction that alters the exterior appearance from a building visible from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

23-9A.2 New Construction or Substantial Reconstruction and Rehabilitation of Existing Facades within Public View

Site Plan Review under §36 Village District Overlay is required for new construction or for substantial repairs or reconstruction to existing facades within view either from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

23-9A.3 Documentation of Existing Conditions

Existing façade elements and setback from the front lot line must be documented to the satisfaction of the Planning and Zoning Commission with photographs, a survey or other relevant methods.

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)

Revised 04-08-11

Contents:

- 24-1 Purpose**
- 24-2 Permitted Uses**
- 24-3 Lot Area (See Definitions)**
- 24-4 Setbacks (See §31-4 through §31-8, also.)**
- 24-5 Height**
- 24-6 Coverage (See Definitions)**
- 24-7 Building Area**
- 24-8 Floor Area**
- 24-9 Architectural Design**
- 24-10 Signs**
- 24-11 Parking and Loading**
- 24-12 Landscaping, Screening and Buffer Areas**

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, delicatessens and Retail Food Establishments.
- 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

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

24-2.2.5

Private Occupational Schools.

24-2.2.6

Bank drive-in within 500 feet of another bank drive-in as permitted by §24-2.3.3.

24-2.2.7

Inclusionary two family and multi-family dwelling units subject to the provisions of §32-12, herein.

24-2.2.8

Retail boat sales including accessory boat repairs and storage in conformance with §32-22.

24-2.2.9

Automobile Dealership, New and Used as defined in Section 5-2 in operation as of July 9, 2020.

(776, 07/09/2020)

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, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

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

Except as provided in Section 24-2.2.9, herein, 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, farm or other heavy equipment, hotels, motels, motor inns, and drive-in restaurants.(776, 07/09/2020)

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.

24.6.1 Coverage Exemptions

Coverage shall not include entry ways comprising less than a total of 200 SF; said exemption benefitting considerations of public access, safety and convenience. (776, 07/09/2020)

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, internal vehicular drop off and internal display areas for up to a total of five (5) vehicles shall be excluded from the FAR. (776, 07/09/2020)

No buildings or structures in any Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR as described in §32-12. 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.

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.

Notwithstanding the above, Unified Shopping Centers entirely in the GBD zone, having frontage on the Post Road, parking shall be provided subject to the following standards:

First Floor parking, 1 parking space per each 200 square feet of gross floor area

- b. Parking for areas above the First Floor, 1 parking space per each 300 square feet of gross floor area.
- c. Warehouse Storage space above the First Floor, 1 parking space per each 500 square feet of gross floor area.
- d. Basement and/or Cellar space, 1 parking space per each 500 square feet of gross floor area.
- e. Rugs/Furniture/Fabric Stores on any floor, 1 parking space per each 400 square feet of gross floor area.

(792, 05/27/2021)

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)

Revised 12-09-13

Contents:

- 24A-1 Purpose**
- 24A-2 Permitted Uses**
- 24A-3 Lot Area**
- 24A-4 Setbacks**
- 24A-5 Height**
- 24A-6 Coverage**
- 24A-7 Building Area**
- 24A-8 Floor Area**
- 24A-9 Residential Density**
- 24A-10 Public Waterfront access (PWA)**
- 24A-11 Architectural Design**
- 24A-12 Signs**
- 24A-13 Parking and Loading**
- 24A-14 Landscaping, Screening and Buffer Areas**
- 24A-15 Utilities**
- 24A-16 Change of Use**
- 24A-17 Integrated Site Development**
- 24A-18 Affordability Requirement and Plan**
- 24A-19 CAP**

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, delicatessens and Retail Food Establishments.
- 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. Commercial wireless telecommunication service facilities, in conformance with §32-16.

24A-2.2 Accessory Uses

Uses customarily accessory to be a permitted principle 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 three stories and a height of either thirty (30) feet to the top of a flat roof or thirty-five (35) feet to the mid-point of a pitched roof. However, the Planning and Zoning Commission may allow a height of forty (40) 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.(771, 08/06/2019)

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, or balconies on residential Buildings 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.(800, 11/18/2021)

24A-7 Building Area

No mandatory requirements.

24A-8 Floor Area

24A-8.1 Maximum

- a. No one building shall exceed 20,000 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. No one retail building or single retail establishment shall exceed 10,000 square feet of gross interior floor area. Concealed parking shall not count towards gross interior floor area.(771, 08/06/2019)
- 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)

See Definitions and §[31-10.7.4](#) herein

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, desk 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-15.1

All utilities and conduits within the site for the Multiple Use Development, shall be underground.

24A-15.2

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-15.3

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-18.1 Alternative Method of Compliance

Notwithstanding the above, the Commission in its sole discretion may approve the creation of off-site deed restricted affordable units, in accordance with the affordability requirements of C.G.S. §8-30g as an alternative method of satisfying the affordability requirement of this section. Any such proposal shall demonstrate to the satisfaction of the Commission that the alternative method is desirable and will further affordable housing opportunities in the Town through the production of a greater number and higher percentage of affordable housing units than if constructed on-site. The percentage of affordable units shall be calculated based on all on and off-site affordable and market rate units. No affordable rate unit may be counted to meet the affordability requirements of more than one development. Any C.G.S. §8-30g application in the General Business District/Saugatuck must provide all affordable units on-site, and may not elect to use this alternative method of compliance.

- a. Affordable units provided off-site shall be deducted from the total required on-site units.
- b. All units proposed off-site shall be located within Saugatuck Center as defined as the area lying between the east side of Saugatuck Avenue, along the northern border of the RORD2 boundary line in effect as on 1/22/09 and the Saugatuck River and extending south from the Saugatuck / Riverside / Treadwell intersection to Ferry Lane.
- c. Off-Site Affordable Units, shall be subject to the following standards.
 - i. The location and design of such units shall be subject to approval by the Commission.
 - ii. Such units shall be comparable with on-site market rate units in regard to unit size and interior and exterior construction quality.
 - iii. Such units shall be comparable to on-site market rate units including but not limited to the age of interior and exterior doors and windows, exterior siding, roofing and mechanical equipment (HVAC & appliances).
 - iv. Such units shall have comparable amenities including but not limited to garages, fireplaces and patios or balconies.
 - v. Such units shall be in addition to any other below market rate requirements and shall not serve to displace existing deed restricted affordable housing units.
 - vi. The Commission shall condition the issuance of a Zoning Certificate of Compliance for the development project upon the completion of the off-site affordable units and establish temporary deed restrictions to insure that the off-site affordable units will be built in a timely manner.

The Commission shall judge whether an off-site unit is comparable with on-site market rate units based upon all unit characteristics in aggregate and taking into account offsetting attributes.

- d. The Affordability Plan required to be submitted under this section shall provide for enforceable deed covenants by which the off-site affordable units are guaranteed to have ongoing repairs and maintenance

and replacement of capital improvements comparable to the on-site market rate units for the term of the deed restricted affordability requirement. Approval of the form and content of such deeded covenants shall be at the sole discretion of the Commission.

- e. As part of this alternative method of compliance at least 50% of the required affordable units in the zone shall be located within the GBD/S zoning district.

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.

§24B GENERAL BUSINESS DISTRICT/RESIDENTIAL (GBD/R)

Revised 04-16-17

Contents:

- 24B-1 Purpose**
- 24B-2 Permitted Uses**
- 24B-3 Lot Area**
- 24B-4 Setbacks**
- 24B-5 Height**
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- 24B-7 Building Area**
- 24B-8 Floor Area**
- 24B-9 Residential Density**
- 24B-10 Architectural Design**
- 24B-11 Public Waterfront Access (PWA)**
- 24B-12 Signs**
- 24B-13 Parking and Loading**
- 24B-14 Landscaping, Screening and Buffer Areas**
- 24B-15 Affordability Requirement and Plan**
- 24B-16 Development Cap**

24B-1 Purpose

The purpose of the General Business District/Residential is to:

- a. grow the vitality of downtown Westport by including a residential population;
- b. mitigate traffic impacts to improve public safety on local streets and intersections;
- c. mitigate traffic generation & parking demand during peak periods on local streets;
- d. encourage residential and office uses;
- e. encourage visual and physical access to and along the waterfront;
- f. improve streetscape and landscape attractiveness.

The General Business District/Residential (GBD/R) shall be limited to areas that are served by a public water supply, suitable power supply and public sanitary sewers; where areas have frontage on a State Highway and on the Saugatuck River, are zoned General Business District as of the effective date of this regulation, and are within "Westport Center" as set forth in the Current Plan of Conservation and Development.

24B-2 Permitted Uses

In the General Business District/Residential (GBD/R), 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:

24B-2.1 Special Permit Uses

The following 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 more than 2,100 square feet of interior floor area.
- b. Surface parking lots, parking below building, and above ground parking garages.
- c. Business, professional, insurance, real estate and other offices, (excluding healthcare professional and medical).

24B 2.2 Accessory Buildings, Structures and Uses

Uses customarily accessory to a permitted principal use subject to the provisions of §32-7, herein.

24B-2.2.1

Boat docks.

24B-2.2.2

Boardwalks and other Riverfront Amenities.

24B 2.3 Prohibited Uses

The following uses, in addition to those listed in §32-7, herein, shall be prohibited: healthcare professionals and medical, 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, farm or other heavy equipment, hotels, motels, motor inns, and drive-in restaurants.

24B-3 Lot Area (See §5-2)

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.

24B-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. There shall be a building separation of twenty (20) feet for residential building heights of thirty-five (35) feet or less, and a building separation of twenty-five (25) feet for residential building heights over thirty-five (35) feet.

24B-5 Height

No building or other structure shall exceed a height of twenty-five (25) feet. The Planning and Zoning Commission may, provided the applicant demonstrates to the satisfaction of the Commission, present or future public benefits, allow an additional twenty-two (22) feet in height for residential buildings to the top of a flat roof, or highest ridge of a pitched roof on sites located within the 100-year floodplain that require the building to be elevated, subject to Fire Department review and approval.

The provisions of this section shall not apply to roof-top mechanical equipment and elevator rooms provided:

1. All roof-top mechanical equipment shall be screened; and
2. All roof-top mechanical equipment and associated screening shall be set back ten (10) feet from the nearest parapet wall or, if no parapet wall, the nearest edge of roof; and
3. The structure shall not extend more than five (5) feet above the ridge of the roof or top of flat roof on which it is located.

24B-6 Coverage

24B-6.1 Building Coverage

The building coverage shall not exceed 30% of the area of the Lot within the GBD/R.

24B-7 Building Area

No building shall exceed a footprint of 20,000 square feet.

24B-8 Floor Area

24B-8.1 FAR (see definitions)

The total floor area of all proposed uses shall not exceed a Floor Area Ratio (FAR) of 0.75 provided the total of all non-residential floor area shall not be less than 0.20 FAR and shall not exceed 0.25 FAR. Floor area utilized for parking and loading spaces shall be excluded from the FAR.

24B-8.2 Residential Unit Sizes:

The average interior floor area per dwelling unit shall be more than 2,100 square feet.

24B-9 Residential Density

The maximum allowable density shall not exceed twenty (20) bedrooms per gross acre. The maximum number of units per acre shall not exceed ten (10).

24B-10 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, and roof-line and building elevations shall be of such character as to harmonize and be compatible with the other buildings in the Saugatuck River area 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 appropriate scale and appearance shall be encouraged.
- b. Public pedestrian access to the water and a Riverwalk along the water, shall be provided on all sites adjacent to the water.
- c. 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, while balancing the needs of FEMA and Flood Compliance.
- d. Roof top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

24B-11 Public Waterfront Access (PWA)

All special permit applications shall include Public Waterfront Access as defined in §5 and further detailed in

§31-10.7.4.

24B-12 Signs

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

24B-13 Parking and Loading

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

24B-14 Landscaping, Screening and Buffer Areas

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

24B-15 Affordability Requirement and Plan

In conjunction with residential units proposed as part of a GBD/R development,

20% of all proposed units shall be required to be affordable in accordance with CT General Statutes §8-30g. Fractional units at 0.5 and above shall be, rounded up. An affordability plan must be submitted at the time of application in accordance with same. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD). Any C.G.S. §8-30g application in the General Business District/Residential must provide all affordable units on-site, and may not utilize the method of compliance set forth below.

Said requirement may be satisfied by the dedication of off-site deed restricted affordable units, said units to be located within the Town of Westport.

- a. The location and design of such units shall be subject to approval by the Planning and Zoning Commission.
- b. The Affordability Plan required to be submitted, under this section shall provide for enforceable deed covenants by which the off-site affordable units are guaranteed to have ongoing repairs and maintenance and replacement of capital improvements comparable to the on-site market rate units for the term of the deed restricted affordability requirement. Approval of the form and content of such deeded covenants shall be at the sole discretion of the Commission.

The Affordability Plan shall also include provisions for administration of and compliance with this section; notice procedures to the general public of the availability of affordable units; procedures for verification and periodic confirmation of unit occupancy income; and compliance with affordability requirements.

- c. The Commission shall condition the issuance of a Zoning Certificate of Compliance for the residential project upon the dedication of the off-site deed restricted affordable units.

24B-16 Development Cap

No more than two (2) General Business District/Residential developments shall be permitted within the Town of Westport.

§25 HIGHWAY SERVICE DISTRICT (HSD)

Revised 6/9/21

Contents:

- [25-1 Purpose](#)
- [25-2 Permitted Uses](#)
- [25-3 Lot Area](#)
- [25-4 Setbacks](#)
- [25-5 Height](#)
- [25-6 Coverage](#)
- [25-7 Building Area](#)
- [25-8 Floor Area](#)
- [25-9 Architectural Design](#)
- [25-10 Signs](#)
- [25-11 Parking and Loading](#)
- [25-12 Landscaping, Screening and Buffer Areas](#)
- [25-13 Drive-In Spacing Requirement](#)
- [25-14 Adaptive Reuse To Residential Development](#)

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.

Residential uses are allowed where automobile related uses are not displaced. ([787](#), 06/09/2021)

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. Restaurants and 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

Indoor & Outdoor Commercial Recreational & Entertainment Uses.

25-2.2.4

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

25-2.2.5

Private Occupational Schools.

25-2.2.6

25-2.2.6 Multi-Family housing pursuant to the standards in §25-14 below.

(787, 06/09/2021)

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.

25-2.3.5

Outdoor Eating Areas for Restaurants and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

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, 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.(787, 06/09/2021)

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.

25-14 Adaptive Reuse To Residential Development

Notwithstanding the above, for residential development including adaptive reuse, redevelopment and expansion, the standards of this subsection shall apply.

(787, 06/09/2021)

25-14.1 Setbacks

All structures shall comply with §25.4 above, except where existing buildings are adaptively reused. Existing non-conforming buildings may be maintained and expanded vertically. Patios and window wells may extend no closer than fifteen (15) feet from any Residential District Boundary Line or five (5) feet from any non-residential District line. Refuse and recycling areas within accessory buildings may be located within the front yard provided it is at the basement level and appropriately screened.

(787, 06/09/2021)

25-14.2 Height

No building or structure shall exceed two (2) stories and a height of thirty (30) feet to the mid-point of a pitched roof or the top of any flat roof. Mechanical equipment located on the roof shall be exempt from this standard provided the equipment is concealed and that the top of the units are less than six (6) feet above the roof on which they sit.

(787, 06/09/2021)

25-14.3 Coverage

The building coverage shall not exceed thirty (30%) percent and total coverage shall not exceed sixty-five (65%) percent.

(787, 06/09/2021)

25-14.4 Floor Area

The Floor Area Ratio (FAR) shall not exceed 0.50. Floor area associated with basement level parking, enclosed and covered refuse areas, circulation, mechanical, and storage shall be exempt from this calculation.

(787, 06/09/2021)

25-14.5 Density

The maximum number of market rate units shall not exceed 2,250sf of gross lot area per dwelling unit. Onsite Affordable units shall be exempt from this calculation. Libraries, dens, studios, studies, lofts and other similar spaces shall not be counted as bedrooms.

(787, 06/09/2021)

25-14.6 Landscaping

Existing parking and drives may remain within buffer areas. A minimum of a five (5) foot buffer shall be required adjacent to any Residence District

(787, 06/09/2021)

25-14.7 Excavation and Fill

§32-8 of these regulations shall not apply where the PZC, based on review and recommendation from the Town Engineer, makes a finding that the site design is enhanced while not creating any adverse impacts to abutting properties. Such enhancement may include landscaping, buffers, sidewalks, emergency access or other improved design features.

(787, 06/09/2021)

25-14.8 Affordability Requirement

25-14.8 Affordability Requirement – Prior to a final Zoning Certificate of Compliance (ZCC) for developments an affordability plan for all affordable units to be submitted for review and approval by the Commission. The plan shall include the equivalent of 20% of the proposed units to be provided as affordable to households whose income does not exceed 80% of the State Median Income as provided by CT General Statutes §8-30g.

(787, 06/09/2021)

25-14.9 CAP

No more than one (1) Residential development shall be permitted within the HSD in the Town of Westport.

(787, 06/09/2021)

§26 DESIGN DEVELOPMENT DISTRICT (DDD)

Revised 04-14-14

Contents:

26-1 Purpose

26-2 Exception - Active

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, except for; a) the development of Inclusionary two-family and multi-family dwelling units in the Design Development District #2 which is permitted subject to the provisions in §32-12 and b) applications to amend Special Permits approved prior to the effective date of this amendment in a Design Development District #4, provided that such amendments shall not increase Total Coverage by more than 10% of Total Coverage existing on the lot effective date of this amendment (4-14-2014), and further provided that Building Coverage shall not exceed 10% of net lot area.

The specific sections affected are §26-1.1 through §26-12, 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. Inclusionary 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)

Revised 11-05-17

Contents:

- 27-1 Purpose**
- 27-2 Permitted Uses**
- 27-3 Lot Area and Shape (See Definition)**
- 27-4 Setbacks (See §31-4 through §31-8, also.)**
- 27-5 Height**
- 27-6 Coverage**
- 27-7 Building Area**
- 27-8 Floor Area**
- 27-9 Architectural Design**
- 27-10 Signs**
- 27-11 Parking and Loading**
- 27-12 Landscaping, Screening and Buffer Areas**

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 Post Road West, limiting the development to office, medical and similar uses, and providing adequate off-street parking. (773, 08/06/2019)

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 applied to the uses set forth 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

Corporate office headquarters for business, professional, financial or other institutional uses including Healthcare Professionals and Medical Use, but exclusive of retail financial institutions.(773, 08/06/2019)

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

One dwelling unit per principal office building to be occupied by a resident gatekeeper, caretaker or maintenance person.

27-2.3.2

Uses customarily accessory to a permitted principal use, subject to the provisions of §32-7, herein.

27-2.3.3

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)

Revised 04-08-11

Contents:

- 28-1 Purpose**
- 28-2 Permitted Uses**
- 28-3 Lot Area (See Definition)**
- 28-4 Setbacks (See §31-4 through §31-8, also.)**
- 28-5 Height**
- 28-6 Coverage (See Definitions)**
- 28-7 Building Area**
- 28-8 Floor Area**
- 28-9 Architectural Design**
- 28-10 Signs**
- 28-11 Parking and Loading**
- 28-12 Landscaping, Screening and Buffer Area**

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, delicatessens and Retail Food Establishments.
- 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

Inclusionary 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.

28-2.2.5

Indoor & Outdoor Commercial Recreation and Entertainment Uses.

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, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

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 restaurants, newspaper and job printing establishments, 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 as described in §32-12. 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)

Revised 05-06-17

Contents:

- 29-1 Purpose**
- 29-2 Permitted Uses**
- 29-3 Lot Area (See Definitions)**
- 29-4 Setbacks (See §31-4 through §31-8, also.)**
- 29-5 Height**
- 29-6 Coverage (See Definitions)**
- 29-7 Building Area**
- 29-8 Floor Area**
- 29-9 Architectural Design**
- 29-9A Village District Overlay Site Plan Review**
- 29-10 Signs**
- 29-11 Parking and Loading**
- 29-12 Landscaping, Screening and Buffer Areas**
- 29-13 First Floor Defined**

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, delicatessens; and Retail Food Establishments.

- 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.

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.

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

Inclusionary 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

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

29-2.2.6

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, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

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 three (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 twenty (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 fifty (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.

29-4.1 Setback from the Front Lot Line within the Village District Overlay

29-4.1.1 New and Substantial Reconstruction within the Village District Overlay.

Within the Village District Boundary (see §36 Village District Overlay), the main façade of a principle building, structure or use shall be no more than ten (10) feet from the front lot line. This setback requirement applies to

all new construction and rehabilitation (as defined in §5-2) that alters the location of the main façade.

29-4.1.2 Maintenance and Minor Repairs

Existing buildings that are within the Village District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No Site Plan review is required.

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 or single retail establishment, restaurant, business or other commercial establishment shall exceed ten thousand (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.

29-9A Village District Overlay Site Plan Review

The following actions require Site Plan Review for properties within a Village District Boundary (see §36

Village District Overlay):

29-9A.1 Exterior Alterations

Site Plan Review under §36 Village District Overlay is required for exterior reconstruction, alteration, or addition to any existing structure or new construction that alters the exterior appearance from a building visible from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

29-9A.2 New Construction or Substantial Reconstruction and Rehabilitation of Existing Facades within Public View

Site Plan Review under §36 Village District Overlay is required for new construction or for substantial repairs or reconstruction to existing facades within view either from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

29-9A.3 Documentation of Existing Conditions

Existing façade elements and setback from the front lot line must be documented to the satisfaction of the Planning and Zoning Commission with photographs, a survey or other relevant methods.

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 one hundred-eighty (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)

Revised 05-06-17

Contents:

- 29A-1 Purpose**
- 29A-2 Permitted Uses**
- 29A-3 Lot Area (See Definitions)**
- 29A-4 Setbacks (See §31-4 through §31-8, also.)**
- 29A-5 Height**
- 29A-6 Coverage (See Definitions)**
- 29A-7 Building Area**
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- 29A-12 Landscaping, Screening and Buffer Areas**
- 29A-13 First Floor Defined**
- 29A-14 Exemption of Floodplain Regulations**
- 29A-15 Relocation of Historic Structures**

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 (see “Historic Structures” as defined in §5). 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. Provisions are also included which allow for relocation of Historic Structures. 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, delicatessens and Retail Food Establishments.
- 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

Inclusionary 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

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

29A-2.2.6

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. This paragraph does not apply to buildings within the Village District Overlay. See §29A-9A Village

District Overlay Site Plan Review.

29A-2.2.7

Bank drive-in within 500 ft. 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; 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, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

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 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.)

Except as set forth in §29A-15, 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 midpoint 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 building or single retail establishment, restaurant, business or other commercial establishment shall exceed 10,000 square feet of gross interior floor space.

29A-8.2 FAR (see definitions)

Except as set forth in §29A-15, 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

Except as set forth in §29A-15, 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-9A Village District Overlay Site Plan Review

The following actions require Site Plan Review for properties within a Village District Boundary (see §36 Village District Overlay):

29A-9A.1 Exterior Alterations

Site Plan Review under §36 Village District Overlay is required for exterior reconstruction, alteration, or addition to any existing structure or new construction that alters the exterior appearance from a building visible from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

29A-9A.2 New Construction or Substantial Reconstruction and Rehabilitation of Existing Facades within Public View

Site Plan Review under §36 Village District Overlay is required for new construction or for substantial repairs or reconstruction to existing facades within view either from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

29A-9.3 Documentation of Existing Conditions

Existing façade elements and setback from the front lot line must be documented to the satisfaction of the Planning and Zoning Commission with photographs, a survey or other relevant methods.

29A-10 Signs

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

29A-11 Parking and Loading

Except as set forth in §29A-15, 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 February 9, 2015 must provide additional on-site parking as required pursuant to §34-5, Parking Requirements Table.

29A-12 Landscaping, Screening and Buffer Areas

Except as set forth in §29A-15, 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 there from for the benefit of FEMA.

29A-15 Relocation of Historic Structures

A Historic Structure may be relocated within the BCD/H in the event it is not possible to preserve the Historic Structure in its original location. The provision of §29A shall apply however the following exceptions to certain requirements are listed below to facilitate the preservation of Historic Structures when relocation is a viable option.

29A-15.1 Setbacks for Relocated Historic Structures

A relocated Historic Structure shall comply with the minimum setbacks established in §29-4 Setback in the Business Center District (BCD) except the front yard setback may be reduced to 6 feet for local roads (as listed on the Vehicular Circulation Plan of the Westport Plan of Conservation & Development) to encourage pedestrian oriented frontage s and maintain existing street walls.

29A-15.2 Floor Area for Relocated Historic Structures

The floor area for a relocated Historic Structure shall be the same as the floor area of said structure on the effective date of the application for relocation of said structure. Any additions or extensions necessary to comply with building code requirements for egress or accessibility requirements consistent with the Americans with Disabilities Act may be allowed. There shall be no maximum FAR requirement for a relocated Historic Structure that meets the setback requirements on the relocated lot as described in §29A-15.1 above.

29A-15.3 Additions to Relocated Historic Structures

Additions to relocated Historic Structures may be allowed if in compliance with the FAR provisions of §29A-8.2 and the Architectural Design requirements of §29A-9.

29A-15.4 Parking and Loading for Relocated Historic Structures

Parking & loading shall be provided by existing private lots, municipal lots and on-street spaces.

29A-15.5 Landscaping, Screening and Buffer Area for Relocated Historic Structures

The Front Landscaping Areas pursuant to §35-2.2 may be reduced to six (6) feet for relocated Historic Structures in order to coincide with the front yard setback.

§29B BUSINESS CENTER RETAIL RESIDENTIAL DISTRICT (BCRR)

Revised 11-19-17

Contents:

29B-1 Purpose

29B-2 Permitted Uses

29B-3 Lot Area (See Definitions)

29B-4 Setbacks

29B-5 Height

29B-6 Building Area

29B-7 Floor Area

29B-8 Signs

29B-9 Parking and Loading

29B-10 First Floor Defined

29B-11 Architectural Design

29B-12 Landscaping, Screening and Buffer Areas

29B-13 Fire Department Access

29B-1 Purpose

The purpose of the Business Center Retail Residential District is to encourage housing/retail mixed-use development within the area defined as "Westport Center" in the Plan of Conservation and Development (POCD), to improve municipal parking layout and distribution and advance the stated goal to "Maintain and Enhance Westport Center" as set forth in the 2007 POCD by utilizing the Strategies set forth in the POCD: "Commit to a major effort to develop Westport Center as the community focal point." (Pg. 7-15) and "Add a component of residential housing to any development program in the downtown area." (Pg. 7-16) Toward that end, this zone offers the owners of commercial property, within that area in Westport Center north of the Post Road and east of Main Street, with at least 75 feet of frontage on a non-state highway local road and consisting of or abutting on at least 40% of its perimeter a municipal parking lot existing at the time of adoption of this regulation, more flexible uses than those that apply to the properties in the BCD.

29B-2 Permitted Uses

In the Business Center Retail Residential 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:

29B-2.1 Principal Uses

29B-2.1.1

Any use permitted in the Residence AAA District, specified in §11-2 herein, subject to a Special Permit/Site Plan approval.

29B-2.1.2

When combined in a single building which contains at least 30% of its floor area utilized for housing (of which at least 20% of the dwelling units shall be Affordable Housing as defined in the Connecticut General Statutes), the following additional uses are permitted subject to Special Permit/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, delicatessens and Retail Food Establishments.
- c. Restaurants.
- d. Cafes and Taverns.
- e. Multi-family dwelling units as part of a Multiple Use Development, subject to conditions specified herein.
- f. Off-street parking lots.

29B-2.1.3 Affordability Requirement and Plan

In conjunction with residential units proposed as part of a BCRR development, 20% of all proposed units and at least 20% of the floor area of all residential units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g. Fractional units at 0.5 and above shall be rounded up. An affordability plan must be submitted at the time of application in accordance with same. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD) Any C.G.S. §8-30g application in the District must provide all affordable units on-site.

The Affordability Plan shall also include provisions for administration of and compliance with this section; notice procedures to the general public of the availability of affordable units; procedures for verification and periodic confirmation of unit occupancy income; and compliance with affordability requirements.

29B-2.2 Accessory Uses

29B-2.2.1

Uses customarily accessory to a permitted principal use including; 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.

29B-2.2.2

Outdoor storage and display is permitted in accordance with §32-6, herein.

29B-2.2.3

Wholesaling and warehousing.

29B-2.3 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 §32-8, Prohibited Uses in the Aquifer Protection Overlay Zone).

29B-3 Lot Area (See Definitions)

No minimum requirement, except that no lot shall have less than 75 feet of frontage on at least one street nor more than 100 feet of lot depth from the front property line.

29B-4 Setbacks

29B-4.1

No minimum setback from any public street or municipal parking lot in existence at the time of the adoption of this regulation.

29B-4.2

No building or structure, except as outlined in **29B-4.1**, shall extend closer than ten (10) feet to any property line.

29B-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 midpoint of a pitched roof, whichever is less. The Planning & Zoning Commission may allow incidental architectural features to exceed the height limit by up to three (3) additional feet.

29B-6 Building Area

No mandatory requirement.

29B-7 Floor Area

29B-7.1 Maximum

- a. No building shall exceed 10,000 square feet of gross interior floor space.
- b. Not less than 30% of the proposed development floor area shall consist of residential use.

29B-7.2 Commercial/Residential Floor Area Ratio

The total of all non-residential floor area shall not exceed a Floor Area Ratio (FAR) of 1.0. The total of all residential floor area shall be not less than 0.4 FAR and shall not exceed 0.6 FAR.

29B-8 Signs

Signs shall be permitted in accordance with the provisions of **§33** of the Supplementary Regulations applicable to the BCD.

29B-9 Parking and Loading

Parking and Loading shall be provided by existing municipal parking lots.

29B-10 First Floor Defined

For purposes of this section only, the "first floor" of the building is the building entrance opening to Elm Street. There can be only one first floor per building.

29B-11 Architectural Design

The architectural design, scale and mass of buildings and other structures shall be consistent with the Village District Design Principles and shall include, among other elements, exterior building materials, colors, roof-lines, and building elevations of such character as to work with, reflect and develop the design of buildings in the surrounding area, thereby preserving and improving 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.

29B-12 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas in the BCRR shall comply with the design standards of the Village District to the extent such compliance is consistent with the landscaping patterns of adjacent or nearby relocated historic structures and with the coverage and setback requirements of the BCRR.

29B-13 Fire Department Access

Fire Department access shall be provided in the BCRR to ensure the safety of all occupants within the BCRR. This access shall include Fire Lanes and/or other locations kept clear and readily accessible for fire apparatus at all times. Access points shall be located at front and rear of the building. Turning radii, road widths and grade changes shall comply with the Fire Codes in effect at the time of building permit application.

§30 HISTORIC DESIGN DISTRICT (HDD)

Revised 11-14-11

Contents:

- 30-1 Purpose**
- 30-2 Permitted Uses**
- 30-3 Lot Area (see Definitions)**
- 30-4 Setbacks (See §31-4 through §31-8, also.)**
- 30-5 Height**
- 30-6 Coverage**
- 30-7 Building Area**
- 30-8 Floor Area**
- 30-9 Architectural Design**
- 30-10 Signs**
- 30-11 Parking and Loading**
- 30-12 Off-Site Parking on a Different Lot**
- 30-13 Fees-In-Lieu of Parking**
- 30-14 Total Required Parking**
- 30-15 Landscaping, Screening and Buffer Areas**
- 30-16 Exemption of Floodplain Regulations**

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 allow office uses, primarily above the first floor; 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.
- d. In door commercial recreation and entertainment uses;
- e. Retail stores and retail service establishments;
- f. Grocery stores, delicatessens and Retail Food Establishments on the ground floor only;
- g. Surface parking lots;
- h. Business, professional, insurance, real estate and other offices, (excluding healthcare professional and medical), are permitted as follows: 1) on the upper floors only (not ground floor), 2) not on the ground floor with the exception of the ground floor of the largest building existing on the effective date of this amendment (11-14-11), and up to 500 square feet of the ground floor area abutting said building.
- 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 Section Deleted

8-9-10

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, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval Pursuant to §5 and §32-20 Outdoor Eating Areas .

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, or an addition to a building on a lot bordered by the HDD on more than four sides and abutting the largest lot in the HDD, which shall be permitted an increase in height of up to three (3) additional feet as of the effective date of this amendment (11-14-11).

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, with the exception of a lot

bordered by the HDD on more than four sides and abutting the largest lot in the HDD, which shall be permitted building coverage of 100% as of the effective date of this amendment (11-14-11).

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, provided that no FAR limitation shall apply to a lot bordered by the HDD on more than four sides and abutting the largest lot in the HDD or to the conversion to floor area of an existing area constituting building coverage as of the effective date of this amendment (11-14-11).

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, provided that no FAR limitation shall apply to a lot bordered by the HDD on more than four sides and abutting the largest lot in the HDD or to the conversion to floor area of an existing area constituting building coverage as of the effective date of this amendment (11-14-11).

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

Revised 11-19-17

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.

PRIVATE SEC	ZONING DISTRICT	MINIMUM LOT REQUIREMENTS		SETBACK REQUIREMENTS See also §31-4 through §31-8			MAXIMUM BUILDING REQUIREMENTS			
				Front	Side	Rear	Height	Building Coverage	Building Size (sq. ft.)	*FAR
21	Restricted Professional Office (RPOD)	See §21-3; 50 ft frontage required	NR	30 feet	15 ft	25 ft	2 1/2 stories & 30 ft	20%	2,500	0.25
22	Restricted Office-Retail (RORD #1, #2, & #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 & 30 ft	20%	2,500	0.25
23	Restricted Business (RBD)	NR; 50 ft frontage required	NR	30 ft	15 ft	25 ft	2 stories & 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 & 25-30 ft	25%	10,000	0.25
24A	General Business/Saugatuck (GBD/S)	40,000 SF; 50 ft frontage required	NR	See §24A-4	15 ft	25 ft	See §24A-5; 2 1/2 stories & 25-30 ft	25%	10,000	0.50
24B	General Business District Residential (GBD/R)	See §24-3; min 2 acres	Square, 200 ft on a side	30 ft	15 ft	25 ft	See §24B-5; 25 ft	30%	20,000	See §29B-8; 0.75
25	Highway Service (HSD)	1/2 acre	Square, 100 ft on a side	30 ft	15 ft	25 ft	2 stories & 25-30 ft	25%	10,000	0.25
26	Design Development (DDD)	1.0 acre	none	50 ft	30 ft	30 ft	2 stories & 25-30 ft	10%	NR	0.15
	Corporate Park	1.5 acres; 100 ft	Square,				2 stories &		20,000	

27	(CPD)	frontage on Post Road	200 ft on a side	30 ft	25 ft	25 ft	25-30 ft	25%	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 & 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 & 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
29B	Business Center Retail Residential District (BCRR)	NR; 75 ft frontage required	NR	10 ft	10 ft	10 ft	See §29B-5; 25-30ft	N/A	10,000	See §29B-7
30	Historic Design (HDD)	NR	NR	V	V	V	V or 30 ft	V or 25%	V	V or 25%
39A	Inclusionary Housing Overlay District (IHZ)	NR	NR	20 ft	V	V	V	V	V	V

NR = No minimum or maximum requirements. V = Variable requirement as determined by physical site characteristics & surrounding buildings, structures & uses. * FAR may be greater for multi-family use in certain zones.

SUPPLEMENTARY REGULATIONS AND STANDARDS

§31 REGULATIONS APPLYING TO ALL DISTRICTS

Revised 01-25-17

Contents:

- 31-1 Lot Frontage
- 31-2 Rear Lots
- 31-3 Fences and Walls, Obstructions at Corners (see §5-2 Fence or Walls)
- 31-4 Projections into Setbacks
- 31-5 SECTION DELETED
- 31-6 Setbacks from High Voltage Transmission Lines
- 31-7 Setbacks from Waterbodies, Watercourses and Wetlands
- 31-8 Setbacks for Sub-Surface Structures
- 31-9 Liquor Establishments
- 31-10 Coastal Area Regulations
- 31-11 Floodplain Regulations
- 31-12 Aquifer Impact
- 31-13 Aircraft Restrictions
- 31-14 Medical Marijuana Dispensaries and Producers
- 31-15 Uses Requiring More Than 20 Parking Spaces
- 31-16 Prohibition on Cannabis Establishments
- Guide to Groundwater and Aquifer Protection

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 P&Z Commission and on file with the Town Clerk. The required 20-foot frontage and 20-foot wide access way 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 P&Z 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 access way, 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 P&Z Commission and on file with the Town Clerk.

31-2.2.1

The access way 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 access ways shall not exceed two (2).

31-2.2.3

Each access way shall be at least twenty (20) feet in width.

31-2.2.4

The area of such access way 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 projected 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, 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 projection of Non-Residential Balconies as defined in §5-2 and as described in the Structure definition shall also be exempted.(800, 11/18/2021)

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

31-9.1

The sale of alcoholic liquor for on premises consumption shall be limited to Non-Residential Zoning Districts except for liquor establishments in Residential Districts that have a valid liquor permit issued by the Connecticut Liquor Control Commission as of the effective date of this regulation August 9, 2010 and Special Events that obtain a temporary liquor permit approved by the P&Z Director, the Police Chief and issued by the Connecticut Liquor Control Commission.

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)¹ and with the goals and policies of the Town of Westport P&Z 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 Official Building Zone Map.

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-93 (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 P&Z Commission or the Zoning Board of Appeals in accordance with the requirements of §22a-105 through 22a-109 of the CAM Act.

31-10.6 Exemptions

A Coastal Site Plan as defined in §22a-105(b) of the CAM Act shall be required for any use, activity or project which is proposed to be located either wholly or partially within the Coastal Boundary.

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.

31-10.6.1

Interior modifications to buildings.

31-10.6.2

Gardening, grazing and the harvesting of crops.

31-10.6.3

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.

31-10.6.4

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%.

31-10.6.5

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, storefront or near shore waters.

31-10.6.6

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 embayment's or coastal jurisdiction line.

31-10.6.7

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 marshal for public safety and awnings.

31-10.6.8

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 coastal resources and that will not restrict access along the beach, storefront or near shore waters.

The above exemptions from coastal site plan review requirements shall apply to all applications to the P&Z 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 P&Z 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.

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 Waterfront Access

Public Waterfront Access (PWA) is 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.

PWA will be required as part of any Coastal Site Plan review for any Special Permit Use or sites located in

Non-Residential Zones that are adjacent to the Saugatuck River. However, the Planning & Zoning Commission during the course of a public hearing may waive the need for PWA if requested by an applicant. 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. Signage shall be consistent with §33-11 herein and the Coastal Public Access Sign Catalog provided by the Connecticut Department of Energy and environmental Protection.
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. These views shall not be blocked by landscaping, fencing or walls.
9. Public pedestrian access to the water and a Riverwalk along the water shall be provided on all sites adjacent to the water.

Section Deleted(779, 03/04/2021)

31-10.7.6 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.

31-10.7.7 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.

31-10.7.8 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 Floodplain Regulations

31-11.1 Purpose

The purpose of these Floodplain 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.

(759, 02/10/2019)

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:

The Special Flood Hazard Areas (SFHA) are those identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 08, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 08, 2013 (Panels 09001CIND0B, 09001C0413G, 09001C0414G, 09001C0418G, 09001C0532G, 09001C0534G, 09001C0551G, 09001C0552G, 09001C0553G, 09001C0556G), and June 18, 2010 (Panels 09001C0392F, 09001C0394F, 09001C0403F, 09001C0404F, 09001C0411F, 09001C0412F, 09001C0416F and other supporting data applicable to the Town of Westport, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The Special Flood Hazard Areas include any area shown on the FIRM as Zones A, AE, Coastal AE and VE, including areas designated as a floodway on a FIRM. Zone VE and Coastal AE are also identified as a Coastal High Hazard Area. Special Flood Hazard Areas are determined utilizing the Base Flood Elevations (BFE) provided on the Flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The elevation of the Base Flood (100 year flood) shall be known as the Base Flood level. The Flood Insurance Study and Flood Insurance Rate Maps are on file in the office of the Town Clerk. (759, 02/10/2019)

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 (FIRM) shall conform to the following requirements:

31-11.3.1 Data

Plans for all proposed developments shall include the following base flood level data:

- 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 construction or substantially improved structures. In Coastal High Hazard Areas (VE and Coastal AE zones), the applicant shall provide the elevation of the bottom of the lowest horizontal Structural member for all New Construction or substantially improved Structures. If a structure has been flood proofed, the applicant shall provide the elevation, in relation to mean sea level, up to which the structure was flood proofed. (759, 02/10/2019)
- b. A record of all such flood elevation information shall be maintained by the Floodplain Coordinator.

31-11.3.2 Standards for All Flood Zones

(759, 02/10/2019)

In all **Special Flood Hazard Areas**, designated as **Flood** Zone A, Flood Zone AE, Flood Coastal AE, and Flood Zone VE 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. Zoning 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. New construction, substantial improvements, and repair to structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2 as amended, Flood Damage-Resistant Materials Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot.
- d. Where **floodproofing** is utilized for a particular structure, a professional engineer or architect, licensed by the State of Connecticut shall certify that the flood proofing 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 Floodplain Coordinator.
- e. 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.
- f. The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fire alarm/home security control boxes and power supplies, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated one (1.0) foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below the BFE plus 1.0 foot

elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event.

- g. Prior to any alteration or relocation of any watercourse designated on the Flood Insurance Rate Map (FIRM) the applicant shall notify the Conservation Commission, Flood and Erosion Control Board (F&ECB), RTM, Town Engineer, Connecticut Department of Energy and Environmental Protection (DEEP), Conn. Coordinating Office and each adjacent community and shall submit copies of such notifications to the Floodplain Coordinator. The flood carrying capacity within an altered or relocated portion of any such watercourse shall be maintained.
- h. 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.
- i. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.
- j. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., VE zone is more restrictive than AE zone; structure must be built to the highest BFE). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.

31-11.3.3 Flood Zone A (Unnumbered)

(759, 02/10/2019)

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) elevated at least one (1.0) foot 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) elevated or floodproofed at least one (1.0) foot 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 Zone AE

(759, 02/10/2019; 801, 10/15/2021)

In all special flood hazard areas designated as Flood Zones AE 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) elevated at least one (1.0) foot 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) elevated at least one (1.0) foot above the base flood level, and
 2. together with attendant utility and sanitary facilities, shall be designed so that below the base flood level plus 1 foot 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 flood proofing is utilized for a particular structure in accordance with this section, a registered professional engineer or architect shall certify that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood plus 1 foot, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are flood proofed, 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 Zones Coastal AE and VE

(759, 02/10/2019)

In all coastal high hazard zones, designated as Flood Zones Coastal AE and V the following additional standards shall apply:

- a. All New Construction and Substantial Improvements shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101, except for accessory docks, landings, ramps, piers 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 bottom of the lowest horizontal structural member (excluding the footings, pilings or columns) shall be elevated at least one (1.0) foot above the base flood level;
 2. All such footings, pilings or columns and the attached structures shall be constructed and adequately anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values required by applicable State Building Codes;
 3. A professional engineer or architect licensed in the State of Connecticut shall certify that the structure is adequately 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;
 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.
 5. Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below one (1.0) foot above the Base Flood Elevation provided it is not part of the structural support of the Structure and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the Structure on which it is to be used and provided the following design specifications are met:
 - i. Design safe loading resistance of each wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or

- ii. If more than twenty (20) pounds per square foot, a licensed professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the Base Flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components prior to or during the collapse of such wall.
- c. Areas enclosed by breakaway walls shall contain hydraulic flood vents per the requirement §31-11.5.2.
- d. The use of fill for the structural support of buildings shall be prohibited.
- e. The placement of manufactured homes or mobile homes, except in existing mobile home parks, is prohibited. Manufactured homes or mobile homes placed in existing mobile home parks shall be elevated so that the bottom of the lowest horizontal structural member is elevated at least one (1.0) foot above the Base Flood Elevation (BFE). The manufactured home must also meet all the construction standards for Zone VE as per §31-11.3.5. Recreational vehicles placed on sites within Zone VE shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of §31-11.3.2, the VE Zone construction requirements of §31-11.3.5, and the anchoring requirement of §31-11.4.2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- f. 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 Insurance Rate Map (FIRM), 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 (0.00 feet) increase in flood levels within the community during the occurrence of the base flood discharge shall be prohibited. Zero (0.00 feet) increase must be proven, with supporting technical data, by hydrologic and hydraulic analysis performed in accordance with sound engineering practices by a registered professional engineer. 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 in Zone A or AE, shall be elevated so that the lowest floor is at least one (1.0) foot above the Base Flood Elevation. The manufactured home must also meet all the construction standards for Zone A, §31-11.3.3, or Zone AE, §31-11.3.4 as applicable. This includes manufactured homes located outside a Manufactured Home Park or Subdivision, in a New Manufactured Home Park or Subdivision, in an existing Manufactured Home Park or Subdivision, in an expansion to an existing Manufactured Home Park or Subdivision, or on a site in an existing Manufactured Home Park in which a manufactured home has incurred substantial damage as a result of a Flood. Recreational vehicles on site for fewer than 180 consecutive days must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (759, 02/10/2019)

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; and
- c. That proposed building sites will be reasonably safe from Flooding.

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.
- 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

(759, 02/10/2019)

In all special Flood Hazard Areas designated as Flood Zone A or AE 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 one (1.0) foot above 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 as meeting the requirements of ASCE 24 Section 2.7.2.2 or meet the following minimum criteria:
 1. Provide a minimum of two openings (hydraulic flood vents) 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.
 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 Flood Opening are required in garages unless the garage floor is above the base flood elevation.
- c. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
- d. Access to the enclosed area located below the BFE plus one (1.0) foot 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).
- e. The enclosed area located below the BFE plus one (1.0) foot cannot be used as finished living space. Use of this enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the 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). The enclosed area shall not be used for human habitation.
- f. All interior walls, floor, and ceiling materials located below the BFE plus one (1.0) foot shall be unfinished and flood damage-resistant in accordance with FEMA Technical Bulletin 2 as amended, Flood Damage-Resistant Requirements.
- g. Electrical, plumbing, HVAC duct work, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated to one (1.0) foot above the BFE in the space, may subject the structure to increased flood insurance rates.

31-11.6 Equal Conveyance and Compensatory Storage

a. Equal Conveyance

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, New Construction or Substantial Improvements involving an increase in footprint of the Structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in Flood levels (Base Flood Elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in Flood stage or Flood velocity.

b. Compensatory Storage

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, New Construction or Substantial Improvements involving an increase in footprint to the Structure, shall be compensated for by deepening and/or widening of the floodplain storage and shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for Flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of Flood water at each elevation, up to and including the 100-year Flood Elevation, which would

Be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory Storage can be provided off-site if approved by the municipality.

31-11.7 Abrogation and Greater Restrictions

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

31-11.8 Warning and Disclaimer of Liability

The degree of Flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger Floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from Flooding and Flood damages. This regulation shall not create liability on the part of the Town of Westport or by any officer or employee thereof for any Flood damages that result from reliance on this regulation or any administrative decision lawfully made there under. The Town of Westport, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Westport.

31-11.9 Above Ground Storage Tanks

Above-ground storage tanks (oil, propane, etc.) which are located in any flood hazard area must be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended one foot above the BFE, and have a screw fill cap that does not allow for the infiltration of Flood water. The applicant shall provide certification that the tank is installed according to National Fire Protection Association (NFPA) requirements.

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, gyro dyne, 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.
- b. In the event of an emergency which necessitates a landing within the Town, the pilot in command shall,
 - i. In the event the Federal Aviation Regulations require a report as to such incident, send a copy of such report to the P&Z Commission, or
 - ii. 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 P&Z 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.

31-14 Medical Marijuana Dispensaries and Producers

31-14.1 Purpose

For a period of twelve (12) months commencing from the effective date 10-25-2013 of this section no applications will be accepted, considered or approved and no zoning permits will be issued to permit the establishment of Medical Marijuana Dispensaries and/or Producers within any zoning district within the Town of Westport. For the purposes of this section Dispensary, Licensed Dispensary, Producer and Licensed Producer are defined in Public Act #12-55. The expiration date of this Moratorium shall be 10-25-2014 unless extended by the P&Z Commission. The Moratorium is hereby extended for a period of nine (9) months until July 25, 2015. The Moratorium is hereby further extended for a period of six (6) months until January 25, 2016. The Moratorium is hereby further extended for a period of four (4) months until May 25, 2017.

31-15 Uses Requiring More Than 20 Parking Spaces

31-15.1 Purpose

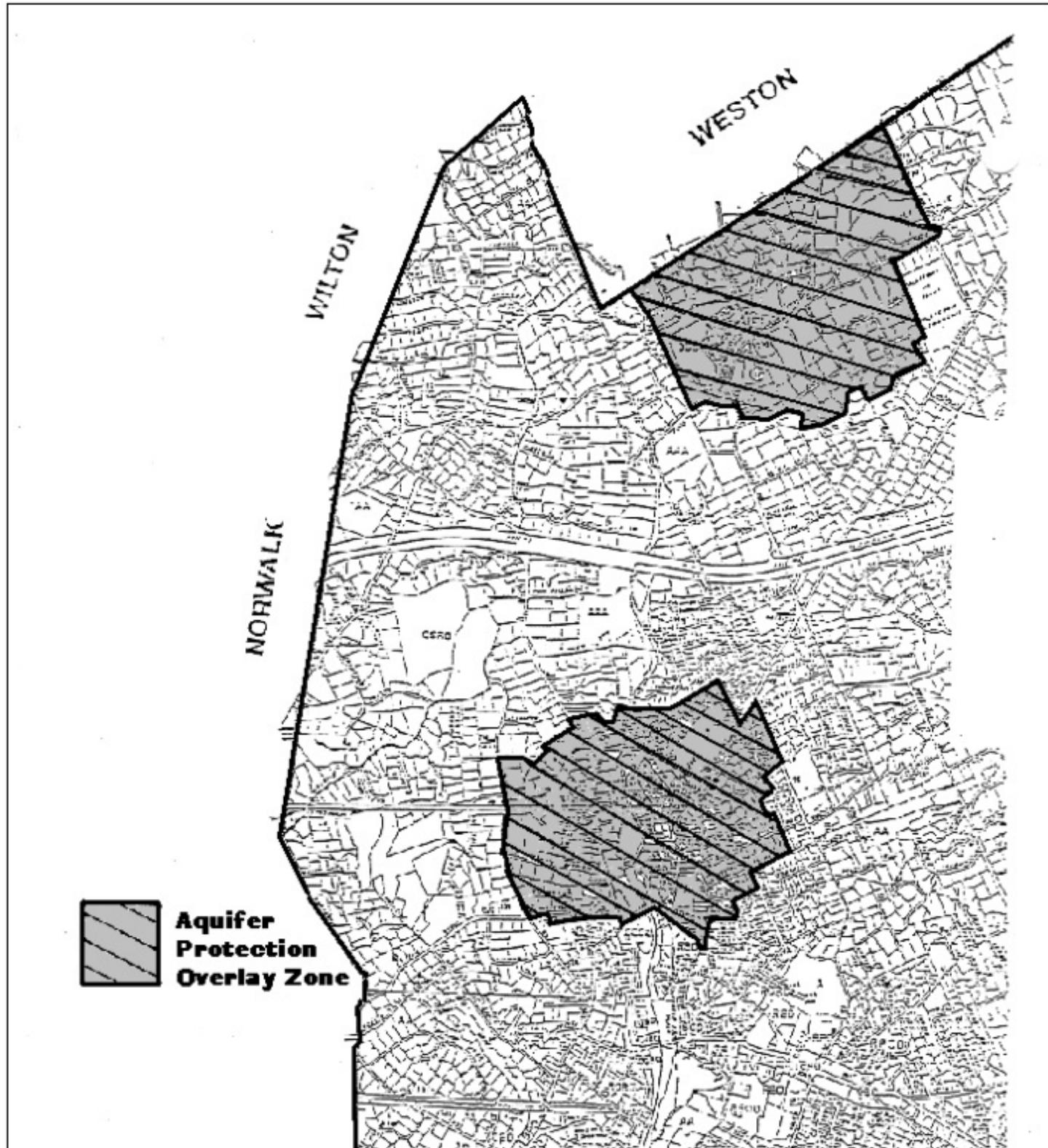
No new or expanded uses requiring more than twenty (20) parking spaces may be located on Local Streets as specified in the Plan of Conservation and Development within a Residence Zone.

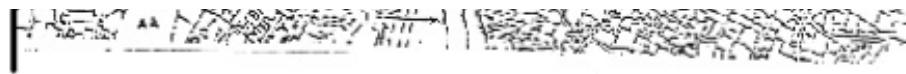
31-16 Prohibition on Cannabis Establishments

Prohibition:

In accordance with the authority granted under Section 148 of Public Act No. 21-1 of the June 2021 Special Session, "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis," all Cannabis Establishments, with the exception of Medical Dispensary Facilities, are prohibited in all zoning districts in the Town of Westport. (799, 09/15/2021)

Guide to Groundwater and Aquifer Protection





AQUIFER PROTECTION OVERLAY ZONE TOWN OF WESTPORT

Revised 11-18-98

§32 SUPPLEMENTARY USE REGULATIONS

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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 P&Z 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

Onsite parking shall be provided at a minimum of one parking space per dwelling unit.

32-1.1.3

The Front Landscaping Area standard of §35-2.2 may be reduced to twenty-five (25) feet by the P&Z 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 Senior 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 Senior persons at reasonable rents in order to assure especially adapted housing facilities for Senior persons in the public interest by allowing multiple-family housing for Senior 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 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 seniors 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 & 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 access ways 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 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 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 an attractive manner, and cannot be located in the front landscape area. Tables and chairs associated with Outdoor Eating Areas shall not be considered as outdoor storage and display but shall be subject §5 and §32-20 Outdoor Eating Areas. A Zoning Permit shall be obtained for this use.

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 Site Plan approval is obtained from the Planning & Zoning Commission. No such approval 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; Tele track 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, Level 1, or Home Occupation, Level 2 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.

32-8.1 Activities that require an Excavation & Fill Permit and Exempt**32-8.1.1**

All regrading of properties regardless of the amount of disturbance or quantity of material involved shall require Site Plan and Special Permit approval by the Planning & Zoning Commission for an Excavation & Fill Permit except as noted below.

32-8.1.2

Exemptions: The following activities shall be exempt from requiring an Excavation & Fill permit but shall conform to the standards listed in §32-8.2 and §32-8.3:

- a. Excavations or filling of earth products in connection with the construction or alteration of a principal building or structure, swimming pool, tennis court, sports court, septic fields or driveway on the same premises no more than 25 feet from said activity provided a zoning permit or health permit has been issued for such construction, alteration or activity and such work is specified in said permit.
- b. Excavations or filling of earth products in connection with the construction or alteration of subsurface drainage systems on the same premises no more than 5 feet from said activity provided a zoning permit or health permit has been issued for such construction, alteration or activity and such work is specified in said permit.
- c. Construction, grading or changing of contours in accordance with plans for the same that have been approved by the Planning & Zoning Commission, covering the roads, lots and other improvements in an approved Subdivision, Site Plan or Special Permit application.
- d. Municipal activities involving roadways, bridges, culverts or other infrastructure for the purpose of maintenance, repair, realignment, reconstruction or public safety projects as listed in this subsection that by necessity involve extending excavation or fill onto private property where grading rights have been obtained.
- e. Construction of a retaining wall used solely for the purpose of constructing a driveway or roadway.
- f. Construction of approved shoreline flood and erosion control structures.
- g. The placement or installation of utility lines or services.
- h. Incidental filling, grading or excavation in connection with maintenance or repairs to a property.
- i. Customary landscaping and temporary collecting, stockpiling and reuse of topsoil.

32-8.2 Excessive Fill Regulation

The purpose of this Section is to limit the total amount of excavation or fill allowed on any lot, to restrict the development of those parcels of land where an excessive amount of excavation or fill would be necessary to make the land developable and to prevent adverse drainage impacts on surrounding properties resulting there from:

32-8.2.1 Excessive Excavation or Fill

- a. In any Residential Zoning District, the maximum amount of excavation or fill permitted on any lot of 10,000 square feet or more in area shall not exceed an amount greater than that required to raise or lower said parcel ten (10) feet above or below the existing natural grades over an area equal to 50% of the allowable Total Coverage in the respective zone.
- b. In any Non Residential Zoning District, the maximum amount of excavation or fill material permitted on any lot of 10,000 square feet or more in area shall not exceed an amount greater than that required to raise or lower said parcel ten (10) feet above or below the existing natural grades over an area equal to 50% of the allowable Building Coverage in the respective zone.
- c. For lots with fewer than 10,000 square feet in a Residential or Non Residential Zone, the maximum amount of excavation or fill shall not exceed 500 cubic yards and shall not exceed ten (10) feet above or below the existing natural grade in any location.

32-8.2.2 Formula

The following formula shall be used to compute the maximum allowable excavation or fill amount: Lot Area (square feet) X 50% of Total Coverage percentage in Residential Zoning District or 50% of Building Coverage percentage in Non Residential Zoning District X ten (10) feet divided by 27 cubic feet/1 cubic yard = maximum allowable excavation or fill in cubic yards.

32-8.2.3 Maximum Fill or Excavation Quantity

No portion of any lot shall be filled or excavated to a height or depth greater than ten (10) feet above or below 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. Fill height shall not exceed a ratio of 0.20 relative to the distance from the property line, excavation or fill of driveways in front and side setbacks shall be exempt from this requirement.

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 Excavation or Fill

The combined total maximum allowable quantity of excavation and fill on any lot shall not exceed the sum of the maximum quantities of excavation and fill allowed under §32-8.2 and 32-8.2.5, above. This shall be

based upon the total excavation and fill, not the net change.

32-8.2.7 Natural Existing Grades

The natural existing grades shall be either the contour of elevations based upon an up to date topography survey verified in the field with even numbered two (2) foot contour as a minimum, 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 North American Vertical Datum (NAVD) of 1988 datum.

Grades established using an Excavation and Fill application or Zoning Permit shall not be used to establish a new existing average grade for the purpose of measuring building height until five (5) years have passed from the date of approval.

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

All manmade earth slopes shall not exceed five (5) horizontal to one (1) vertical (20%) unless approved by the Town Engineer. Slopes of greater than 20% but no more than 35% may be permitted for sand dunes created as part of beach nourishment or replenishment projects, if recommended by CT DEEP Land and Water Resources Division due to site characteristics. ([775](#), 03/30/2020)

There shall not be any grading or slope changes within five (5) feet of any lot line except for:

- a. The installation of driveways on all lots.
- b. New streets and driveways in approved subdivisions.

32-8.3.3

No equipment other than for digging, drilling, leveling and bringing in or carting away excavated 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 except for material that is excavated directly from the project site for use on the project site.

32-8.3.5

There shall be no sharp declivities, pits or depressions.

32-8.3.6

Proper surface drainage shall be provided and groundwater shall not be polluted.

32-8.3.7

After excavation or filling, the premises shall be cleared of debris and temporary structures within the time provided in the permit.

32-8.3.8

Fill material shall not include organic (for example tree stumps, leaves, brush or other materials that decompose, etc.) or petroleum based products or materials.

32-8.3.9

Erosion Control measures shall be required as provided for in §37.

32-8.3.10

Activities may not be undertaken to circumvent the protection of property sought by the provisions of this regulation so as to change the groundwater table, to excavate a basement or cellar built below the ground water table thereby increasing surface run off by pumping water to the surface or to alter natural drainage basins or flows. The Zoning Official or the Planning & Zoning Commission shall take appropriate enforcement action to prevent this from occurring.

32-8.4 Restoration 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, except for beach nourishment or replenishment projects. (775, 03/30/2020)

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, consideration shall be given to protecting the public health, safety and welfare, the general objectives of Site Plan and Special Permit Review as found in §44-5 and §44-6 and the following specific considerations:

32-8.5.1

The following shall be considered: location, intensity and type of operation contemplated in each application. Conditions may be imposed 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 judgment 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. An erosion and sediment control bond may be required in accordance with §43-12 and §43-13, herein.
- g. A site monitor may be required. If required, it shall be paid for at the applicant's expense.(748, 11/11/2018)

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 §33-6.1.1, 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 P&Z 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 seniors

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 Senior 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 Senior home shall include a resident occupied dwelling unit with guest rooms for not more than six (6) senior persons wholly within a single-family dwelling that is occupied by the principal owner or owned 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 P&Z 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 five (5) such group homes for seniors shall be permitted within the Town of Westport.

32-12 Inclusionary Two-family and Multi-Family Dwellings

Two-family and multi-family dwelling units are permitted in any GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H and DDD #2 Non-Residential Zoning District 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. (See §39A for Lots Split Residential and Non-Residential Zoning District)

The purpose of this section is to increase the diversity of housing choices and to provide additional below market rate housing within Westport. In order to implement this purpose, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed residential units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g.

32-12.1 Lot Area and Shape.

32-12.1.1

No minimum lot area or shape. Any lot using this regulation must provide frontage on an arterial street that is equal to at least fifteen percent (15%) of the perimeter of the lot.

32-12.1.2

Any lot created by subdivision or lot merger not in existence at the time this regulation was created must have a Regularity Factor of at least 0.55.

32-12.1.3

Primary access to the development must be from a non-residential portion of lot.

32-12.2 Density

32-12.2.1 Maximum -

The maximum allowable density shall not exceed 20 bedrooms 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 eighteen (18) inclusive of affordable units.

32-12.2.2 Bedrooms -

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.

32-12.2.3

The purpose of this subsection is to encourage the increase in the diversity of housing choices for, and eliminate nonconforming commercial uses of, lots located within certain split zone districts. Notwithstanding any other provision of these Regulations, when a lot is located within a split zone district involving the GBD and Residence A zone districts, and a proposal is to eliminate and/or abandon a nonconforming septic tank manufacturing company with associated contractor's yard use located on any portion of the lot, and to substitute such nonconforming use with a Multi-Family dwelling use, then the maximum allowable density shall not exceed thirty units per gross acre, with a maximum allowable density not to exceed thirty-two units regardless of lot size, unless otherwise permitted by these Regulations. The maximum allowable number of bedrooms shall be fifty bedrooms per gross acre, with a maximum allowable number of bedrooms not to exceed forty-seven bedrooms regardless of lot size, unless otherwise permitted by these Regulations. When calculating a gross acre for purpose of this subsection, that area of the lot located within the Residence A zone district shall not be included. (772, 08/06/2019)

32-12.3 Setbacks

No principal or accessory building or structure shall extend closer than:

- a. twenty (20) feet from any front lot line.
- b. Side and rear setbacks are governed by the underlying district.

32-12.4 Height

In order to retain the historic streetscape in the BPD and BCD/H zones, the height is restricted to that which is permitted in the underlying non-residential zoning district.

32-12.4.1

For buildings within the GBD, RPOD, RORD, RBD, BCD and DDD #2 zoning districts, of which at least one-third (1/3) of the floor area is residential, a height of three (3) stories and thirty-five (35) feet is allowed.

32-12.4.2

for a building in which less than one-third (1/3) of the floor area is residential use, the height is restricted to that which is permitted in the underlying zone.

32-12.5 Coverage

A building coverage bonus in the non-residential zone shall be allowed. The bonus may not exceed five percent (5%) of the non-residentially zoned portion of the lot in excess of that which is allowed in the underlying non-residential zone, except for the BCD and BCD/H zoning districts.

32-12.5.1

The P&Z Commission may exempt 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.

32-12.5.2

the total coverage shall not exceed seventy percent (70%) of the area of lot.

32-12.5.3

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

32-12.6 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 ten (10) feet.

32-12.7 Floor Area

32-12.7.1

Unit Size: 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. The average unit size shall not exceed 1,250 square feet.

32-12.7.2 Floor Area Ratio (FAR)

32-12.7.2.1

No lot which contains buildings or structures which consists of two-family or multi-family dwellings, shall exceed an FAR of 0.5, except in the BCD and BCD/H zones. Any incremental increase in floor area above the maximum allowable FAR in the underlying zone shall be used for dwelling(s) units only. Floor area used for parking and loading 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.

32-12.7.2.2

At least 30% of the floor area of the property, exclusive of the affordable housing units, shall be non-residential use in the GBD, RBD, BCD, BCD/H & DDD #2 zones. The RPOD, RORD & BPD zones, with their smaller building standards, shall have no minimum non-residential (commercial) requirement.

32-12.7.2.3

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

32-12.7.2.4

Any lot located within a split zone district involving the GBD and Residence A zone districts, where there is a proposal to eliminate and/or abandon a nonconforming septic tank manufacturing company with associated contractor's yard use located on any portion of the lot, and to substitute such nonconforming use with a Multi-Family use that meets the affordability requirements provided by §32-12.15, then a minimum non-residential (commercial) component is not required.(772, 08/06/2019)

32-12.8 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 located on the property and on any adjacent lot, if they are listed on the most recent Westport Historic Resource Inventory. The design should reflect 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.

Architectural design requirements for the underlying zones apply and in addition 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.

32-12.9 Public Waterfront Access

Public Waterfront Access (see Definitions and §31-10.7.4 herein) shall be provided on all sites adjacent to the Saugatuck River.

32-12.10 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations, as determined by underlying zoning district.

32-12.11 Parking

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 any building facing the street. Parking shall be required as provided in §34-5, except that the P&Z Commission may reduce the required multifamily parking standards by 0.5 spaces per unit. Tandem parking may be allowed subject to the discretion of the P&Z Commission.

32-12.11.1

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

32-12.12 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations. Sidewalks shall be provided in accordance with §35-2.2.4 of the Supplementary Regulations.

32-12.12.1

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. The glare from light sources shall be shielded from roads and abutting properties. Lighting must be provide in accordance with §44-5.5 of the Regulations.

32-12.12.2 Refuse Areas:

Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.

32-12.12.3 Mail boxes:

Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

32-12.12.4

All standards listed in §32-8.2.3 shall be adhered to with the exception that a fill height ratio of up to 0.50 relative to the distance from the property line shall be permitted in the side and rear yard setbacks and within five-feet (5') of the property line to allow grading to create a landscape feature designed to provide screening to adjacent properties for Multi-Family dwelling use on a lot located within a split zone district involving the GBD and Residence A zone districts, and a proposal is to eliminate and/or abandon a nonconforming septic tank manufacturing company with associated contractor's yard use. ([772](#), 08/06/2019)

32-12.12.5

All standards listed in §32-8.3.2 shall be adhered with the exception that slopes of up to one vertical to two horizontal (1V:2H) shall be permitted in the side and rear yard setbacks and within five-feet (5') of the property line to allow grading to create a landscape feature designed to provide screening to adjacent properties for Multi-Family dwelling use on a lot located within a split zone district involving the GBD and Residence A zone districts, and a proposal is to eliminate and/or abandon a nonconforming septic tank manufacturing company with associated contractor's yard use. ([772](#), 08/06/2019)

32-12.13 Utilities

32-12.13.1

All utilities and conduits shall be underground.

32-12.13.2

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.

32-12.13.3

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. 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.

32-12.14 Change of Use

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

32-12.15 Affordability Requirement and Plan

32-12.15.1

In conjunction with residential units proposed as part of this regulation, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed residential units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g. An affordability plan must be submitted at the time of application in accordance with same. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD).

32-12.15.2

Affordable housing units cannot be clustered, but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units shall be comparable. No affordable unit shall be smaller than 75% of a market rate unit containing the same number of bedrooms.

32-12.16 Traffic Analysis

A Traffic Analysis in accordance with §44-2.5 shall be required unless waived at the discretion of the Planning & Zoning Commission.

32-12.17 Sunset Provision

No application may be submitted to the Planning and Zoning Commission pursuant to the provisions of this §32-12.2.3, §32-12.7.2.4, §32-12.12.4, and §32-12.12.5 of these Regulations after August 13, 2019; however, any application submitted to the Commission prior to August 13, 2019, which is subsequently approved by the Commission, shall be subject to the provisions of §32-12.2.3, §32-12.7.2.4, §32-12.12.4, and §32-12.12.5 after August 13, 2019. Any request to modify, extend or revise such approval, even after August 13, 2019, shall be subject to the provisions of §32-12.2.3, §32-12.7.2.4, §32-12.12.4, and §32-12.12.5 of the Regulations. (772, 08/06/2019)

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 P&Z 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.

32-13A 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:

32-13A.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. 1st 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 P&Z Commission.

32-13A.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.

32-13A.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.

32-13A.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.

32-13A.5 Certification

32-13A.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.

32-13A.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.

32-13A.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 P&Z 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:

ZONE	LOT AREA	LOT SHAPE	LOT FRONTAGE
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:

ZONE	FRONT	SIDE	REAR
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 line).	30'	30'	50'
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.

32-15A Senior Residential Community

32-15A.1 Purpose

The purpose of this section is to allow a Senior Residential Community which provides residential opportunities and services in order to enable seniors to maintain a maximum level of independence, to reflect the continuing concern of the community for the special needs of seniors and to provide for their safety, health and general welfare. Preferences for available residential units shall be given to Westport residents to the extent permissible under applicable State and Federal laws.

32-15A.2 Permitted Uses

Construction and operation of a Senior Residential Community, including the provision of Dwelling Units for Seniors, which may include Independent Living Facilities, Assisted Living Facilities, Full Care Living Facilities, and/or Senior Center, all as defined herein and in §5-2. A Zoning Permit for Assisted Living Facilities and Full Care Living Facilities cannot be issued until 35% of the Independent Living Facility units are built and Zoning Certificates of Compliance (ZCC's) are issued. No less than sixty percent (60%) of any Independent Living Facility units with Zoning Certificates of Compliance (ZCC's) issued shall be affordable units pursuant to §32-15A.6.

32-15A.3 Accessory Uses

Accessory buildings, structures and uses necessary to the operation of a Senior Residential Community including maintenance, utility, gardens and other recreational facilities customary to, and supportive of, the needs of Seniors.

32-15A.4 Location

A Senior Residential Community lot shall be located on Town-owned land and have frontage on an arterial street as classified by the Planning & Zoning Commission in accordance with the Plan of Conservation and 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.

32-15A.5 Lot Area, Shape and Frontage

There is no lot shape requirement. Each lot shall have a minimum lot area and shall have a minimum continuous frontage on at least one arterial street, as follows:

ZONE	LOT AREA	LOT FRONTAGE
------	----------	--------------

AAA, AA, A, PRD	4 Acres Minimum	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 non-residential and residential zones, lot area and frontage shall be governed by the standards of the zone in which the greater portion of the lot lies.		

32-15A.6 Affordable Units

32-15A.6.1

Not less than sixty percent (60%) of any dwelling units shall be rented at, or below, prices which will preserve the units as housing for persons and families who are compliant with the standards and limitations of CGS 8-30(g).

32-15A.6.2

Affordable housing units cannot be clustered, but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units shall be comparable. No affordable unit shall be smaller than 75% of a market rate unit containing the same number of bedrooms.

32-15A.6.3

The applicant shall submit an "Affordability Plan" concurrently with a Special Permit and Site Plan application which shall describe how the regulations regarding affordability will be administered. The Affordability Plan shall include a priority system that prefers Westport residents to the extent permissible under applicable State and Federal laws. The amount of income derived from assets shall be guided by applicable state and federal regulations.

32-15A.6.4

Affordable housing means:

- 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 the Connecticut Housing Finance authority mortgages or
- 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 qualify the units as housing for persons and families who are compliant with the standards and limitations of CGS 8-30(g).

The P&Z Commission shall condition that the approval of affordable units must be eligible for moratorium points pursuant to CGS 8-30(g).

32-15A.7 All Other Units

The applicant shall submit a plan which shall describe how all units other than affordable units provide for a priority system that prefers Westport residents, to the extent permissible under applicable State and Federal laws.

32-15A.8 Density

32-15A.8.1

The maximum allowable density shall not exceed fifteen (15) residential units per gross acre in any permitted zoning district (see §32-15A.8.2).

32-15A.8.2

For the purposes of calculating density, every two (2) beds of an Assisted Living Facility and/or a Full Care Living Facility shall count as one (1) unit.

32-15A.9 Setbacks

32-15A.9.1

Minimum setbacks from lot lines for principal and accessory buildings or structures shall conform to the standards of the underlying zone, except that, pursuant to §32-15A.10, where any building or structure has a height greater than allowed in the underlying zone, the minimum setbacks from an adjacent residential zone shall be doubled.

32-15A.9.2

No setbacks shall be required from Zoning District Boundary Lines crossing the interior of the lot.

32-15A.10 Height

No building or other structure shall exceed a height of 3 ½ stories or forty-five feet (45'), whichever is less. However, the P&Z Commission may allow one (1) additional story and additional feet to accommodate stepped buildings and sloping sites.

32-15A.11 FAR

Total Floor Area Ratio (FAR) shall not exceed 0.35.

32-15A.12 Coverage

The building coverage shall not exceed fifteen percent (15%) and the total coverage shall not exceed 30%.

32-15A.13 Unit Sizes

The gross interior floor area of dwelling units in a Senior Residential Community shall not exceed an average of 1,250 square feet.

32-15A.14 Open Space

A minimum area of open space of 450 sq. ft. shall be provided for each dwelling unit, as follows:

32-15A.14.1

The P&Z Commission may require land so set aside to be graded, screened, landscaped, and of a passive recreation nature suited to the needs of the residents, and such land may include open interior courtyards. Such recreation areas shall be designed to provide security and privacy and to limit the emission of objectionable noise and light onto abutting properties.

32-15A.15 Signs

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

32-15A.16 Parking and Loading

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

32-15A.16.1

A minimum of one (1) off-street loading space shall be required for any Senior Residential Community facility. The number and location of loading spaces shall be determined by the P&Z Commission; and

32-15A.16.2

The P&Z Commission may require additional parking of up to 0.25 spaces per unit.

32-15A.17 Landscaping, Screening and Buffer Areas

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

32-15A.17.1

Refuse collection areas shall be provided suitably screened, supplied with covered receptacles and conveniently located to serve the facility.

32-15A.17.2

Ground mounted mechanical units or equipment shall not be located within any setback area or buffer area and shall be suitably screened.

32-15A.17.3

Exterior site lighting shall be adequate for public and resident safety and security. Pole lights shall be limited to a height of sixteen (16') feet with down directed fixtures. Spotlights on the building are prohibited.

32-15A.18 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.

32-15A.18.1

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;

32-15A.18.2

Rooftop mechanical equipment shall be adequately screened except for energy conservation systems such as solar energy panels;

32-15A.18.3

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 fifteen (15') feet.

32-15A.19 Utilities

32-15A.19.1

All utilities and conduits within the lot shall be underground.

32-15A.19.2

All buildings on the lot shall be connected to public sanitary sewers and served by a public water supply.

32-15A.19.3

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.

32-15A.20 Subdivision

Notwithstanding the above, interior lots created by future subdivision(s) after initial Special Permit and Site Plan approval as a Senior Residential Community need not conform to the standards and limitations of these regulations with regard to setbacks, coverage, density, floor area, and/or parking, provided that the originally approved overall special permit area maintains conformity with the standards and limitations of §32-15A and all other applicable sections of these regulations referenced herein, as approved by the P&Z Commission. Lots created by future subdivision after initial Special Permit and Site Plan approval as a Senior Residential Community, but subsequently conveyed for use other than a Senior Residential Community, shall not benefit from the standards and limitations contained in §32-15A.20.

32-15B Age Restricted Housing (ARH)

32-15B.1 Purpose

The purpose of this section is to address the housing and other needs of an aging population by allowing for a diversity of housing types, which may include accessory services, and to provide for their safety, health and general welfare.

32-15B.2 Special Permit Uses

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

32-15B.2.1

Independent living units, restricted to occupancy by persons aged sixty-two (62) and older in accordance with the Federal Fair Housing Act.

32-15B.2.2

CCRC Community

32-15B.2.3

Accessory uses and buildings for the exclusive use of residents and their guests.

32-15B.3 Location

No development under this Section shall be approved unless the site meets the following special requirements, as applicable:

32-15B.3.1

The site shall have convenient access to an arterial or collector roadway, as designated in the Plan of Conservation and Development, as may be amended.

32-15B.3.2

The site shall have access to public sewer and water supply.

32-15B.3.3

The development/site operator shall provide adequate transportation to provide for access to, local retail, commercial and medical service areas.

32-15B.4 Lot Area and Frontage

ZONE	LOT AREA	LOT FRONTAGE
AAA, AA, A, PRD,	3 Acre Minimum	50 feet on arterial or collector road
BPD, HSD, RBD, RORD, RPOD	2 Acre Minimum	50 feet on arterial or collector road

32-15B.5 Housing Affordability

32-15B.5.1

A minimum of five (5) percent of the total number of any independent living units shall be restricted to comply with the affordability levels prescribed under CGS 8-30(g).

32-15B.5.2

if such independent living units are offered for sale, the affordability shall exclude the costs of health care and other services.

32-15B.5.3

if such independent living units are not for sale, then the Commission may approve alternative methods of dedicating a minimum of five (5) percent of such units as permanent affordable housing where health care, meals, housekeeping, transportation and other or similar services are a portion of the resident's cost of maintaining residency at the facility.

32-25B.6.4

the applicant shall submit an "Affordability Plan" concurrently with a Special Permit and Site Plan application which shall prescribe how the regulations regarding affordability will be administered.

32-15B.6 Density

The total number of living units and beds on the parcel shall not exceed the following density limits:

- a. The maximum number of independent living units permitted in a non-CCRC development shall not exceed fifteen units per gross acre in a residential zone and 18 units in a commercial zone.
- b. The maximum cumulative units permitted in a CCRC development shall be determined under Sections 32-

15B.8 & 32-15B.11 of these regulations.

32-15B.7 Setbacks

The setbacks are restricted to that which is permitted in the underlying zoning district. No setbacks shall be required from Zoning District Boundary Lines crossing the interior of the lot.

32-15B.8 Height

The building height is restricted to that which is permitted in the underlying zoning district.

32-15B.9 Building Spacing

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.

32-15B.10 Floor Area

The total interior floor area of a unit shall exclude garage parking spaces, mechanical rooms, common storage area, common stairs, common halls, common foyers and other similar spaces used in common. The average unit size shall not exceed 1,250 square feet. Units cannot exceed 2 bedrooms.

32-15B.11 Coverage

The total coverage permitted is 70%. The building coverage permitted is limited to 35% in residential zones and 50% in commercial zones. If 75% of the required parking is provided underground, an increase in total coverage not to exceed 75%.

32-15B.12 Useable Open Space

A minimum area of useable open space of 150 sq. ft. shall be provided on the site for each private residential unit, as follows:

- a. 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.
- b. The type of useable Open Space shall be determined by the Commission but generally will not include slope greater than 5%, and shall be free of wetlands and 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

32-15B.13 Signs

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

32-15B.14 Parking and Loading

Off-street parking shall be provided in accordance with §34 of the Supplementary Regulations, except that:

Parking shall be provided on the basis of one (1) parking space for each staff member on the largest shift plus adequate parking for the living arrangements based on the following minimum rates:

- a. 1.25 spaces per Independent Living Unit not in a CCRC;
- b. 1 space per Independent Living Unit in a CCRC;
- c. .80 of the spaces for staff equating to the largest shift of employee; and
- d. .25 for each assisted living unit.

32-15B.15 Landscaping, Screening and Buffer Areas

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

32-15B.16 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.

32-15B.16.1

No wall of any building shall exceed 60 feet in length in an unbroken plane without an off-set of at least five (5) feet;

32-15B.16.2

Rooftop mechanical equipment shall be adequately screened except for energy conservation systems such as solar energy panels;

32-15B.16.3

All buildings shall have pitched roofs including mansard, gable, gambrel, hip, or dome in Residential zones

32-15B.17 Utilities

32-15B.17.1

All utilities and conduits within the lot shall be underground.

32-15B.17.2

All buildings on the lot shall be connected to public sanitary sewers and served by a public water supply.

32-15B.17.3

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.

32-15B.18 Exemptions

The first two-hundred (200) units approved for seniors under this regulation shall be exempt from §4-5, Maximum Allowable Multi-Family Dwellings. The exemption shall be effective from the date of approval and it will be on a first come-first serve basis. Such approval shall become null and void if a zoning permit is not secured within one (1) year. If the approval becomes void, the exemption from the §4-5, Maximum Allowable Multi-Family Dwellings, is also void and the project must repeat the approval process.

32-16 Commercial Wireless Telecommunication Service Facilities

32-16.2 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.

Based on the foregoing purpose nothing stated herein shall diminish or restrict the P&Z 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 sitting 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 P&Z 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 & 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.

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 P&Z 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.

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 P&Z staff to conduct an independent review of any application for a new tower. The consultants will work under the direction of the P&Z Dept. 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 P&Z Office. The P&Z 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 P&Z 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
- 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 Occupation, Level 1 or Home Occupation, Level 2, 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 §11-2.1 thru §11-2.2.13, historic residential structures and associated historic accessory structures in Westport residential districts. The P&Z Commission may, by grant of a Special Permit/HRS, authorize the use, setback, height parking, landscaping, coverage and lot area and shape 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.
 - 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 §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 P&Z 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. Any application for alteration pursuant to (b) herein, 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 P&Z 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, landscaping and/or lot area and shape 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 or medical uses approved by the Zoning Board of Appeals, and/or historic accessory structures, use incentives to allow for its preservation, retention of its historic scale and/or its location on the property.(794, 08/13/2021)
- 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 §44-6; Special Permit standards.

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 Home Occupations, Level 1 and Home Occupations, Level 2, and Accessory apartments in a historic accessory structure under such conditions as set forth in §32-18.8 hereof.
- c. Allow limited office uses in one historic accessory structure containing an existing special permit use and allow expansion of medical use in one historic principal structure containing a medical use approved by the Zoning Board of Appeals under such conditions as set forth in §32-18.8, §32-18.9, §32-18.10, and 32-18.11, herein.(794, 08/13/2021)
- d. Allow lot area and shape in Residence AAA, AA and A Districts to be reduced 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 and lots in the AA zone can be reduced to not less than one-half (1/2) acre. Lots in the A zone can be reduced to not less than one-quarter (1/4) acre provided the shape requirements of lots in Residence B zone are met. The incentives in this subsection apply only to a lot on which there is more than one (1) Historic Residential Structure and each new lot created under this subsection must contain at least one (1) Historic Residential Structure. The general requirements for subdivisions or re-subdivision under §51 of these Regulations shall continue to apply and the applicant may concurrently file an application under §51 and for the incentives listed in §32-18.5 hereof.
- e. For lots in the Res AAA District that are either divided by the Asp tuck River OR are non-conforming to the minimum Gross Lot Area and Lot Shape and such lots are a minimum of 25,000 square feet of Gross Lot Area as of 6-12-16, to allow the Gross Lot Area to be reduced to no less than 10,000 square feet and a minimum of forty-percent (40%) of the original Gross Lot Area and the minimum required Lot Shape to be reduced to 60 feet x 80 feet. Required building height for new construction on both lots to be reduced per (vii) listed below and required building and lot coverage for new construction on both lots to be reduced per (viii) listed below. The setback requirements for both lots are to be reduced as allowed by §6-3.1, Non-Conforming Lots, Setbacks.
 - i. One lot created under this subsection must contain at least one (1) historic residential structure as defined herein.
 - ii. The remaining portion of the original lot must have a maximum of sixty-percent (60%) of the original Gross Lot Area and the minimum required Lot Shape to be reduced to 60 feet x 80 feet.
 - iii. The incentives in §32-18 apply only to the lot on which there is at least one (1) historic residential structure 100 years old or older as of 6-12-16, the effective date of this change to this regulation.
 - iv. The remaining portion of the original lot is not regulated by §32-18.
 - v. The age of the structure shall be determined by the Actual Year Built (AYB) as listed on the Tax Assessor's Field Card records and a historic residential structure shall be as defined in §32-18.2.
 - vi. The general requirements for subdivisions or re-subdivision under §51 of these Regulations shall continue to apply and the applicant may concurrently file an application under §51 and for the incentives listed in §32-18.5 herein.
 - vii. Height

The maximum height of the principal building each lot shall be as follows*:

Gross Lot Size Max.	Maximum Stories	Maximum Feet (See Building Height)
0 - 13,000 (0.0 Ac. – 0.29 Ac.)	2	30'

13,001 - 21,799 (0.3 Ac. – 0.49 Ac.)	2 1/2	30'
21,780 - 43,559 (0.50Ac. – 0.99 Ac.)	2 1/2	35'
43,560 or more (1.0 Ac. or more)	3	35'

*Except for properties located south of the railroad shall not exceed a Building Height of 2 1/2 stories and 26 feet?

viii. Coverage

The maximum coverage on each lot shall be as follows*:

Gross Lot Size Max.	Building Coverage	Total Coverage
0 - 13,000 (0.0 Ac. – 0.29 Ac.)	15 %	25 %
13,001 - 21,799 (0.3 Ac. – 0.49 Ac.)	15 %	25 %
21,780 - 43,559 (0.50Ac. – 0.99 Ac.)	15 %	25 %
43,560 or more (1.0 Ac. or more)	N/A	25 %

32-18.6 Conditions of Approval

Any Special Permit/HRS approved by the P&Z 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 P&Z Dept. 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, §47-42 a-c, enforceable by both the P&Z 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 P&Z Commission or their designee to determine if approval is required from the P&Z 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 P&Z 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 P&Z 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 P&Z 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 §32-18.4 hereof.

32-18.9 Permitted Uses of Historic Accessory Structure

32-18.9.1 Home Based Business:

Special Permit and Site Plan approval in accordance with Section 43 herein is required for the use of an historic accessory structure for a Home Based Business. All conditions associated with §11-2.4.6, Home Office, or §11-2.4.6A, Home Occupation, Level 1, or §32-21 Home Occupation, Level 2, as applicable are required to be met except as modified herein:

- a. Location: the Home Based Business shall be incidental and clearly a secondary use of the residential use of the property.
- b. Floor Area: the total interior floor area as of the effective date of this regulation may be devoted to a Home Based Business in an historic accessory structure.

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 §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. Eligibility: No age restriction.
- c. 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 §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 has inspected and performed necessary preservation maintenance or in possession of a special permit use for the subject property. Thereafter, the principal owner shall submit such notarized affidavit to the P&Z Office by January 31st of each year as a requirement for the continuance of the Special Permit/HRS.

32-18.9.4 Limited Offices -Principal Structures

One principal historic residence or portion thereof containing an existing medical office use approved by the

Zoning Board of Appeals may be converted to limited medical office space subject to Special Permit and Site Plan Approval in accordance with §43 & §44, except as modified herein, provided that the following requirements are met:

- a. Location: The site of the existing ZBA approved use:
 - i. must have frontage on a collector or arterial street,
 - ii. must adjoin a commercial zoning district, and/or
 - iii. must be within 500 feet of a municipal (Town-owned) public parking lot.
- b. Office Uses: The allowable medical office uses shall be limited to those uses authorized by ZBA variance.
- c. Floor Area: The floor area devoted to the medical office shall not exceed the floor area approved by the ZBA unless otherwise authorized by the Commission but shall not exceed 50% of the total floor area of the building so it remains an accessory use.
- d. Fire Code: Limited Office Use spaces in all residential occupancies shall comply with the requirements for Business Occupancies as required by the Connecticut State Fire Safety Code in effect at the time of application.
- e. Parking: 2 spaces in addition to the requirement for the Dwelling Unit plus additional parking shall be provided as determined by the P&Z Commission.
- f. Signage: 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 Home Occupation.(794, 08/13/2021)

32-18.9.5 Limited Offices – Accessory Structures

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 §43 & §44, except as modified herein; provided that the following requirements are met:

- a. Location: The existing Special Permit site (lot):
 - i. must have frontage on a collector or arterial street,
 - ii. must adjoin a commercial zoning district, and
 - iii. 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,

(794, 08/13/2021)

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 §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 P&Z Dept. 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.

32-18.11 Permitted Use of Historic Principal Structure

One principal historic residence or portion thereof containing an existing medical office use approved by the Zoning Board of Appeals (ZBA) may be expanded subject to Special Permit and Site Plan Approval in accordance with §43 & §44, except as modified herein, provided that the following requirements are met:

- a. Location: The site of the existing ZBA approved use:
 - i. must have frontage on a collector or arterial street,
 - ii. must adjoin a commercial zoning district, and/or
 - iii. must be within 500 feet of a municipal (Town-owned) public parking lot.
- b. Floor Area: The floor area devoted to the medical office shall not exceed the floor area approved by the ZBA unless otherwise authorized by the Commission but shall not exceed 50% of the total floor area of the building so it remains an accessory use.

(794, 08/13/2021)

32-19 Permanent 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. Permanent 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. Permanent 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 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 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 Permanent Lighted Athletic Fields on Town Owned Public School 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 §44-6; Special Permit standards.

32-19.3 Commission Action

After the required public hearing is held and findings are made, the P&Z 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 Fields 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.
- 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 §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, Westport Athletic Special Event, practice or other activity, or b) 8:00 p.m. No game or event may be scheduled to start later than 7:00 p.m. 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 p.m. curfew for Westport Athletic Special Events provided that a) the measurement of luminance 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 §32-19.1a for Westport Athletic Special Events and b) all athletic field lighting is turned off by 11:00 p.m.
- g. No athletic field lighting may be used on Saturdays, except as follows: No more than two (2) Saturdays

- during the calendar year may be used for a Westport Athletic Special Event. Any use of the lights on a Saturday, whether for a game or practice, regardless of the hour, shall be a Westport Athletic Special Event. On such Saturdays, the lights must be off by 8:00 p.m., with no extensions beyond 8:00 p.m. for weather overtime, travel problems or any other reason. In the event of a Westport Athletic Special Event on a Saturday, 1) there shall be no Westport Athletic Special Event on the preceding Friday night; and 2) the lights for any other games or practices will be turned off on the preceding Friday no later than 7:00 p.m. 2) No athletic field lighting may be used at any time on Sundays. 3) No athletic field lighting may be used between December 1st and September 1st except for Westport Athletic Special Events or games and practices associated with CIAC or FCIAC Playoff or Championship football playoffs for the Staples High School football team. 4) Athletic field lighting for practices associated with CIAC or FCIAC Playoff or Championship football games for the Staples High School football team shall not be used past 8:00 p.m.
- h. There shall be no more than 8 lighted Westport Athletic Special Events at any particular facility during any 12 month period that begins September 1st of each year. No later than August 15th for the fall season and February 15th for the spring and summer seasons of each year a list of upcoming Westport Athletic Special Events shall be submitted to the Planning and Zoning Dept. CIAC or FCIAC Playoff or Championship football playoffs for the Staples High School football team are in addition to the approved number of permitted Westport Athletic Special Events.
 - i. There shall be no more than 2 properties with permanent or temporary lighted athletic fields constructed after the effective date of this amendment (10-5-11).
 - j. There shall be no more than 1 permanent or 2 temporary lighted athletic field(s) per property but not a combination of permanent and temporary lights.
 - k. The use of gas or diesel power generators, except as emergency backup, shall be prohibited except if specifically approved by the Planning and Zoning Commission as temporary athletic field lighting pursuant to §32-19A.
 - l. The applicant shall provide information about sound and noise as part of any special permit application. Any application shall 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. When athletic field lighting is in use, a public address system may only be used for Staples High School varsity games. There shall be no amplified music for any Westport Athletic Special Event after halftime. There shall be no amplified sound during practices.
 - 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) as sponsored or sanctioned by the Board of Education or the Westport Parks and Recreation Department Community athletic events are allowed (e.g. youth football, lacrosse, field hockey, soccer). Fairs, concerts, "battle of the bands" or other musical event are not allowed, but nothing shall prohibit school bands from performing during games or at halftime.
 - 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.

32-19A Temporary Athletic Field Lighting for Practice on Town Owned Public School Property.

32-19A 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. Temporary Athletic Field Lighting for Practice on Town Owned Public School Property may be permitted on properties that have a minimum of 20 acres and a minimum of 200 parking spaces. For the purpose of this section "Temporary" means for the part of the year (i.e., 3 months). The amount of lighting required shall achieve safe conditions for athletes and coaching staff. Temporary Athletic Field Lighting for Practice on Town Owned Public School property are subject to Site Plan approval in accordance with §43 & §44, herein, and subject to the following conditions:

32-19A.1 Application Requirements

An application for Site Plan shall be submitted as required under §43 & §44 of the regulations.

32-19A.2 Considerations

When considering Temporary Athletic Field Lighting for Practice on Town Owned Public School 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.

32-19A.3 Requirements

Any Site Plan for a Temporary Athletic Field Lighting for Practice on Town Owned Public School Property approved by the P&Z 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 temporarily light athletic fields shall achieve a minimum 50 foot setback from all residential property boundaries.
- c. The temporary structures used to light athletic fields shall not exceed 50 feet in height measured from ground elevation at the center of the field to the highest point of the structure including any attached fixture.
- d. The placement of temporary portable lighting shall avoid light spillage onto and minimize offensive glare visible from surrounding residential properties. All lighting must be down directed and shielded to the greatest extent possible.
- e. Temporary lighting approved under this section shall be for athletic practice only and shall not be used for Westport Athletic Special Events or any other purpose.
- f. All temporary athletic field lighting for practice must be turned off at the earlier of either a) 30 minutes after the end of practice or b) 8:00 pm.
- g. No temporary athletic field lighting may be used between December 1st and September 1st. Lights may only be used Monday through Friday, including school holidays.
- h. The applicant shall provide information about sound and noise as part of any Site Plan application. There shall be no use of a public address system or amplified music.
- i. There shall be no more than 2 properties with permanent or temporary lighted athletic fields constructed after the effective date of this amendment (10/5/11).
- j. There shall be no more than 1 permanent or 2 temporary lighted athletic field(s) per property but not a

combination of permanent and temporary lights.

- k. 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 site plan.
- l. All site plan applications under this section shall provide guidelines for controlling, air horns, bull horns and similar devices.
- n. The temporary lighted fields shall only be used for Westport team athletic practices as sponsored or sanctioned by the Board of Education or the Westport Parks and Recreation Department. Use of temporary Athletic Field Lighting for fairs, bands, concerts or other musical events shall be prohibited.

32-19A.4 Annual Permit

Any Site Plan for a Temporary Athletic Field Lighting on Town Owned Public School Property approved under this section shall be subject to an annual Zoning Permit issued by the P&Z Dept.

32-20 Special Requirements for Outdoor Eating Areas

Outdoor Eating Areas as defined in §5 shall be permitted in all Non Residential Zones, except RPOD, DDD and CPD subject to the following requirements:

1. **Required Departmental Approvals:** All Outdoor Eating Area applications shall be approved, as applicable, by the Westport-Weston Health District, the Police Department and the Fire Marshall's office as applicable prior to the issuance of a zoning permit.
2. **Design/Use of Area:** Outdoor Eating Areas may use umbrellas, tents, canopies or fixed awnings and may be located on a patio or deck. On vegetated landscaped surfaces only umbrellas may be used. Such a structure may have rigid supports and fabric or soft (non rigid) sides. Such areas may be heated. These areas may not be considered in the future as permanent building additions. There shall be no music in any Outdoor Eating Area after 9:00 p.m. except if approved by Special Permit. The hours of operation shall be limited to 6:30 a.m. to 11:00 p.m. on Sundays through Thursdays and 6:30 a.m. to 12:00 midnight on Fridays and Saturdays except if approved by Special Permit to operate as late as 2:00 a.m.
3. **Size/Parking Requirements:** Outdoor Eating Areas shall not require additional parking if the area does not exceed twenty (20) percent of the interior patron Floor Area of a Restaurant, Cafe or Tavern or twenty (20) percent of the Floor Area of a Retail Food Establishment or 500 square feet whichever is less. Parking shall be required for the portion of an Outdoor Eating Area that is in excess of the above measurements in accordance with the parking requirements for patron area of a Restaurant. The measurement of all Outdoor Eating Areas shall be the area encompassed by the tent, canopy, awning, patio deck or landscaped area used as an Outdoor Eating Area as shown on a site plan, whichever is larger.
4. **Seasonal Use:** The Outdoor Eating Areas may be used all year round, however if such area is covered by a tent, canopy or fixed awning and will not be used on a continuous basis all elements of the tents, canopies or fixed awnings shall be removed from the area during the period when the Outdoor Eating Area is not in use.
5. **Setback and Coverage Requirements:** Outdoor Eating Areas shall not be permitted within 50 feet of any Residential Zoning District Boundary Line unless separated from the Residential Zone by a public street or a water body or approved by the P&Z Commission by a site plan and Special Permit application. Outdoor Eating Areas and any associated patios are permitted on private property in front, side and rear setback areas and front landscape areas, except for patron bars which must comply with setbacks, and may not block or interfere with sidewalks, walkways or emergency egress as determined by the Fire Marshall. Outdoor Eating Areas that have a tent, canopy or fixed awning shall not be counted in building coverage, if storm water runoff from said tent, canopy or fixed awning is addressed in a drainage plan, approved by the Town Engineer. Required front landscape areas and vegetative buffers that are planted and were approved

as part of a Site Plan application shall not have vegetation removed to accommodate this use. If removal of such landscaping is proposed a new Site Plan and Special Permit application will be required.

32-20A CONTINUATION OF TEMPORARY OUTDOOR DINING, AND RETAIL OUTDOOR ACTIVITIES IN RESPONSE TO COVID-19

Any restaurant operating with an approved temporary outdoor dining permit or retail establishment operating with an Outdoor Activities Approval issued pursuant to CT Governor Lamont's Executive Order 7MM as of the effective date of this regulation or issued after the effective date but before the expiration of this regulation, may continue to operate and use the area approved and as shown in that permit, until further notice, or until Executive Order No. 7MM is repealed to contain the spread of COVID-19. The use shall at all times continue to be used in accordance with all Executive Orders currently in place or as revised in the future. Notwithstanding anything to the contrary contained herein, any and all Outdoor Activities shall be in strict conformance with all federal, state, and local COVID-19 guidelines and requirements.

Such extension shall not be interpreted to create any nonconforming rights. It is further provided that the operation of the Temporary Outdoor Dining or retail Outdoor Activities Approval between any expiration of the State's declared state of emergency and the expiration of this regulation shall not be deemed to be a waiver of any obligations by any applicant pursuant to any local, state or federal law.

([783](#), 09/08/2020; [788](#), 04/01/2021)

32-21 Home Occupation, Level 2

A Principal or Accessory Building may be permitted a Home Occupation, Level 2, as defined in §[5-2](#) herein, subject to Special Permit and Site Plan approval in accordance with §[43](#) herein and the following conditions:

32-21.1 Resident Occupant –

Only one Home Occupation, Level 2 shall be conducted on any premises. Such occupation shall be conducted by one or more residents of the premises.

32-21.2 Location –

A Home Occupation, Level 2 shall be located within the Principal Building on the lot. Such occupation may also be located in an Accessory Building pursuant to §[32-18.9](#). The Home Occupation, Level 2 shall be incidental and clearly a secondary use of the principal residence.

32-21.3 Floor area –

Except as provided for in §[32-18.9.1](#), Permitted Uses in Historic Accessory Structures, the total interior floor area devoted to a Home Occupation, Level 2 shall not exceed 25% of the floor area of the Principal Building, excluding cellars and basements, and including waiting rooms, file rooms and similar spaces devoted to uses which are supplementary to such occupations. In the case of a Two-Family building, the floor area of the Principal Building shall be interpreted as the floor area of the individual dwelling unit.

32-21.4 Visitors –

There shall be no more than ten (10) visitor, patron, client or associate visits per day.

32-21.5 Students or Pupils -

No more than four (4) students or pupils at any one time shall be permitted.

32-21.6 Employees -

More than one non-resident on-site employee or contractor is allowed, subject to approval by the P&Z Commission.

32-21.7 Display -

No display shall be visible from the outside.

32-21.8 Signs -

Pursuant to §33-6 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 Home Occupation, Level 2 is permitted.

32-21.9 Parking -

2 off-street parking spaces are required in addition to the 2 parking spaces required for a single family residence plus additional parking as determined by the P&Z Commission. No parking spaces shall be located within the minimum required front setback.

32-21.10 Prohibition -

The use of any Multiple Family Dwelling Unit for any Home Occupation, Level 2 shall be prohibited.

32-21.11 Limitation -

Either one (1) Home Occupation Level 1 or Level 2 is permitted per lot.

32-22 Retail Boat Sales Including Accessory Boat Repairs and Storage

The purpose of this regulation is to permit the sale, servicing and storage of pleasure and recreational boats in this waterfront community. Retail boat sales including accessory boat repairs and storage may be permitted on properties in the GBD zone along the Post Road and Riverside Avenue. The property must be a minimum of one acre and have a minimum of one hundred and fifty feet of frontage along the Post Road or Riverside Avenue. Retail boat sales including accessory boat repairs and storage are subject to Special Permit and Site Plan approval in accord with §43 and §44, herein, and subject to the following conditions:

32-22.1 Considerations

When considering boat sales including accessory boat repairs and storage, the P&Z Commission shall consider and determine the following:

- a. The proposal will not adversely affect public safety,
- b. The proposal will be consistent with the Special Permit standards set forth in §44-6.

32-22.2 Conditions of Approval

Any Special Permit for boat sales including accessory boat repairs and storage approved by the P&Z Commission under this regulation shall be subject to the following:

- a. The property shall have a minimum of one acre in size and be located in the GBD zone.
- b. The property shall have a minimum of one hundred and fifty feet of frontage on the Post Road or Riverside

Avenue.

- c. Boats to be sold, stored or repaired are limited to twenty-six feet in length with a maximum height of thirty feet. Height includes boat, mast and trailer. Racked boats shall not exceed 16 feet, including the rack.
- d. Area set aside for outdoor parking of boats for any purposes including boat repairs shall be limited to fifty (50) percent of the portion of the property properly zoned for the use. The Commission reserves the right to limit the area devoted to outdoor parking of boats based on site specific conditions. Outdoor winter storage of boats will be limited to those boats owned by the holder of the Special Permit.
- e. There shall be no boat parking, storage or repairs within any required Front Landscape Area pursuant to §35-2.2 or Buffer Strip pursuant to §35-2.4.
- f. For the lot area of the property devoted to retail and service uses, parking is to be provided in accord with §34. For the lot area devoted to boat repair and storage use, parking shall be provided at 1 space for each 1 ½ employees, or 500 square feet of gross interior floor area, whichever is greater.
- g. Outdoor boat parking, storage, repair areas & boat racks must be identified on Site Plan.

32-23 Special Requirements for Outdoor Special Events

Outdoor Special Events as defined in §5 shall be permitted in all Zoning Districts subject to the following requirements:

1. **Departmental Approvals:** All Outdoor Special Event applications shall be approved by the Westport-Weston Health District, the Police Department and the Fire Marshall's office as applicable prior to the issuance of a Zoning Permit.
2. **Time Limits:**
 - A. Commercially Zoned Property
Any approved event may not exceed a duration of more than 10 days. Events that are more than 10 consecutive days in length shall require Site Plan approval from the Planning & Zoning Commission.
 - B. Residentially Zoned Property
Any approved event may not exceed a duration of more than 2 days. Events that are more than 2 consecutive days in length shall require Site Plan approval from the Planning & Zoning Commission.
 - C. Special Permit Uses listed in §11-2.2 on Private Property in Residential Zones
Any approved event may not exceed a duration of more than 7 days. Events that are more than 7 consecutive days in length shall require Site Plan approval from the Planning & Zoning Commission.
3. **Parking Requirements:** Outdoor Special Events shall provide adequate off-street parking.
4. **Setback Requirements:** Any tents or temporary structures associated with Outdoor Special Events shall not be located within any front, side or rear yard setbacks. Except for tents up to 5 feet in width that are required by the Westport-Weston Health District for the delivery of food to the place where it will be served but shall not be used as an area where food is served.
5. **Hours of Operation:**
 - A. Commercially Zoned Property
Hours of operation shall be limited to between 7 a.m. and 11 p.m. Sundays through Thursdays and between 7 a.m. and 1 a.m. on Fridays and Saturdays.
 - B. Residentially Zoned Property
Hours of operation shall be limited to between 8 a.m. and 10 p.m. Sundays through Thursdays.

However, events on Fridays and Saturdays may be extended to 1 a.m. with the approval of the Planning & Zoning Commission.

C. Special Permit Uses listed in §[11-2.2](#) on Private Property in Residential Zones

Hours of operation shall be limited to between 8 a.m. and 10 p.m. Sundays through Thursdays.

However, events on Fridays and Saturdays and may be extended to 1 a.m. with the approval of the Planning & Zoning Commission.

6. **Lights, Noise & Odors:** Outdoor Special Events shall minimize the impact of lights, noise and odors on surrounding residential properties.
7. **Exceptions:** Outdoor Special Events located on Town-owned property authorized by the Board of Selectman shall be exempt from the need for a zoning permit.
8. **Westport Athletic Special Events:** Westport Athletic Special Events as defined in §[32-19](#) shall be subject to the requirements of §[32-19](#) only.
9. **Repeat or Annual Events:** Repeat or Annual events, in which there are no material changes, that normally require Planning & Zoning Commission approval may be allowed to obtain a Zoning Permit from the P&Z Staff without a new public hearing provided that in the discretion of the P&Z Director no substantive complaints have been received in prior years about the event.

32-24 Small Home Developments

The purpose of this section is to increase the diversity of housing choices by allowing for a grouping of smaller, sing-family and/or two-family dwellings on one lot, at a compatible density, in the Residence A Zone for the benefit of “empty nesters”, retirees, senior citizens, small families and the like within Westport. Such small home developments shall contain an age restriction component.

Small home developments are subject to a Special permit & Site Plan approval in accordance with §[43](#), herein, all applicable provisions of the Residence a Zone, and the following additional standards and safeguards.

32-24.1 Site Criteria

Sites for a potential small home development of single-family and/or two-family dwellings shall meet the following locational and size criteria:

- a. The site shall be located within the Residence a Zone;
- b. The site shall be located within the Sewer Limit Line (“Blue Line”) on the Sewer Service Plan in the 2007 Plan of Conservation and Development, as may be amended.
- c. The site shall have at least 100 feet of street frontage on an Arterial Street;
- d. The gross lot area shall be a minimum of one and one-half (1.5) acres in size, but shall not exceed four (4) acres in size and which parcel shall have existed as of the effective date of this regulation; and
- e. The site shall not be occupied by another Special Permit Use.

32-24.2 Density

The maximum bedroom density shall not exceed 12 bedrooms per gross acre. The maximum unit density shall not exceed 6 dwelling units per gross acre. A comprehensive site plan shall be submitted for the overall small home development.

32-24.3 Unit Size

Dwelling units shall not exceed an average of 2,000 square feet or a maximum of 2,400 square feet of total floor space on the 1st and 2nd floors, exclusive of basements, cellars, attics and garages. The maximum total floor space for each unit and the development shall be certified by a Registered Architect. The dwelling units shall not contain more than three (3) bedrooms per unit. Building floor plans shall be submitted for all of the units.

32-24.4 Age Restricted Component

At least sixty percent (60%) of the dwelling units in the development shall be dedicated to and occupied by persons fifty-five (55) years of age and older or a person of any age with disabilities who is receiving Social Security Disability payments.

1. Deed Restriction

The age restricted units shall be specifically identified and be deed restricted to assure that said units are sold to, rented to and occupied by qualifying persons. The form and content of such deed restriction shall be subject to approval by the Commission prior to execution and filing on the Land Records.

2. Annual Certification

Prior to the issuance of a Zoning Certificate of Compliance, a certificate in the form of an affidavit to verify that one of the occupants of a dedicated dwelling unit is 55 years of age or older or receiving Social Security Disability payments shall be presented to the P&Z Office. Thereafter, the principal owner shall submit such affidavit to the Zoning Enforcement Office by January 31st of each year

32-24.5 Setbacks

Setbacks for buildings, structures and uses shall be in accordance with Section [13-4](#), herein.

32-24.6 Height

Principal buildings shall not exceed 2 stories and 26 feet in height.

32-24.7 Coverage

Building coverage shall not exceed 20% of the lot area. Total coverage shall not exceed 35% of the lot area.

32-24.8 Building Spacing

All principal buildings shall be at least 15 feet distance from one another.

32-24.9 Parking

Off-Street parking shall be in accordance with Sec. 34 of the Supplementary Regulations, except that the small home development shall not be served by a single common parking lot and at least one (1) garage shall be provided for each dwelling unit.

32-24.10 Usable Open Space

At least 150 square feet of usable open space shall be provided on the site for each dwelling unit; and shall be of a passive recreation nature suited to the needs of the residents.

32-24.11 Utilities

The site shall be served by public water and by either, public sanitary sewers or by on-site septic facilities approved by the Westport Weston Health District (WWHD) applicable regulatory agency.

32-24.12 CAP

No more than three (3) small home developments shall be permitted within the Residence A Zone.

32-24.13 Other Standards & Calculations

All other applicable provisions of the Residence a Zone and the Special Permit/Site Plan standards shall apply and all fractional calculations of 0.5 or more shall be rounded up.

32-25 Medical Marijuana Dispensaries

32-25.1 Purpose

The purpose of this regulation is to define the locations of retail medical marijuana Dispensary Facilities that may adversely affect existing residential neighborhoods, property values, Schools, Public Buildings, Places of Worship, Public Parks and Public Recreation Areas. Retail medical marijuana Dispensary Facilities shall be required to comply with applicable local and Connecticut State Regulations.

32-25.2 Application Requirements

An application for Site Plan and Special Permit, shall be submitted as required under §44 of the regulations. In addition to the requirements of §44 of the regulations, the applicant must submit the following:

- a. Prior to the issuance of a Zoning Permit, the applicant must provide a copy of a Dispensary Facility license issued under the authority of the Commissioner of the Department of Consumer Protection.
- b. Proof of conformance to all site and location requirements and personnel limitations contained within the said state granting license.

32-25.3 Location

Medical marijuana Dispensary Facilities are permitted in non-residential districts provided they are separated from protected uses as identified in §5 of these regulations. Protected uses include Schools, Day-Care Centers or Nursery Schools, Public Buildings, Places of Worship, Public Parks and Public Recreation Areas:

- a. All Connecticut State Regulations and laws on the dispensing of medical marijuana, shall be adhered to and form the basis for local regulation of medical marijuana sales.
- b. Separation Distance: No medical marijuana Dispensary Facility shall be located within 1,000 feet of any School, Public Building, Public Park, Public Recreation Area or Place of Worship in existence as of the effective date of this regulation.

32-25.4 Cap on number of dispensaries

The number of dispensaries permitted in Westport will be limited to two (2).

32-26 Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing

32-26.1 Purpose

The purpose of this Regulation is to: a. preserve and adaptively reuse historic buildings listed on the Westport Historic Resource Inventory; b. eliminate nonresidential uses located within Residence A and Residence B split zoned districts; c. encourage the increase in the diversity of housing choices; d. mitigate peak period traffic generation; and e. promote the health, safety and general welfare of the community. Notwithstanding any other provision of these regulations, when a proposal is to eliminate and/or abandon a nonresidential use and to substitute with multi-family dwelling use, then the standards of this subsection shall apply.(777, 07/23/2020)

32-26.2 Permitted Uses

Adaptive Reuse and/or Redevelopment of existing nonresidential buildings to Multi-Family Dwelling units, subject to a Special Permit and Site Plan approval in accordance with §43 and §44 of these Regulations except as otherwise provided herein.(777, 07/23/2020)

32-26.3 Accessory Uses

Accessory buildings, structures and uses including facilities for recreation, maintenance, administration, off-street parking, storage and utilities serving the residential development may be permitted.(777, 07/23/2020)

32-26.4 Density

The maximum number of dwelling units shall not exceed one (1) dwelling unit for each 1,600 square feet of gross floor area within the existing nonresidential building.(777, 07/23/2020)

32-26.5 Floor Area

The total floor area of all proposed uses shall not exceed the existing floor area prior to redevelopment. Mechanical areas and garage parking spaces are exempt from this floor area requirement. Exempt garages may also include storage space. (777, 07/23/2020)

32.26.6 Setbacks

Nonconforming Historic Structures may be allowed to remain and be redeveloped provided that any new building footprint shall comply with the setback requirements of the underlying zoning district.(777, 07/23/2020)

32-26.7 Height and Stories

To encourage compatibility with Historic Structures proposed to remain, redeveloped buildings may be allowed the same height and stories as the existing Historic Structures. Detached garage structures shall not exceed 1 story and 23 feet.(777, 07/23/2020)

32-26.8 Coverage (See Definitions)

Building Coverage shall not exceed thirty (30%) percent and Total Coverage shall not exceed seventy (70%) percent.(777, 07/23/2020)

32-26.9 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations except where an Historic Structure is to remain, a free-standing sign shall be a minimum of five (5) feet from any property line.([777](#), 07/23/2020)

32-26.10 Parking

Off-street parking shall be provided in accordance with §34 of the Supplementary Regulations, except drive aisles shall not be less than twenty-four (24) feet in width.([777](#), 07/23/2020)

32-26.11 Landscaping, Screening and Buffer Areas

Where an Historic Structure is to remain on a site limited by easements for drainage, sanitary sewers, and/or utilities, and where existing landscaped areas are being increased by not less than 15% of the site area, a front landscaping buffer of not less than twenty-five (25) feet shall be maintained along site frontage(s) not occupied by a building. A comprehensive landscaping plan shall be approved by the Planning & Zoning Commission, where the Commission makes a finding that such design can be reasonably shown 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.([777](#), 07/23/2020)

32-26.11.1

Refuse collection areas shall be provided, screened, supplied with covered receptacles, and conveniently located to serve all dwelling units. ([777](#), 07/23/2020)

32-26.11.2

Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units. ([777](#), 07/23/2020)

32-26.12 Utilities

32-26.12.1

Utilities and conduits within the lot shall be underground. ([777](#), 07/23/2020)

32-26.12.2

All buildings shall be connected to a public water supply, suitable power supply and a public sanitary sewer line. ([777](#), 07/23/2020)

32-26.13 Architectural Design

Special Permit applications shall be referred to the Architectural Review Board for recommendations. ([777](#), 07/23/2020)

32-26.14 Affordability Requirement

Prior to a final Zoning Certificate of Compliance (ZCC) for the development, the equivalent of 20% of the proposed units shall be provided as offsite affordable housing including an affordability plan to be reviewed

and approved by the Commission. Such units shall be affordable to households whose income does not exceed 80% of the State Median Income as provided by CT General Statutes §8-30g. Fractional units shall be rounded up. When approving the equivalency, the Planning and Zoning Commission shall evaluate the number, location, and design of such units. If all conditions of the offsite affordable housing are not satisfied at the time a final ZCC is being sought, the Planning and Zoning Commission may require that some or all of the required affordable housing be provided onsite.([777](#), 07/23/2020)

32-27 Special Needs Housing

Housing for Special Needs Individuals is important to meet the Westport Plan of Conservation Development goals to allow qualified 501(c)3 non-profit organizations specializing in providing special needs services in residential settings to help address housing needs that maintain the character and integrity of Westport. Such housing enables persons with special needs to live in Westport and contribute to the community through employment and other opportunities. Special Needs Housing encourages the adaptive reuse of existing town owned buildings and shall require a Special Permit and Site Plan Approval.([778](#), 06/03/2020)

32-27.1 Location

Special Needs Housing shall be located within an existing building in the Residence A District on Town owned property. ([778](#), 06/03/2020)

32-27.2 Density

The maximum allowable density shall not exceed six (6) units per building.([778](#), 06/03/2020)

32-27.3 Special Standards

32-27.3.1 Height and Coverage

Modifications and/or additions affecting Building Height and/or Total Coverage necessary to bring an existing building into conformance with Building Code requirements for ADA compliance are allowed and shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater.([778](#), 06/03/2020)

32-27.3.2 Landscaping, Screening and Buffer Areas

Existing parking areas do not need to meet the requirements of Section 35-2.3.([778](#), 06/03/2020)

32-27.3.3 Parking

The minimum parking requirement for Special Needs Housing shall be one (1) space per residence. ([778](#), 06/03/2020)

32-27.4 Affordability Requirement

All proposed units shall be affordable to households whose income does not exceed 60% of the State Median Income as provided by CT General Statutes §8-30g, and an affordability plan shall be required prior to the issuance of a Zoning Certificate of Compliance.([778](#), 06/03/2020)

32-28 TEMPORARY PROVISIONS FOR FITNESS BUSINESSES IN RESPONSE TO COVID-

19

(784, 08/01/2020)

32-28.1 Purpose/Conflict with Existing Regulations

In order to prevent the potential transmission of COVID-19 at fitness studios, gyms and sports centers (“Fitness Businesses”), located in the Town of Westport that are not otherwise eligible for authorization to operate outdoors pursuant to Governor Lamont’s Executive Order #7MM, this Section shall supersede any conflicting provision of the Westport Zoning Regulations for the duration of this Section. (784, 08/01/2020)

32-28.2 Expiration

This Section shall remain in effect until December 31, 2021 or until otherwise modified or rescinded by the Planning and Zoning Commission, or if Fitness Businesses are closed by the Governor or his designee to contain the spread of COVID-19.(784, 08/01/2020; 790, 04/01/2021)

32-28.3 Outdoor Studio Operation.

Any Fitness Business seeking to conduct operations outdoors (Outside Studio Operations) pursuant to this section, must comply with the following requirements:(784, 08/01/2020)

32-28.3.1

Each Fitness Business may operate a single Outdoor Studio Operation only; and(784, 08/01/2020)

32-28.3.2

The Outdoor Studio Operation shall be located in the onsite private parking lot or other onsite, private outdoor location, as approved in writing by the property owner before the commencement of operations; and(784, 08/01/2020)

32-28.3.3

Clear and obvious visual barriers shall be erected to demarcate the Outdoor Studio Operation area within any parking area.(784, 08/01/2020)

32-28.3.4

Prior to occupancy, each outdoor fitness site shall be inspected and must be approved by the Municipal Designee as the Authority Having Jurisdiction (AHJ) or their designee to demonstrate compliance to all sector rules for COVID-19 compliance; and(784, 08/01/2020)

32-28.3.5

The hours of operation are from 5am – 8pm daily.(784, 08/01/2020)

32-28.3.6

Sound Mitigation. Headphones shall be used by participants during all times by those Fitness Businesses providing Cardio Dance, Cycling, or Zumba classes in an Outside Studio.(784, 08/01/2020)

32-28.4

Any Outdoor Studio Operation must comply with all legal and safety requirements applicable to tents over a certain size or utilizing electricity as set forth in the State of CT Building and Fire Codes.(784, 08/01/2020)

32-28.5 Minimum Parking Lifted to Facilitate Outdoor Studio Operation.

Any Zoning Regulation requiring a minimum number of parking spaces or prohibiting Outdoor Studio Operation from taking place in parking lots serving the Fitness Businesses is suspended to the extent required to permit such Outdoor Studio Operation alone or in conjunction with any other authorized activity, including any activity required to enable the response to the COVID-19 pandemic.([784](#), 08/01/2020)

32-28.6 Setbacks

The Outdoor Studio Operation may be located within the side or rear setback.([784](#), 08/01/2020)

32-28.7 Application/Self-Certification Process

Fitness Businesses shall self-certify that the Outdoor Studio Operation meets all of the requirements set forth in Section 32-28.3 above by completing Exhibit A and submitting it to the Planning and Zoning Department following endorsement by the Fire Marshal or his designee following his/her inspection. Any Zoning Regulation relating to applications for Outdoor Studio Operation is suspended to the extent that it requires any of the following documents: plans stamped by a licensed engineer, landscape architect, or architect; site survey; parking plan; traffic study or plan; sign plan; soil erosion and sediment control plan; photometric lighting plan; or stormwater management plan; provided that the applicant has submitted, with their self-certification form, at a minimum, a drawing or illustration, roughly to scale or dimensioned and depicting with reasonable accuracy the outdoor area that is proposed to be used along with evidence of the property owner's written permission for such use, and evidence that the Fitness Business has obtained their COVID-19 self-certification from the Department of Economic and Community Development (DECD).([784](#), 08/01/2020; [790](#), 04/01/2021)

A copy of the referenced form "Exhibit A" can be found in the Town Clerks Office and Planning and Zoning Office. A digital copy may be accessed on the Town Website or by calling the Planning and Zoning Office.

32-28.8 Approval and Conditions

Notwithstanding any contrary Zoning Regulation, any Outdoor Studio Operation pursuant to this regulation is subject to review by the Director of the Planning & Zoning Commission, in the event that there are environmental or stormwater issues arising from the Outdoor Studio Operation.([784](#), 08/01/2020)

32-28.9 Sidewalks, Non-Vehicular Rights of Way and Municipal Roadways

No Outdoor Studio Operation may occur on any public sidewalk, public non-vehicular right of way or municipal or state roadway.([784](#), 08/01/2020)

32-28.10 No Nonconformity Rights Bestowed

Any Zoning Regulation that would provide nonconforming use or structure rights to any Outdoor Studio Operation or structure permitted pursuant to this Section is suspended.([784](#), 08/01/2020)

§33 SIGNS

Revised 03-09-12

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Signs Location and Design

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 to 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.

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 §33-8.2.3, herein.

33-3.2

No hanging sign shall be over any portion of the traveled path of any driveway or other access way.

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.

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 except as provided for in §33-5.

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 Permanent 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.

33-5 Temporary Signs

33-5.1

The following signs are permitted without a Zoning Permit in all districts, herein.

33-5.1.1

One temporary free standing 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.

33-5.1.2

One 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. 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.

33-5.1.3

Temporary signs for public and charitable events which shall be removed after the publicized event.

33-5.1.4

Signs for political purposes.

33-5.2

The following signs are permitted without a Zoning Permit in all non-residential districts only and shall comply with following requirements:

33-5.2.1

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.

33-5.2.2

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.

33-5.3

One Free Standing Portable Sign per tenant shall be permitted onsite in all non-residence districts subject to the following:

- a. Signs cannot be permanently installed in the ground.
- b. Signs must be self-supporting/portable or hung on the façade of the tenant's building. Signs cannot be attached to an immovable object such as a structure, light pole, a utility pole or a fence in accordance with Section 33-3.12 except as allowed by this section on the façade of a building.
- c. Free standing portable signs shall be no larger than 24 inches wide by 40 inches high in size per side as measured from the ground including any borders or supports. A sign that hangs on the façade of a building shall be no larger than 24 inches wide by 36 inches high, may only be one sided and hung flush to the building. Signs hung on the façade of a building must not be more than 7 feet above the ground as measured to the top of the sign.
- d. Signs may only be displayed during the hours that the business is open. Signs must be removed when the business is not open.
- e. The sign must be a framed chalk board or eraser board and all of the wording on the sign must be hand drawn.
- f. Signs must be located on the property where the business is located. The name of the establishment must appear on or be affixed to the sign.
- g. Signs may not be located in parking spaces. Signs must not interfere with pedestrian traffic or block sight lines for drivers pursuant to §33-3.5 & §33-3.6.
- h. Signs may not be internally or externally lit or have any moving parts.
- i. A Zoning Permit shall be obtained annually for such signs and they must have affixed to them a sticker or tag issued by the P&Z Department.

33-6 Permitted Signs Permitted in Residence Districts

33-6.1

The following signs are permitted in all Residence Districts, subject to §33-2, herein.

33-6.1.1

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 fifteen (15) feet from any property line and shall include the street address number at least 4 inches in size.

33-6.1.2

A marker not to exceed two (2) square feet identifying an historic building or use.

33-6.1.3

Directional sign necessary for public safety or convenience not to exceed two (2) square feet in area.

33-6.1.4

Public convenience signs advertising hours of operation not to exceed one (1) sign of two (2) square feet in area.

33-7 Permanent Signs Permitted in RPOD, RORD, CPD, and HDD Districts

33-7.1

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.

33-7.2

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.

33-7.3

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.

33-7.4

Signs in the CPD - the aggregate sign area of all signs on the premises shall not exceed fourteen (14) square feet.

33-7.5

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 safe (1 safe 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 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 safe 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 safe, which is in addition to the 361 safe permitted for the businesses.

In no case shall any sign exceed 50 safe in area, and backlit signage is prohibited.

33-8 Permanent Signs Permitted in Other Non-Residence Districts: (RBD, GBD, GBD/S, HSD, BPD, DDD, BPD, BCD & BCD/H)

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:

33-8.1 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.

33-8.1.1

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.

33-8.1.2

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) sq. ft. in area and shall be exempt from the sign area & §33-2, herein.

33-8.2 Wall Signs

Any wall sign shall comply with the following requirements:

33-8.2.1

Each sign must be attached to a wall or facade of a building.

33-8.2.2

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.

33-8.2.3

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.

33-8.2.4

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.

33-8.2.5

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, and type of illumination, wall placement, colors and types of signs within the center.

33-8.2.6

Wall signs in excess of fifty (50) square feet of area shall require ARB review.

33-8.3 Projecting or Hanging Signs

All projecting or hanging signs shall comply with the following requirements:

33-8.3.1

Signs may project from the face of building or hang from a roof canopy, provided that such signs shall be under a roof & over a walkway, but not a public sidewalk.

33-8.3.2

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.

33-8.3.3

No sign or any part thereof shall be less than eight (8) feet above the walkway.

33-8.4 Free-Standing Signs

All free-standing signs shall be subject to ARB review and shall comply with the following requirements:

33-8.4.1

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.

33-8.4.2

The free-standing sign shall identify the name of the business (is) occupying the lot and shall include the street address number at least 4 inches in size.

33-8.4.3

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

33-8.4.4

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.

33-8.4.5

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.

33-8.4.6

No sign shall be located within fifty (50) feet of the boundary of a Residence District.

33-8.4.7

All signs shall be at least fifteen (15) feet from any property line.

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.

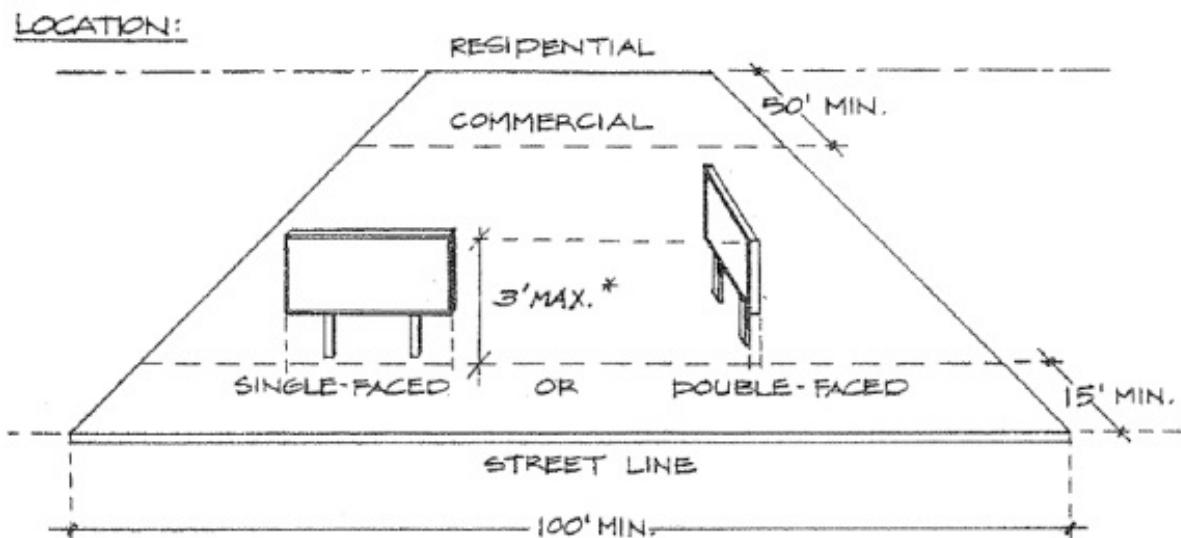
33-11 Coastal/Shoreline Public Access Signs

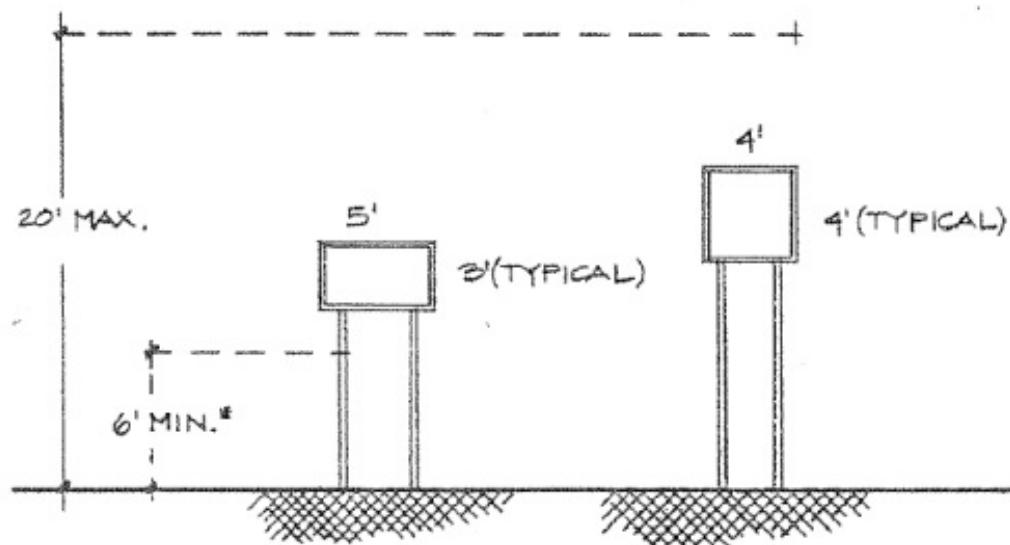
Directional signs used for coastal and/or shoreline public access are permitted in all districts provided that such signs conform to Coastal Public Access Sign Catalog provided for by the Connecticut Department of Energy and Environmental Protection. These signs shall not require Zoning Permits.

Signs Location and Design

Signs Location and Design

For Permanent Signs



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

Revised 08-05-16

Contents:

34-1 Intent

34-2 Obligation

34-3 Parking Requirements of Developed Sites

34-4 Reduction of Parking Requirements by Special Permit

34-5 Parking Requirements Table (See table at end of this section)

34-6 Location of Parking

34-7 Classification of Uses

34-8 Joint Parking

34-9 Small Car Spaces

34-10 Loading Spaces

34-11 Design Requirements

34-12 Concealed Parking Requirements

34-13 Handicapped Parking

Design Standards for 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 existing conditions map.[\(803, 11/19/2021\)](#)

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

USE	MINIMUM REQUIRED PARKING SPACES
Day Care Centers or Nursery Schools as defined in §5-2.	1 space per 10 children, plus 1 space per employee.
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 2 bedroom unit 3 or more bedroom unit Public Senior housing	1.75 spaces per unit. 2.25 spaces per unit. 2.50 spaces per unit. 0.75 spaces for each dwelling unit for Senior persons
Senior group home	1 space per bedroom or guest room.
Senior Residential Community: Independent Living Facility Assisted Living Facility Full Care Living Facility	1.0 spaces per unit. 1.0 spaces per unit. 0.5 spaces per unit. Also 1 parking space per employee for the largest shift.
Accessory apartment unit	1 space for the converted unit.
Managed Residential Community	1.0 space for each private residential unit. Also 1 parking space per employee for the largest shift.
Home Occupation, Level 1	2 spaces in addition to the requirements for the Dwelling Unit.
Home Occupation, Level 2	2 spaces in addition to the requirements for the Dwelling Unit plus additional parking as determined by the P&Z Commission.
Community residence for the mentally retarded	2 spaces in addition to the requirements for the dwelling unit.
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 200 square feet of gross floor area. (764, 02/10/2019; 792, 05/27/2021)
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 Retail Food Establishments, spas, beauty salons, opticians, gyms, health clubs, 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 50 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. This provision shall only apply when the patron bar area exceeds 50% of the total patron area.	1 space for each 20 square feet of gross patron floor area.
Hospitals and convalescent homes	1 space for each 3 beds.
Auditoriums, field houses, gym, athletic fields & stadiums	1 space for each 5 spectator seats of design capacity.
Places of Worship and Theaters **	The greater of (a) 1 space for each 35 SF of the Sanctuary or Theater including lobbies and/or vestibules; or; (b) 1 space for each 40 SF of all rooms, other than the Sanctuary or Theater including lobbies and/or vestibules; used for social functions.
Game Room for coin operated amusement devices	1 space per 180 square feet of gross interior floor area.
Laboratory, wholesale, warehouse storage establishment ¹ Boat Repairs and Boat Storage	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.
Unified Shopping Centers in the General Business District, as described in §24-11:	a. First Floor, 1 space per each 200 SF of gross floor area. b. Areas above the First Floor, 1 space per each 300 square feet of gross floor area. c. Warehouse Storage space above the First Floor, 1 space per each 500 square feet of gross floor area. d. Basement and/or Cellar space, 1 space per each 500 square feet of gross floor area. e. Rugs/Furniture/Fabric Stores on any floor, 1 space per each 400 square feet of gross floor area (764, 02/10/2019; 792, 05/27/2021)
Other Uses	In order to maintain the purpose and intent of these regulations the Commission shall determine by approval of a Site Plan and Special Permit the number of parking spaces to be provided in connection with any use not included in this Section.

¹ 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.

** Floor area for Places of Worship and Theaters shall be measured from the interior of the exterior walls and there shall be no deductions for stages, beams, alters, choirs or similar spaces.

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, field houses and gyms shall be provided within a reasonable distance of the field houses, 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. Cumulative applications for Joint Parking up to 20% of the requirements require Site Plan approval. Cumulative applications for Joint Parking which seek a reduction of greater than 20% up to the maximum of 50% shall require Site Plan and Special Permit approval.

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. At the discretion of the P&Z Commission, a third curb cut may be permitted on corner lots in an IHZ District, to serve the Residential portion of the site if none already legally exists on the site.

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. For driveways located on a site that is the subject of a Site Plan review pursuant to §44 and also subject to a Traffic Impact Analysis pursuant to §44-2.5, the minimum sight distance shall be based upon the design procedures set forth in the Connecticut Department of Transportation, Highway Design Manual, Section 11-2, (as amended). The Design Speed for calculation of sight distance shall be the 85th percentile speed at each site driveway, as defined in section 6-2.01(7) of the Highway Design Manual, and as determined by field measurements. Also, for sites where a

Traffic Impact Analysis is required the sight distance shall be measured at a point fifteen (15) feet back from the traveled portion of the road (edge of pavement) to the center line of the street. However, the Commission may reduce the point of sight distance measurements to ten (10) feet if there is a potential loss of street trees.

34-11.2.4

All Commercial or Business use properties, regardless of whether adjacent to a State or Town Road, shall, when building new or replacing existing access drives and curbing, construct such elements with new reinforced concrete driveway aprons and curbing, in accordance with the requirements of the Director of Public Works. Such driveway aprons and curbing shall be integrated with reinforced concrete sidewalks and handicapped ramps required under §35-2.2.4.

34-11.3 Fire Lanes

Fire lanes shall be provided on a site where required by Fire Marshal pursuant to 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

Required off-street parking and loading areas within Non-Residence Districts and areas within Residential

Districts containing Special permits uses, 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 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 in the judgment of the P&Z Commission, the actual demand or need for off-street parking spaces for a specific use is less than the minimum required number of parking spaces for said use, the Commission may reserve up to fifty percent (50%) of the required spaces for future parking needs. Cumulative applications for Reserved Future parking up to 20% of the requirements require Site plan approval. Cumulative applications for Reserved Future Parking which seek relief of greater than 20% up to the maximum of 50% shall require Site Plan and Special Permit approval. Such reserved spaces shall be standard sized, small-car sized up to twenty percent (20%) as described in §34-9, or a loading space as defined in §5-2 and 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 access ways.

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 feet 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, and 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.

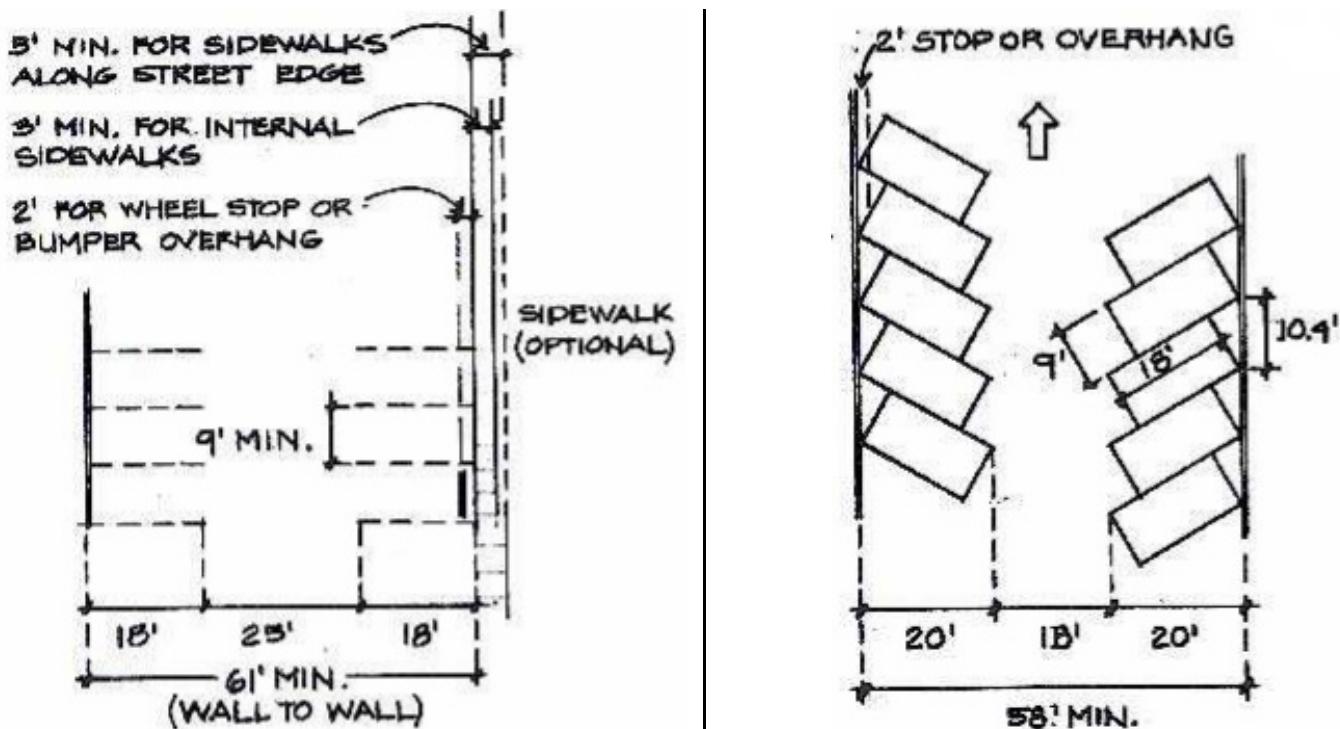
34-13 Handicapped Parking

Handicapped parking shall be provided in conformance with the Connecticut Supplement to the Basic Building Code.

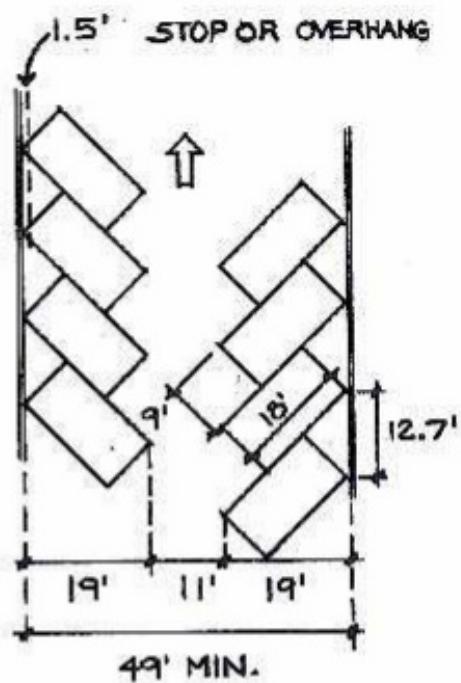
Design Standards for Off-Street Parking and Loading

Diagram 1

90° Drive-In	60° Drive-In

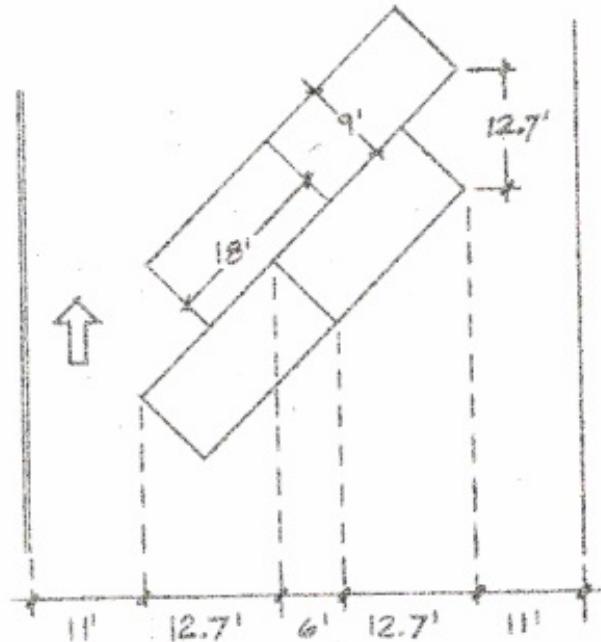
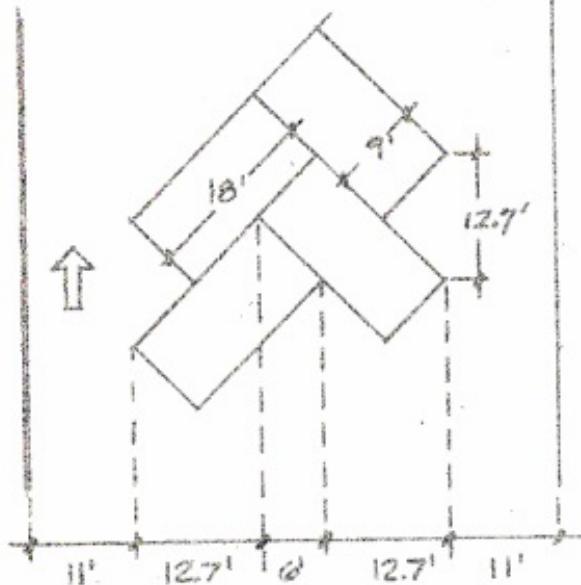


45° Drive-In



Scale: 30:1

Diagram 2**Herringbone Patterns**



Loading Berths and Apron Space

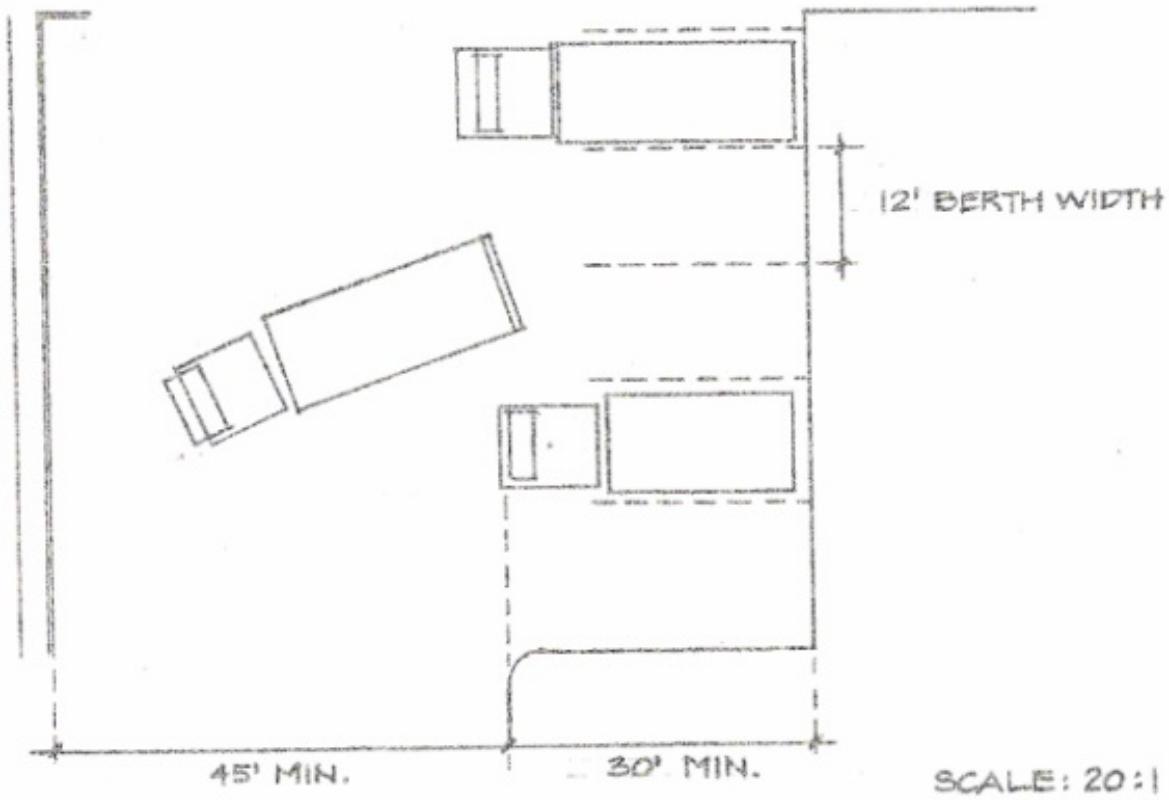


Diagram 3

Typical Dead-End Bays

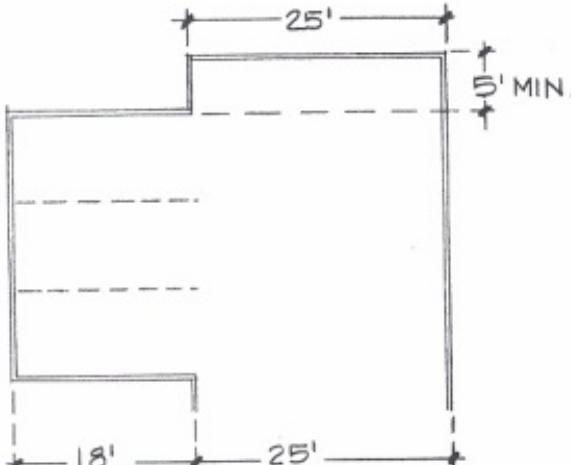
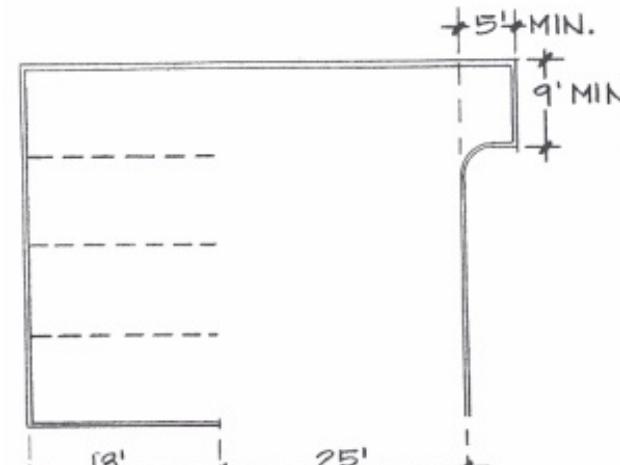
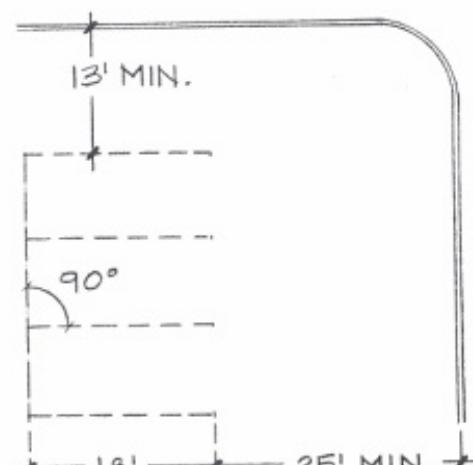
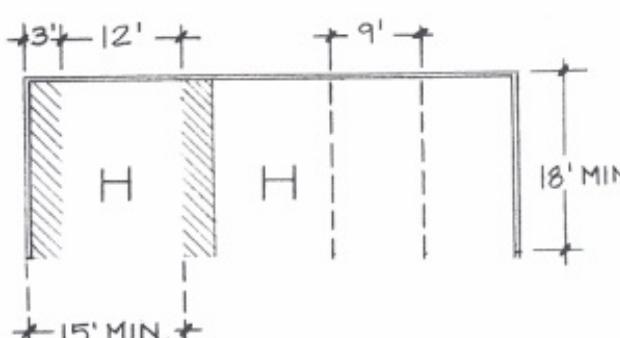
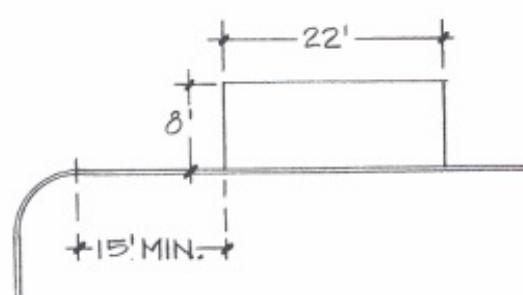
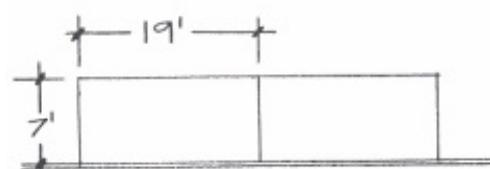
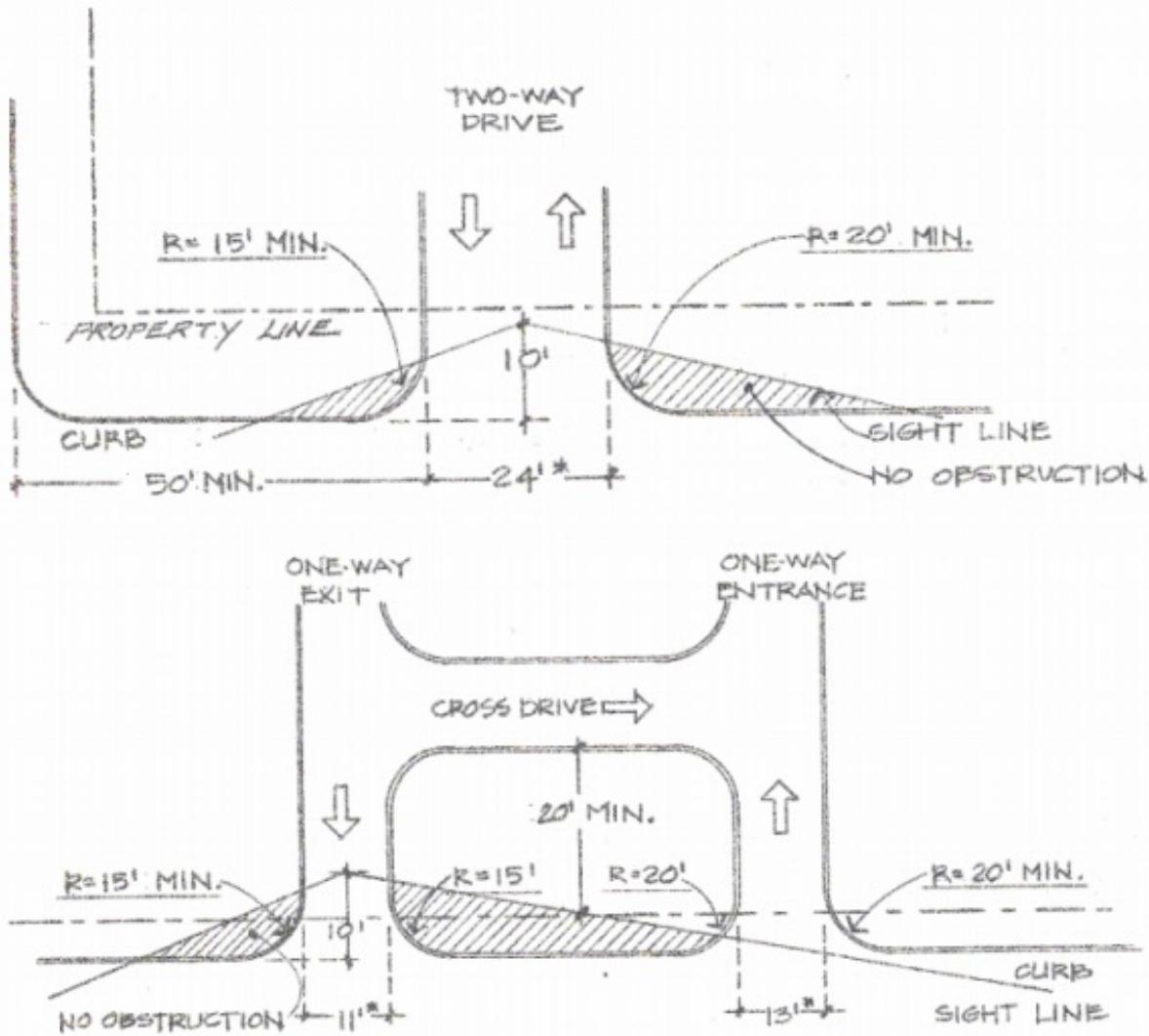
 <p>25'</p> <p>5' MIN.</p> <p>18'</p> <p>25'</p>	 <p>5' MIN.</p> <p>9' MIN.</p> <p>18'</p> <p>25'</p>
<p>Interior Aisle Widths</p>  <p>13' MIN.</p> <p>90°</p> <p>18'</p> <p>25' MIN.</p>	<p>Handicapped Stalls</p>  <p>3'</p> <p>12'</p> <p>9'</p> <p>18' MIN.</p> <p>15' MIN.</p>
<p>Parallel Space Standard</p>  <p>22'</p> <p>8'</p> <p>15' MIN.</p>	<p>Parallel Space Small</p>  <p>19'</p> <p>7'</p>
<p>Scale: 20:1</p>	

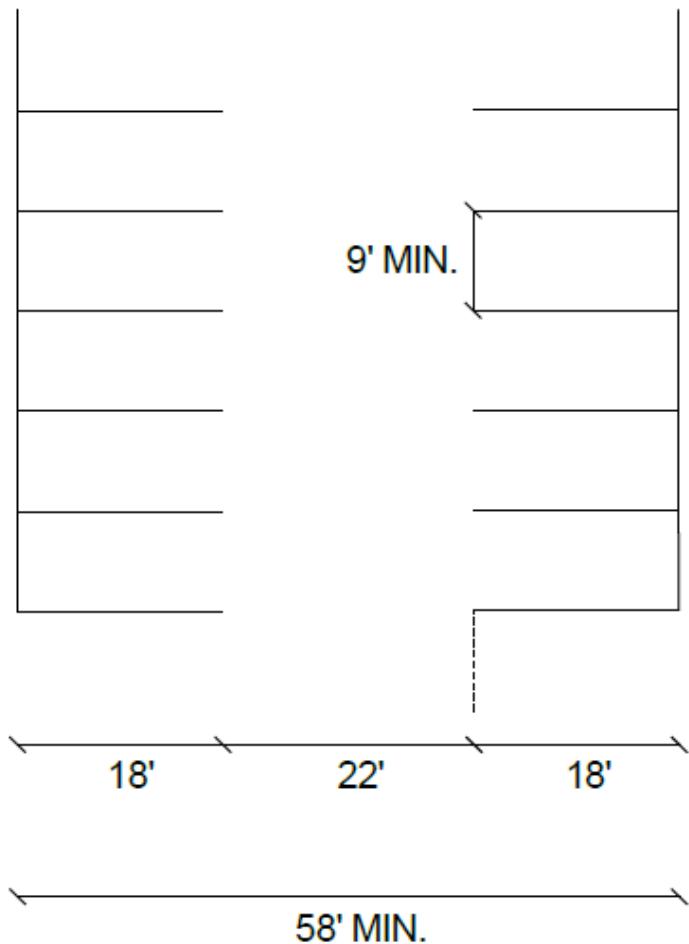
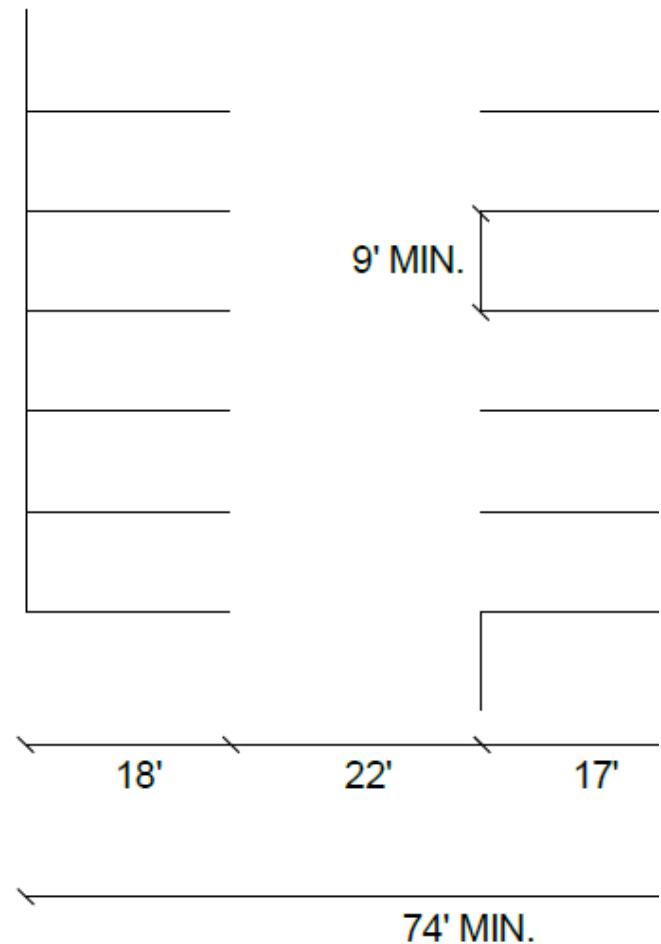
Diagram 4



*Minimum of 18 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 5,000 sq. ft. and no angle parking is provided along the driveway.

Diagram 5

**DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING
AFFORDABLE HOUSING DEVELOPMENTS**

90° DRIVE-IN**90° DRIVE-IN WITH TANDEM S**

(751, 01/20/2021)

§35 LANDSCAPING, SCREENING & BUFFER AREAS

Contents:

35-1 Intent**35-2 Uses Requiring Special Permit and/or Site Plan Approval****35-3 Design Development Districts****35-4 Landscaping of Developed Sites****35-5 Landscape Modifications****35-6 Other Landscape Plan Elements****Landscape Design Standards, 1 of 4, 8-5-16****Landscape Approved Tree List, 2 of 4, 8-5-16****Landscape Type Standards, 3 of 4, 8-5-16****Landscape Sidewalk Design, 4 of 4, 8-5-16****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 Site Plan approval, or Site Plan Waiver.

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 to the "Greening of the Post Road Tree Program", as amended, as referenced in §44-5.4 and any other officially approved street planting plans, where applicable once a landscape plan has been approved.

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. The promotion of drought tolerant natural plants is desired. No invasive species are permitted. Tree mounds are discouraged.

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. (748, 11/11/2018)

35-2.2 Landscaping Area

35-2.2.1 Location

The required front setback area, as measured from the property line, except for Bus Shelters, sidewalks, light poles 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. Raised beds and planters are not acceptable substitutes for trees. (795, 07/01/2021)

- 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 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, BCD/H, GBD/S Zone the minimum required front landscape area may be reduced to zero (0) feet in depth along streets other than the Post Road.
- c. For multi-family developments under §32-12 and §39A, the minimum required front landscape area may be reduced to twenty (20) feet in depth. See §32-12.11 and §39A-14.

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. In the case of overhead lines, all landscape areas shall have low mature height less than forty (40) feet.

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. All shade trees 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 and Access Drives

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. Where appropriate, curbing deemed 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.

35-2.3 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

See §34-11.15 Sidewalks within the Off-Street parking and Loading.

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 eight (8) 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 and up to eight (8) 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, wheel stop 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.

35-2.8 Access to Fire Department Appurtenances

All plantings at their maturity shall comply with the access and obstruction requirements of the Connecticut State Fire Prevention Code, including 36" clear access around fire hydrants and in front of Fire Department Connections and control valves. (802, 11/19/2021)

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

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, the minimum landscape requirements contained in this Section shall be complied with to the greatest extent possible without the creation of any new non-conforming conditions. (802, 11/19/2021)

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.

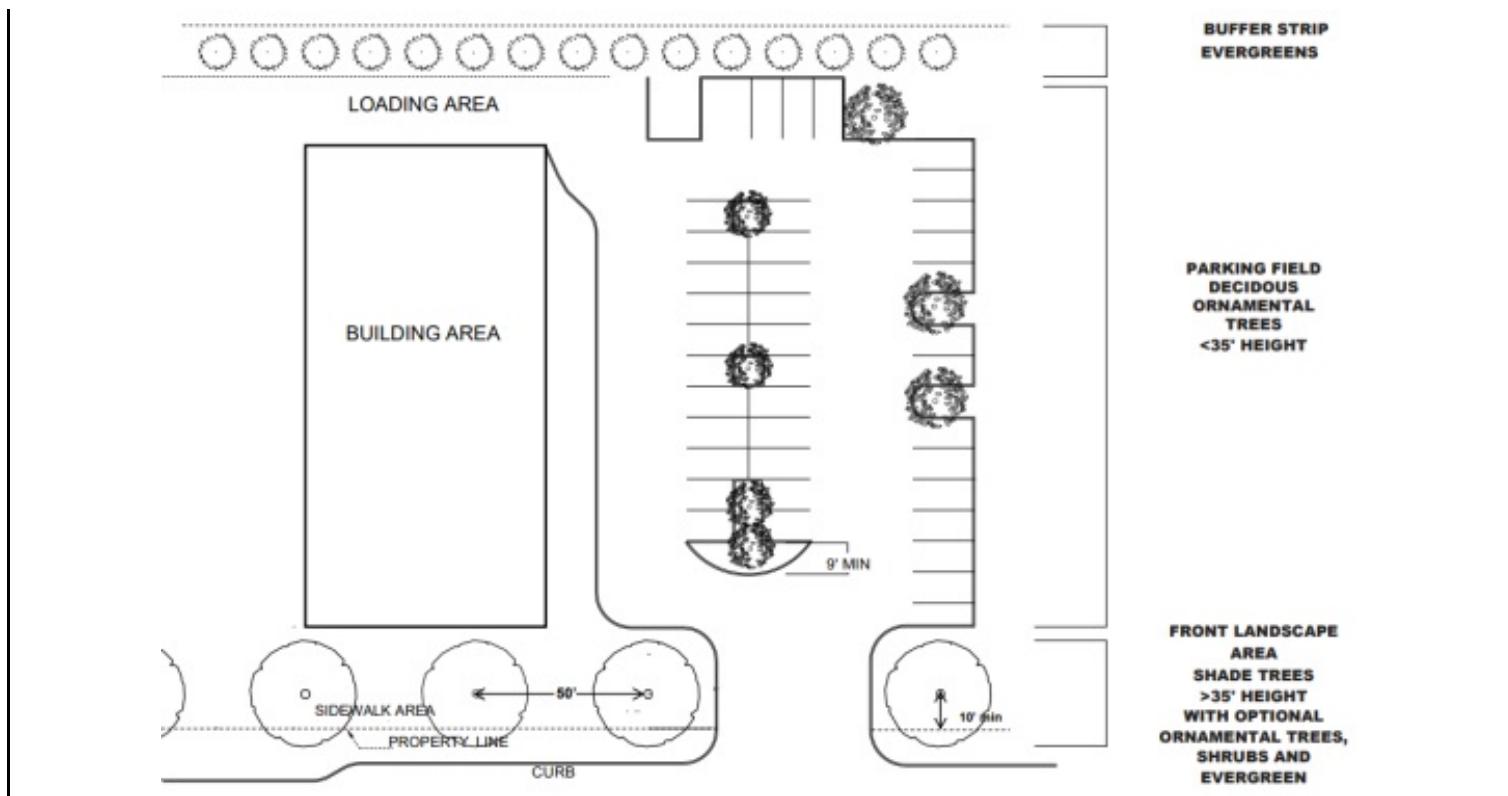
35-6.5

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, 1 of 4, 8-5-16



Landscape Approved Tree List, 2 of 4, 8-5-16

TYPE "B" PARKING AREA SHADE TREES-- >35' Height

<i>Acer rubrum</i> (Select Cultivars)	Red Maple
<i>Acer saccharum</i> (Select Cultivars)	Sugar Maple
<i>Aesculus x castanea</i>	Horse Chestnut
<i>Cercidiphyllum japonicum</i>	Katsura Tree
<i>Fagus</i> species	Beech Trees
<i>Ginkgo biloba</i> (Males only)	Golden Ginkgo
<i>Gymnocladus dioicus</i>	Kentucky Coffee Tree
<i>Gleditsia triacanthos f. inermis</i>	Thornless Honeylocust
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Nyssa sylvatica</i>	Blackgum - Tupelo
<i>Platanus x acerifolia</i>	London Planetree
<i>Quercus alba</i>	White Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus robur</i>	English Oak
<i>Quercus rubra</i>	Red Oak
<i>Tilia</i> Species	Lindens
<i>Ulnus</i> Species (Dutch Elm Disease Resistant)	Elms
<i>Zelkova</i> Species	Japanese Zelkova

TYPE "A" FRONT LANDSCAPING ORNAMENTAL SPECIES-- <35' Height

<i>Acer campestre</i>	Hedge Maple
<i>Acer griseum</i>	Paperbark Maple

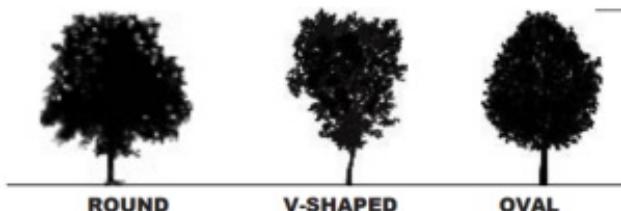
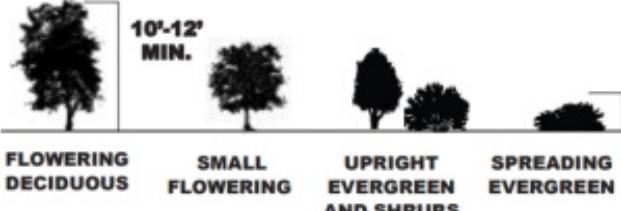
<i>Acer palmatum</i>	Japanese Maple
<i>Amelanchier canadensis</i>	Shadblow Serviceberry
<i>Carpinus betulus</i>	European Hornbeam
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Cercis</i> Species	Eastern Redbud
<i>Chionanthus retusus</i>	Chinese Fringetree
<i>Cornus</i> Species (Select Cultivars)	Dogwoods
<i>Crataegus</i> species	Hawthorn
<i>Magnolia</i> species	Magnolia
<i>Malus</i> species	Crabapples
<i>Ostrya virginiana</i>	Hophornbeam
<i>Oxydendron arboreum</i>	Sourwood
<i>Parrotia persica</i>	Persian Parrotia
<i>Prunus</i> Species (Select Cultivars)	Cherry Trees
<i>Pyrus</i> Species (Select Cultivars)	Pear Trees
<i>Stewartia pseudocamillia</i>	Japanese Stewartia
<i>Styrax japonica</i>	Japanese Snowbell
<i>Syringa reticulata</i>	Tree Lilac

TYPE "C" BUFFER STRIP EVERGREENS

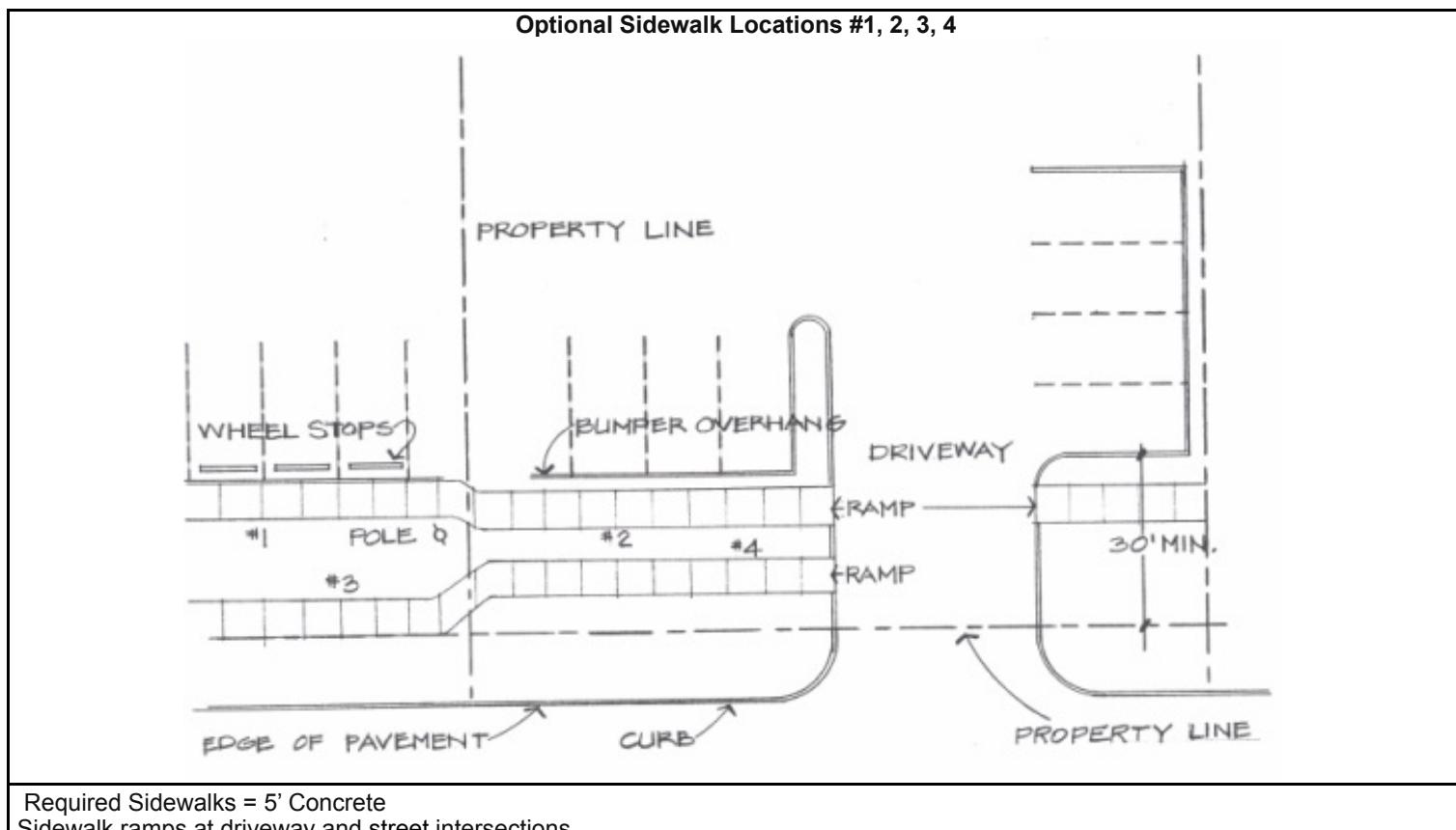
<i>Abies</i> Species	Firs
<i>Chamaecyparis</i> Species	Cypress
<i>Cryptomeria japonica</i>	Japanese Cedar
<i>Cupressocyparis leylandii</i>	Leyland Cypress
<i>Ilex</i> Species (Select Cultivars)	Hollies (Tree or Hedge Form)
<i>Juniperus</i> Species (Select Cultivars)	Junipers (Upright Form)
<i>Picea</i> Species (Select Cultivars)	Spruce
<i>Pinus</i> Species (Select Cultivars)	Pines
<i>Pseudotsuga menziesii</i>	Douglas Fir
<i>Sciadopitys verticillata</i>	Umbrella Pine
<i>Thuja</i> Species (Select Cultivars)	Arborvitae/Northern Cedar

*Dark American, *Emerald Green,*Green Giant,*Techny

Landscape Type Standards, 3 of 4, 8-5-16

LOCATION / TYPE	FORM / TEXTURE			
BUFFER STRIP EVERGREENS	 PYRAMID COARSE CONE UPRIGHT			
PARKING FIELD DECIDOUS ORNAMENTAL TREES <35' HEIGHT	 ROUND V-SHAPED OVAL			14'-16' TYPE
FRONT LANDSCAPE AREA SHADE TREES >35' HEIGHT WITH OPTIONAL ORNAMENTAL TREES, SHRUBS AND EVERGREENS	 FLOWERING DECIDUOUS SMALL FLOWERING UPRIGHT EVERGREEN AND SHRUBS SPREADING EVERGREEN			36" MIN
SEE PAGE 3 FOR APPROVED TREE SPECIES				

Landscape Sidewalk Design, 4 of 4, 8-5-16



Required Sidewalks = 5' Concrete
 Sidewalk ramps at driveway and street intersections
 Sidewalks shall be aligned at the side property lines

Scale: 20:1

§36 VILLAGE DISTRICT OVERLAY (VDO) ZONE / WESTPORT CENTER

Revised 09-15-17

Contents:

- 36-1 Establishment of the Village District**
- 36-2 Design Principles and Standards**
- 36-3 Design Review Process**

36-1 Establishment of the Village District

36-1.1 Purpose

The purpose of this Village District Overlay (VDO) is to protect the distinctive character, landscape, and historic structures and development pattern within this Village District while encouraging a mixed use, walkable district that is attractive to residents, employees, and visitors. New construction or substantial rehabilitation in the Village District should be compatible with the existing character of the district and reinforce both the existing development patterns and connections to the Saugatuck River.

36-1.2 Authorization

The Village District Overlay (VDO) Zone is hereby designated as a Village District, as authorized by Chapter 124 (§8-2j) of the Connecticut General Statutes (CGS) and any new construction or substantial reconstruction and rehabilitation of the exterior of a building shall be reviewed in accordance with the provisions of this §36 of these Regulations and with the requirements of CGS §8-2j.

36-1.3 Applicability

All zoning regulations, including those applying to the underlying district, shall continue to govern the Village District, except as amended by this §36. Site plan approval by the Planning and Zoning Commission shall be required for the following activities within the Village District and in view from public streets, public spaces, walkways, bikeways or from the Saugatuck River:

- New construction as defined in §5-2;
- Substantial reconstruction and rehabilitation of properties;
- Alterations to existing building façades such that the appearance of the building is changed.

The Planning and Zoning Commission's authority shall include, but not be limited to, the following:

- i. The design and placement of buildings;
- ii. The maintenance of public views;
- iii. The design, paving materials, and placement of public roadways;
- iv. Other elements that the Planning and Zoning Commission deems appropriate to maintain and protect the character of the Village District.

The Planning and Zoning Commission will review the application for Site Plan Review using the criteria within this §36, including §36-2, Design Principles and Standards, as the basis of its review.

A site rezoned by the Planning and Zoning Commission to Village District Overlay shall continue to bear its

original district designation, but with the initials VDO appended to indicate a Village District Overlay designation. Designation as a Village District Overlay or the removal of such designation shall be considered a change of zone.

36-1.4 Additions to the Village District

The Planning and Zoning Commission may add one or more parcels to an existing Village District using the following criteria:

- The parcel to be added must be contiguous with the existing Village District boundary and within the boundary of Westport Center as depicted in the Westport Plan of Conservation and Development;
- The characteristics of the existing building and site must be consistent with §36-2.1 Design Principles;
- The dimensional characteristics of the existing building and site must be consistent with other buildings in the Village District with respect to height, setback from front lot line, and building massing.

36-1.5 Advisory Opinion

The Joint Committee of the Architectural Review Board and the Historic District Commission (the Joint Committee) is designated as the Village District Consultant for the purposes of CGS §8-2j(f). The membership of the Joint Committee shall include at least one member who is an architect, landscape architect, or planner who is a member of the American Institute of Certified Planners.

The Joint Committee shall review all applications for new construction and substantial reconstruction within the district and in view from public streets, public spaces, walkways, bikeways and the Saugatuck River. The basis for review and recommendations shall be the regulations in §36-2 Design Principles and Standards.

The Planning and Zoning Commission may also seek recommendations from any town agency, regional council or outside specialist, including, but not limited to, the following:

- Western Connecticut Council of Governments;
- The Westport Historical Society;
- The Connecticut Trust for Historic Preservation;
- The University of Connecticut College of Agriculture and Natural Resources.

The hiring of outside consultants shall follow the procedures established §43-6.4 of Zoning Regulations.

36-1.6 Approval and Denial

The Planning and Zoning Commission shall record the reason for approval or denial of the Site Plan Review application.

The approval must be certified by the Planning and Zoning Commission and recorded in the land records of the Town of Westport at the expense of the record owner. The approval must contain the following information:

- Owner of record;
- Description of the premises to which it relates;
- Reasons for the decision.

36-2 Design Principles and Standards

Application of the Design Principles and Design Standards will reinforce the existing patterns of land use and development with the Village District. As noted in §36-3 Design Review, The Planning and Zoning Commission and the Joint Committee will use the Design Standards as the basis for their review of the application. Should the Applicant apply for a Compliance Alternative (as defined in §5-2: Specific Terms Definitions of the Zoning Regulations), the Planning and Zoning Commission and the Joint Committee will refer to these governing Design Principles.

36-2.1 Design Principles

The following Design Principles shall apply to new construction and substantial reconstruction and rehabilitation of properties within the Village District. These Design Principles are consistent with the legislative requirements of CGS § 8-2j.

36-2.1.1

Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that

have a functional or visual relationship to a proposed building or modification.

36-2.1.2

All spaces, structures and related site improvements visible from public roadways, public spaces, walkways, bikeways and the Saugatuck River shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.

36-2.1.3

The color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.

36-2.1.4

The removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.

36-2.1.5

The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district.

36-2.1.6

Proposed streets shall be connected to the existing district road network, wherever possible.

36-2.1.7

Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting.

36-2.1.8

Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district shall be integrated into the site design.

36-2.1.9

The landscape design shall complement the district's landscape patterns.

36-2.1.10

The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings.

36-2.1.11

The scale, proportions, massing, and detailing of any proposed building shall be in proportion to the scale, proportion, massing, and detailing in the district.

36-2.2 Compliance Alternative

If the Planning and Zoning Commission and the Applicant jointly agree that a proposed design meets the

compatibility objectives of §36-2.1 *Design Principles* but does not meet the requirements of §36-2.3 *Design Standards*, the Planning and Zoning Commission may accept the proposed design provided that it complies with the compatibility objectives §36-2.1 *Design Principles*.

A Compliance Alternative must accomplish the relevant Design Principle. The Applicant must submit documentation that indicates the specific proposed alternative method or standard that will be used, why the Design Standards are not applicable to the application, and how the project is fully compliant with the Design Principles. Approval by the Planning and Zoning Commission of a Compliance Alternative is discretionary, but shall not be unreasonably withheld if the Applicant has provided sufficient documentation to justify such request. The use of the Compliance Alternative must be by mutual consent between the Joint Committee, Planning and Zoning Commission and the Applicant.

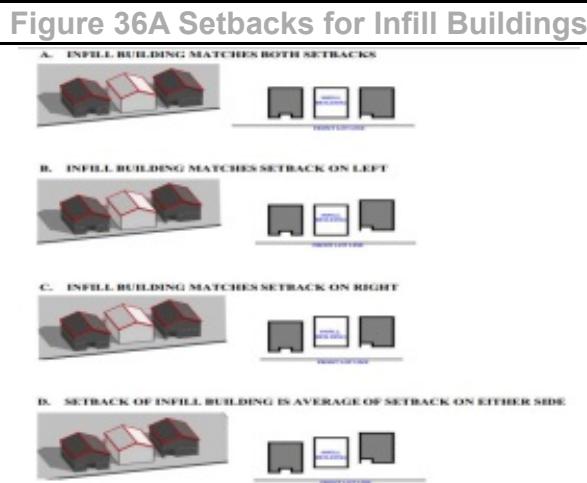
36-2.3 Design Standards

The following design standards shall apply to new construction, substantial reconstruction and rehabilitation of properties, and changes that alter the exterior appearance of buildings within the Village District and in view from public streets, walkways, bikeways or from the Saugatuck River. Where applicable, these standards are designed to supplement existing regulations in §33, §34 and §35 of the Zoning Regulations.

Buildings that are used as single-family homes within the Village District do not have to comply with the following standards: §36-2.3.3 (2) - Placement and Treatment of Entries; §36-2.3.3 (6) - Transparency; §36-2.3.3 (7) - Awnings and Signage; §36-2.3.5 - Parking; and §36-2.3.6 - Streetscapes and Sidewalks.

36-2.3.1 Building Placement and Orientation

1. **Building Placement** – Building placement shall respect existing patterns of building placement for the street on which they are located and define the edges of streets and public spaces. The individuality of the building shall be subordinated to the overall continuity of the streets and public spaces. Buildings shall be placed to conceal parking at the interior or rear of building lots.
2. **Building Setbacks** – Infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, or may be an average of the two setbacks. See *Figure 36 A*.



3. **Building Orientation** – Buildings shall be oriented with the primary building façade(s) facing the primary street frontage(s) of the site. Building massing and façades shall be designed to frame streets and public spaces to provide a sense of spatial enclosure and to define street edges. Building entrances, storefronts

and windows shall be oriented to the primary street(s) with transparency to streets and public spaces.

4. **Design Treatment of Edges** – Buildings that are not physically adjoined to abutters shall treat side yards and the spaces between buildings in a manner consistent with existing patterns of use, in terms of setbacks and use. Landscaping shall be used to define street edges and to buffer and screen edges that may have a negative visual impact, such as parking or loading areas. Access driveways and curb cuts using side yards may be combined between adjoining properties to access parking for multiple buildings at the interior of the block.

36-2.3.2 Building Massing and Form

1. **Relationship to Existing Context** – Building massing, form, and scale shall be complementary to and respectful of the patterns of existing buildings in the immediate vicinity. See Figure 36 B.

Figure 36B Relationship to existing contents and building form.



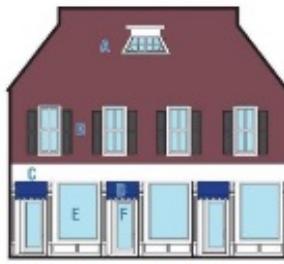
2. **Building Form** – The shape and massing of new and renovated buildings shall provide a balance among building height, story-height, building width and block width. The shape and massing of the building shall complement the abutting structures and define the edges of streets and open spaces. See Figure 36 B.
3. **Scale** – The scale of proposed new or substantially rehabilitated buildings shall be compatible with the surrounding architecture and landscape context. Elements that may help to relate building massing proportionally shall include: articulated building bases through a change in material or color; placement of windows in a regular pattern; articulation of building entries with canopies, porches or awnings, and façade and roof projections (such as bay windows or dormers).
4. **Proportion** – The proportions of building elements shall be generally compatible with existing structures and the features and components of the façade.
5. **Height** – Infill buildings visible from public streets, public spaces, walkways, bikeways or the Saugatuck River shall continue the patterns of height of adjacent existing properties. Where the discrepancy between the proposed height and existing height patterns is greater than ten feet, the Joint Committee shall review design proposals with the Applicant for context sensitivity based upon the following: articulation of façade; building mass, scale, bulk and proportion; or other building massing considerations.
6. **Building Roofs** – Roofing materials visible from public streets, public spaces, walkways, bikeways or the Saugatuck River shall be of high quality and durable, including, but not limited to: slate, copper, ceramic slate tile, clay tile, concrete tile, or ribbed metal or architectural asphalt shingle. Flat horizontal roofs are exempted from this standard. Roofing materials shall not call undue attention to the roof itself with bright or contrasting colors, unless historically documented. Building mechanical equipment located on building

roofs, sites, or other locations shall be not be visible from the street.

36-2.3.3 Building Façades

- Façade Design and Relationship to Existing Context** – The façade, or primary building elevation, of new construction or substantial rehabilitation shall be compatible with the façade design of neighboring buildings so as to create continuity across projects and the street edge. Primary building façades with frontage along the street shall be sensitive to the existing context of building façades along that street. At least two of the following design elements should be repeated in adjacent buildings, excluding parking structures: design treatment at the ground level, relative location and size of doors, window style and proportions, location of signs, dominant façade material, dominant color, bay window style, and roof form. There shall be a direct vertical correspondence between the design of the façade of the upper floors and the ground level retail façades. New construction and substantial rehabilitation of properties adjacent to public open spaces shall be oriented to define the edges of those open spaces and provide a transparent ground floor to activate the public space. See *Figure 36C*.

Figure 36C Façade Design and Relationship to existing context



A: Decorative Window with Trim
 B: Two-over-two Windows, Shutters, Trim
 C: Sign Band, Trim
 D: Awnings
 E: Ground Floor Display Windows and Panels
 F: Inset Glazed Doors and Pilasters

- Placement and Treatment of Entries** – Entrances shall be oriented to the primary street frontage and address the street with an active and welcoming entry composition that is integrated into the overall massing and configuration of the building form. Building and shop entrances shall be recessed to a minimum depth equal to the width of the door to prevent doors from swinging into the sidewalk. Building entries may add components to the building façade such as storefronts, canopies, porches, and stoops and shall provide a high level of visibility and transparency into ground floor uses. See *Figure 36 D*.

Figure 36D Placement and Treatment of Entries



- Façade Materials** – Materials shall be selected to be compatible with or complementary to the Village District. Materials on the façade that are subject to deterioration (plywood or plastic) shall be avoided or removed and replaced. Building façade exterior materials, including architectural trim and cladding, shall

be of high quality and durable, including but not limited to: stone, brick, wood, metal, glass, sustainable cement masonry board products and integrated or textured masonry. Exterior material may not include vinyl siding. Uninterrupted, multi-level glazing may not be used as a primary façade design treatment. Repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

4. **Roof Parapet and Cornice Lines** – Building cornice lines shall be maintained, preserved or recreated to define building façades and create façade components consistent with historic parapet or cornice lines as originally designed and built in Village District. See *Figure 36 E*.

Figure 36E Roof Parapet and Cornice Lines



A: Similar Cornice Line and Roof Peak
B: Similar Cornice Lines

5. **Proportion and Pattern of Windows** – Original window patterns and openings shall be preserved or restored, including conservation and repair to preserve historical details, in the redevelopment of existing structures. New construction shall acknowledge and respond to existing adjacent window patterns in proportion, scale, rhythm and number of openings. See *Figure 36 F*.

Figure 36F Proportion and Pattern of Windows

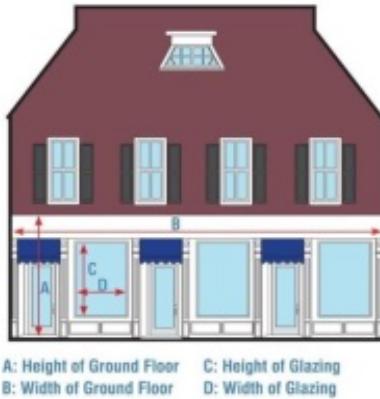


A: Decorative Window
B: Typical Pattern for Second Story
C: Ground Floor Display Windows
D: Inset Glazed Doors

6. **Transparency** – Building façades facing the principal street or public open space shall have at least 25% of the overall façade in transparent windows and at least 40% of the ground floor façade in transparent windows. Along the secondary façades that face pedestrian alleys or connections, façades must achieve at least 15% transparency. Windows on the ground floor of the primary façade shall not be mirrored or use

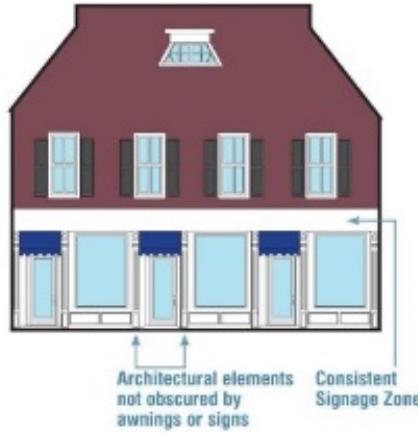
tinted glass or be obstructed by curtains, shades, or blinds. See Figure 36 G on next pg.

Figure 36G Transparency



7. **Awnings and Signage** – Awnings and signs may not obscure important architectural details by crossing over pilasters or covering windows. Multiple awnings or signs on a single building shall be consistent in size, profile, location, material, color and design. On multi-tenant buildings the awnings and signs shall be allowed to vary in color and details, but shall be located at the same height on the building façade. See Figure 36 H.

Figure 36 H Awnings and Signage



36-2.3.4 Landscape

- Landscape Use and Orientation** – Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be integrated with the design of new construction and reflect a coordinated site and building design.
- Open Spaces** – Public and private open spaces shall be designed, landscaped, and furnished to be compatible with or complementary to the overall character of the Village District.
- Site and Street Edges** – New landscape strips with street trees, street trees in sidewalk tree wells, or landscaped medians shall be consistent with the existing landscape patterns of the location of proposed improvements. Landscape strips and sidewalk tree wells shall be of sufficient width to promote the health

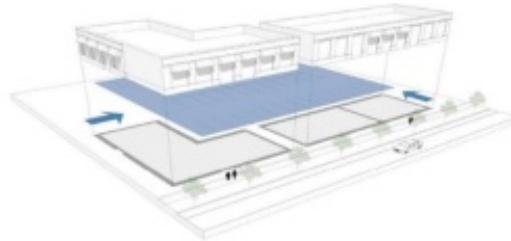
of street trees and other plantings.

4. **Views** – Buildings shall be designed and located on the site so as to preserve views to the Saugatuck River.
5. **Rain Gardens** – Rain gardens may be provided as a contributing element of the site drainage, and integrated into the overall site. The plantings should be well adapted to wetland edge environments, including grasses, hedges, shrubs, or trees that tolerate intermittent wet conditions and extended dry periods. The design should prevent long-term standing water that would damage the plantings.

36-2.3.5 Parking

1. **Parking Placement** – Parking shall be located at the interior of blocks, behind buildings, or at the rear of sites, away from prominent site edges, public spaces, and streets. See *Figure 36 I*.

Figure 36 I Parking Placement



2. **Screening and Landscaping** – Parking areas shall be separated from the street with landscaped buffers of between five feet and eight feet in width. Parking areas on secondary streets may also be screened by other site components, including fences, gates, walls, permanent planters, or hedges. Landscaped medians shall be provided between parking spaces to break up the impervious surfaces and mitigate the visual impact of parking. No landscape island shall be less than 6' wide with a minimum width of 10' is required for planting strips with trees. See *Figure 36 J*.

Figure 36 J Screening and Landscaping

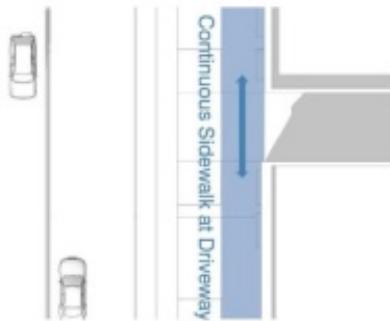


3. **Structured Parking** – Structured parking, where provided, shall be at the interior of a block, surrounded on visible edges by active uses to avoid inactive street edges created by the parking structure. Alternatively, the structured parking could be arranged such that the ground floor area facing the main street is available for commercial space.
4. **Curbs and Curb Cuts** – Granite curbs shall be used to protect planting areas and to define sidewalks, walkways, and parking area edges. Curb cuts shall be minimized and combined whenever possible. Every curb cut shall provide a continuous and uninterrupted pedestrian walkway.

36-2.3.6 Streetscape and Sidewalks (See Sidewalk Ordinance, Chapter 50 of the Town Code)

1. **Pedestrian Access** – New construction and public infrastructure improvements shall reinforce a network of continuous, convenient and safe pedestrian connections along sidewalks to and from all pedestrian entrances of all garages, parking lots and parking structures and all public, resident, and employee entrances to every building. Sidewalks and pedestrian paths should incorporate appropriate lighting, street furniture, landscaping, and signage consistent with the Village District. The network should not include streets or spaces that are primarily used for vehicular connections, deliveries and services.
2. **Sidewalk Configuration** – Sidewalks shall have a minimum unobstructed width of 4'-0". Sidewalks shall be widened to accommodate street trees, landscaping, and outdoor furnishing and amenities. Sidewalks shall be continuous and uninterrupted at driveways and curb cuts to reinforce priority for pedestrians. See *Figure 36 K*.

Figure 36 K Sidewalk Configuration



3. **Special Paving** – Unit pavers may be used to enhance the character of sidewalks, pathways, and plazas. Existing brick or pavers shall be maintained or replaced and shall be introduced if adjacent sidewalks are brick. When employed, unit pavers should be selected and set in a manner that limits uneven surfaces or joints that would become an impediment to accessibility. An acceptable method includes providing a sub-base of wire-mesh reinforced concrete below the setting bed, and mortared joints. See *Figure 36 L*.

Figure 36 L Special Paving



4. **Passageways** – Passageways through buildings that connect the principal streets to parking shall include displays relevant to adjacent businesses, public art, and/or wayfinding signage related to the Village District and lighting that provides a safe environment for pedestrians.
5. **Street Furniture** – Permanent street furniture including light fixtures, benches, bike racks, trash and recycling receptacles, and newspaper stands shall be integrated with street and sidewalk circulation to ensure adequate clearances, access and convenience of the location of these amenities. Street furniture shall be clustered at convenient locations that are plainly visible and accessible and must be located such that the minimum 4'-0" sidewalk clearances are maintained.
6. **Public Art** – Public art may be used to define and punctuate public spaces. Art installations shall maintain

clearances in public spaces, and be constructed of materials that are durable, easily maintained and that do not present safety hazards.

7. **Sidewalk Cafés** – Where sidewalk width is constrained at location of sidewalk use for outdoor cafés, the Planning and Zoning Commission may reduce the minimum clear width of the sidewalk to 3' for a maximum length of 10'. After a 5' interval of a minimum width of 4', the minimum clearance of 3' may be allowed for another 10'. The goal is to maintain the balance for clear width of pedestrian activity and the extension of outdoor cafés into the public space.

36-3 Design Review Process

36-3.1 Design Review Process

The Design Review process is mandatory for all projects within the Village District meeting the requirements in §36-1.3 *Applicability* for Site Plan Review under the authority of the Planning and Zoning Commission.

The Design Standards provide design requirements for all applicable projects. Projects shall be approved if they meet the Design Standards and all other applicable guidelines and requirements.

The Joint Committee shall submit a report and recommendation to the Planning and Zoning Commission within thirty-five days of the receipt of the application. The basis for the recommendation of the Joint Committee shall be the compliance of the application with provisions of §36-2.3 *Design Standards*.

The Planning and Zoning Commission will enter this report and recommendation into the public record and consider it as part of their deliberations. Any delay in the submission of the report will not alter any other time limit imposed by the regulations.

Any report or recommendation from an outside specialist, such as those listed under §36-1.4 *Advisory Opinion*, shall also be entered into the public hearing record.

As part of any approval of a Compliance Alternative under §36-2.2 *Compliance Alternative*, the Planning and Zoning Commission must provide a written determination and finding that the alternative approach meets the objectives of the Design Principles. Such determination should state the applicable Design Standards, the reason for granting an alternative, the applicable Design Principles, and how the alternative meets the Design Principles. The Planning and Zoning Commission may request a recommendation from the Joint Committee that the Compliance Alternative conforms with the Design Principles.

36-3.2 Additional Materials for an Application Related to Existing Historic Buildings

The Applicant must supply documentation of the original style of the building and a narrative of how improvements are consistent with the style or how the improvements vary, and a rationale for why the variation should be approved under §36-2.3 *Compliance Alternative*. Historic buildings are defined as those listed in the *Historic Resources Inventory (HRI) List contained in the Westport Center Planning District Historic Resources Inventory Update and Planning Recommendations*, the Public Archaeological Laboratory, Inc., May 9, 2012.

36-3.3 Additional Materials for an Application for New Construction or Substantial Reconstruction and Rehabilitation or Changes to the Exterior Façades

The Applicant must supply pictures of the original building(s) (if applicable), the buildings to either side of the proposed project and the view from across the street. The narrative should indicate how the proposed building or addition is consistent with the context and describe the treatments of façades facing public streets or public parking areas. Any request for a variation should include a statement as to why the variation should be approved under §36-2.2 *Compliance Alternative*.

§37 SEDIMENT AND EROSION CONTROL REGULATIONS

Revised 08-15-90

Contents:

- 37-1 Purpose**
- 37-2 Activities Requiring a Sediment and Erosion Control Plan (S&E Plan)**
- 37-3 Exemptions**
- 37-4 Procedure**
- 37-5 Inspection**
- 37-6 Standards**

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)

An 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

Revised 06-21-91

Contents:

- 38-1 Purpose**
- 38-2 Prohibited Uses**
- 38-3 Fuel Storage**
- 38-4 Map**

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.

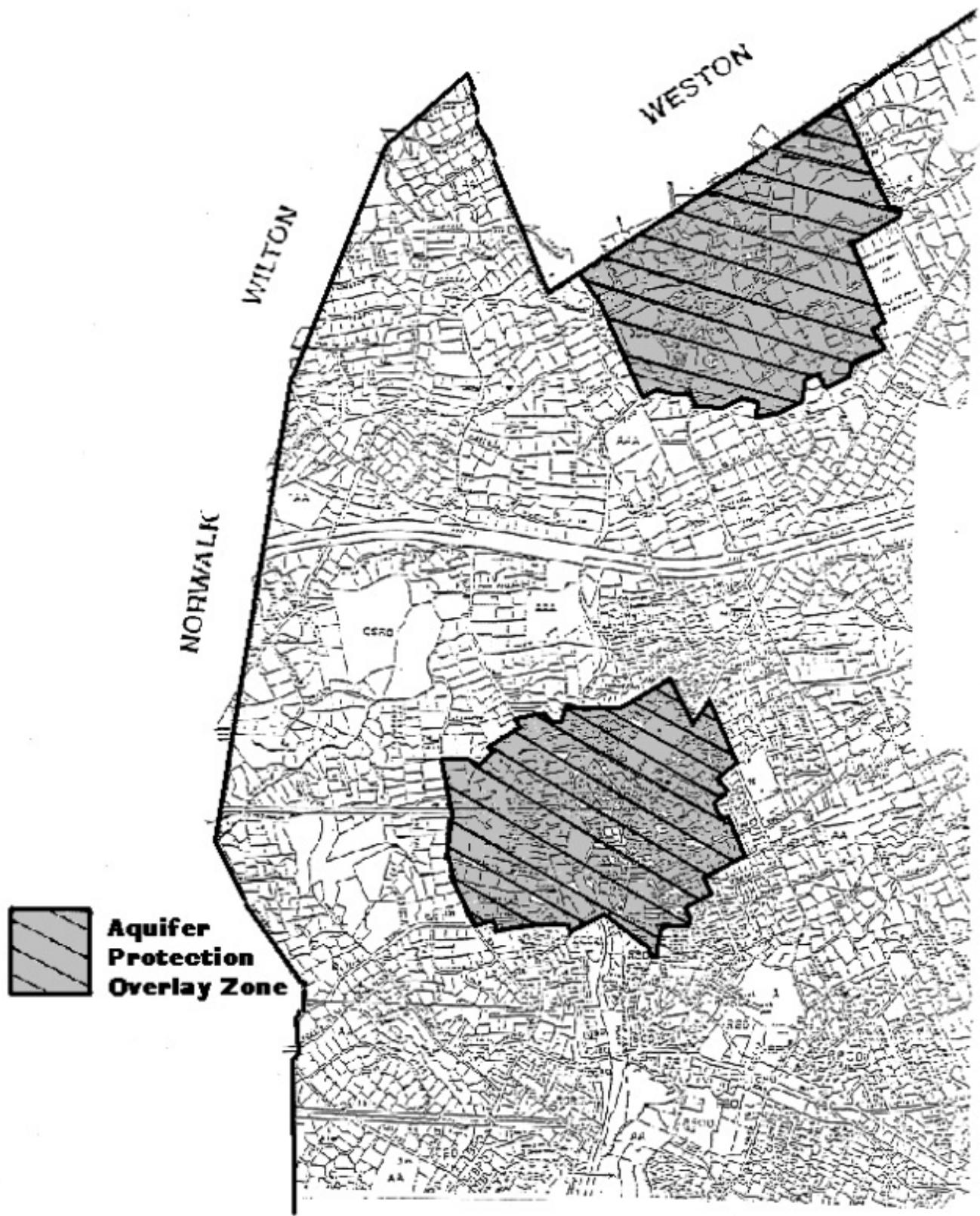
A Zoning Permit shall be required for all fuel storage tanks. Above ground tanks shall be suitably screened on all sides.

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

§39 HISTORIC OVERLAY DISTRICT

Revised 12-15-93

Contents:

39-1 Standards for Eligibility

39-2 Designation

39-3 Architectural Design

39-4 Special Permit

39-5 Facade Easements

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."

§39A INCLUSIONARY HOUSING OVERLAY DISTRICT (IHZ)

Revised 11-12-17

Contents:

- 39A-1 Purpose**
- 39A-2 Standards for Eligibility**
- 39A-3 Designation/Uses Permitted**
- 39A-4 Lot Area and Shape**
- 39A-5 Density**
- 39A-6 Setbacks**
- 39A-7 Height**
- 39A-8 Coverage**
- 39A-9 Building Spacing**
- 39A-10 Floor Area**
- 39A-11 Architectural Design**
- 39A-12 Public Waterfront Access**
- 39A-13 Signs**
- 39A-14 Parking and Loading**
- 39A-15 Landscaping, Screening and Buffer Areas**
- 39A-16 Utilities**
- 39A-17 Change of Use**
- 39A-18 Affordability Requirement and Plan**
- 39A-19 Traffic Analysis**
- 39A-20 Fire Department Access**

39A-1 Purpose

The purpose of the Inclusionary Housing Overlay District is to increase the diversity of housing choices and to provide additional below market rate housing within Westport, located on lots that are split zoned Res. AA, A or B and GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H or DDD #2 Non-Residential zoning districts. In order to implement this purpose except as noted herein in §39A-18, Affordability Requirements and Plan, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed residential units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g. The IHZ encourages the development of housing and other needs of an aging population by allowing for a diversity of housing types, which may include accessory services, and to provide for their safety, health and general welfare.

39A-2 Standards for Eligibility

In order to qualify for the Inclusionary Housing Overlay District designation, the lot must be split zoned Res. AA, A or B and GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H or DDD #2 Non-Residential zoning districts.

39A-3 Designation/Uses Permitted

A site rezoned by the Planning and Zoning Commission to Inclusionary Housing Overlay District shall continue to bear its original district designation, but with the initials IHZ appended to indicate an Inclusionary Housing Overlay District designation. All zoning regulations applying to the underlying district shall continue to govern the Inclusionary Zoning District, except as amended by this Section. On property zoned IHZ as of November 12, 2017, Assisted Living, Full Care Living, and Independent Living Facilities shall be allowable uses and collectively referred to herein as ALFCIL Facilities. Any Independent Living Facility shall also contain Assisted Living and/or Full Care Living Facilities. Community space shall be allowed for intergenerational, educational, and/or social type activities including residents of ALFCIL Facilities, area neighbors, schoolchildren, and/or other public service organizations, subject to the requirements listed in §39A-10.3.4. Designation as an Inclusionary Housing Overlay District or the removal of such designation shall be considered a change of zone. All developments shall require Special Permit and Site Plan review by the Planning and Zoning Commission.

39A-3.1

All non-residential uses must be in the non-residential zoned portion of the lot.

39A-4 Lot Area and Shape

39A-4.1

No minimum lot area or shape except as stated below. Any lot using this regulation must provide frontage on an arterial street that is equal to at least fifteen (15%) of the perimeter of the lot or, on sites over two (2) acres, at least seventy-five (75) lineal feet. Where ALFCIL Facilities are to be located, lots shall be wholly within the Town of Westport and a minimum of 2 acres. ALFCIL Facilities shall not be located on lots within the CAM boundary. Applications for ALFCIL Facilities to be located on lots within Flood Hazard Areas shall demonstrate to the Commission's satisfaction that all hazards to life and property can be adequately minimized or mitigated, including providing dry access to and from the property for evacuation of residents and access for emergency vehicles.

39A-4.2

Any lot created by subdivision or lot merger not in existence at the time this regulation was created must have a Regularity Factor of at least 0.55.

39A-4.3

Primary access to the development must be from the non-residential portion of the lot.

39A-5 Density

39A-5.1 Maximum -

The maximum allowable density shall not exceed twenty (20) bedrooms per gross acre. An additional maximum density of six (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 eighteen (18) in the non-residentially zoned portion of the lot and twelve (12) in the residentially zoned portion of the lot, inclusive of affordable units.

39A-5.2 Bedrooms -

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.

39A-5.3

ALFCIL Facilities shall not be subject to sections [39A-5.1](#) and [39A-5.2](#) above, refer to section [39A-10.3.4](#) Floor Area Ratio (FAR) below.

39A-6 Setbacks

No principal or accessory building or structure shall extend closer than twenty (20) feet from any front lot line or forty (40) feet for any ALFCIL Facility approved with additional height per section [39A-7.4](#) below. Side and rear setbacks are governed by the underlying district plus two (2) feet for every one (1) additional foot of height approved per section [39A-7.4](#) below. There will be no setbacks from a residential zone line that splits a property. Where nonconformities legally exist abutting nonresidential property, such structures may be maintained, modified, or expanded provided the Planning and Zoning Commission makes a finding that such redevelopment improves the streetscape and overall site design and does not exacerbate negative effects of such nonconformity on abutting properties.

39A-7 Height

39A-7.1

In order to retain the historic streetscape in the BPD and BCD/H zones, the height is restricted to that which is permitted in the underlying non-residential zoning district.

39A-7.2

For buildings within the GBD, RPOD, RORD, RBD, BCD and DDD #2 zoning districts, of which at least one-third (1/3) of the floor area is residential, a height of three (3) stories and thirty-five (35) feet is allowed.

39A-7.3

For a building in which less than one-third (1/3) of the floor area is residential use, the height is restricted to that which is permitted in the underlying zone. The Res AA, A & B portion of the property is limited to 2 ½ stories and a height of thirty-five (35) feet.

39A-7.4

ALFCIL Facilities shall not be subject to sections [39A-7.1](#), 7.2, or 7.3 above but shall be limited to a height of thirty-five (35) feet. The Planning and Zoning Commission may allow up to forty-two (42) feet in height, provided that an additional two (2) feet of building setback for the side and rear lot lines is provided for every one (1) foot of additional height above thirty-five (35) feet, the front street setback is a minimum of forty (40) feet, and the third level is dormered to appear like a 2 ½ story building.

39A-8 Coverage

A building coverage bonus in the non-residential zone shall be allowed. The bonus may not exceed five percent (5%) of the non-residentially zoned portion of the lot in excess of that which is allowed in the underlying non-residential zone, except for the BCD and BCD/H zoning districts.

39A-8.1

The Planning and Zoning Commission may exempt 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.

39A-8.2

The total coverage shall not exceed seventy percent (70%) of the area of the lot.

39A-8.3

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

39A-8.4

ALFCIL Facilities coverage shall be limited as described in §39A-8.1 and 8.2 above, except that where total coverage is limited not to exceed sixty percent (60%) of the total gross area of the lot in all zones, building coverage may be allowed up to twenty-five percent (25%) but may not benefit from bonuses listed in §39A-8.3.

39A-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 ten (10) feet.

39A-10 Floor Area

39A-10.1 Total Maximum:

No one floor shall exceed an area of 2,500 square feet in the residentially zoned portion of the lot. This standard shall not apply to ALFCIL Facilities.

39A-10.2 Unit Size:

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. The average unit size shall not exceed 1,250 square feet.

39A-10.3 Floor Area Ratio (FAR)

39A-10.3.1

No lot which contains buildings or structures which consists of two-family or multi-family dwellings, shall exceed an FAR of 0.5, except in the BCD and BCD/H zone. Any incremental increase in floor area above the maximum allowable FAR in the underlying zone, shall be used for dwelling(s) units only. Floor area used for parking and loading 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.

39A-10.3.2

At least 30% of the floor area in the non-residentially zoned portion of the property, exclusive of the affordable housing units, shall be non-residential use in the GBD, RBD, BCD, BCD/H and DDD #2 zones. The RPOD, RORD and BPD zones, with their smaller building standards, shall have no minimum non-residential (commercial) requirement.

39A-10.3.3

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

39A-10.3.4

ALFCIL Facilities shall not be subject to sections 39A-10.3.1 and 39A-10.3.2 above and the total allowable FAR shall not exceed 0.5 excluding garage parking, affordable units, and community space. Community space may include up to 5,000SF of flexible Floor Area to be programed for intergenerational, educational, and/or social type activities including residents of ALFCIL Facilities, area neighbors, school children, and/or other public service organizations.

39A-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 located on the property and on any adjacent lot, if they are listed on the most recent Westport Historic Resource Inventory. The design should reflect 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.

39A-11.1 Buildings in Residential Districts

Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance.

- a. Buildings shall have a pitched roof design and shall have staggered or off-set unit facades of not less than five (5) feet in depth over a minimum length of twenty (20) feet. This standard shall not apply to ALFCIL Facilities, provided that staggered or off-set unit facades and/or varied unit façade materials are utilized.
- b. Buildings designed to achieve small scale and residential appearance 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.

39A-11.2 Buildings in Non-Residential Districts

Architectural design requirements for the underlying zones apply and in addition 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.

39A-12 Public Waterfront Access

Public Waterfront Access (see Definitions and §31-10.7.4 herein) shall be provided on all sites adjacent to the Saugatuck River.

39A-13 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations as determined by underlying zoning district.

39A-14 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 any building facing the street, or where buildings are set further back, shall comply with the 30' landscape buffer as provided in §35. Parking shall be required as provided in parking standards by 0.5 spaces per unit. Tandem parking may be allowed subject to the discretion of the P&Z Commission.

For ALFCIL Facilities, where jitneys and/or other managed vehicles are provided the following minimum rates shall apply and may be satisfied in both residential and nonresidential portions of the site:

- a. 1.25 spaces per Independent Living Unit not in a CCRC;
- b. space per Independent Living Unit in a CCRC;
- c. 0.25 spaces for each Assisted Living or Full Care Unit;
- d. 0.80 spaces for each staff member on the largest shift of employees;
- e. Other Uses: As determined by the Planning and Zoning Commission.

39A-14.1 Underground Parking

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

39A-14.2

ALFCIL Facilities shall not be subject to §34-12 Concealed Parking Requirements.

39A-14.3 Loading

Only one (1) off-street loading space shall be required for ALFCIL Facilities. The Planning and Zoning Commission may waive the minimum turning radius requirement.

39A-15 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations provided that such buffers may include retaining walls. Sidewalks shall be provided in accordance with §35-2.2.4 of the Supplementary Regulations.

39A-15.1 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. Lighting must be provided in accordance with §44-5.5 of the Regulations.

39A-15.2 Refuse Areas

Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.

39A-15.3 Mail boxes

Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

39A-15.4 Excavation and Fill

Subject to the review and approval of the Town Engineer, excavation and filling of land shall comply with §32-8 of the Regulations, except that, for sites containing ALFCIL Facilities, grade changes over ten (10) feet, grading within five (5) feet of a property line, and slopes greater than twenty (20) percent may be allowed where the PZC makes a finding that the site design is enhanced while not creating any adverse impacts to abutting properties. Such enhancement may include landscaping, buffers, sidewalks, emergency access, public safety, flood plain management or other improved design features.

39A-16 Utilities

39A-16.1

All utilities and conduits shall be underground.

39A-16.2

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.

39A-16.3

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. 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.

39A-17 Change of Use

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

39A-18 Affordability Requirement and Plan

39A-18.1

In conjunction with residential units proposed as part of this regulation, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g. An affordability plan must be submitted at the time of application in accordance with same. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are

periodically updated by the U.S. Department of Housing and Urban Development (HUD).

39A-18.2

Affordable housing units cannot be clustered, but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units shall be comparable. No affordable unit shall be smaller than 75% of a market rate unit containing the same number of bedrooms.

39A-18.3

The applicant shall submit an "Affordability Plan" concurrently with a Special Permit and Site Plan application which shall prescribe how the regulations regarding affordability will be administered.

39A-18.4

ALFCIL Facilities shall provide ten percent (10%) of all Independent Living units, five percent (5%) of all Assisted Living Units, and zero percent (0%) of any Full Care Units, as affordable, as further described in 39A-18 above. Details of such affordability requirements, including the manner in which additional onsite services (meals, care, transportation, and/or other "common" charges) are applied and/or excluded, shall be spelled out in the Affordability Plan and approved by the Planning and Zoning Commission.

39A-18.4.1

Said requirements may also be satisfied by the dedication of deed restricted affordable units, some or all of which may be offsite within the Town of Westport, which may or may not be age restricted or have additional care services. The location and design of such units shall be subject to approval by the Planning and Zoning Commission. The Commission shall condition the issuance of a Zoning Certificate of Compliance for the ALFCIL Facility upon the dedication of the off-site deed restricted affordable units.

39A-19 Traffic Analysis

A Traffic Analysis in accordance with §44-2.5 shall be required unless waived at the discretion of the Planning & Zoning Commission.

39A-20 Fire Department Access

Unless otherwise authorized by the Fire Marshal, ALFCIL Facilities shall provide the following: Access for Fire Department motorized vehicles shall be provided to ensure the safety of all occupants within such facilities. Such access shall include Fire Lanes and/or other locations kept clear and readily accessible for fire apparatus at all times. Access points shall be located at the front and rear of such buildings. Turning radii, road widths and grade changes shall comply with Fire Codes in effect at the time of building permit application.

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

Revised 06-12-16

Contents:

- 40-1 Purpose**
 - 40-2 Permitted Improvements and Facilities in a DOSRD #1, DOSRD#2 and DOSRD #3.**
 - 40-4 Special Events**
 - 40-5 Lot Area, Location and Shape**
 - 40-6 Setbacks**
 - 40-7 Height**
 - 40-8 Coverage**
 - 40-9 Architectural Design**
 - 40-10 Signs**
 - 40-11 Parking and Loading**
 - 40-12 Landscaping, Screening and Buffer Areas**
 - 40-13 Final Approval**
- §41 PLANNING AND ZONING COMMISSION Revised 02-06-06**

40-1 Purpose

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

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

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

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

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

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

The following specific improvements and facilities are permitted in a DOSRD#1 and DOSRD #2.

- a. Walks, paths, gardens and ponds, picnic tables and benches;
- b. Temporary free-standing restrooms and water fountains.

40-2.2 Principal Improvements and Facilities allowed in DOSRD#3

The following non-commercial passive or non-organized recreational Improvements and Facilities are permitted in a DOSRD #3:

- a. Walks, paths, gardens and natural water features, picnic tables and benches;
- b. Nature preserves;
- c. Arboretums as defined in (§5-2).

40-3 Special Permit Uses Improvements and Facilities in a DOSRD #2.

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

40-3.1

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

40-3.2

Renovation and expansion of Legalized Structures first built on the subject parcel after 2003 and prior to 06-12-16. Renovation and/or expansion of such Legalized Structures may be permitted with the same floor area or footprint of the original building and may occupy up to an additional 50% of the original floor area or footprint of such Legalized Structure, whichever is greater. Such Legalized Structures may be used for the Legalized Use or any other use permitted by this Section.

40-3.3 Municipal Uses.

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

40-4 Special Events

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

40-5 Lot Area, Location and Shape

No mandatory requirement.

40-6 Setbacks

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

40-7 Height

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

40-8 Coverage

The total coverage shall not exceed twenty-five percent (25%) of the lot area.

40-9 Architectural Design

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

40-10 Signs

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

40-11 Parking and Loading

The required number of parking spaces 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 meet the Zoning Regulations and that the proposed Dedicated Open Space and Recreation District will not be detrimental to the public health, safety, and general welfare and property values of the neighborhood. The Planning and Zoning Commission may attach such conditions to a Special Permit in a Dedicated Open Space and Recreation District #2 that it deems necessary to preserve the purpose, objective and intent of the Zoning Regulations of the Dedicated Open Space and Recreation District.

ADMINISTRATION AND ENFORCEMENT

§41 PLANNING AND ZONING COMMISSION

Revised 02-06-06

Contents:

§41 PLANNING AND ZONING COMMISSION Revised 02-06-06

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

Revised 08-25-08

Contents:

- 42-1 Authority**
- 42-2 General**
- 42-3 Application for Change of Zone**
- 42-4 Completeness, Date of Submission and Date of Receipt**
- 42-5 Regional and Municipal Referral**
- 42-6 Public Hearings**
- 42-7 Commission Action**
- 42-8 Extension of Time**
- 42-9 Effective Date**

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

One (1) copy 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:([803](#), 11/19/2021)

- 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

One (1) copy 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. ([803](#), 11/19/2021)

42-3.1.3 Proposed Zoning Map

In addition to the above maps one (1) copy 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 within two hundred fifty (250) feet of the area affected by the application, as indicated in the current records of the Westport Assessor's Office. ([803](#), 11/19/2021)

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 Town's Geographic Information System (GIS) and may show any other information considered pertinent by the applicant. ([803](#), 11/19/2021)

42-3.1.5 Conceptual Site Plan

Applications for a Change of Zone to General Business District/Saugatuck (GBD/S) shall be accompanied by one (1) copy of a conceptual site plan, drawn to scale, showing building locations (footprint), driveways, parking areas and other improvements related to site development (See §24A). An electronic version of the plan in PDF format shall also be submitted. ([803](#), 11/19/2021)

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 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.

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. One (1) copy of the proposed text shall be submitted.([803](#), 11/19/2021)

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 one (1) copy of a statement explaining the need for the proposed amendment and identifying any benefits to the Town.([803](#), 11/19/2021)

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.([803](#), 11/19/2021)

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

Contents:

- 43-1 Purpose**
- 43-2 Authorization**
- 43-3 Application**
- 43-4 Completeness, Date of Submission and Date of Receipt**
- 43-5 Public Hearing**
- 43-6 Commission Review**
- 43-7 Commission Action**
- 43-8 Extension of Time**
- 43-9 Notice of Decision**
- 43-10 Effective Date**
- 43-11 Time Period and Expiration**
- 43-12 Bond**
- 43-13 Release of Bond**

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 & 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 & 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 & 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 P&Z 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 Review and Hearings

Site Plan approval by the Planning & Zoning Commission shall be required for construction, addition or alteration of a non-residential building involving more than five hundred (500) square feet of building coverage or containing more than five hundred (500) sq. ft. of gross interior floor space, or any of the uses or activities listed below:

1. A Change of Use pursuant to §5-2.
2. Shoreline Flood and Erosion Control Structure as defined in CGS §22a-109 located within the Coastal Boundary as described in CGS §22a-94. ([779](#), 03/04/2021; [800](#), 11/19/2021)
3. Truck trailer storage for more than 7 days pursuant to §32-8.1.
4. Excavation and fill activities that are not exempt pursuant to §32-8.1.
5. Outdoor Special Events, pursuant to §32-23, that:
 - a. Exceed ten (10) days in duration and are located in a non-residential district.

- b. Exceed two (2) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located in a residential district.
- c. Exceed seven (7) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located on a privately-owned property in a residential district containing a Special Permit Use.

The P&Z Commission, at its discretion, may hold a public hearing on an application for Site Plan or Coastal Site Plan review. ([779](#), 03/04/2021; [800](#), 11/19/2021)

The P&Z Director may waive P&Z Commission review of small-scale projects, (except those located in [§36](#), Village District Overlay Zone which require review by the Joint Committee and Site Plan review by the Planning and Zoning Commission), but may require the approval of the Architectural Review Board and will require a zoning permit. Small-scale projects include:

- i. Minor Site Plan modifications such as parking lot alterations or expansions, landscape modifications and utility modifications;
- ii. Exterior façade changes to commercial buildings;
- iii. Small building additions with fewer than five hundred (500) sq. ft. of building coverage or containing fewer than five hundred (500) sq. ft. of gross interior floor space.
- iv. Exterior staircases mandated by the Fire Marshal.
- v. Handicap ramp and elevators mandated by the Building Official for public safety.

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 Time to complete project

All work in connection with any site plan shall be completed within the timeframes specified by the Connecticut General Statutes.

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 the timeframes allowed by the Connecticut General Statutes.

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, of a site plan or modified site plan, the applicant to post a financial guarantee in the form of a bond, a bond with surety or similar instrument satisfactory to the Commission in order to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality and (B) the implementation of any erosion and sediment controls required during construction activities. 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 bank 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.(748, 11/11/2018)

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.

§44 SPECIAL PERMIT AND/OR SITE PLAN DOCUMENTS, STANDARDS AND OBJECTIVES

Revised 08-05-16

Contents:

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- 44-7 Division of Land in Mixed Use Developments**

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 Town's Geographic Information Systems (GIS) Map. The map shall show the subject

property and all adjoining property including those properties directly across a street. The following additional information shall be submitted and the following action taken to assure notice to all interested parties: (754, 02/03/2019; 803, 11/19/2021)

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, and the Planning and Zoning Office, shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.(754, 02/03/2019)

44-1.3 Existing Conditions Map

One (1) copy of an accurate scaled survey map of the property prepared by a registered land surveyor licensed to practice in the State of Connecticut 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 certify that the horizontal accuracy of the information on the map meets the standards for "Class A-2" accuracy, and any vertical accuracy meets the standards for "Class T-2" or Class V-2" accuracy, as required, as defined in Sec. 20-300b-11 of the Regulations of Connecticut State Agencies, and shall include all existing property lines, easements, rights-of-way, contours at intervals of two feet based on the North American Vertical Datum of 1988 or NAVD88, 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, curb cuts, edges-of-pavement, sidewalks, light poles, utility poles, catch basins, manholes, hydrants and other similar physical features. An electronic version of the plan in PDF format shall also be submitted. (803, 11/19/2021)

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 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

One (1) copy of an accurate scale plan, prepared and sealed by a registered engineer or land surveyor licensed to practice in the State of Connecticut 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 as described in 44-1.3. An electronic version of the plan in PDF format shall also be submitted. The site plan shall illustrate the proposed development of the property and shall include the following information:(803, 11/19/2021)

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 based on the North American Vertical Datum of 1988 or NAVD88.([803](#), 11/19/2021)
- 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.([803](#), 11/19/2021)
- 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.

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. Plant selection shall be made per the Approved Tree List provided at the end of [§35](#), Landscaping, Screening and Buffer Areas.

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

One (1) copy of [preliminary] architectural drawings of all proposed buildings and structures, to be drawn at a minimum scale of one-eighth inches equals one-foot (1/8" = 1'). An electronic version of the drawings in PDF format shall also be submitted. The drawings shall show the following information:

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

One (1) copy of architectural drawings of all proposed buildings and structures, to be drawn at a minimum scale of one-eighth inches equals one-foot (1/8" = 1'). An electronic version of the drawings in PDF format shall also be submitted. The drawings shall show the following information:([803](#), 11/19/2021)

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 plans indicating existing & proposed usage interior floor area and/or patron floor area. All building floor plans shall indicate floor area dimensions.

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
- Town Engineer
- Flood and Erosion Control Board
- RTM Waterway Protection Lines
- Architectural Review Board
- Historic District Commission
- Westport Housing Authority
- Police Chief
- Fire Chief/Fire Marshall
- Board of Selectman/Traffic Authority/Water Pollution Control authority.
- Tree Board.

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 evidence that such State or Federal agency approvals appear to have a reasonable probability of success. In the event that any State or Federal agency has a policy that precludes the provision of such decision until after the Planning & Zoning Commission has rendered its decision, the Planning & Zoning Commission may waive this requirement. If the Commission

determines that a State or Federal agency's approval has a material impact on the approved application, further review by the Commission shall be required.

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 twenty-five (25) and on hundred (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 fifteen (15) or more new residential dwelling units, forty (40) or more parking spaces in a new or expanded parking lot or any project over ten thousand (10,000) square feet of gross floor area in a new or expanded building or group of buildings. The requirements listed above shall be applicable to any site or adjacent and interrelated sites that exceed these thresholds over a five (5) year period.

The traffic impact analysis shall include the following information, unless approved by the Planning and Zoning Commission to waive any of these requirements:

- 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,
- existing and projected volume/capacity ratios,
- conduct of a speed study on an adjacent street to the project site to determine an 85th percentile speed for intersection site distance requirement calculations or submission of speed data sufficient to calculate

the 85th percentile speed from the Connecticut Department of Transportation gathered within the past eighteen (18) months,

- Existing and proposed sightlines based on facts and reasonable generation factors for the site and affected road networks and intersections.
- Data for this analysis shall include data derived from the most recent baseline traffic study prepared for the town of Westport, as amended from time to time, as an additional basis for background traffic assumptions. The applicant shall provide any data gathered or projections made in electronic format so that such new data can be incorporated into and used to update the town's baseline traffic model,
- The Commission may at its discretion require additional data and analysis, which the Commission deems necessary to supplement, improve and enhance the accuracy of the traffic data related to the application.

The Planning and Zoning Commission may waive any of the above listed requirements.

- 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 the design procedures set forth in the Connecticut Department of Transportation, Highway Design Manual, §11-2, (as amended). The Design Speed for calculation of sight distance shall be the 85th percentile speed at each site driveway, as defined in §6-2.01(7) of the Highway Design manual, and as determined by filed measurements. Driveways 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 at the intersection, 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 any movement at the intersection, 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 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.

- 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 a 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 access ways 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 access ways.
- 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, back around 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 access ways.
- 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 each case whether proposed use will:

1. Be in conformance with the Plan of Conservation and 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;
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, 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:

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

Contents:

45-1 Zoning Enforcement Officer

45-2 Enforcement

45-3 Zoning Permit

45-4 Section Deleted

45-5 Building Permits

45-6 Foundation Verification

45-7 Utility Verification

45-8 Zoning Certificate of Compliance

45-9 Conditional Zoning Certificate of Compliance

45-10 Filing of Record Maps

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 these regulations shall also be interpreted to include the Director of Planning and Zoning, the Deputy Director of Planning and Zoning, the Zoning Official, 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, curb cuts, 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 three (3) 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 DEEP Permit and/or Army Corps of Engineer's 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 S

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 Section Deleted

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 Jessup 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 Department of Public Works (DPW) or a Septic System Permit has been issued by Westport-Weston Health District (WWHD), where applicable.

45-9 Conditional Zoning Certificate of Compliance

When the required site work, as defined §8-26c(c) of the CT General Statutes, or any improvements that will be conveyed to or controlled by the municipality 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 §37-1, §43-13 and §43-14 herein, to guarantee satisfactory completion of the site work, as defined in §8-26c(c) of the CT General Statutes, or any improvements that will be conveyed to or controlled by the municipality 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 by the Commission. (748, 11/11/2018)

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

Revised 02-24-14

Contents:

- 46-1 Purpose of the Board**
- 46-2 Establishment of the Board**
- 46-3 Powers and Duties**
- 46-4 Zoning Board of Appeals Procedures**
- 46-5 Procedures for Variances in Flood Hazard Zones Pursuant to §31-11**
- 46-6 Public Hearing**
- 46-7 Board Action**
- 46-8 Notice of Decision**
- 46-9 Effective Date**

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 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.

46-3.2.1

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.

46-3.2.2

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.

46-3.2.3

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.

46-3.2.4

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.

46-4 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.

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.

The following information shall be submitted and the following action taken to assure notice to all interested parties:[\(754, 02/03/2019\)](#)

46-4.1

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.

[\(754, 02/03/2019\)](#)

46-4.2

A list of names and addresses of all property owners within five-hundred (500) feet of the subject property when located in a Res AA or AAA zone; OR within two-hundred fifty (250) feet of the subject property when located in a Res A or any other residential or non-residential zone not already referenced in this section herein.

[\(754, 02/03/2019\)](#)

46-4.3

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, and the Planning and Zoning Office, shall receive a notice indicating that an application has been submitted to the Zoning Board of Appeals.

[\(754, 02/03/2019\)](#)

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;
- n. 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

Revised 05-26-78

Contents:

47-1 Severability

47-2 Repealed

47-3 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 Repealed

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.

SUBDIVISION REGULATIONS

§51 GENERAL REQUIREMENTS

Revised 05-26-78

Contents:

- 51-1 Purpose**
- 51-2 Definitions**
- 51-3 Waiver**
- 51-4 Map Required**
- 51-5 Approval**
- 51-6 Penalties for Violations**

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 travel path 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

Revised 02-24-14

Contents:

- 52-1 Purpose**
- 52-2 Submission of Required Materials**
- 52-3 Required Materials**
- 52-4 Applications**
- 52-5 Other Reports and Documents**
- 52-6 Standards for Subdivisions in Flood Hazard Areas**
- 52-7 Other Evidence**

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 or an authorization letter from the property owner shall be submitted.(803, 11/19/2021)

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 one (1) copy of a map of existing conditions, prepared by and bearing the seal of a land surveyor licensed to practice in the State of Connecticut. Said map shall certify that the horizontal accuracy of the information on the map meets the standards for "Class A-2" accuracy, and any vertical accuracy meets the standards for "Class T-2" or Class V-2" accuracy, as required, as defined in Sec. 20-300b-11 of the Regulations of Connecticut State Agencies. An electronic version of each survey and drawing in PDF format shall also be submitted. The map shall show the following:([803](#), 11/19/2021)

52-4.3.1

Existing buildings and structures and existing street lines, zoning district boundary line, easements and rights-of-way with dimensions.

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, coastal jurisdiction line and channel encroachment lines.

52-4.3.4

Existing street lines.

52-4.3.5

Existing 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

Existing contours at an interval not exceeding two (2) feet based on the North American Vertical Datum of 1988 or NAVD88 with source of the contours noted on the map.([803](#), 11/19/2021)

52-4.3.7

Key elevations of existing adjoining roads.

52-4.3.8

Existing parks, recreation areas and open spaces.

52-4.3.9

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.

52-4.3.10

Location map drawn at a scale of one (1) inch equals eight hundred (800) or one thousand (1,000) feet showing location of subdivision and relation to primary roads in town.([803](#), 11/19/2021)

52-4.3.11

Name of subdivision and applicant and names of those having any beneficial interests.

52-4.3.12

Title, date, graphic scale, name of Town and north point

52-4.3.13

Name of engineer or land surveyor preparing map.([803](#), 11/19/2021)

52-4.3.14

The map shall be drawn to a scale of not smaller than one hundred (100) feet to the inch.

52-4.4 Subdivision Map

One (1) copy of a subdivision map shall be submitted, prepared by and bearing the seal of a land surveyor licensed to practice in the State of Connecticut. The map shall not exceed twenty-four by thirty-six inches (24"x36"). The subdivision map shall certify that the horizontal accuracy of the information on the map meets the standards for "Class A-2" accuracy, and any vertical accuracy meets the standards for "Class T-2" or "Class V-2" accuracy, as required, as defined in Sec. 20-300b-11 of the Regulations of Connecticut State Agencies. An electronic version of the subdivision map in PDF format shall also be submitted. The map shall show the following:([803](#), 11/19/2021)

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 monumental 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.

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, location of percolation test holes and all test pits, catch basins, manholes, ditches, waterbodies, watercourses, headwalls, sidewalks, curbs, gutters, bridges, culverts, underground utilities and all other structures pertaining to streets, drainage and sewers. One (1) copy of plans and profile drawings shall be submitted, prepared by and bearing the seal of a land surveyor or engineer, that shall not exceed twenty-four (24) x thirty-six (36) inches in size, and shall be drawn to a horizontal scale not to exceed one (1) inch to forty (40) feet . Profile drawings and elevations shall be based on the North American Vertical Datum of 1988 or NAVD88. 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. An electronic version of the plans in PDF format shall also be submitted. (803, 11/19/2021)

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 one (1) copy of a grading plan prepared by a land surveyor or engineer, licensed to practice in the State of Connecticut, 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 the North American Vertical Datum of 1988 or NAVD88. An electronic version of the plan in PDF format shall also be submitted. (803, 11/19/2021)

52-4.7 Notice Mailing**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 the following reports and documents as are

applicable.(803, 11/19/2021)

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

One (1) copy of 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. An electronic version of the plans in PDF format shall also be submitted.

(803, 11/19/2021)

52-5.8 History of Property

One (1) copy of a narrative and accompanying deed history describing how the application qualifies for a Subdivision or Resubdivision. An electronic version of this information in PDF format shall also be submitted.
(803, 11/19/2021)

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 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

Contents:

- 53-1 Completeness, Date of Submission and Date of Receipt**
- 53-2 Regional Referral**
- 53-3 Public Hearing**
- 53-4 Commission Review**
- 53-5 Commission Action**
- 53-6 Extension of Time**
- 53-7 Notice of Decision**
- 53-8 Map Endorsement**
- 53-9 Bonding**
- 53-10 Delivery and Filing**
- 53-11 Completion of Work**
- 53-12 Release of Bond**
- 53-13 Zoning Certificate of 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

if 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 an 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 work, as defined in §8-26c(c) of the CT General Statutes, 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 contingency amount not to exceed ten percent of such costs, 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 bank 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.(748, 11/11/2018)

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:

1. Subdivision approved on or before October 1, 1989 - 7 years
2. 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

Revised 08-01-05

Contents:

- 54-1 Purpose**
- 54-2 Streets**
- 54-3 Classification of Streets**
- 54-4 Street Width**
- 54-5 Street Alignment**
- 54-6 Street Gradient**
- 54-7 Intersections**
- 54-8 Sight Distances**
- 54-9 Relation of Adjoining Areas**
- 54-10 Cul-de-Sac**
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- 54-12 Street Names and Street Address Numbers**
- 54-13 Street Monuments and Signs**
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- 54-15 Street Lines**
- 54-16 Street and Driveway Planning**
- 54-17 Lots**
- 54-18 Utility Easements**
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- 54-20 Pedestrian and Conservation Easements**
- 54-21 Park, Recreation and Open Space Areas**
- 54-22 Flood Prone Areas**
- 54-23 Aquifer Impact**
- 54-24 Solar Access and Design**

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) streets shall intersect at any one (1) point.([770](#), 08/06/2019)

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 building 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 Plan of Conservation and 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

Revised 08-20-01

Contents:

- 55-1 Approval of Improvements**
- 55-2 Street Construction and Design**
- 55-3 Storm Drainage Construction and Design**
- 55-4 Sanitary Sewers**
- 55-5 Special Structures**
- 55-6 Other Utilities**
- 55-7 Monuments and Pins**
- 55-8 Trees**
- 55-9 Sidewalks**
- 55-10 Sediment & Erosion Control Plan**
- 55-11 Construction Procedure**

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 whole 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 and 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

Revised 05-26-78

Contents:

- 56-1 Purpose**
- 56-2 Procedural Requirements**
- 56-3 Standards and Conditions**
- 56-4 Use of Open Space**
- 56-5 Ownership of Open Space**
- 56-6 Final Approval**

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 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
- 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 Connecticut Department of Energy & Environmental Protection (DEEP).

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 access way, 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

Revised 05-26-78

Contents:

57-1 Severability

57-2 Repealed

57-3 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 Repealed

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 approve subdivisions shall remain in effect.

57-3 Effective Date

These Regulations shall take effect on August 15, 1990 as amended.

APPENDIX A - LAND USE FEES

Effective 05-04-15

Pursuant to Public act 82-282, as the same may be amended from time to time, the following schedule of fees is adopted Effective May 04, 2015 (Pursuant to PA 09-03), Sec. 22a-27j of the CT General Statutes requires that an additional fee of \$60.00 (sixty dollars) be collected for remittance to the State.

PLANNING & ZONING APPLICATIONS			
	PERMIT \$	STATE FEE \$	TOTAL \$
<u>Town Plan Amendment (Text and/or Map):</u>	\$500.00	\$60.00	\$560.00
<u>Zoning Amendment:</u>			
Text Change	\$500.00	\$60.00	\$560.00
Map Change	\$500.00	\$60.00	\$560.00
<u>Special Permits:</u>			
Special Permit	\$600.00	\$60.00	\$660.00
CAM Special Permit	\$650.00	\$60.00	\$710.00
<u>Site Plans:</u>			
Site Plan Waiver (<i>approved by P&Z Director</i>)	\$225.00	<i>No State Fee</i>	\$225.00
Site Plan (<i>to be heard by P&Z Commission</i>)	\$600.00	\$60.00	\$660.00
Commercial CAM Site Plan	\$650.00	\$60.00	\$710.00
<u>Excavation & Fill:</u>			
All Excavation and Fill Applications (<i>to be heard by P&Z Commission</i>)	\$600.00	\$60.00	\$660.00
<u>Subdivision/ Resubdivision:</u>			
Subdivision	\$650.00	\$60.00	\$710.00
Each additional lot in excess of two lots add:	\$150.00		\$150.00
<u>Revised Plans for any of the above which require additional staff review will pay half the fee listed above:</u>	See fees listed above		

ZONING BOARD OF APPEALS			
	APPLICATION \$	STATE FEE \$	TOTAL \$
Residential Uses	\$300.00	\$60.00	\$360.00
Commercial Uses	\$600.00	\$60.00	\$660.00
Appeal of ZEO Decisions	No Fee		
Signs	\$225.00	\$60.00	\$285.00
<u>Revised Plans for any of the above which require additional staff review will pay half the fee listed above.</u>	See fees listed above		

APPENDIX A-1

ZONING FEES				
	PERMIT \$	INSPECTION \$	STATE FEE \$	TOTAL \$
<u>Permits:</u>				
Free-Standing Sign Permit and ZCC	\$40.00	\$40.00	\$60.00	\$140.00
Wall Sign Permit and ZCC	\$40.00	\$40.00	\$60.00	\$140.00
Free-Standing Portable Sign	\$40.00		\$60.00	\$100.00

Outdoor Special Event	\$140.00	No Fee	\$60.00	\$200.00
Outdoor Eating Area	\$140.00	No Fee	\$60.00	\$200.00
Zoning Permit Renewal or Extension: <i>of a Zoning Permit will be 10% of the original permit fee.</i>				
	PERMIT \$	INSPECTION \$	STATE FEE \$	TOTAL \$
ZCC Fee for Special Permit Use in Residential Zones <i>(Add this ZCC fee to Project fee below)</i>		\$50.00		\$50.00
ZCC Fee for New House/Commercial/Multi-Family Interiors <i>(Add this ZCC fee to Project fee below)</i>		\$75.00		\$75.00
ZCC Fee for Commercial/Multi-Family Projects <i>(Add this ZCC fee to Project fee below)</i>		\$150.00		\$150.00
Additional Inspections: if required for incomplete projects, must pay the inspection fees listed again per inspection.		See fees listed above		
Residential Project Fee Calculation:	PERMIT \$	INSPECTION \$	STATE FEE \$	TOTAL \$
Residential, (minimum fee)	\$40.00	\$40.00	\$60.00	\$140.00
New Construction and/or Alteration based on the cost of the project as per costs below:				
Residential project = "UP TO" \$100,000		\$2/ \$1000 of construction cost + Inspection + State Fee		
Residential project = "OVER" \$100,001 up to \$499,999+		\$3/ \$1000 of construction cost + Inspection + State Fee		
Residential project = "OVER" \$500,000		\$4/ \$1000 of construction cost + Inspection + State Fee		
Special Permit in Residence Zone, Project Fee Calculation:	PERMIT \$	INSPECTION \$	STATE FEE \$	TOTAL \$
Special Permit in Residential Zone, (minimum fee)	\$50.00	\$50.00	\$60.00	\$160.00
New Construction and/or Alteration based on the cost of the project as per costs below:				
Special Permit project = "UP TO" \$100,000		\$3/ \$1000 of construction cost + Inspection + State Fee		
Special Permit project = "OVER" \$100,001 up to \$499,999+		\$4/ \$1000 of construction cost + Inspection + State Fee		
Special Permit project = "OVER" \$500,000 up to \$999,999		\$5/ \$1000 of construction cost + Inspection + State Fee		
Special Permit project = "OVER" \$1,000,000		\$6/ \$1000 of construction cost + Inspection + State Fee		

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Commercial Project Fee Calculation:	PERMIT \$	INSPECTION \$	STATE FEE \$	TOTAL \$
Commercial, (minimum fee)	\$75.00	\$75.00	\$60.00	\$210.00
New Construction and/or Alteration based on the cost of the project as per costs below:				
Commercial project = "UP TO" \$100,000		\$5/ \$1000 of construction cost + Inspection + State Fee		
Commercial project = "OVER" \$100,001 up to \$499,999		\$7/ \$1000 of construction cost + Inspection + State Fee		
Commercial project = "OVER" \$500,000 up to \$999,999		\$8/ \$1000 of construction cost + Inspection + State Fee		
Commercial project = "OVER" \$1,000,000		\$9/ \$1000 of construction cost + Inspection + State Fee		
Inspection for Mortgage Purposes:		INSPECTION \$		TOTAL \$
Residential		\$250.00		\$250.00
Commercial		\$350.00		\$350.00

CONDITIONAL - ZONING CERTIFICATE OF COMPLIANCE		
	INSPECTION \$	TOTAL \$
Residential	\$40.00	\$40.00
Commercial	\$75.00	\$75.00

MISCELLANEOUS FEES

Zoning Map	\$12.50
Plan of Conservation and Development	\$15.50
Substantial Improvement Review	\$75.00
Map Sign Off for Building Lot Determination & First Cut	\$100.00
Map Sign Off for Lot Line Revisions & Mylar filings	\$25.00
Map Sign Off by P&Z Chairman for Subdivisions	\$40.00
Generator/ AC Unit Sign Off	\$35.00
Map & List for Notification Requirements	\$25.00
<i>State Liquor Permit Sign Off</i>	
Permanent Liquor Sales	\$25.00
Special Events	<i>No Fee</i>
Other State Licenses Requiring Zoning Signoff	\$25.00
<i>Copies from files:</i>	
Copy sizes Up to 11x17 = \$.50 ea.	
Copy sizes Larger Than 11x17 = \$ 5.00 ea.	
Printout of GIS Maps and Tax Assessor Cards = \$1.00 ea.	

Footnotes:

1. Any application for which approvals are sought after the fact or correction of a violation shall pay double the fees listed above.
2. A missed zoning permit appointment or inspection that is not canceled at least 24 hours prior to scheduled time shall be subject to a fee of \$50.00.
3. Zoning permit for new construction may be subject to a minimum per square foot calculation when determining the estimated cost of construction.
4. The Zoning Permit fee shall be paid again if a permit is revoked due to a violation before the permit can be reissued.

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APPENDIX C - AMENDMENT HISTORY LIST

from 02/16/2018 to current

Effective Date	Affected Section	Amendment Number	Amendment Description
02/03/2019	44-1.2	754	Expands existing notice requirements related to certificate of mailing process for Site Plans and Special Permits to include the Planning and Zoning Department as a recipient.
02/03/2019	44-1.2.2	754	Expands existing notice requirements related to certificate of mailing process for Site Plans and Special Permits to include the Planning and Zoning Department as a recipient.
02/03/2019	46-4	754	Adds standards for notice requirements for applications submitted to the Zoning Board of Appeals consistent with what currently appears on the application checklist.
02/03/2019	46-4.1	754	Adds standards for notice requirements for applications submitted to the Zoning Board of Appeals consistent with what currently appears on the application checklist.
02/03/2019	46-4.2	754	Adds standards for notice requirements for applications submitted to the Zoning Board of Appeals consistent with what currently appears on the application checklist.
02/03/2019	46-4.3	754	Adds standards for notice requirements for applications submitted to the Zoning Board of Appeals consistent with what currently appears on the application checklist.
11/25/2018	Automobile Dealership, Electric Vehicle	755	Definition of Electric Vehicle Automobile Dealerships (EVAD) and service centers for sites that meet specific criteria as of the effective date of the amendment.
02/10/2019	Coastal AE Zone	759	Adds definitions for Coastal AE Zone, Coastal High Hazard Area, Limit of Moderate Wave Action and modifies the definitions of Special Flood Hazard Area and Unfinished Living Space.
02/10/2019	Coastal High Hazard Area	759	Adds definitions for Coastal AE Zone, Coastal High Hazard Area, Limit of Moderate Wave Action and modifies the definitions of Special Flood Hazard Area and Unfinished Living Space.
02/10/2019	Limit of Moderate Wave Action (LiMWA)	759	Adds definitions for Coastal AE Zone, Coastal High Hazard Area, Limit of Moderate Wave Action and modifies the definitions of Special Flood Hazard Area and Unfinished Living Space.
02/10/2019	Special Flood Hazard Area	759	Adds definitions for Coastal AE Zone, Coastal High Hazard Area, Limit of Moderate Wave Action and modifies the definitions of Special Flood Hazard Area and Unfinished Living Space.
02/10/2019	Unfinished Living Space	759	Adds definitions for Coastal AE Zone, Coastal High Hazard Area, Limit of Moderate Wave Action and modifies the definitions of Special Flood Hazard Area and Unfinished Living Space.
02/10/2019	31-11.1	759	Corrects the use of the term "Flood Plain" to "Floodplain".
02/10/2019	31-11.2	759	Modifies Floodplain Regulations to be consistent with 2015 International Residential Code (IRC) and to require one foot of "freeboard" above Base Flood Elevation.
02/10/2019	31-11.3.1	759	Modifies Floodplain Regulations to be consistent with 2015 International Residential Code (IRC) and to require one foot of "freeboard" above Base Flood Elevation.
02/10/2019	31-11.3.2	759	Modifies Floodplain Regulations to be consistent with 2015 International Residential Code (IRC) and to require one foot of "freeboard" above Base Flood Elevation. Modifies the use of the term "Flood Plain" and "Flood Proof" to the corrected FEMA terms of "Floodplain" and "Floodproof". In addition, the hierarchy of the section has been corrected.
02/10/2019	31-11.3.3	759	Modifies Floodplain Regulations to be consistent with 2015 International Residential Code (IRC) and to require one foot of "freeboard" above Base Flood

			Elevation.
02/10/2019	31-11.3.4	759	Modifies Floodplain Regulations to be consistent with 2015 International Residential Code (IRC) and to require one foot of "freeboard" above Base Flood Elevation.
02/10/2019	31-11.3.5	759	Modifies Floodplain Regulations to be consistent with 2015 International Residential Code (IRC) and to require one foot of "freeboard" above Base Flood Elevation.
02/10/2019	31-11.4.1	759	Modifies Floodplain Regulations to be consistent with 2015 International Residential Code (IRC) and to require one foot of "freeboard" above Base Flood Elevation.
02/10/2019	31-11.5.2	759	Modifies Floodplain Regulations to be consistent with 2015 International Residential Code (IRC) and to require one foot of "freeboard" above Base Flood Elevation.
02/10/2019	34-5	764	Modifies the minimum parking requirements for Medical use from 1 space per 165 SF (or 6 per 1,000 SF) to 1 space per 200 SF (or 5 per 1,000 SF).
11/11/2018	32-8.5.4	748	Modify to bring Westport's bonding regulations in line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by municipality and the implementation of any erosion and sediment controls required during construction activities.
11/11/2018	35-2.1.3	748	Modify to bring Westport's bonding regulations in line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by municipality and the implementation of any erosion and sediment controls required during construction activities.
11/11/2018	43-12	748	Modify to bring Westport's bonding regulations in line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by municipality and the implementation of any erosion and sediment controls required during construction activities.
11/11/2018	45-9	748	Modify to bring Westport's bonding regulations in line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by municipality and the implementation of any erosion and sediment controls required during construction activities.
11/11/2018	53-9	748	Modify to bring Westport's bonding regulations in line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by municipality and the implementation of any erosion and sediment controls required during construction activities.
11/25/2018	22-2.2.2	752	Modify §22.2.2.2 to relax the standards and create opportunities for fitness centers and exercise facilities to locate in the RORD #3 by allowing up to four (4) Fitness Centers, up to 2,700 SF in size, with a main exercise area to be up to 1,100 SF, serving up to 25 clients at any one time.
11/25/2018	Change of Use	753	Modified Change of Use definition to: 1. Clarify Site Plan approval is only required when a Change of Use generates a demand that must be supplied by the construction of or designation of more than three parking spaces. Designation can mean painting existing pavement to stripe a parking space; and 2. Remove language requiring Site Plan approval to occupy commercial tenant space that has been vacant for more than 1-year.
11/25/2018	6-6.2	755	Modify §6-6.2 to provide incentives for the conversion of non-conforming gasoline-fueled automobile dealerships to Electric Vehicle Automobile Dealerships (EVAD) and service centers for sites that meet specific criteria as of the effective date of the amendment.
11/25/2018	6-6.2.1	755	Modify §6-6.2 to provide incentives for the conversion of non-conforming gasoline-fueled automobile dealerships to Electric Vehicle Automobile Dealerships (EVAD) and service centers for sites that meet specific criteria as of the effective date of the amendment.
			Modify §6-6.2 to provide incentives for the conversion of non-conforming gasoline-

11/25/2018	<u>6-6.2.2</u>	755	fueled automobile dealerships to Electric Vehicle Automobile Dealerships (EVAD) and service centers for sites that meet specific criteria as of the effective date of the amendment.
11/25/2018	<u>6-6.2.4</u>	755	Modify §6-6.2 to provide incentives for the conversion of non-conforming gasoline-fueled automobile dealerships to Electric Vehicle Automobile Dealerships (EVAD) and service centers for sites that meet specific criteria as of the effective date of the amendment.
11/25/2018	<u>6-6.2.5</u>	755	Modify §6-6.2 to provide incentives for the conversion of non-conforming gasoline-fueled automobile dealerships to Electric Vehicle Automobile Dealerships (EVAD) and service centers for sites that meet specific criteria as of the effective date of the amendment.
11/25/2018	<u>6-6.2.6</u>	755	Modify §6-6.2 to provide incentives for the conversion of non-conforming gasoline-fueled automobile dealerships to Electric Vehicle Automobile Dealerships (EVAD) and service centers for sites that meet specific criteria as of the effective date of the amendment.
11/25/2018	<u>6-6.2.7</u>	<u>755</u>	Modify §6-6.2 to provide incentives for the conversion of non-conforming gasoline-fueled automobile dealerships to Electric Vehicle Automobile Dealerships (EVAD) and service centers for sites that meet specific criteria as of the effective date of the amendment.
07/13/2019	<u>6-2.1.4</u>	<u>762</u>	1. Change to Sec. 6-2.1.4 to add language to more clearly distinguish there is a difference between a non-conforming use versus a use permitted by variance.
07/13/2019	<u>6-2.2</u>	<u>762</u>	1. Change to Sec. 6-2.2 to eliminate language that conflicts with existing language contained in Sec. 6-2.1 identifying under what circumstances a coverage variance is needed.
08/06/2019	<u>54-7.1</u>	<u>770</u>	Modify language to more clearly describe no more than two streets shall intersect at any one point to clarify a future third street or right-of-way from being located where two streets already intersect requires a waiver from the Planning and Zoning Commission pursuant to §51-3 of the Subdivision Regulations.
08/06/2019	<u>24A-5</u>	<u>771</u>	Modify Height in the General Business District/Saugatuck (GBD/S) to increase the maximum allowed height and number of stories.
08/06/2019	<u>24A-8.1</u>	<u>771</u>	Modify Floor Area Maximum in the General Business District/Saugatuck (GBD/S) to increase the allowed floor area for buildings and to restrict the total of gross interior floor area of retail establishments.
08/06/2019	<u>27-1</u>	<u>773</u>	Text Amendment #773 modifies the text of the Corporate Park District regulations in order to allow Medical Uses as a special permit use.
08/06/2019	<u>27-2.2.1</u>	<u>773</u>	Text Amendment #773 modifies the text of the Corporate Park District regulations in order to allow Medical Uses as a special permit use.
08/06/2019	<u>32-12.2.3</u>	<u>772</u>	Add new §32-12.2.3 allowing a density and bedroom increase and allowing for exclusion of residentially zoned lot area when measuring gross lot area for purposes of determining allowable density and bedrooms, on lots located in both the General Business District and Residence A District when an existing non-conforming septic tank manufacturing company with associated contractor's yard will be abandoned by a proposed Multi-Family dwelling use.
08/06/2019	<u>32-12.7.2.4</u>	<u>772</u>	Add new §32-12.7.2.4 eliminating the requirement for a non-residential use on lots located in both the General Business District and Residence A District when an existing non-conforming septic tank manufacturing company with associated contractor's yard will be abandoned by a proposed Multi-Family use.
08/06/2019	<u>32-12.12.4</u>	<u>772</u>	Add new §32-12.12.4, requiring all Maximum Fill or Excavation Quantity standards listed in §32-8.2.3 shall be adhered to with the exception that a fill height ratio of up to 0.50 relative to the distance from the property line shall be permitted in the side and rear yard setbacks and within five-feet (5') of the property line in order to create a landscape feature designed to provide screening to adjacent properties for Inclusionary Two-Family and Multi-Family Dwellings on split-zoned lots located in both the General Business District and Residence A District when an existing non-conforming septic tank manufacturing company with associated contractor's yard will be abandoned by a proposed Multi-Family dwelling use.
			Add new §32-12.12.5, requiring all standards listed in §32-8.3.2 shall be adhered with the exception that slopes of up to one vertical to two horizontal (1V:2H) shall

08/06/2019	32-12.12.5	772	be permitted in the side and rear yard setbacks and within five-feet (5') of the property line in order to create a landscape feature designed to provide screening to adjacent properties for Inclusionary Two-Family and Multi-Family Dwellings on split-zoned lots located in both the General Business District and Residence A District when an existing non-conforming septic tank manufacturing company with associated contractor's yard will be abandoned by a proposed Multi-Family use.
08/06/2019	32-12.17	772	Add new §32-12.17, Sunset Provision, to impose a time limit to utilize the adopted text in subsections §32-12.2.3, §32-12.7.2.4, §32-12.12.4, and §32-12.12.5.
03/30/2020	Berm	775	Add new Definition for Berm
03/30/2020	Dunes	775	Add new definition for Dunes
03/30/2020	32-8.3.2	775	Modify section to allow for slopes greater than 20% for dunes created as part of beach nourishment and/or replenishment projects, if recommended by CT DEEP's Land and Water Resources Division due to site characteristics. Correct typographical error to make consistent with Text Amendment #628, effective 4/8/2011, which modifies Section 32-20.2 Special Requirements for Outdoor Eating Areas.
03/30/2020	32-8.4.1	775	Modify section to exempt the requirements that that a layer of arable soil of reasonable depth be spread over the premises upon the completion of a beach nourishment and/or replenishment project. Correct typographical error to make consistent with Text Amendment #628, effective 4/8/2011, which modifies Section 32-20.2 Special Requirements for Outdoor Eating Areas.
06/03/2020	Special Needs Individuals:	778	A. Added a definition to §5-2 for "Special Needs Individuals," eligible to occupy proposed "Special Needs Housing;"
06/03/2020	13-2.1	778	C. Added "Special Needs Housing" to list of allowable uses in §13, Residence A district, subject to Special Permit approval with Special Conditions; and
06/03/2020	13-2.1.2	778	C. Added "Special Needs Housing" to list of allowable uses in §13, Residence A district, subject to Special Permit approval with Special Conditions;
06/03/2020	32-27	778	D. Added special conditions, standards, and location requirements for "Special Needs Housing" subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
06/03/2020	32-27.1	778	D. Added special conditions, standards, and location requirements for "Special Needs Housing" subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
06/03/2020	32-27.2	778	D. Added special conditions, standards, and location requirements for "Special Needs Housing" subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
06/03/2020	32-27.3.1	778	D. Added special conditions, standards, and location requirements for "Special Needs Housing" subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
06/03/2020	32-27-.3.2	778	D. Added special conditions, standards, and location requirements for "Special Needs Housing" subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
06/03/2020	32-27-3.3	778	D. Added special conditions, standards, and location requirements for "Special Needs Housing" subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
06/03/2020	32-27.4	778	D. Added special conditions, standards, and location requirements for "Special Needs Housing" subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
07/09/2020	24.2.2.9	776	Inclusion of Automobile Dealerships, New and Used, as Permitted Uses subject to Special Permit/Site Plan Approval in the GBD zoning district.
07/09/2020	24-2.4	776	Exempts from Prohibited Uses, Automobile Dealerships in operation at the effective date of the amendment in the GBD zoning district.
07/09/2020	24.6.1	776	Permits coverage exemptions for entryways no more than at total of 200 SF in the GBD zoning district.
07/09/2020	24-8.2	776	Exempts from FAR, floor area used for internal vehicular drop off and internal display areas for up to a total of five (5) vehicles in the GBD zoning district.
			Add new §32-26, Adaptive Reuse and Redevelopment of Nonresidential Buildings

07/23/2020	32-26.11.2	777	Add new §32-26, Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing to §32, Supplementary Use Regulations, that enables preservation and Adaptive Reuse and Redevelopment of existing non-residential buildings to be converted to Multi-Family Dwelling use on properties both listed on the Historic Resources Inventory (HRI) and located in the Residential A and B Districts
07/23/2020	32-26.12.1	777	Add new §32-26, Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing to §32, Supplementary Use Regulations, that enables preservation and Adaptive Reuse and Redevelopment of existing non-residential buildings to be converted to Multi-Family Dwelling use on properties both listed on the Historic Resources Inventory (HRI) and located in the Residential A and B Districts
07/23/2020	32-26.12.2	777	Add new §32-26, Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing to §32, Supplementary Use Regulations, that enables preservation and Adaptive Reuse and Redevelopment of existing non-residential buildings to be converted to Multi-Family Dwelling use on properties both listed on the Historic Resources Inventory (HRI) and located in the Residential A and B Districts
07/23/2020	32-26.13	777	Add new §32-26, Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing to §32, Supplementary Use Regulations, that enables preservation and Adaptive Reuse and Redevelopment of existing non-residential buildings to be converted to Multi-Family Dwelling use on properties both listed on the Historic Resources Inventory (HRI) and located in the Residential A and B Districts
07/23/2020	32-26.14	777	Add new §32-26, Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing to §32, Supplementary Use Regulations, that enables preservation and Adaptive Reuse and Redevelopment of existing non-residential buildings to be converted to Multi-Family Dwelling use on properties both listed on the Historic Resources Inventory (HRI) and located in the Residential A and B Districts
09/08/2020	32-20A	783	Adds a new Section 32-20A, Continuation of Temporary Outdoor Dining in Response to COVID-19, that extends until March 31, 2021 all the same provisions currently enabling Outdoor Activities for Restaurants pursuant to Executive Order No. 7MM issued by Governor Lamont until March 31, 2021 unless Executive Order No. 7 MM is repealed should it be necessary to contain the spread of COVID-19.
08/01/2020	32-28	784	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	32-28.1	784	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	32-28.2	784	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	32-28.3	784	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	32-28.3.1	784	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.

08/01/2020	<u>32-28.3.2</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.3.3</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.3.4</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.3.5</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.3.6</u>	<u>784</u>	
08/01/2020	<u>32-28.4</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.5</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.6</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.7</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.8</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
08/01/2020	<u>32-28.9</u>	<u>784</u>	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of

			COVID-19.
08/01/2020	32-28.10	784	Adds new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses) until March 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19.
01/20/2021	4-5	751	Remove existing language regarding Maximum Allowable Multi-Family Dwellings and replaces it with standards for Affordable Housing Developments.
01/20/2021	Affordable Housing Development, Attic	751	Adds a new definition for Affordable Housing Development
01/20/2021	~	751	
03/04/2021	31-10.7.5	779	Removed language from §31-10.7.5 requiring a public hearing for Coastal Site Plan Applications
03/04/2021	43-5.2	779	B. Removed language from §43-5.2 requiring a public hearing for "activities located within the Coastal Boundary;" and replaced it with language requiring a public hearing only for non-residential activities pursuant to §31-10.6 and any Shoreline Flood and Erosion Control Structures as defined in CGS §22a-109.
04/01/2021	32-20A	788	Modifies §32-20A allowing continuation of temporary zoning regulations "until further notice" enabling outdoor patron dining consistent with Executive Order #7MM, and clarifying the regulations also apply to retail establishments. The amendment additionally clarifies Outdoor Activities will be permitted for any new restaurant or retail establishment that has not yet applied for an Outdoor Activities approval.
04/01/2021	32-28.2	790	Modifies Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, to further extend until Dec. 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19, regulations that authorize temporary use of outdoor space for fitness studios by gyms, and sports centers (Fitness Businesses).
04/01/2021	32-28.7	790	Modifies Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, to further extend until Dec. 31, 2021 or until Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19, regulations that authorize temporary use of outdoor space for fitness studios by gyms, and sports centers (Fitness Businesses).
05/07/2021	11-2.4.4	791	§11-2.4.4, to modify Section 11-2.4, Permitted Accessory Building, Structures and Uses, to allow Accessory Dwelling Units in detached structures with associated zoning standards. Language is proposed to be removed limiting any accessory building or structure to 300 SF in size, one-story in height, or limited to two water use fixtures.
05/07/2021	11-2.4.9	791	
05/07/2021	11-2.4.10	791	§11-2.4.10 to modify section to require if renting either the principal or accessory dwelling unit the term of the lease must be at least (6) months.
05/07/2021	11-2.4.12	791	§11-2.4.12 to clarify that a single family dwelling may be converted to allow the incorporation of one (1) additional dwelling unit as a detached Accessory Dwelling Unit, and Accessory Apartment or a Pre-1959 apartment subject to a Zoning Permit.
05/07/2021	11-2.4.12A	791	§11-2.4.12A, to modify Accessory Apartments inside principal building, to increase allowable floor area and to remove requirement for Annual Certification.
05/27/2021	24-11	792	§24-11: Modified parking requirements for Unified Shopping Centers located entirely in the GBD that also have frontage on the Post Road.
05/27/2021	34-5	792	Modified parking requirements for Unified Shopping Centers per §24-11 to allow: • Ground Floor parking, 1 parking space per each 200 square feet of gross floor area; • Upper Floor parking, 1 parking space per each 300 square feet of gross floor area; • Basement space and Warehouse Storage space on upper floors, 1 parking space per each 500 square feet of gross floor area; and • Rugs/Furniture/Fabric Stores on any floor, 1 parking space per each 400 square

			feet of gross floor area.
06/09/2021	25-1	787	Modify §25-1, Purpose, to permit residential uses where automobile related uses are not displaced
06/09/2021	25-2.2.6	787	Modify §25-2, Special Permit Uses, to permit Multi-Family housing pursuant to the standards in §25-14.
06/09/2021	25-4	787	
06/09/2021	25-14 Adaptive Reuse To Residential Development	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development
06/09/2021	25-14.1 Setbacks	787	Modify §25-14.4, Setbacks, to remove conflicting language regarding setback from Residential District Boundary Line.
06/09/2021	25-14.2 Height	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development.
06/09/2021	25-14.3 Coverage	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development.
06/09/2021	25-14.4 Floor Area	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development.
06/09/2021	25-14.5 Density	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development.
06/09/2021	25-14.6 Landscaping	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development.
06/09/2021	25-14.7 Excavation and Fill	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development.
06/09/2021	25-14.8 Affordability Requirement	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development.
06/09/2021	25-14.9 CAP	787	Adds new §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced" with a 20% requirement for on-site affordable housing and a limit of one development.
07/01/2021	Bus Shelter, Structure	795	Modify §5-2, Specific Terms, to add a new definition for "Bus Shelters" where one did not exist before.
07/01/2021	35-2.2.1	795	Modify §35-2.2, Landscaping Area, Subsection §35-2.2.1, Location, to exempt Bus Shelters from the minimum thirty-foot front landscape setback area along all streets.
07/15/2021	6-6.3 Non-Conforming Medical Redevelopment	796	Modified §6, Non-Conforming Uses, Buildings and Lots
07/15/2021	6-6.3.1 Height	796	Modified §6, Non-Conforming Uses, Buildings and Lots
07/15/2021	6-6.3.2 Coverage	796	Modified §6, Non-Conforming Uses, Buildings and Lots
07/15/2021	6-6.3.3 Floor Area	796	Modified §6, Non-Conforming Uses, Buildings and Lots
07/15/2021	6-6.3.4 Parking and Loading	796	Modified §6, Non-Conforming Uses, Buildings and Lots
07/15/2021	6-6.3.5 Landscaping	796	Modified §6, Non-Conforming Uses, Buildings and Lots
07/15/2021	6-6.3.6 Fire Lanes	796	Modified §6, Non-Conforming Uses, Buildings and Lots
07/15/2021			Modified §6, Non-Conforming Uses, Buildings and Lots

	6-6.3.7 Setbacks	796	
07/24/2021	19C-1 PURPOSE	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-2 PARCELS ELIGIBLE FOR REZONING TO SV DISTRICT	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-3.1 PRINCIPAL USE	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-3.2.1	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-3.2.2	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-3.2.4	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-3.2.5	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-4 MAXIMUM DENSITY AND BEDROOMS	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-4.1 Maximum Number of Units	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-4.2 Bedrooms	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-4.2.1	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-4.2.2	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-5 BUILDING HEIGHT AND STORIES	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-6.1 MAXIMUM TOTAL COVERAGE	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-6.2 MAXIMUM BUILDING COVERAGE	760	Creating new zoning district §19C, Saugatuck Village District, or SV District.
07/24/2021	19C-7 BUILDING SETBACKS	760	
07/24/2021	19C-7.1 SETBACK FROM EXISTING ROADWAYS	760	
07/24/2021	19C-7.2 SETBACK FROM PROPERTY LINES	760	
07/24/2021	19C-7.3 SETBACK FROM SINGLE-FAMILY HOME	760	
07/24/2021	19C-8 USABLE OPEN SPACE	760	
07/24/2021	19C-9 PARKING CIRCULATION, AND LOADING	760	

07/24/2021	<u>19C-9.1 PARKING</u>	760	
07/24/2021	<u>19C-9.1.1</u>	760	
07/24/2021	<u>19C-9.1.2</u>	760	
07/24/2021	<u>19C-9.1.3</u>	760	
07/24/2021	<u>19C-9.2 PRIVATE ROADS</u>	760	
07/24/2021	<u>19C-10 SIGNAGE</u>	760	
07/24/2021	<u>19C-10.1 The Following signs are permitted in an SV District</u>	760	
07/24/2021	<u>19C-10.1.1</u>	760	
07/24/2021	<u>19C-10.1.2</u>	760	
07/24/2021	<u>19C-10.1.3</u>	760	
07/24/2021	<u>19C-10.1.4</u>	760	
07/24/2021	<u>19C-11 EXTERIOR LIGHTING</u>	760	
07/24/2021	<u>19C-12 LANDSCAPE, SCREENING, SIDEWALKS AND BUFFER AREAS</u>	760	
07/24/2021	<u>19C-12.1 LANDSCAPING, SCREENING AND BUFFERING</u>	760	
07/24/2021	<u>19C-12.2 SIDEWALKS</u>	760	
07/24/2021	<u>19C-13 UTILITIES</u>	760	
07/24/2021	<u>19C-13.1 WATER AND SEWER</u>	760	
07/24/2021	<u>19C-13.2 ZONING CERTIFICATE</u>	760	
07/24/2021	<u>19C-13.3 STORM DRAINAGE</u>	760	
07/24/2021	<u>19C-14 FIRE DEPARTMENT ACCESS</u>	760	
07/24/2021	<u>19C-15 EARTH MATERIALS EXCAVATION</u>	760	
07/24/2021	<u>19C-16 AMENITIES</u>	760	
07/24/2021	<u>19C-16.1 REFUSE AREA</u>	760	
07/24/2021	<u>19C-16.2 MAIL BOXES</u>	760	
	<u>19C-17 AFFORDABILITY</u>		

07/24/2021	PLAN COMPLIANT WITH GENERAL STATUTES 8-30G	760	
07/24/2021	19C-18 SITE PLAN DOCUMENTS REQUIRED TO BE SUBMITTED	760	
07/24/2021	19C-19 APPLICATION REQUIREMENTS	760	
07/24/2021	19C-19.1 REZONING	760	
07/24/2021	19C-19.2 SITE PLAN	760	
07/24/2021	19C-20 REQUIREMENTS FOR SV DISTRICT UNITS	760	
07/24/2021	19C-20.1 COMPARABLE QUALITY	760	
07/24/2021	19C-20.2 DISPERSAL	760	
07/23/2021	19C-20.3 AFFORDABILITY PLAN	760	
07/24/2021	19C-20.4 ENFORCEMENT	760	
07/24/2021	19C-3 USES PERMITTED BY SITE PLAN APPROVAL	790	Creating new zoning district §19C, Saugatuck Village District, or SV District.
08/13/2021	32-18.4	794	Adds zoning incentives to encourage preservation of historic, residentially zoned, Principal Buildings, allowing floor area expansion of medical uses previously approved by variance by the Zoning Board of Appeals (ZBA), minus any requirements on Home Occupations (residency requirements, limits on number of employees, etc.), on properties that meet the following criteria: Must have frontage on a collector or arterial street; Must adjoin a commercial zoning district, and/or Must be within 500 feet of a municipal (Town-owned) public parking lot.
08/13/2021	32-18.5	794	Adds zoning incentives to encourage preservation of historic, residentially zoned, Principal Buildings, allowing floor area expansion of medical uses previously approved by variance by the Zoning Board of Appeals (ZBA), minus any requirements on Home Occupations (residency requirements, limits on number of employees, etc.), on properties that meet the following criteria: Must have frontage on a collector or arterial street; Must adjoin a commercial zoning district, and/or Must be within 500 feet of a municipal (Town-owned) public parking lot.
08/13/2021	32-18.9.4	794	
08/13/2021	32-18.9.5 Limited Offices – Accessory Structures	794	Adds zoning incentives to encourage preservation of historic, residentially zoned, Principal Buildings, allowing floor area expansion of medical uses previously approved by variance by the Zoning Board of Appeals (ZBA), minus any requirements on Home Occupations (residency requirements, limits on number of employees, etc.), on properties that meet the following criteria: Must have frontage on a collector or arterial street; Must adjoin a commercial zoning district, and/or Must be within 500 feet of a municipal (Town-owned) public parking lot.
			Adds zoning incentives to encourage preservation of historic, residentially zoned,

08/13/2021	<u>32-18.11 Permitted Use of Historic Principal Structure</u>	794	Principal Buildings, allowing floor area expansion of medical uses previously approved by variance by the Zoning Board of Appeals (ZBA), minus any requirements on Home Occupations (residency requirements, limits on number of employees, etc.), on properties that meet the following criteria: Must have frontage on a collector or arterial street; Must adjoin a commercial zoning district, and/or Must be within 500 feet of a municipal (Town-owned) public parking lot.
08/13/2021	<u>Accessory Dwelling Unit</u>	798	§5-2, Adding a definition for Accessory Dwelling Unit.
08/13/2021	<u>11-2.4.4</u>	798	
08/13/2021	<u>11-2.4.8</u>	798	2. §11-2.4.8 Modifying section to restore zoning standards for allowable size and height for Accessory Buildings and Structures that are not Accessory Dwelling Units. The changes include the addition of language that states an accessory building or structure shall not exceed 300 square feet of gross floor area and shall not exceed one (1) story and a height of sixteen (16) feet; except for barns identified in §11-2.4.7.
08/13/2021	<u>11-2.4.8A</u>	798	3. §11-2.4.8A Adding a new section number to distinguish standards applicable to an Accessory Dwelling Unit.
09/15/2021	<u>Cannabis, Cannabis Establishments, Medical Dispensary Facility</u>	799	Adds definitions in §5-2 of the Zoning Regulations for "Cannabis" and "Cannabis Establishments;" renames and modifies the definition for "Dispensary Facility" to "Medical Dispensary Facility," and adds a new section to §31, Regulations Applying to All Districts, entitled §31-16, "Prohibition on Cannabis Establishments," prohibiting "Cannabis Establishments," with the exception of "Medical Dispensary Facilities," in all zoning districts in Westport.
09/15/2021	<u>31-16</u>	799	Adds definitions in §5-2 of the Zoning Regulations for "Cannabis" and "Cannabis Establishments;" renames and modifies the definition for "Dispensary Facility" to "Medical Dispensary Facility," and adds a new section to §31, Regulations Applying to All Districts, entitled §31-16, "Prohibition on Cannabis Establishments," prohibiting "Cannabis Establishments," with the exception of "Medical Dispensary Facilities," in all zoning districts in Westport.
10/15/2021	<u>31-11.3.4</u>	801	Modifies Floodplain Regulations to clarify language previously adopted in Text Amend. #759, to require floodproofing be required to the Base Flood Elevation plus 1-foot consistent with the Building Code.
11/19/2021	<u>Building, Building Area and/or Footprint, Coverage, Building, Coverage, Total, Non-Residential Balcony, Structure</u>	800	Adds a new definition for "Non-Residential Balcony," and modifies definitions for Building, Building Area and/or Footprint, Building Coverage, Total Coverage, and Structure to provide zoning relief for Rear Setback (or Side Setback for lots without a Rear) and Building Coverage requirements; for 32 properties that meet the following criteria: a. A Non-Residential Balcony shall be located on a Building adjacent to the Saugatuck River; b. A Building with a Non-Residential Balcony shall be in a non-residential zoning district; c. A Non-Residential Balcony shall be located above grade; d. A Non-Residential Balcony shall not have a roof; e. A Non-Residential Balcony may not exceed 500 SF; f. A Non-Residential Balcony shall not project more than 10' from the face of the Building; and g. Drainage for a Non-Residential Balcony shall be provided and shall be tied-into a building's stormwater management system with sufficient capacity to support the Non-Residential Balcony runoff.
11/19/2021	<u>6-2.1.9</u>	800	Modifies section to identify Non-Residential Balconies as defined in §5-2 and as described in the Structure definition are not considered an expansion, extension, or alteration.
11/18/2021	<u>24A-6.2</u>	800	Adds language clarifying existing Coverage relief for balconies is for "residential" balconies, to distinguish this from the new definition for "Non-Residential Balcony."
11/18/2021	<u>31-4</u>	800	Adds language identifying the projection of Non-Residential Balconies as defined in §5-2 and as described in the Structure definition are also exempt under §31-4.
11/19/2021	<u>43-5.2</u>	800	Removes language requiring public hearing by the Planning and Zoning Commission of all non-residential coastal activities enabling Commission's review during the administrative portion their meeting (aka Work Session). Adds language authorizing the Planning and Zoning Commission "may" hold a public hearing, at their discretion, on any Coastal Site Plan application.
11/19/2021	<u>35-2.8</u>	802	Adds new section requiring all landscaping shall comply with the access and obstruction requirements of the Connecticut State Fire Prevention Code

11/19/2021	<u>35-4</u>	<u>802</u>	Modifies section to require any Site Plan and/or Special Permit application involving the expansion or structural Alteration of an existing building and/or a Change of Use, to comply with the landscaping requirements in §35, to the greatest extent possible without the creation of any new non-conforming conditions.
11/19/2021	<u>34-4</u>	<u>803</u>	The requirement for submission of a "Comparison Map," is eliminated, when seeking a reduction of Parking.
11/19/2021	<u>42-3.1.1</u>	<u>803</u>	The number of copies required of an Existing Land Use Map for submission of a Map Amendment application is reduced from 12 to 1.
11/19/2021	<u>42-3.1.2</u>	<u>803</u>	The number of copies required of an Existing Conditions Map for submission of a Map Amendment application is reduced from 12 to 1.
11/19/2021	<u>42-3.1.3</u>	<u>803</u>	The number of copies required of a Proposed Zoning Map for submission of a Map Amendment application is reduced from 12 to 1.
11/19/2021	<u>42-3.1.4</u>	<u>803</u>	References to various paper map sources at Town Hall are replaced with reference to maps provided by the Town's Geographic Information System (GIS).
11/19/2021	<u>42-3.1.5</u>	<u>803</u>	The number of copies required of a Conceptual Site Plan for submission of a Map Amendment application is reduced from 12 to 1.
11/19/2021	<u>42-3.3</u>	<u>803</u>	The number of copies required of a Zoning Text Change for submission of a Text Amendment application is reduced from 12 to 1.
11/19/2021	<u>42-3.5</u>	<u>803</u>	The number of copies required of an Explanatory Statement for submission of a Text Amendment application is reduced from 12 to 1.
11/19/2021	<u>42-4</u>	<u>803</u>	Outdated statutory language is removed identifying the date of receipt for a Text or Map Amendment application.
11/19/2021	<u>44-1.2</u>	<u>803</u>	Language is modified on information required on a Location Map. Reference to the Assessor's Maps is replaced with reference to the Town's Geographic Information System (GIS). Language requiring display of waterbody and wetland information is removed as this same information is already required on the "Site Plan Map" at a more legible scale pursuant to §44-1.4.1.
11/19/2021	<u>44-1.3</u>	<u>803</u>	The number of copies required of an Existing Conditions Map for submission of a Site Plan or Special Permit application is reduced from 3 to 1. References to certifications required by plan preparers are modified. References to source data for topography is updated. Requirements are added for an electronic submission.
11/19/2021	<u>44-1.4</u>	<u>803</u>	The number of copies required of a Site Plan Map for submission of a Site Plan or Special Permit application is reduced from 16 to 1. References to certifications required by plan preparers are modified. References to source data for topography is updated.
11/19/2021	<u>44-1.4.1</u>	<u>803</u>	References to source data for submission of a Site Plan or Special Permit application for topography is updated. Additionally, the exception for providing topographic and other information when seeking a Change of Use approval is eliminated as all applications, including a Change of Use, require an understanding of existing and proposed conditions.
11/19/2021	<u>44-1.6</u>	<u>803</u>	The number of copies required of Building Plans for submission of a Site Plan or Special Permit application is reduced from 16 to 1.
11/19/2021	<u>52-4.1</u>	<u>803</u>	Language is added allowing for submission of an authorization letter in lieu of a signature from a property owner for submission of a Subdivision or Resubdivision application.
11/19/2021	<u>52-4.3</u>	<u>803</u>	The number of copies required of a Map of Existing Conditions for submission of a Subdivision or Resubdivision application is reduced from 16 to 1. References to certifications required by plan preparers are updated. References to plan classes designating accuracy are updated.
11/19/2021	<u>52-4.3.6</u>	<u>803</u>	References to source data for topography to be used for submission of a Subdivision or Resubdivision application is updated.
11/19/2021	<u>52-4.3.10</u>	<u>803</u>	Language is added to clarify requirements of the Location Map required for submission of a Subdivision or Resubdivision application.
11/19/2021	<u>52-4.3.13</u>	<u>803</u>	Language is added to clarify requirements of who is preparing plans submitted with a Subdivision or Resubdivision application.

11/19/2021	<u>52-4.4</u>	<u>803</u>	The number of copies required of a Subdivision Map for submission of a Subdivision or Resubdivision application is reduced from 16 to 1. Additionally, references to certifications required by plan preparers and plan classes designating accuracy are updated. Requirements to print plans on outdated materials are eliminated.
11/19/2021	<u>52-4.5</u>	<u>803</u>	The number of copies required of Construction Plans for submission of a Subdivision or Resubdivision application is reduced from 16 to 1. Additionally, references to certifications required by plan preparers are updated, and requirements to print plans on outdated materials are eliminated. References to source data for topography is updated.
11/19/2021	<u>52-4.6</u>	<u>803</u>	The number of copies required of Grading Plans for submission of a Subdivision or Resubdivision application is reduced from 16 to 1. Additionally, references to certifications required by plan preparers are updated, and references to source data for topography is updated.
11/19/2021	<u>52-5</u>	<u>803</u>	Erroneous language is removed.
11/19/2021	<u>52-5.7</u>	<u>803</u>	Language is added to require submission of one (1) hardcopy of an Sediment and Erosion Control plan as well as an electronic version of the plan (PDF) for submission of a Subdivision or Resubdivision application.
11/19/2021	<u>52-5.8</u>	<u>803</u>	A new deed history requirement is added for submission of a Subdivision or Resubdivision application demonstrating how an application is eligible for Subdivision or Resubdivision approval to ensure there are no legal defects associated with the processing and approving of an application.

from 3/15/91 to 11/19/2017

Effective Date	Section / Amend. #	Amendment Description
AMENDMENT LISTING FROM 3/15/91 to CURRENT		
3/15/1991	§39 / #402	Adds Historic Overlay District
AMENDMENT LISTING FROM 6/10/91		
6/21/1991	§4-5 / #406	Substitutes "most recent" for date of 1980.
6/21/1991	§5-2 / #406	Clarifies wording for "Floor Area"
6/21/1991	§6-2.1 / #406	Clarifies wording
6/21/1991	§6-2.2 / #406	Adds language limiting expansion/extension of buildings with non-conforming coverage
6/21/1991	§6-2.3 / #406	Revises section number
6/21/1991	§6-2.4 / #406	Revises section number
6/21/1991	§11-2.4.6(b) / #406	Clarifies wording
6/21/1991	§11-2.4.6(e) / #406	Removes family day care home, adds "home occupation as a teacher"
6/21/1991	§11-2.4.6(g)/#406	Clarifies sign regulation for customary home occupation
6/21/1991	§11-2.4.12(d) / #406	Adds section reference
6/21/1991	§33-6 / #406	Changes section title to match regulation
6/21/1991	§34-3 / #406	Removes beauty salons and hairdressers as a special category
6/21/1991	§33-7.4.5 / #406	Clarifies language
6/21/1991	§35-2.2.1 / #406§38-3 / #406	Adds language on retention of landscape area and use thereof. Adds language regarding specifications and procedures
6/21/1991	§43-3.2 / #406	Clarifies language
6/21/1991	§43-3.3 / #406	Specifies Westport P&Z forms and use of letter of authorization
6/21/1991	§43-4 / #406	Clarifies language

6/21/1991	§43-6.3 / #406	Clarifies language
6/21/1991	§43-14 / #406	Reduces cut-off date for required submission to seven days, instead of 14, for Administrative Approval
6/21/1991	§43-14.2 / #406	Clarifies language
6/21/1991	§44-1 / #406	Clarifies language, allows certain waivers
6/21/1991	§44-1.1.1 / #406	Removes need for signature block, clarifies language
6/21/1991	§44-1.2 / #406	Clarifies language
6/21/1991	§44-1.4.1 / #406	Deletes channel encroachment line
6/21/1991	§44-1.4.2(a) / #406	Adds retaining walls
6/21/1991	§44-1.6.1 / #406	Clarifies language
6/21/1991	§44-4 / #406	Clarifies language
6/21/1991	§46-3.2(a) / #406	Adds requirement for obtaining zoning permit within one year of date of variance

AMENDMENT LISTING FROM 7/29/91

8/9/1991	§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.
8/9/1991	§27-2.2.1 / #409(a)	Removes previously allowed special permit uses allowed in a Residence AAA district from the CPD district.
8/9/1991	§42-1 /#409(a)	Allows the ZBA the right to petition the commission for changes to regulations.
8/9/1991	§46-3.2 / #409(a)	Adopts additional wording to regulate and limit the expansion or extension of commercial uses within a residential district.

AMENDMENT LISTING FROM 8/26/91

9/6/1991	§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.
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AMENDMENT LISTING FROM 11/4/91

11/15/1991	§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.

AMENDMENT LISTING FROM 12/9/91

12/20/1991	§11-2.4.6 / #412	Adds "Doctor of Naturopathic Medicine" to the list of Customary Home Occupations.
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AMENDMENT LISTING FROM 3/30/92

4/5/1992	§33-6 / #414	Revises language for signs permitted in the Historic Design District.
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AMENDMENT LISTING FROM 5/4/92

6/1/1992	§5 / #415	Clarifies existing definitions
6/1/1992	§6-1.1, §6-1.5 / #415	Clarifies existing regulations
6/1/1992	§11-2.4.6 / #415	Adds state-licensed to Doctor of Naturopathic Medicine. Adds Telemarketing as a home occupation.
6/1/1992	§11-2.4.6 (a) / #415	Clarifies that only one resident can conduct a home occupation on a premises
6/1/1992	§11-2.3.6 (d) / #415	Allows anecdotal evidence as part of application to legalize pre-1959 apartments.
6/1/1992	§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.

6/1/1992	§31-4 / #415	Clarifies existing regulation to specifically describe how to measure building projections
6/1/1992	§31-9.1 / #415	Brings section in conformance with State Statutes, which requires proof of no intent to abandon liquor license.
6/1/1992	§33-4.2.1 / #415	Increases restrictions for Real Estate signs within commercial areas.
6/1/1992	§33-5.2.1 / #415	Simplifies approval procedure for free-standing signs.
6/1/1992	33-7.2.6 / #415	Simplifies procedures for site plan approval for signs over 50 square feet.
6/1/1992	§33-7.4 / #415	Eliminates site plan approval for certain free-standing signs.
6/1/1992	§34-5 / #415	Adds several medical related uses to parking requirements for medical offices. Adds new uses to list of retail/service establishments.
6/1/1992	§43-14.2 / #415	Eliminates free-standing signs from requiring ARC approval.
6/1/1992	§44-2.7 / #415	Modifies requirements for Archeological Reports depending on site location and project size.
6/1/1992	§45-4 / #415	Allows Temporary Zoning Permits for tents that will be in place less than 96 hours, instead of requiring Site Plan Approval.
6/1/1992	§45-8.1 / #415	Outlines procedures for obtaining a Zoning Certificate of Compliance.
6/1/1992	§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.
6/1/1992	§46-3.2.2 / #415	Replaces a section inadvertently left out of the regulations.
6/1/1992	§52-5.6 / #415	Simplifies wording describing the professional hired for an archeological review.

AMENDMENT LISTING FROM NOVEMBER 5, 1992

11/3/1992	§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.

1/1/1993	§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.
1/1/1993	§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.
1/1/1993	§31-11.5.1 / #419	Permits the Town Engineer to determine whether an application requires Flood and Erosion Control Board Review.
1/1/1993	§33-6 / #419	Eliminates requirement for Site Plan Approval for free-standing signs within the RPOD and RORD districts.
1/1/1993	§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.
1/1/1993	§46-3.2.1 / #419	Eliminates need for Site Plan Approval for minor

		structural changes approved by the ZBA.
1/1/1993	§46-3.2.3 / #419	Permits the Town Engineer to determine whether an application for a variance requires Flood and Erosion Control Board Review.
AMENDMENT #422--Adopted 2/11/93; effective 3/1/93		
3/1/1993	§23-2.1.2 / #422	Adds Dry Cleaners to the list of principal uses, provided that they meet certain conditions.
AMENDMENT #423--Adopted 4/29/93; effective 5/21/93		
5/21/1993	§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.
5/21/1993	§11-2.2 / #423	Language addition clarifies uses permitted in a residential area.
5/21/1993	§11-2.4.13 / #423	Revises type of evidence that will be acceptable to the commission for proof of pre-1959 apartment.
5/21/1993	§22, §23, §24, §25 / #423	Clarifies when parking is required and not required for outdoor eating areas.
5/21/1993	§23-2.2 / #423	Adds luncheonette to the Special Permit uses with certain conditions.
5/21/1993	§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.
5/21/1993	§33-7.4 / #423	Eliminates requirement for Site Plan Approval for name change of free-standing signs.
5/21/1993	§34-4 / #423	Permits Commission to waive loading bay radius by special permit.
5/21/1993	§42-3.1.5 / #423	Changes the 500-foot measurement to conform to the State statute measurement procedure.
5/21/1993	§44-1.3 / #423	Clarifies minor inconsistency by adding "except in wooded areas."
5/21/1993	§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.
AMENDMENTS #426 and #428, adopted 6/17/93, effective 7/1/93		
7/1/1993	§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.
7/1/1993	§30-2.1.2 / #428	Permits retail establishments on the second floor of buildings with 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%.
AMENDMENT #427-A, adopted 7/15/93, effective 7/26/93		
7/26/1993	§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.
AMENDMENT #429, adopted 11/18/93, effective 12/15/93		
12/15/1993	§5 / #429	Removes handicapped ramps from building area definition.

12/15/1993	§11-2.4.12 / #429	Allows accessory apartments not being used as a separate dwelling unit to remain with submission of a notarized affidavit.
12/15/1993	§29-2.2.4 / #429	Prohibits dwelling units above the first floor to be changed to a non-residential use within the BCD.
12/15/1993	§29-2.4 / #429	Prohibits retail use above the first floor.
12/15/1993	§31-10.5.1 / #429	Adds interior modifications to buildings to the list of exemptions for CAM site plan review requirements.
12/15/1993	§34-11.7 / #429	Requires off-street parking areas within non-residence districts only to be paved.
12/15/1993	§39-3 (old number) / #429	Eliminates section that permitted the Commission to waive its own regulations within the Historic Overlay District.
12/15/1993	§45-4 / #429	Eliminates ARC approval requirement for tents to be temporarily erected.
12/15/1993	§46-32.1. (c) / #429	Strikes handicapped ramps because it is removed from structure definition.
AMENDMENT 431, adopted 12/16/93, effective 1/10/94		
1/10/1994	§5-2 / #431	Adds definition for Mobile Home Replacement Units (MHRU)
1/10/1994	§16 / #431	Revises §16, Mobile Home Park District, to include language defining and setting standards for Mobile Home Replacement Units (MHRUs).
AMENDMENT #433, adopted 2/17/94, effective 3/1/94		
3/1/1994	Map Amendment / #433	Rezoned state-owned land at Sherwood Island State Park (Map 5448, Lot 1) from Res A to Res AAA.
AMENDMENT #434, adopted 6/2/94, effective 6/24/94		
6/24/1994	§3 / #434	Clarifies language.
6/24/1994	§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.
6/24/1994	§22 / #434	Adds Fast Food restaurants to Prohibited uses within the RORD.
6/24/1994	§23 / #434	Replaces luncheonette with Fast Food Restaurant in §23-3.2.2 and specifies distance requirement.
6/24/1994	§24 / #434	Removes food service establishments from Principal uses; adds Fast Food Restaurants to Special Permit Uses.
6/24/1994	§25 / #434	Amends language to conform to new definitions for places that serve food.
6/24/1994	§28 / #434	Amends language to conform to new definitions for places that serve food.
6/24/1994	§29 / #434	Amends language to conform to new definitions for places that serve food; adds Fast Food Restaurants to Special Permit Uses.
6/24/1994	§31-9 / #434	Amends language to conform to new definitions for places that serve food.
6/24/1994	§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.
6/24/1994	§42 / #434	Removes ZBA's ability to petition the Commission to change its regulations.

6/24/1994	§44 / #434	Revises language for Archeological Reports so that the Commission has some discretion.	
6/24/1994	§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			
12/22/1994	§5 / #438	Changes the definition of "substantial improvement so that the period is extended from two years to five years."	
12/22/1994	§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.	
12/22/1994	§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.	AMENDMENT #438-B, adopted April 20, 1995, Effective May 1, 1995
5/1/1995	§6-2.2 / #438	Further specifies coverage requirements that limit ability to expand or extend an existing building.	
5/1/1995	§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.	
5/1/1995	§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.	
5/1/1995	§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.	
5/1/1995	§33-6 / #438	HDD signs will be subject to review and recommendation by the Historic District Commission, rather than approval.	
5/1/1995	§45-2 / #438	Clarifies types of actions that may be placed upon the land records by the Zoning Enforcement Officer.	
AMENDMENT #439-A, Adopted April 20, 1995, Effective April 27, 1995			
4/27/1995	§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.	
AMENDMENT #439-B, Adopted May 16, 1995. Effective June 1, 1995.			
6/1/1995	§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.	
6/1/1995	§31-9 / #439	Amends Liquor Establishments regulations so that liquor may be served from service bars to patrons seated at counters.	
6/1/1995	§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.	
6/1/1995	§43-11.3 / #439	Amends language to conform to State Statutes for completion of work on an approved site plan.	
6/1/1995	§43-12 / #439	Amends language to conform to State Statutes for completion of work on an approved site plan.	
6/1/1995	§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.	

6/1/1995	§46-3.2.5 / #439	Relocation of paragraph from §46-3.5 to this section.
6/1/1995	§52-4.3 / #439	Technical revision to omit phrase "black line paper."
6/1/1995	§52-4.4 / #439	Technical revision to minor wording details regarding driveways, and submission of mylar.
6/1/1995	§53-9 / #439	Technical revision to language regulating bonds, and to bring into conformance with time permitted by State statutes.
6/1/1995	§53-10 / #439	Technical revision to language regarding delivery and filing, to bring into conformance with State statutes.
6/1/1995	§53-11 / #439	Technical revision to language regarding completion of work to bring into conformance with State statutes.
6/1/1995	§54-6 / #439	Amends design standards to increase minimum slope for streets to one percent from one-half percent.
6/1/1995	§54-18 / #439	Increases width for utility easements.
6/1/1995	§55-3.2 / #439	Amends specifications for drainage pipes and ditches.
6/1/1995	§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.

6/1/1995	§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

6/1/1995	§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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AMENDMENT #447, Adopted December 7, 1995. Effective January 1, 1996

1/1/1996	§11-2.4.6 / #447	Adds Business Administrator for Manufacturing Company to list of approved home occupations.
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AMENDMENT #450, Adopted June 6, 1996. Effective June 21, 1996.

6/21/1996	§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.
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AMENDMENT #451, Adopted June 13, 1996. Effective July 1, 1996.

7/1/1996	§5 / #451	Various changes to definitions for awnings, total coverage, medical uses, and structure.
7/1/1996	§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.
7/1/1996	§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.
7/1/1996	§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."
7/1/1996	§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.
7/1/1996	§22-2.2.1 / #451	Clarifies the RORD regulations to make it clear that medical uses are not permitted within the RORD.
7/1/1996	§22-14.6 / #451	Minor change to clarify wording of section, which was not grammatical.
7/1/1996	§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.
7/1/1996	§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 activities are permitted.
7/1/1996	§33-3.11 / #451	Defines the time period for the stringing of holiday lights.
7/1/1996	§33-5.2 / #451	This section is eliminated because it was stated in a slightly different way in the section just above it.
7/1/1996	§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.
7/1/1996	§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.
AMENDMENT #455, adopted September 12, 1996; effective October 1, 1996		
10/1/1996	§25-2.2 / #455	Adds "Fast Food Restaurants" as a Special Permit use within the Highway Service District (HSD).
AMENDMENT #456, effective June 1, 1997		
6/1/1997	Map Amendment, §456	Official Building Zone map change from Res A to GBD (4 Beverly Place)
AMENDMENT #459 adopted 9/18/97, effective October 15, 1997		
10/15/1997	§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
AMENDMENT Listing #465 and #468, effective September 1, 1998		
9/1/1998	§11-2.4.6 / #465	Added "State Licensed Acupuncturist" to the list of approved home occupations.
		Added existing site coverage on a MHPD site as a standard that cannot be exceeded, when MHRU's are proposed.
9/1/1998	§16-6.1 / #468	
AMENDMENT #469, adopted December 3, 1998, effective January 15, 1999		
1/15/1999	§5 / #469	Adds a definition for "Managed Residential Community" and "Private Residential Unit."
1/15/1999	§11-2.3 / #469	Adds "Managed Residential Community" to the listing of "Special Permit Uses subject to Special Conditions."
1/15/1999	§32 / #469	Adds new subsection (§32-15) providing regulations for Managed Residential Communities.
1/15/1999	§34-5 / #469	Adds Minimum required parking spaces for Managed Residential Communities
AMENDMENT #477, adopted 12/17/98, effective 12/21/98		
12/21/1998	§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'.
12/21/1998	§16-8 / #477	Amendment to exclude non-habitable third floor area from inclusion in calculation of floor area.
AMENDMENT #478, adopted 2/25/99, effective 4/1/99		
		Clarifies definition section to bring definitions into

4/1/1999	§5 / #478	conformance with the Federal Emergency Management Act (FEMA). Adds definitions for "new construction", "recreational vehicle, and "substantial damage."
4/1/1999	§31-11 / #478	Updates regulatory language of Flood Zone language to be in conformance with FEMA's requirements.
AMENDMENT #482, adopted 4/5/99, effective 9/1/99		
9/1/1999	§32-3 / #482	Amends Hospital Regulations to allow hospitals in existing buildings, and provides standards for replacement of existing buildings (§35-3.5.2)
AMENDMENT #490, adopted 9/9/99, effective 10/1/99		
10/1/1999	§5 / #490	Change to cupola definition, building definition, school definition.
10/1/1999	§6-3.1, §6-3.3 / #490	Added "gross lot area" as defined in APPENDIX D to clarify setback and height requirement.
10/1/1999	§11 / #490	Changed definition of schools, found in §11-2.2.2; and eliminated crematories, formerly part of §11-2.2.5
10/1/1999	§33 / #490	Added size standard for the support structure for free-standing signs.
10/1/1999	APPENDIX D / #490	Clarified language, removed redundant language
AMENDMENT #489, adopted 10/28/99, effective 11/15/99		
11/15/1999	§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.
AMENDMENT #492, adopted 10/28/99, effective 11/15/99		
11/15/1999	Map Amendment, # 492	Changed zoning designation of small parcel of land at 1835 Post Road East from Res A to BPD.
AMENDMENT #485, adopted 5/4/00, effective 6/1/00		
6/1/2000	§5 / # 485	Added definitions for Antenna, Antenna Tower or Telecommunication Tower, Co-location, Commercial Wireless Telecommunication Service Facilities, Fall Zone, Provider.
6/1/2000	§11 / #485	Removed "communication towers" from §11-2.1.9
6/1/2000	§21 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/2000	§22 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16
6/1/2000	§23 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/2000	§24 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/2000	§25 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/2000	§26 / #485	Added Commercial Wireless telecommunication service facilities as a Accessory use with a Special Permit, in conformance with §32-16.
		Added Commercial Wireless telecommunication

6/1/2000	§27 / #485	service facilities as a Special Permit use, in conformance with §32-16.
6/1/2000	§28 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/2000	§29 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16.
6/1/2000	§30 / #485	Added Commercial Wireless telecommunication service facilities as a Special Permit use, in conformance with §32-16,
6/1/2000	§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.
AMENDMENT #495, adopted 9/21/00, effective 11/1/00		
11/1/2000	§5 / #495	Amended definition for Lot Shape and provided new definition for "Regularity Factor."
11/1/2000	\$34 / #495	Increased required parking for Funeral Homes.
11/1/2000	APPENDIX D / #495	Updated APPENDIX D and APPENDIX D Worksheets to incorporate new definition for Regularity Factor.
AMENDMENT #497, adopted 2/8/01, effective 3/15/01		
3/15/2001	§6-5 / #497	Adds language requiring status of claimed non-conforming status of non-residential properties.
3/15/2001	§44-1.1.4 / #497	Adds language requiring submission of data described in §6-5 for applications involving non-conforming status.
AMENDMENT #498, adopted 7/26/01, effective 8/20/01		
8/20/2001	§19 / #498	Added new chapter providing for a new zone, called the Residential Affordable Housing Zone (R-AHZ).
AMENDMENT #499, adopted 7/26/01, effective 8/21/01		
8/20/2001	Map Amendment #499	Rezoned Map 5301, Lots 74, 73A, 73-9, 73-7, 73-8 from Res A to R-AHZ (new zone).
AMENDMENT #505, adopted 8/9/01, effective 8/20/01		
8/20/2001	§11-2.4.121 / #505	Added language allowing persons with disabilities who are receiving social security disability payments to qualify for accessory apartments.
8/20/2001	§33-2.5 / #505	Clarifies non-conforming sign changes so that tenant names can be changed on a free-standing sign requiring a variance
8/20/2001	§33-9, §33-10 (new) / #505	Adds two new sections to the sign regulations providing for "non-commercial content" and for a Severability clause.
8/20/2001	§44-5 / #505	Revision/rewording of paragraph describing site plan approval standards.
8/20/2001	§45-3 / #505	Requires drainage accommodations when coverage is increasing, under certain conditions.
8/20/2001	§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.
8/20/2001	§55-7 / #505	Adds language expanding the requirements for monuments and pins for subdivisions.
AMENDMENT #509, Adopted 4/18/02, effective 5/24/02		

5/24/2002	§27-2.2 / #509	Add special permit uses to include schools, day care centers, and group day care homes.
AMENDMENT #510, Adopted 6/13/02, effective 7/15/02		
7/15/2002	§32-10 / #510	Adds language expanding qualifications of a home caterer beyond owner only, to include a resident home catering business owner.
AMENDMENT #511, Adopted 7/18/02, effective 9/5/02		
9/5/2002	§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).
9/5/2002	§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.
9/5/2002	§6-2.1.3 / #511	Clarifies existing regulations.
9/5/2002	§6-2.1.7 / #511	Clarifies existing regulations.
9/5/2002	§11-2.4.8(f) / #511	Adds language clarifying that kitchens cannot be located in accessory buildings.
9/5/2002	§22-2.3.3(d) / #511	Extends time of use by 1 month each year for outdoor patios in RORD.
9/5/2002	§24-2.3.5(d) / #511	Extends time of use by 1 month each year for outdoor patios in GBD.
9/5/2002	§28-2.3.4(d) / #511	Extends time of use by 1 month each year for outdoor patios in BPD.
9/5/2002	§29-2.3.5(d) / #511	Extends time of use by 1 month each year for outdoor patios in BCD.
9/5/2002	§30-2.4.4(d) / #511	Extends time of use by 1 month each year for outdoor patios in HDD.
9/5/2002	§32-4 / #511	Clarifies type of commercial vehicles allowed to be stored on residential properties.
9/5/2002	§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.
9/5/2002	§46-3.2(a) / #511	Clarifies existing regulations.
AMENDMENT #516, Adopted 10/24/02, effective 12/2/02		
12/2/2002	§20 / #516	Added a new chapter providing for a new zone, called the Municipal Housing Zone (MHZ).
AMENDMENT #517, Adopted 11/7/02, effective 7/1/03		
7/1/2003	§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.
AMENDMENT #523, Adopted 9/11/03, effective 10/14/03		
10/14/2003	§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.
10/14/2003	§11-2.4.3 / #523	Corrects a reference to the paddle/tennis court section requiring screening.
10/14/2003	§11-2.4.6 / #523	Adds a section stating that a multiple family dwelling cannot be used for a home occupation.
10/14/2003	§11-2.4.12 / #523	Changes section to require only the owner to submit an affidavit annually for an accessory apartment.

10/14/2003	§15-2.1.2 / #523	Removes "is not allowed" from sentence explaining the types of uses requiring Special Permit.
10/14/2003	§15-4.5 / #523	Adds clarification that a recreation room with no bathroom in a cellar or basement is not considered a bedroom in the PRD district.
10/14/2003	§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.
10/14/2003	§17-5.2 / #523	Corrects the word "background" to "backaround" in OSRD.
10/14/2003	§23-2.3.2 / #523	Adds sentence stating that outdoor storage is permitted in RBD in accordance with §32-6.
10/14/2003	§24-2.3.6(d) / #523	Corrects clerical error by removing reference to one attached dwelling unit listed as a condition for Game Rooms.
10/14/2003	§24-2.3.7 / #523	Adds section stating that one attached dwelling unit is a permitted accessory use in GBD.
10/14/2003	§32-6 / #523	Clarifies that outdoor storage and display is not permitted in HDD.
10/14/2003	§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.
10/14/2003	§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.
10/14/2003	§34-5 / #523	Removes the 30-degree drive-in parking standard.
10/14/2003	§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.
10/14/2003	§34-11.4 / #523	Clarifies the number of parking spaces which require that an internal loop access or parking aisle be installed.
10/14/2003	§34-11.13 / #523	Adds section regarding lighting standards for parking lots.
10/14/2003	§34-11.14 / #523	Adds section regarding design and access to dumpster areas.
10/14/2003	§34-11.15.1 / #523	Adds section regarding sidewalks.
10/14/2003	§34-12.2 / #523	Clarifies section by adding the word "percent."
10/14/2003	§35-2.3.4 / #523	Adds sentence regarding curbing and materials required for sidewalks.
10/14/2003	§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.
10/14/2003	§43-12 / #523	Changes the time period the town can hold a bond to a minimum of 5-years for an approved site plan.
10/14/2003	§44-2.5 / #523	Clarifies title and requirements for traffic impact analyses.
10/14/2003	§45-3.5.3 / #523	Clarifies when drainage is to be reviewed for issuance of a Zoning Permit.
10/14/2003	§46-3.2 / #523	Adds sentence stating that when a Zoning Permit is issued, all conditions of the variance must be adhered to.
10/14/2003	§46-4 / #523	Adds information which is required to be submitted with a variance application.
10/14/2003	§52-4.4.2 / #523	Corrects clerical error by inserting missing word

		"subdivision" at the end of the sentence.
10/14/2003	§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.
10/14/2003	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.
AMENDMENT #525, Adopted 4/22/04, effective 6/1/04		
6/1/2004	§29A / #525	Adds a new chapter providing for a new zone, called the Business Center District/Historic (BCD/H).
AMENDMENT #529, Adopted 7/1/04, effective 9/1/04		
9/1/2004	§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).
AMENDMENT #528, Adopted 7/26/04, effective 9/15/04		
9/15/2004	§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.
9/15/2004	§11-2.4.4 / #528	Clarifies allowable height for detached private garages.
9/15/2004	§11-2.4.7 / #528	Clarifies allowable height for barns.
9/15/2004	§11-2.4.8(b) / #528	Clarifies allowable height for accessory buildings.
9/15/2004	§11-2.4.8(g) / #528	Adds requirement that no accessory building may contain more than two water use fixtures.
9/15/2004	§11-5 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/2004	§12-5 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/2004	§13-5 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/2004	§14-5 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/2004	§15-6 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/2004	§16-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§17-6 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/2004	§18-6 / #528	Clarifies allowable height for principle buildings, accessory buildings, and other structures.
9/15/2004	§19-11 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§20-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§21-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§22-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§23-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§24-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§24-6 / #528	Changes reference from Business District to General Business District.

9/15/2004	§25-2.1.2(a) / #528	Changes reference from Business District to General Business District.
9/15/2004	§25-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§26-2.6 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§27-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§28-1 / #528	Changes reference from Business District to General Business District.
9/15/2004	§28-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§29-5 / #528	Clarifies allowable height for buildings and other structures.
9/15/2004	§31-7 / #528	Adds parking areas to list of improvements that must meet setback requirements.
9/15/2004	§31-10.7.3 / #528	Adds section identifying vegetated buffers may be required as part of a coastal site plan.
9/15/2004	§31-10.7.4 / #528	Renumbers existing section on Public Hearings.
9/15/2004	§31-10.7.5 / #528	Renumbers existing section on Commission/Board Action.
9/15/2004	§31-10.7.6 / #528	Renumbers existing section on Time Periods.
9/15/2004	§31-10.7.7 / #528	Renumbers existing section on Bonds.
9/15/2004	§32-9 / #528	Adds reference at end of section to §34-11.14.
9/15/2004	§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.
9/15/2004	§34-12.2 / #528	Adds the word "percent" to clarify existing wording
9/15/2004	§43-6.4 / #528	Adds new section, consistent with recent amendments to the Town Code, to inform Planning and Zoning 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.
9/15/2004	§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.
9/15/2004	§45-3.2.5 / #528	Adds requirement that coverage information must be shown on a plot plan submitted for issuance of a Zoning Permit.
9/15/2004	§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.
9/15/2004	§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.
AMENDMENT #535, Adopted 10/28/04, effective 12/1/04		
12/1/2004	§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.
12/1/2004	§33-4.1.6 / #535	Adds new section listing political signs as a permitted use on private property.

AMENDMENT #539, Adopted 1/27/05, effective 3/1/05

3/1/2005	§5-2 / #539	Clarifies definitions of specific terms including: Building Height or Height, and Medical.
3/1/2005	§5-2 / #539	Adds definitions of specific terms including: Fence or Wall, and Healthcare Professional.
3/1/2005	§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.)
3/1/2005	§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.)
3/1/2005	§21-2.2.2 / #539	Changes section to list Healthcare Professional as a permitted Special Permit Use in the RPOD.
3/1/2005	§22-2.2.1 / #539	Changes section to list Healthcare Professional as a use excluded from the RORD.
3/1/2005	§23-2.1.2 / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the RBD.
3/1/2005	§24-2.1.2(e) / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the GBD.
3/1/2005	§27-2.2.1 / #539	Changes section to list Healthcare Professional as a use excluded from the CPD.
3/1/2005	§28-2.1.2(e) / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the BPD.
3/1/2005	§29-2.1.2(e) / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the BCD.
3/1/2005	§29A-2.1.2(e) / #539	Changes section to list Healthcare Professional as a permitted Principal Use in the BCD/H.
3/1/2005	§30-2.2(h) / #539	Changes section to list Healthcare Professional as a use excluded from the HDD.
3/1/2005	§31-3 / #539	Changes section title and adds reference to §5-2.
3/1/2005	§31-3 / #539	Changes section to add "building" to the list of items that cannot obstruct visibility at corners.
3/1/2005	§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.
3/1/2005	§34-5 / #539	Modifies section to state uses allowed in the Business Center District/Historic are exempt from parking requirements.
3/1/2005	§34-5 / #539	Adds parking standard of 1 space per 200 SF for Healthcare Professionals.
3/1/2005	§34-5 / #539	Modifies list of uses considered Medical.
3/1/2005	§34-5 / #539	Modifies list of uses considered Retail.
3/1/2005	§43-14.3.1 / #539	Renumbers existing section.
3/1/2005	§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.
3/1/2005	§45-4 / #539	Adds reference at end of section to §43-14.3 and §46-3.3.

AMENDMENT #540, Adopted 7/7/05, effective 7/2205

7/22/2005	§11-2.3.7 / #540	Adds Residential Facility for School-Based Education Program to the listing of Special Permit Uses subject to Special Conditions.
7/22/2005	§32A-13 / #540	Adds new subsection §32A-13 providing regulations for Residential Facility for School-Based Education

		Program.
AMENDMENT #544, Adopted 7/7/05, effective 8/1/05		
8/1/2005	§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.
8/1/2005	§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.
AMENDMENT #548, Adopted 7/7/05, effective 8/1/05		
8/1/2005	§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.
8/1/2005	§32-17 / #548	Adds new subsection §32-17 providing regulations for Affordable and Middle Income Housing on Town-owned Property.
AMENDMENT #545, Adopted 7/28/05, effective 8/30/05		
8/30/2005	§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.
AMENDMENT #551, Adopted 11/17/05, effective 1/2/06		
1/2/2006	§24A / #551	Adds a new chapter providing for a new zone called the General Business District/Saugatuck (GBD/S).
AMENDMENT #552, Adopted 1/12/06, effective 2/6/06		
2/6/2006	§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.
2/6/2006	§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.
2/6/2006	§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.
AMENDMENT #556, Adopted 2/16/06, effective 4/3/06		
4/3/2006	§5-2 / #556	Adds definition for Private Occupational Schools.
		Adds Private Occupational Schools as a permitted

4/3/2006	§22-2.2.9 / #556	Special Permit use in the RORD.
4/3/2006	§23-2.2.4 / #556	Adds Private Occupational Schools as a permitted Special Permit use in the RBD.
4/3/2006	§24-2.2.6 / #556	Adds Private Occupational Schools as a permitted Special Permit use in the GBD.
4/3/2006	§25-2.2.5 / #556	Adds Private Occupational Schools as a permitted Special Permit use in the HSD.

AMENDMENT #560, Adopted 7/27/06, effective 9/1/06

9/1/2006	§5-2 / #560	Adds definitions for Bank and Drive-In Bank.
9/1/2006	§22-2.2.1 / #560	Deletes the word financial.
9/1/2006	§23-2.1.2 / #560	Substitutes the word bank for financial.
9/1/2006	§24-2.1.2 (e) / #560	Deletes the words banks and financial.
9/1/2006	§24-2.1.2 (f) / #560	Adds the word banks.
9/1/2006	§24-2.2.7 / #560	Adds drive-in banks within 500 feet of another drive-in bank.
9/1/2006	§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.
9/1/2006	§24A-2.1.2 (e) / #560	Deletes the words banks and financial.
9/1/2006	§24A-2.1.2 (f) / #560	Adds the word banks.

			9/1/2006	§28-2.2.4 / #560	Adds drive-in banks within 500 feet of another drive-in bank.
9/1/2006	§27-2.2.1 / #560	Deletes the word financial.	9/1/2006	§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.
9/1/2006	§29-2.1.2 (e) / #560	Deletes the words banks and financial.			
9/1/2006	§29-2.1.2 (f) / #560	Adds the word banks.			
9/1/2006	§29-2.2.7 / #560	Adds drive-in banks within 500 feet of another drive-in bank.			
9/1/2006	§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.			
9/1/2006	§29A-2.1.2 (e) / #560	Deletes the words banks and financial.			
9/1/2006	§29A-2.1.2 (f) / #560	Adds the word banks.			
9/1/2006	§29A-2.2.8 / #560	Adds drive-in banks within 500 feet of another drive-in bank.			
9/1/2006	§29A-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.			

9/1/2006	§30-2.2 (h) / #560	Deletes the word financial.
9/1/2006	§30-2.2 (i) / #560	Changes drive-up windows to drive-in.
9/1/2006	§34-5 / #560	(Office), Minimum Required Parking Spaces, to substitute the words banks and other financial institutions for Bank Office Area.
9/1/2006	§34-5 / #560	(Bank Area), Minimum Required Parking Spaces, to add the word Customer and delete the word windows.
AMENDMENT #559, Adopted 10/12/06, effective 12/4/06		
12/4/2006	§5-2 / #559	Adds definition for Supportive Housing.
12/4/2006	§11-2 / #559	Adds Supportive Housing to listing of Special Permit uses subject to special conditions.
12/4/2006	§32-1 / #559	Adds new subsections providing regulations for Supportive Housing in residential districts.
12/4/2006	§34-5 / #559	Adds parking requirements for Supportive Housing at one space per dwelling unit.
AMENDMENT #564, Adopted 10/19/06, effective 12/4/06		
12/4/2006	§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.
AMENDMENT #565, Adopted 1/25/07, effective 3/1/07		
3/1/2007	§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).
3/1/2007	§24A-1 / #565	To clarify intent of the district.
3/1/2007	§24A-2 / #565	To identify all rezoning applications shall be in accordance with §42, Amendment of Zoning Regulations.
3/1/2007	§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.
3/1/2007	§24-2.3 / #565	To provide cross reference to §24A-2.1.2.
3/1/2007	§24A-4 / #565	To clarify allowable front setbacks and to identify parameters for patios and terraces to be located within setback areas.
3/1/2007	§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.
3/1/2007	§24A-6.1 / #565	To correct a grammatical error.
3/1/2007	§24A-6.2 / #565	To add a provision for Coverage Exemptions.
3/1/2007	§24A-8.1 / #565	To reduce the permitted size of a group of stores or shopping center.
3/1/2007	§24A-10 / #565	To add a provision for Public Waterfront Access (PWA).
3/1/2007	§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.
3/1/2007	§24A-14 / #565	To identify all landscape requirements must be adhered to unless deemed unnecessary by the Commission.
3/1/2007	§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.
3/1/2007	§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.
3/1/2007	§42-3.1.1, 42-3.1.2, 42-3.1.3 / #565	To require an applicant submit twelve instead of two copies of the following: existing land use map, existing conditions map & proposed zoning map.
3/1/2007	§42-3.1.5 / #565	To require a conceptual site plan for applications for a change in zone to General Business District Saugatuck (GBD/S).
3/1/2007	§42-5 / #565	To eliminate reference to specific state statutes in lieu of a general reference to the state statutes.
3/1/2007	§42-6 / #565	To eliminate reference to specific state statutes in lieu of a general reference to the state statutes.
3/1/2007	§42-8 / #565	To eliminate reference to specific state statutes in lieu of a general reference to the state statutes.
3/1/2007	§42-9 / #565	To eliminate reference to specific state statutes in lieu of a general reference to the state statutes.
AMENDMENT #570, Adopted 6/28/07, effective 8/3/07		
8/3/2007	§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%.
AMENDMENT #571, Adopted 6/28/07, effective 8/3/07		
8/3/2007	§5-2 / #571	To add definitions for Adaptive Reuse, Public Waterfront Access (PWA), Redevelopment, and Workforce Housing; to modify.
8/3/2007	§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.
8/3/2007	§18-3 / #571	Lot Area, Width Depth & Frontage to require lots of 2 acres or more to have 200 feet of frontage.
8/3/2007	§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.
		To reduce permitted building and lot coverage on lots

8/3/2007	§18-7 / #571	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.
8/3/2007	§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.
8/3/2007	§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.
8/3/2007	§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
8/3/2007	§18-10.2 / #571	To expand the standards to allow three-bedroom units on lots two acres or more in size.
8/3/2007	§18-10.3 / #571	To expand standards to identify average unit size may not exceed 2,500 SF on lots two acres or more in size.
8/3/2007	§18-11 / #571	To add a standard requiring Public Waterfront Access on all sites adjacent to the Saugatuck River.
8/3/2007	§18-12.1 / #571	Architectural Design to say pitched roofs may be required.
8/3/2007	§18-12.2 / #571	To modify language to allow rooftop mechanical equipment and to require it be concealed from all sides.
8/3/2007	§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.
8/3/2007	§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.
8/3/2007	§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.
AMENDMENT #573, Adopted 9/27/07, effective 10/15/07		
10/15/2007	§19A / #573	To create a new zoning district §19A, Residential Affordable Housing Zone/Workforce (R-AHZ/W).
AMENDMENT #572, Adopted 11/1/07, effective 12/7/07		
12/7/2007	§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.
12/7/2007	§11-2.4.12A / #572	Adding a new title "Accessory Apartment" and clarifying language.
12/7/2007	§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.

12/7/2007	§43-14.2 / #572	Adding language allowing an Affordable Accessory Apartment application to be eligible for review by the Administrative Review Committee.
AMENDMENT #574, Adopted 12/13/07, effective 1/21/078		
1/21/2008	§11-2.3.12 / #574	Adds language to allow Residential Historic Structures as an allowable Special Permit Use Subject to Special Conditions.
1/21/2008	§11-2.4.14 / #574	Adds a section in accessory structures to allow for Residential Accessory Historic Structures.
1/21/2008	§32-18 / #574	Adds new section Historic Residential Structures (HRS)
AMENDMENT #583, Adopted 7/7/08, effective 8/08/08		
8/8/2008	§5-2 / #583	To modify the building height requirements for solar panels.
AMENDMENT #582, Adopted 7/17/08, effective 8/25/08		
8/25/2008	§4-2 / #582	To delete reference to the zoning map revision date of 8/17/75.
8/25/2008	§11-2.4.8 (h) / #582	To modify the requirements for accessory structures pursuant to §32-18 (Historic Residential Structures).
8/25/2008	§11-2.4.10 / #582	To modify this section for accessory structures pursuant to §32-18 (Historic Residential Structures).
8/25/2008	§11-2.4.12B / #582	To modify this section to include non-profit corporations and Town of Westport.
8/25/2008	§31-5 / #582	To eliminate a section on setbacks from high pressure gas lines.
8/25/2008	§34-11.7 / #582	To allow porous paving systems in Non-Residence Districts.
8/25/2008	§42-3.2 / #582	To require Certificates of Mailing instead of stamped business envelopes.
8/25/2008	§44-1.2.2 / #582	To require Certificates of Mailing for site plan and special permit applications.
8/25/2008	§52-4.7.2 / #582	To require Certificates of Mailing for subdivision applications.
AMENDMENT #585, Adopted 10/23/08, effective 12/1/08		
12/1/2008	§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.
12/1/2008	§32-18.3 (c) / #585	To add the word structural to the requirements of the preservation easement
12/1/2008	§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.
12/1/2008	§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.
12/1/2008	§32-18.5 (c) / #585	To add new section that allows limited office use for existing Special Permit uses.
12/1/2008	§32-18.6 (b) / #585	To add the word structural to the requirements of the preservation easement.
12/1/2008	§32-18.7.1 / #585	To add a requirement to preserve the structural integrity of the historic structure.
12/1/2008	§32-18.9.3 / #585	To add Special Permit uses to the annual affidavit requirements.
		To add a new section to the regulations that allows for limited office use in accessory structures, through a

12/1/2008	§32-18.9.4 / #585	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.
12/1/2008	§32-18.10.1 / #585	To change the word the to any.

AMENDMENT #586, Adopted 10/23/08, effective 12/1/08

12/1/2008	§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.
12/1/2008	§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.
12/1/2008	§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.

AMENDMENT #588, Adopted 12/18/08, effective 1/12/09

1/12/2009	§20-3 / #588	To allow the minimum acreage to be calculated on the entire area within the zone and not on the individual parcels.
1/12/2009	§20-4 / #588	To change MHZ to the word development.

1/12/2009	§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
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				4 bedrooms. This change would not affect the parking requirements which state 3 or more bedrooms.
1/12/2009	§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.		
1/12/2009	§20-7 / #588	To allow the location of pre-existing non conforming structures located within the setbacks to be retained for new structures.		
1/12/2009	§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.		
1/12/2009	§20-12 / #588	To change MHZ to the word development.		
1/12/2009	§20-14.3 / #588	To modify building height requirements for solar panels.		
1/12/2009	§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.		
AMENDMENT #584, Adopted 1/22/09, effective 2/20/09				
2/20/2009	§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 existing market rate units to be deed restricted as affordable units for up to 40 years pursuant to 8-30g.		
AMENDMENT #590, Adopted 3/19/09, effective 4/20/09				
4/20/2009	§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.		
4/20/2009	§45-1 / #590	Adds language expanding the list of staff persons authorized to enforce the zoning regulations.		
AMENDMENT #594, Adopted 7/31/09, effective 8/30/09				
8/30/2009	§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.		
8/30/2009	§11-2.4.8 / #594	Allows light poles on town owned athletic fields to be accessory uses to principal uses and allows the height of these accessory structures up to 80 feet in height in accordance with 32-19.		
8/30/2009	§11-5, §12-5, §13-5 / #594	Allows lighting poles up to 80 feet in height within the Residence AAA, AA, A zone respectively.		

8/30/2009	§32-19.0 / #594	Purpose statement spells out criteria that lighting on town owned athletic fields 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.
8/30/2009	§32-19.1 / #594	Adds language on application requirements for lighting on town owned athletic fields photometric plans and sound mitigation.
8/30/2009	§32-19.2 / #594	To establish additional criteria that the Commission must consider when reviewing lighting on town owned athletic fields.
8/30/2009	§32-19.3 / #594	Adds language that specifies the actions that the Commission may undertake when reviewing lighting on town owned athletic fields. (approve or deny)
8/30/2009	§32-19.4 / #594	Adds conditions of approval. Sixteen conditions in total that must be satisfied for approval for lighting on town owned athletic fields.
AMENDMENT #593, Adopted 9/3/09, effective 9/26/09		
9/26/2009	§40-1 / #593	To establish a new designation DOSRD #3 where property shall remain completely natural, undeveloped and hereby excludes all buildings and structures.
9/26/2009	§40-2 / #593	To add DOSRD #3 in permitted uses section.
9/26/2009	§40-2.2 / #593	To establish permitted uses in DOSRD #3.
9/26/2009	§40-4 / #593	To prohibit special events in DOSRD #3.
9/26/2009	§40-9 / #593	To prohibit buildings or structures in DOSRD #3.
9/26/2009	§40-11 / #593	To detail parking requirements in DOSRD #3.
AMENDMENT #600, Adopted 10/15/09, effective 11/16/09		
11/16/2009	§44-2.2 / #600	To modify §44-2.2 of the Westport Zoning Regulations in the sections regarding State or Federal Agency reports to allow the Commission to waive this requirement if the agency has a policy that precludes their decision until local P&Z approval is obtained. Also, requires further review by the P&Z Commission if the state or federal agency's approval has a material impact on the application.
AMENDMENT #601, Adopted 12/3/09, effective 1/4/10		
1/4/2010	§30-2.2(h) / #601	To allow property in HDD zone to become fully utilized and preserve historic structures as per 2007 Town Plan.
AMENDMENT #602, Adopted 12/10/09, effective 1/11/10		
1/11/2010	§32-18.9.2 (b) / #602	To delete principal owner residency requirement.
1/11/2010	§32-18.3 / #602	To require that even if the owner does not live on site that the owner provide an annual affidavit attesting they have property inspected and perform necessary preservation main.
REMOVAL OF AMENDMENT #601, Adopted 12/3/09, effective 1/4/10, OVERTURNED BY RTM 1-13-10		
1/13/2010	§30-1(f) & §30-2.2(h) / #601	To remove changes to regulations made to §30-1(f) & §30-2.2(h) as per Amendment #601 effective 1-4-10, as of 1-13-10 have been overturned by the RTM.
AMENDMENT #610, Adopted 5/13/10, effective 6/14/10		
6/14/2010	§5-2 / #610	To add definitions for Outdoor Eating Area and Food

		Establishment, Retail.
6/14/2010	§22-2.3.3 / #610	To modify Outdoor Eating Areas to Accessory Uses in RBD to an annual Zoning Permit.
6/14/2010	§23-2.3.3 / #610	To add a new accessory use that allows Outdoor Eating Areas in RBD subject to an annual Zoning Permit.
6/14/2010	§24-2.3.5 / #610	To modify outdoor dining regulations to add Outdoor Eating Areas to Accessory Uses in GBD subject to an annual Zoning Permit.
6/14/2010	§25-2.3.5 / #610	To add a new accessory use that allows Outdoor Eating Areas in HSD subject to an annual Zoning Permit.
6/14/2010	§28-2.3.4 / #610	To modify outdoor dining regulations to add Outdoor Eating Areas to Accessory Uses in BPD subject to an annual Zoning Permit.
6/14/2010	§29-2.3.5 / #610	To modify outdoor dining regulations to add Outdoor Eating Areas to Accessory Uses in BCD subject to an annual Zoning Permit.
6/14/2010	§29A-2.3.5 / #610	To modify outdoor dining regulations to add Outdoor Eating Areas to Accessory Uses in BCD/H subject to an annual Zoning Permit.
6/14/2010	§30-2.4.4 / #610	To modify outdoor dining regulations to add Outdoor Eating Areas to Accessory Uses in HDD subject to an annual Zoning Permit.
6/14/2010	§32-6.1 / #610	To detail that Outdoor Eating Areas shall not be considered Outdoor Storage & Display.
6/14/2010	§32-20 / #610	To add Special Requirements for Outdoor Eating Areas
6/14/2010	§43-14.2 / #610	To modify the types of applications eligible for ARC review. To add a new application type for Outdoor Storage & Display per §32-6 and Outdoor Eating Areas not exempted under §32-20 (5).

AMENDMENT #611, Adopted 5/13/10, effective 6/14/10

6/14/2010	§5-2 / #611	To delete Home Occupation definition and to add Home Based Business definition that includes a hierarchy of intensity: Home Office, Home Occupation, Level 1 and Home Occupation, Level 2.
6/14/2010	§11-2.4.6 / #611	To replace Customary Home Occupation standards with Home Office standards in AAA.
6/14/2010	§11-2.4.6A / #611	To add standards for a Home Occupation, Level 1.
6/14/2010	§15-2.1.3 / #611	To replace references to Customary Home Occupations with Home Occupations, Level 1 & Level 2 when describing prohibited accessory uses in PRD.
6/14/2010	§17-2.1.3 / #611	To replace references to Customary Home Occupations with Home Occupations, Level 1 & Level 2 when describing prohibited accessory uses in OSRD.
6/14/2010	§18-2.2.3 / #611	To replace references to Customary Home Occupations with Home Occupations, Level 1 & Level 2 when describing prohibited accessory uses in Res. C.
6/14/2010	§22-2.1.1 / #611	To replace references to Customary Home Occupations with Home Occupations, Level 1 & Level 2 when describing prohibited accessory uses in RORD1, 2, & 3.
		To replace references to Customary Home Occupations with Home Occupations, Level 1 & Level

6/14/2010	§32-17.2 / #611	2 when describing prohibited accessory uses in Affordable & Middle Income Housing on Town owned Property.
6/14/2010	§32-18.5 (b) / #611	To replace reference to Customary Home Occupation with Home Occupation, Level 1 & Level 2 and Home Occupation, Level 2 in Historic Residential Structures.
6/14/2010	§32-18.9.1 / #611	To replace reference to Customary Home Occupations with Home Based Business and add reference to Home Office, Home Occupation, Level 1 and Home Occupation, Level 2 in Historic Accessory Structure.
6/14/2010	§32-21 / #611	To add a section and standards for a Home Occupation, Level 2, allowed subject to Special Permit approval by the P&Z Commission with Special Conditions.
6/14/2010	§34-5 / #611	To replace reference to Home Occupation with Home Occupation, Level 1 and to add parking standard for Home Occupation Level 1 & Level 2.
6/14/2010	APPENDIX A	To update state fees pursuant to PA09-03.
6/14/2010	APPENDIX B	To add Affordable Accessory Apartment to Index.

AMENDMENT #609, Adopted 4/29/10, effective 6/18/10

6/18/2010	§5-2 / #609	To add new definitions for "Base Flood Elevation", "Coastal Dunes", "Existing Manufactured Home Park or Subdivision", "Expansion to an Existing Manufactured Home Park or Subdivision", "Federal Emergency Management Agency (FEMA)", "Flood or Flooding", "Flood Insurance Study", "Historic Structure", "Manufactured Home Park or Subdivision", "New Manufactured Home Park or Subdivision", "Variance of Flood Plain Regulations", "Violation of Flood Plain Regulations" and "Water Surface Elevation", all to be consistent with federal and state requirements.
6/18/2010	§5-2 / #609	To modify definitions of "Base Flood", "Coastal High Hazard Area", "Development", "Functionally Dependent Facility", "Market Value", "Mean Sea. Level" "Start of Construction", all to be consistent with federal and state requirements.
6/18/2010	§5-2 / #609	To remove the definition of "Flood Boundary and Floodway Map" since the new Floodway Map will not be a separate map but will be included to be consistent with federal and state requirements.
6/18/2010	§31-11.2 / #609	To add the new effective dates in Flood Plain Regulations for the Flood Insurance Rate Maps (FIRM) to be consistent with federal and state requirements.
6/18/2010	§31-11.3.1 / #609	To clarify that in a VE Flood Zone, the applicant should provide the elevation of the lowest structural member for a new construction or substantial improvement to be consistent with CT DEP Model Floodplain Management Regulations.
6/18/2010	§31-11.3.2 / #609	To add Flood Zone AE and to change Flood Zone V to VE to be consistent with federal and state requirements.
6/18/2010	§31-11.3.2(f) / #609	To delete the reference to the Flood Way Map since the Flood Insurance Rate Map (FIRM) will include the Floodway to be consistent with federal and state requirements.

6/18/2010	§31-11.3.4 / #609	To change the Flood Zone A1-A30 to AE to be consistent with federal and state requirements.
6/18/2010	§31-11.3.5 / #609	To change Flood Zone V1-V30 to VE to be consistent with federal and state requirements.
6/18/2010	§31-11.3.5(b)(1) / #609	To clarify that the bottom of the lowest horizontal structural member shall be above the base flood level to be consistent with federal and state requirements.
6/18/2010	§31-11.3.5(b)(2) / #609	To clarify the standards for anchoring of footings, pilings or columns should be consistent with federal and state requirements.
6/18/2010	§31-11.3.5(b)(3) / #609	To require that a professional engineer or architect certify that the structure is adequately secured to footings, pilings, or columns to be consistent with federal and state requirements.
6/18/2010	§31-11.3.5(b)(5) / #609	To require engineered design of breakaway walls to be consistent with Flood Protection Requirement federal and state requirements.
6/18/2010	§31-11.3.5(d) / #609	To require manufactured or mobile homes to be raised to the Base Flood Elevation and to be designed to meet VE Flood Protection Requirements and to be consistent with federal and state requirements.
6/18/2010	§31-11.3.6 / #609	To remove the term "Flood Boundary and Floodway Map", since the new Floodway Map will not be a separate map but will be included in the Flood Insurance Rate Maps, to clarify that the phrase "any increase in flood levels" means 0.00 feet, to require supporting technical data to be supplied by a registered professional engineer and to be consistent with federal and state requirements.
6/18/2010	§31-11.4 / #609	To require Manufactured or Mobile Homes to be raised to the Base Flood Elevation and to be designed to meet VE requirements when VE flood zones and to be consistent with federal and state requirements.
6/18/2010	§31-11.5 / #609	To require that the applicant demonstrate that in the proposed building site will be reasonably safe from flooding and to be consistent with federal and state requirements.
6/18/2010	§31-11.6 / #609	To add new sections requiring Equal Conveyance and Compensatory Storage and to be consistent with federal and state requirements.
6/18/2010	§31-11.6(a) / #609	To prohibit, within the floodplain and in areas that are not tidally influenced, encroachments resulting from filling, new construction or Substantial Improvements involving an increase in footprint unless the applicant provide data proving that the encroachment will not result in any increase in flood levels and to be consistent with federal and state requirements.
6/18/2010	§31-11.6(b) / #609	To require that the water holding capacity of the floodplain, except areas which are tidally influenced, shall not be reduced and to require that any reduction caused by filling, new construction or substantial improvement shall be compensated for by deepening or widening of the floodplain and shall be provided on-site and to be consistent with federal and state requirements.
		To require that whichever regulation imposes the

6/18/2010	§31-11.7 / #609	more stringent restrictions shall prevail and to be consistent with federal and state requirements.
6/18/2010	§31-11.8 / #609	To state that the regulation within the section are considered the minimum reasonable for regulatory purposes, that larger floods can and will occur and that town employees are not liable for flood damages and to be consistent with federal and state requirements.
AMENDMENT #613, Adopted 7/08/10, effective 8/09/10		
8/9/2010	§5-2 / #613	To modify definition of Change of Use, Floor Area, Restaurant & Fast Food Restaurant.
8/9/2010	§22 & 23 / #613	To modify uses in the RORD and RBD Zone.
8/9/2010	§24 / #613	To modify uses in the GBD Zone.
8/9/2010	§24A / #613	To modify uses in the GBD/S Zone.
8/9/2010	§25 / #613	To modify uses in the HSD Zone.
8/9/2010	§28 / #613	To modify uses in the BPD Zone.
8/9/2010	§29 / #613	To modify uses in the BCD Zone.
8/9/2010	§29A / #613	To modify uses in the BCD/H Zone.
8/9/2010	§30-2.2 / #613	To modify uses in the HDD Zone.
8/9/2010	§30-2.3 / #613	Deleted Liquor Establishments section.
8/9/2010	§31-9 / #613	To modify Liquor Establishments.
8/9/2010	§32-20 / #613	To modify Outdoor Eating Areas.
8/9/2010	§34-5 / #613	To modify Off-Street Parking & Loading. To change parking for Restaurants from 1 per 35 SF to 1 per 50 SF & Patron Bar areas to be 1 per 20 SF only when Bar Area exceeds 50% SF of the Total Patron Area.
AMENDMENT #617, Adopted 7/08/10, effective 8/30/10		
8/30/2010	§11-2.4.6 / #617	To provide reference to Two Family Dwelling Units in Home Office regulations.
8/30/2010	§11-2.4.6A(c) / #617	To add language identifying the floor area of the building shall be interpreted as the floor area of the individual dwelling unit in the case of a Two-Family building in Home Occupation, Level 1 regulations.
8/30/2010	§32-21.3 / #617	To add language identifying the floor area of the building shall be interpreted as the floor area of the individual dwelling unit in the case of a Two-Family building in Home Occupation, Level 2 regulations.
AMENDMENT #615, Adopted 7/22/10, effective 9/03/10		
9/3/2010	§5-2 / #615	To add definition for Outdoor Special Events.
9/3/2010	§11-2.4.1 / #615	To modify Residence AAA Zone mobile vendors.
9/3/2010	End of §20 / Summary Chart	To update "Summary schedule of Residence District Provisions Chart" which appears at the end of §20.
9/3/2010	§30-2.2(h) / Technical correction	Technical correction to §30-2.2(h) after Amend. #601 was overturned by RTM.
9/3/2010	§32-8.6 / #615	To change Administrative Excavation & Fill Permits; cross reference from §43-14.3 to §43-14.2 as §43-14.3 is being eliminated.
9/3/2010	§32-23 / #615	To add Special Requirements for Outdoor Special Events.
9/3/2010	§43-14.2 / #615	To modify Small Changes of Use; Eligible Applications for ARC.
9/3/2010	§43-14.3 / #615	To eliminate Other Eligible Applications for ARC section & Temporary Zoning Permits.
9/3/2010	§43-14.3.3 / #615	To eliminate Exceptions for ARC Section.
9/3/2010	§45-4 / #615	To eliminate Temporary Zoning Permits Section.

9/3/2010	§46-3.3 / #615	To eliminate Conditional Permits for Temporary Non-Conforming Uses Section from ZBA.
AMENDMENT #618, Adopted 11/1/10, effective 12/03/10		
12/3/2010	§11-2.3.16 / #618	To add Inclusionary Two-Family & Multifamily Dwellings to allowable Special Permit uses.
12/3/2010	§21-2.2.1 / #618	To add Inclusionary Two-Family & Multi-Family Dwelling Units to allowable Special Permit uses.
12/3/2010	§21-8.4 / #618	To modify FAR.
12/3/2010	§22-2.2.7 / #618	To add Inclusionary Two-family & Multi-Family Dwelling Units to allowable Special Permit uses.
12/3/2010	§22-7 / #618	To modify Building Area.
12/3/2010	§22-8.4 / #618	To modify FAR.
12/3/2010	§23-2.2.1 / #618	To add Inclusionary Two-family & Multi-Family Dwelling Units to allowable Special Permit uses.
12/3/2010	§23-8.2 / #618	To modify FAR.
12/3/2010	§24-2.2.7 / #618	To add Inclusionary Two-Family & Multifamily Dwelling Units to allowable Special Permit uses.
12/3/2010	§24-8.2 / #618	To modify FAR.
12/3/2010	§26-1.3 / #618	To remove Sub Section, to permit Inclusionary Two-Family & Multi-Family Dwelling Units.
12/3/2010	§26-2.2.1(d) / #618	To add Inclusionary Two-Family & Multifamily Dwellings Units to allowable Special Permit uses.
12/3/2010	§28-2.2.2 / #618	To add Inclusionary Two-Family & Multifamily Dwellings Units to allowable Special Permit uses.
12/3/2010	§28-8.1 / #618	To modify FAR.
12/3/2010	§29-2.2.4 / #618	To add Inclusionary Two-Family & Multifamily Dwellings Units to allowable Special Permit uses.
12/3/2010	§29A-2.2.4 / #618	To add Inclusionary Two-Family & Multifamily Dwellings Units to allowable Special Permit uses.
12/3/2010	§32-12 / #618	To modify Two-Family & Multi-Family Dwelling Units.
12/3/2010	§32-12.1 / #618	To modify Lot Area and Shape.
12/3/2010	§32-12.2 / #618	To modify Density.
12/3/2010	§32-12.3 / #618	To modify Setbacks.
12/3/2010	§32-12.4 / #618	To add Height.
12/3/2010	§32-12.5 / #618	To add Coverage.
12/3/2010	§32-12.6 / #618	To modify Building Space.
12/3/2010	§32-12.7 / #618	To modify Floor Area.
12/3/2010	§32-12.8 / #618	To modify Architectural Design.
12/3/2010	§32-12.9 / #618	To add Public Waterfront Access.
12/3/2010	§32-12.10 / #618	To add Signs.
12/3/2010	§32-12.11 / #618	To add Parking.
12/3/2010	§32-12.12 / #618	To modify Landscaping, Screening and Buffer Areas.
12/3/2010	§32-12.13 / #618	To modify Utilities.
12/3/2010	§32-12.15 / #618	To add Affordability Requirement & Plan.
12/3/2010	§32-12.16 / #618	To add Traffic Analysis.
12/3/2010	§35-2.2.1 / #618	To modify Landscaping, Screening & Buffers.
AMENDMENT #619, Adopted 11/1/10, effective 12/03/10		
12/3/2010	§4-1 / #619	To add Inclusionary Housing Overlay District (IHZ).
12/3/2010	End of §30 Summary Chart / #619	To add Inclusionary Housing Overlay District (IHZ).
12/3/2010	§39A / #619	To add Inclusionary Housing Overlay District (IHZ).

AMENDMENT #612, Adopted 11/18/10, effective 12/20/10

12/20/2010	§24.2.2.8 / #612	To allow Retail Boat Sales by Special Permit in the GBD zone.
12/20/2010	§24-2.4 / #612	To delete Boats from the list of Prohibited Uses in the GBD zone
12/20/2010	§32-22 / #612	To add new section for Retail Boat Sales including Accessory Boat Repairs and Storage.
12/20/2010	§32-22.1 / #612	To add a Considerations section for Retail Boat Sales including Accessory Boat Repairs and Storage.
12/20/2010	§32-22.2 / #612	To add a Conditions of Approval section for Retail Boat Sales including Accessory Boat Repairs and Storage.
12/20/2010	§34-5 Parking Requirement Chart / #612	To add Boat Repairs and Boat Storage to Parking Chart.

AMENDMENT #620, Adopted 12/09/10, effective 01/14/11

1/14/2011	§5-2 / #620	To modify the definition of new construction; to specify a maximum limit of 35% increase in the size of the structure or reconstruction. However, for buildings on the Westport Historical Resources Inventory, the percentages may be 50%.
1/14/2011	§6-2.3(d) / #620	To detail that restoration projects must comply with Flood Zone Requirements.

AMENDMENT #627, Adopted 3/17/11, effective 4/8/11

4/8/2011	§5-2 / #627	To modify definition of Coverage, Total to add Swimming Pools to list of structures computed in Total Coverage;
		To modify definition of Swimming Pool to add language identifying Swimming Pools shall be computed in Total Coverage and to add language identifying the surface area shall be measured from the inside face of the exterior walls of the Swimming Pool.
4/8/2011	§11-2.4.2 / #627	To modify language regarding permitted accessory buildings standards and uses and to identify Swimming Pools shall be computed in Total Coverage, and add language clarifying the surface area of a Swimming Pool shall be measured from the inside face of the exterior walls for purposes of computing Total Coverage.

AMENDMENT #628, Adopted 3/17/11, effective 4/8/11

4/8/2011	§5-2 / #628	To delete from the Change of use definition a change in manner in which patrons are seated or in which alcoholic beverages are sold
		To modify definition of Retail Food Establishment to indicate alcoholic beverages may be sold only for off premise consumption and retail food establishments may have no more than 10 patron seats. To modify Restaurant definition so that the Fast Food Restaurant can be deleted. This change will also distinguish a Restaurant from a Retail Food Establishment based on more than 10 indoor seats.
		To modify definition of Outdoor Eating Area, to delete references to Fast Food Restaurants and annual renewals will be required each year as of May 1 st . Also allows Cafes and Taverns to have Outdoor Eating Areas.

4/8/2011	§5-2 / #628 Continued	To modify the definition of Restaurant so that the Fast Food Restaurant can be deleted. This change will also distinguish a Restaurant from a Retail Food Establishment based on more than 10 indoor seats.
4/8/2011	§5-2 / #628	To delete the definition of Restaurant, Fast Food.
4/8/2011	§22-2.2.5 / #628	To delete Fast Food Restaurant.
4/8/2011	§22-2.3.3 / #628	To delete Fast Food Restaurant and give Cafes and Taverns the same Outdoor Eating Area privileges as Restaurants and Retail Food Establishments.
4/8/2011	§22-2.1.4 / #628	To delete Fast Food Restaurant.
4/8/2011	§23-2.3.3 / #628	To delete Fast Food Restaurant.
4/8/2011	§24-2.1.2 / #628	To delete Fast Food Restaurant.
4/8/2011	§24-2.3.5 / #628	To delete Fast Food Restaurant and give Cafes and Taverns the same Outdoor Eating Area privileges as Restaurants and Retail Food Establishments.
4/8/2011	§24A-2.1.2 / #628	To delete Fast Food Restaurant.
4/8/2011	§25-2.1.2 / #628	To delete Fast Food Restaurant.
4/8/2011	§25-2.3.5 / #628	To delete Fast Food Restaurant.
4/8/2011	§28-2.1.2 / #628	To delete Fast Food Restaurant.
4/8/2011	§28-2.3.4 / #628	To delete Fast Food Restaurant and give Cafes and Taverns the same Outdoor Eating Area privileges as Restaurants and Retail Food Establishments.
4/8/2011	§29-2.1.2 / #628	To delete Fast Food Restaurant.
4/8/2011	§29-2.3.5 / #628	To delete Fast Food Restaurant and give Cafes and Taverns the same Outdoor Eating Area privileges as Restaurants and Retail Food Establishments.
4/8/2011	§29A-2.1.2 / #628	To delete Fast Food Restaurant.
4/8/2011	§29A-2.3.5 / #628	To delete Fast Food Restaurant and give Cafes and Taverns the same Outdoor Eating Area privileges as Restaurants and Retail Food Establishments.
4/8/2011	§30-2.2 / #628	To delete Fast Food Restaurant.
4/8/2011	§30-2.4.4 / #628	To delete Fast Food Restaurant and give Cafes and Taverns the same Outdoor Eating Area privileges as Restaurants and Retail Food Establishments.
4/8/2011	§31-9.2 / #628	To modify the requirement for the Police to sign an application for Connecticut Liquor Control commission as these forms no longer require the Police Chief's signature.
4/8/2011	§32-20 / #628	To clarify language that specifies that outdoor Eating Areas are permitted in non residential zones except RPOD, DDD and CPD, Design/Use of Area deletes the term temporary fabric roof structures and substitutes tents, canopies, awnings, decks or landscaped areas shown on a site plan, only allows umbrellas on landscaped surfaces, deletes the prohibition regarding outdoor music up until 9 PM, after 9 PM a Special Permit is required, and eliminates ARC approval for 2AM closing in favor of P&Z Commission approval; Size/Parking Requirements eliminates Fast Food references and greatly simplifies how parking requirements are calculated. Also gives specific guidance on how to measure the area of an Outdoor Eating Area; Seasonal Use simplifies how seasonal use is determined; Setback & Coverage Requirements simplifies how setbacks are to be regulated and specifies that Outdoor Eating Areas cannot be within

		50 feet of a residential zone unless separated by a street or a water body. Requires that any tents, canopies or fixed awnings be counted in building coverage; Landscaping section is merged with Setbacks and Coverage requirements. Also, it specifies that only landscaping that was installed as part of an approved Site Plan cannot be removed.
4/8/2011	§34-5 / #628	To add Retail Food Establishments to the list of uses such as retail that require 1 parking space for every 180 square feet of gross floor area.
4/8/2011	§43-14.2 / #628	To change the words façade change and to Alterations. Outdoor Eating areas are eliminated from the list of approved ARC applications.
AMENDMENT #625, Adopted 5/5/11, effective 5/31/11		
5/31/2011	§5-2, 11-2.3.1, 11-2.3.5, 11-2.4.12D, 19A-16, 20-4.1, 32-2, 32-2.1, 32-2.2, 32-11, 32-11.2, 32-11.5, 34-5 / #625	To replace the term Elderly with Senior.
5/31/2011	§5-2 / #625	To add definitions for Assisted Living Facility, Full Care Living Facility, Independent Living Facility, Senior Center and Senior Residential Community.
5/31/2011	§11-2.4.17 / #625	To add Senior Residential Community to the list of Special Permit Uses.
5/31/2011	§19A-16 / #625	To modify language regarding establishing a priority system for affordable and workforce housing units.
5/31/2011	§32-15A / #625	To add new section for Senior Residential Community, with corresponding location requirements and development standards, to the list of uses allowed in residential and non-residential districts subject to Special Permit and Site Plan approval from the P&Z Commission.
5/31/2011	§34-5 / #625	To add Parking Requirements Table for a Senior Residential Community.
AMENDMENT #631, Adopted 5/19/11, effective 6/20/11		
6/20/2011	§5-2 / #631	To delete language that includes incidental architectural projections in the building area or footprint on lots of 10,890 sq. ft in area or greater.
6/20/2011	§31-4 / #631	To delete language that excludes incidental architectural projections from projecting into the setback area on lots of ¼ acre (10,890 sq. ft) in area or less.
AMENDMENT #632, Adopted 6/2/11, effective 7/5/11		
7/5/2011	§11-2.4.13 (d) / #632	To add language allowing P&Z Commission to approve different apartment configuration than existed in 1959.
AMENDMENT #633, Adopted 6/16/11, effective 7/18/11		
7/18/2011	§11-2.4.12 / #633	To delete, "Site Plan approval in accordance with" and add approval of a Zoning Permit.
7/18/2011	§11-2.4.12A(d) / #633	To delete, "Pursuant to §43-3 all applications for Site plan review", to add, "All requests".
7/18/2011	§11-2.4.12A(i) / #633	To delete, "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".
7/18/2011	§11-2.4.12B / #633	To delete, "Site Plan approval by the P&Z Commission or its designee in accordance with §43, herein", to add "approval of a Zoning Permit".

7/18/2011	§11-2.4.12B(e) / #633	To delete, "Commission, to add "Office", to delete "Commission", to add, "Planning and Zoning Office".
7/18/2011	§11-2.4.12B(g) / #633	To delete, "Pursuant to §43-3 all applications for Site plan review", to add, "All requests".
7/18/2011	§11-2.4.12B(j) / #633	To delete, "The resolution of approval of affordable accessory apartment &"; to delete "commission", add, "Office", to delete, "Commission", to add, "Director".
7/18/2011	§11-2.4.12C & D / #633	To delete, "Commission", to add, "Director".
7/18/2011	§43-14.2 / #633	To delete Accessory Apartments and Affordable Accessory Apartments from the list of ARC eligible applications.

AMENDMENT #630, Adopted 7/14/11, effective 8/15/11

8/15/2011	§5-2 / #630	To amend the definition that MHRUs can be developed on MHPD sites if such units existing as of the date of the amendment.
8/15/2011	§16-1 / #630	To add the word, "enhance".
8/15/2011	§16-2.1.2 / #630	To indicate that density may be increased to 20 units or 40 bedrooms per gross acre on sites where not less than 65% of the total units are affordable to families earning not more than 80% of the State Median Income and not less than an additional 15% of the total units are affordable to families earning not more than 60% of the State Median Income and the units must qualify for moratorium points pursuant to CGS 8-30g.
8/15/2011	§16-2.1.3/ #630	To modify open space requirement for MHRUs of 150 square feet per unit on sites where 80% of the dwelling units are affordable pursuant to 8-30g.
8/15/2011	§16-2.2.2 / #630	To amend accessory structures.
8/15/2011	§16-4.1 / #630	To remove the requirement for setbacks from lot lines that are interior to the Special Permit site on lots of 2 acres or more.
8/15/2011	§16-5 / #630	To modify building height to allow 3 stories and 35 feet on a sites where 80% of the dwelling units are affordable pursuant to 8-30g for MHRU that are at least 30 feet away from a single family residential zoning district boundary line and allow increased height for only new MHRUs not replacement MHRUs.
8/15/2011	§16-6 / #630	To modify measurement of total coverage be based on total area of each mobile home lot, to increase building coverage to 30% & total coverage to 60% on sites where 80% of dwelling units are affordable per 8-30g.
8/15/2011	§16-8.2 / #630	To increase the maximum size for an individual unit from 1200 to 1350 sq. ft and the average unit size from 1100 to 1200 sq. ft on sites where 80% of the dwelling units are affordable pursuant to 8-30g.
8/15/2011	§16-11.4 / #630	To add tandem parking may be considered subject to the discretion of the P&Z Commission and that parking in excess of the minimum required parking may be pavers or pervious.
8/15/2011	§16-11.7 / #630	To add for MHRU developments, the minimum back-up distances for perpendicular spaces, as depicted in §34 of the these Regulations, may be reduced to 24 feet on lots of 2 acres or greater if approved by P&Z Commission.

AMENDMENT #635, Adopted 7/14/11, effective 8/15/11

	To delete the requirement that the P&Z Commission
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8/15/2011	§31-9.2 / #635	approve liquor establishments by Special Permit.
8/15/2011	§31-9.3 / #635	To delete section that allows waivers by P&Z Director.
8/15/2011	§32-6.2 / #635	To delete the words a Temporary Zoning Permit and to change reference from §43-15 to §43-14.
AMENDMENT #636, Adopted 7/21/11, effective 8/15/11		
8/15/2011	§34-11.12 / #636	To expand the authority of the P&Z Commission to designate as Reserved Future Spaces up to 50% of the required parking spaces and to allow small car and loading spaces to be placed in reserve.
AMENDMENT #626, Adopted 7/21/11, effective 9/6/11		
9/6/2011	§32-8 / #626	To clarify that items that are not exempt are subject to Site Plan and/or Special Permit approval and that all exempt and non-exempt activities must conform to the standards listed in §32-8.6.
9/6/2011	§32-8.1 / #626	To add that even exempt activities are subject to the standards in §32-8.3.
09/06/11	§32-8.1.1 / #626	To limit exemptions to within 25 ft. from any building or structure only for work approved as part of a zoning permit.
9/6/2011	§32-8.1.2 / #626	To include Site Plan & Special Permit applications in the list of exemptions.
9/6/2011	§32-8.1.3 / #626	To delete the word 'fence' & to limit exemptions to within 25 ft from such improvements & temporary collecting, stockpiling & reuse of topsoil is exempt.
9/6/2011	§32-8.1.4 / #626	To include changes in groundwater patterns as an activity that is not exempt, also to recognize additional enforcement mechanisms are now available.
9/6/2011	§32-8.2 / #626	To add Excavation.
9/6/2011	§32-8.2.1(a) / #626	To include both excavation & fill. The lot area restriction is changed from 8,000 to 10,000 SF & the maximum excavation or fill amount is reduced by 50% in residential zoning districts.
9/6/2011	§32-8.2.1(b) / #626	To include both excavation & fill. The lot area restriction is changed from 8,000 to 10,000 SF & the maximum excavation or fill amount is reduced by 50% in non-residential districts.
9/6/2011	§32-8.2.1(c) / #626	To include both excavation & fill. The lot area restriction is changed from 8,000 to 10,000 SF & the maximum excavation or fill amount is capped at 500 cubic yards for smaller lots in both residential & non-residential districts.
9/6/2011	§32-8.2.2 / #626	To include both excavation & fill. This formula reduces all allowable excavation or fill by 50%.
9/6/2011	§32-8.2.3 / #626	To include both excavation & fill in height calculations, fill height shall not exceed a ratio of 0.20 relative to the distance from the property line, excavation or fill of driveways in front & side setbacks shall be exempt from this requirement.
9/6/2011	§32-8.2.6 / #626	To include both excavation & fill in the total maximum excavation & fill calculations & requires the use of total excavation not net change.
9/6/2011	§32-8.2.7 / #626	To require an up to date topographic survey, that is verified in the field & based on 1988 NAVD datum.
9/6/2011	§32-8.3.2 / #626	To reduce the allowable man made earth slopes & no grading or slope changes within 5 ft of any property line.

9/6/2011	§32-8.3.4 / #626	To add that processing of earth materials is prohibited except for material that is excavated directly from the site for use on same site.
9/6/2011	§32-8.3.5 / #626	To delete section about no permanent buildings on-site.
9/6/2011	§32-8.3.8 / #626	To add new section prohibiting the use of fill that contains organic material or petroleum based products.
9/6/2011	§32-8.3.9 / #626	To add new section to require erosion controls be installed pursuant to §37.
9/6/2011	§32-8.5 / #626	To delete the word 'Commission' & to add 'shall be given to protecting'.
9/6/2011	§32-8.5.1 / #626	To delete the word 'Commission' so the ARC may also be allowed to apply these standards.
9/6/2011	§32-8.5.4 (f) / #626	To delete the word 'Commission', so the ARC may now also be allowed to require a bond.
9/6/2011	§32-8.5.4 (g) / #626	To add new section that allows for the hiring of a site monitor to be paid for at the applicant's expense.
9/6/2011	§32-8.6 / #626	To add the word 'either' & to specify that either a disturbance of 5,000 SF or an excavation/fill change of 1,000 cubic yards requires a Special Permit.
9/6/2011	§32-8.6.4 / #626	To modify the requirement for mailing of notices to be consistent with §44-1.2.

AMENDMENT #640, Adopted 7/21/11, effective 10/5/11

10/5/2011	§11-2.1.7 / #640	To add Temporary Lighted athletic fields on town owned public school property subject to Site Plan approval by the P&Z Commission pursuant to the provisions of §32-19A as applicable.
10/5/2011	§11-2.3.14 / #640	To add the word "permanent".
10/5/2011	§11-2.4.8 / #640	To add the word "permanent and temporary" and to specify the height of temporary lights to 50 feet also to reference §32-19A.
10/5/2011	§11-5 / #640	To add the words "permanent and temporary".
10/5/2011	§11-6 / #640	To add the words "temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage".
10/5/2011	§12-5 / #640	To add the words "permanent and temporary".
10/5/2011	§12-6 / #640	To add the words "temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage".
10/5/2011	§13-5 / #640	To add the words "permanent and temporary".
10/5/2011	§13-6 / #640	To add the words "temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage".
10/5/2011	§32-19 / #640	To add the word "permanent".
10/5/2011	§32-19.4(i) / #640	To add the words "permanent or temporary".
10/5/2011	§32-19.4(j) / #640	To add the words "1 permanent or 2 temporary" also to add the words "but not a combination of permanent and temporary lights".
10/5/2011	§32-19.4(k) / #640	To add "except if specifically approved by the P&Z Commission as temporary athletic field lighting pursuant to §32-19A".

10/5/2011	§32-19.4(k) / #640	To add "except if specifically approved by the P&Z Commission as temporary athletic field lighting pursuant to §32-19A.
10/5/2011	§32-19A / #640	To add new section for the Purpose of Temporary Athletic Field Lighting for Practice on Town Owned Public School Property.
10/5/2011	§32-19A.1 / #640	To add new section - Application Requirements.
10/5/2011	§32-19A.2 / #640	To add new section - Considerations.
10/5/2011	§32-19A.2 / #640	To add new section - Requirements.
10/5/2011	§32-19A.2 / #640	To add new section - Considerations.
AMENDMENT #638, Adopted 10/13/11, effective 11/14/11		
11/14/2011	§30-1 / #638	To allow office use, primarily above the first floor.
11/14/2011	§30-2.2 (e) / #638	To delete the words "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".
11/14/2011	§30-2.2 (h) / #638	To add the words "are permitted as follows", to delete the 10% maximum of retail uses on upper floors and to delete the limitation of 10% office uses and to allow office uses on the ground floor in the largest building within the zone and up to 500 sq ft in an abutting building.
11/14/2011	§30-5.1 / #638	To increase building height up to three feet to a building on a lot bordered by the HDD on more than four sides and abutting the largest lot in the HDD.
11/14/2011	§30-6.1 / #638	To allow 100% building coverage on a lot bordered by the HDD on more than four sides and abutting the largest lot in the HDD.
11/14/2011	§30-8.1 / #638	To modify that no FAR limitations shall apply to a lot bordered by HDD on more than four sides and abutting the largest lot in HDD, or to the conversion to floor area of an existing area constituting building coverage.
11/14/2011	§30-8.4 / #638	To modify total FAR to allow the conversion to floor area of an existing area constituting building coverage on a lot bordered by the HDD on more than 4 sides & abutting the largest lot in the HDD zone.
AMENDMENT #594, Approved for Settlement 11/10/11, effective 01/16/12		
1/16/2012	§5 / #594	To add definition for Westport Athletic Special Events.
1/16/2012	§11, §12 & §13 / #594	To add the word "permanent" and to exempt light poles for Athletic Fields from coverage.
1/16/2012	§32-19 / #594	To modify section pursuant to Stipulated Settlement.
1/16/2012	Appendix	Delete entire list of old 1930-1992 zone maps.
AMENDMENT #643, Adopted 11/17/11, effective 2/17/12		
2/17/2012	§11-2.4.6 & §11-2.4.6 (h) / #643	To change references from §33-5 to §33-6.
2/17/2012	§32-10.5 & §32-21.8 / #643	To change references from §33-5 to §33-6
2/17/2012	§33-3.14 / #643	To add an exception for <u>Temporary Free-Standing Portable signs</u> as per §33-5.
2/17/2012	§33-4, §33-4.1.5, §33-4.1.6 & §33-4.2 / #643	To modify this section to be for "permanent signs" only and to relocate temporary signs, which are permitted in all districts, to §33-5.1 & §33-5.2.
2/17/2012	§33-5 & §33-5.1 / #643	To relocate temporary signs to §33-5, to apply to all zoning districts.

2/17/2012	§33-5 & §33-5.2 / #643	To relocate requirements for temporary signs in non-residential zoning districts.
2/17/2012	§33-5.3 (a)–(i) / #643	To add requirements for Temporary Free Standing Portable signs in non- residential zoning districts with in Saugatuck Center & Westport Center depicted in the 2007 Town Plan of Conservation & Development.
2/17/2012	§33-6 & §33-7 / #643	To re-number both sections.
2/17/2012	§33-8 / #643	To re-number this section. Text previously in this section has been relocated to §33-5.2. and to add the following district abbreviations for: RBD, GBD/S, HSD, DDD, BPD, BCD & BCD/H.
2/17/2012	§33-1 / #643	To add new section for Coastal/Shoreline Public Access signs.
2/17/2012	§40-10 / #643	To add reference to §33-6.

AMENDMENT #644, Adopted 2/09/12, effective 3/09/12

3/9/2012	§5-2 / #644	To modify "Sign-Free Standing" directing you to the different standards applicable to Free Standing Portable Signs listed in §33-5.3.
3/9/2012	§5-2 / #644	To clarify definition for "Structure" that temporary signs are not structures thus allowed in setback and do not count as coverage.
3/9/2012	§33-5.1 & 33-5.2 / #644	To clarify temporary signs, except Free Standing Portable signs, are permitted in all districts without Zoning Permits.
3/9/2012	§33-5.3 / #644	To clarify that only one Free Standing Portable sign is allowed per tenant in all non-residence districts. and to delete the requirement to be in Saugatuck Center or Westport Center.
3/9/2012	§33-5.3 (f), (g) / #644	To clarify allowable locations for signs.
3/9/2012	§33-5.3 (h) / #644	To modify signs can not be internally or externally lit.
3/9/2012	§33-5.3 (i) / #644	To modify that a Free Standing Portable sign requires a Zoning Permit annually.
3/9/2012	§33-10 / #644	To clarify that Directional signs for Coastal and/or shoreline public access do not require a Zoning Permit.

AMENDMENT #642, Adopted 3/15/12, effective 4/16/12

4/16/2012	§32-12 / #642	To add the word "residential".
4/16/2012	§32-12.7.2 / #642	To modify section adding "BCD/H".
4/16/2012	§32-12.7.2.2 / #642	To change 40% to 30% in GBD, RBD, BCD, BCD/H & DDD#2 zones, to add the words "exclusive of Affordable Units." To have no minimum commercial requirements in the RPOD, RORD & BPD zones.
4/16/2012	§32-12.11 / #642	To replace the word "consider" with "allowed".
4/16/2012	§32-12.15.1 / #642	To add the word "residential".
4/16/2012	§32-12.16 / #642	To modify section to give P&Z Commission discretion to waive Traffic Analysis.
4/16/2012	§39A-1 / #642	To add the word "residential".
4/16/2012	§39A-10.3.2 / #642	To change 40% to 30% in GBD, RBD, BCD, BCD/H & DDD#2 zones, to add the words "exclusive of Affordable Units" to have no minimum commercial requirements in the RPOD, RORD & BPD zones.
4/16/2012	§39A-14 / #642	To replace the word "consider" with "allowed".
4/16/2012	§39A-19 / #642	To modify section to give P&Z Commission discretion to waive Traffic Analysis.

AMENDMENT #645, Adopted 5/3/12, effective 6/4/12

6/4/2012	§34-5 / #645	To modify Parking Requirements Table; deleting parking requirements for places of worship and theaters. Adding a combined parking requirement for places of worship and theaters; the greater of (a) 1 space for each 35 SF of the Sanctuary or Theater or; (b) 1 space for each 40 SF of all rooms, other than the Sanctuary or Theater, used for social functions.
AMENDMENT #649, Adopted 6/7/12, effective 7/9/12		
7/9/2012	§32-20 / #649	To add "Outdoor Eating Areas shall not be counted in building coverage if storm water runoff from said tent, canopy or fixed awning is addressed in a drainage plan, approved by Town Engineer".
AMENDMENT #650, Adopted 7/12/12, effective 8/24/12		
8/24/2012	§5 / #650	To modify Change of Use, to exempt from Site Plan requirements any change for a building or use that results in an increase of not more than three (3) parking spaces.
8/24/2012	§11-2.1.4 / #650	To delete requiring Site Plan approval by the ARC for Mobile Vendors on Private Property and renumber remaining sections.
8/24/2012	§11-2.4.13 / #650	To modify Pre-59 Apartments to exempt from Site Plan requirements.
8/24/2012	§32-6.1 / #650	To modify Outdoor Storage and Display to exempt from Site Plan requirements.
8/24/2012	§32-6.2 / #650	To clarify P&Z Commission approval will be required for truck trailer storage if proposed for more than seven (7) days.
8/24/2012	§32-8 & / #650	To delete reference to Excavation and Fill applications eligible for ARC approval.
8/24/2012	§32-23.1 / #650	To eliminate reference to events involving amusement devices.
8/24/2012	§32-23.2a / #650	To require Site Plan approval by the P&Z Commission, for Outdoor Special Events exceeding 10 days on commercially zoned property.
8/24/2012	§32-23.2b / #650	To require Site Plan approval by the P&Z Commission for Outdoor Special Events exceeding 2 days on residentially zoned property.
8/24/2012	§32-23.2c / #650	To require Site Plan approval by the P&Z Commission for Outdoor Special Events exceeding 7 days on residentially zoned property occupied by a Special Permit use.
8/24/2012	§32-23.9 / #650	To authorize P&Z Commission to waive Site Plan requirements for repeat or annual events.
8/24/2012	§43-5.2 / #650	To add a consolidated list of activities requiring Site Plan approval by the P&Z Commission. To authorize the P&Z Director to waive Site Plan review for certain small-scale projects.
8/24/2012	§43-14 & 43-12.2 / #650	To delete reference to Administrative Approvals and ARC. To delete list of applications eligible for ARC.
8/24/2012	§46-3.1 / #650	To delete reference to the ARC in the list of boards whose decision may not be appealed to the ZBA.
AMENDMENT #656, Adopted 12/20/12, effective 1/4/13		
1/4/2013	§6-2.1.7 & 6-2.1.8 / #656	To allow flexibility for property owners to elevate their existing structures to at least the BFE with no cellar or basement below BFE. If in AE zone they are to be fully compliant with 31-11.5.2 (Elevated buildings). If in V Zone will be fully compliant with 31-11.3.5.

1/4/2013	§6-2.2 / #656	To allow properties that exceed allowable coverage to elevate structures in flood zones while also allowing entry stairs and open porches to be exempt. With 15 s.f. of coverage for each foot that a building is elevated per building entrance up to a maximum of 225 s.f.
1/4/2013	§6-3.1 / #656	To allow properties that have non-conforming setbacks to elevate existing structures in the flood zone that are non-conforming while also allowing entry stairs and open porches that may be in the setbacks to be exempt from setback requirements. However, no such structures shall be permitted within 5 feet of any property line so that they do not encroach on the property line.
1/4/2013	§6-3.3 / #656	To allow properties that are or may become non-conforming up to 5 feet additional or 31 foot max total building height. The ratio shall be up to one additional foot of building height for every foot that average grade is below the BFE to allow these structures to be elevated to at least the BFE.
1/4/2013	§13-4 / #656	To allow properties that have non-conforming setbacks to elevate structures in the flood zone that are non-conforming while also allowing entry stairs and open porches that may be in the setbacks to be exempt from setback requirements. However, no such structures shall be permitted within 5 feet of any property line.
1/4/2013	§13-5 / #656	To allow properties that are within the Flood zone and south of the railroad tracks that are or may become non-conforming to allow building height up to 5 feet additional or 31 foot max total building height. The ratio shall be up to one additional foot of building height for every foot that average grade is below the BFE.
1/4/2013	§13-6 / #656	To allow properties that are over coverage to elevate structures in the flood zones while also allowing entry stairs and open porches to be exempt from coverage requirements. With 15 s.f. of coverage for each foot that a building is elevated per building entrance up to a maximum 225 s.f.
1/4/2013	§14-4 / #656	To allow properties that have non-conforming setbacks to elevate structures in the flood zone that are non-conforming while also allowing entry stairs and open porches that may be in the setbacks to be exempt from setback requirements. However, no such structures shall be permitted within 5 feet of any property line.
1/4/2013	§14-5 / #656	To allow properties within Flood zone & south of railroad tracks that are or may become non-conforming to allow building height up to 5 feet additional or 31 foot maximum total building height. The ratio shall be up to one additional foot of building height for every foot that average grade is below the BFE.
1/4/2013	§14-6 / #656	To allow properties that are over coverage to elevate structures in the flood zones while also allowing entry stairs and open porches to be exempt from coverage requirements. With 15 s.f. of coverage for each foot that a building is elevated per building entrance up to a max 225 s.f.

1/4/2013	§31-11.9 / #656	To add new section called "Above Ground Storage Tanks", to insure that above ground fuel tanks in the flood hazard area are required to be securely anchored to avoid floatation during a storm event.
AMENDMENT #647, Adopted 1/10/13, effective 2/15/13		
2/15/2013	§4-2 / #647	To add references to GIS in description of Zoning Map.
2/15/2013	§31-10.2 / #647	To delete references to Coastal Boundary Map as the Coastal Boundary is now represented on Zoning Map.
2/15/2013	§31-10.3, §31-10.5 / #647	To correct references to CGS section number.
2/15/2013	§31-10.5 / #647	To modify requirements to be consistent with the Connecticut General Statues.
2/15/2013	§31-10.6 / #647	To reformat exemptions and delete two references to "Environmentally Sensitive Areas Map"
2/15/2013	§31-10.7.7 / #647	To delete section stating P&Z Commission may require a Bond as this authority is already listed in §43-12.
2/15/2013	§31-11.3 / #647	To clarify the role of Floodplain Coordinator.
2/15/2013	§43-11.1 / #647	To eliminate requirement to obtain a Zoning Permit within one year of the Granting of a Special Permit or Site Plan approval.
2/15/2013	§43-11.2 / #647	To delete extension request language.
2/15/2013	§43-11.3 / #647	To modify timeframes to complete project to be consistent with the Connecticut General Statues.
2/15/2013	§44-1.4 / #647	To modify list of submission materials for Site Plan, applications.
2/15/2013	§44-1.6 / #647	To modify list of submission materials for Site Plan applications.
2/15/2013	§45-3.3 / #647	To modify the number of Building Plans required to obtain a Zoning Permit.
2/15/2013	§52-4.3 / #647	To modify list of submission materials for Subdivision applications.
2/15/2013	§52-4.3 / #647	To modify list of submission materials for Subdivision applications.
AMENDMENT #658, Adopted 5/30/13, effective 7/8/13		
7/8/2013	§31-11.2 / #658	To add the new effective dates and map panel numbers of the flood insurance rate maps (FIRM) to be consistent with federal and state requirements.
AMENDMENT #661, Adopted 7/25/13, effective 8/26/13		
8/26/2013	§22-2.2.1 / #661	To modify to allow Professional Healthcare Offices but excluding Medical Offices, in RORD#1 and #2 only.
AMENDMENT #665, Adopted 10/17/13, effective 10/25/13		
10/25/2013	§31-14 / #665	To add section on Medical marijuana Dispensaries and Producers Moratorium starting on 10-25-13 to enact a one year Moratorium.
AMENDMENT #660, Adopted 9/26/13, effective 10/28/13		
10/28/2013	§34-11.2 / #660	To allow, at the discretion of the P&Z Commission, a third curb cut on corner lots in an IHZ district to serve the Residential portion of the site if none already legally exists on the site.
AMENDMENT #663, Adopted 11-7-13, effective 12/9/13		
12/9/2013	§5-2 / #663	To relocate requirements for Public Waterfront Access from §5 to §31-10.7.4.
2/15/2013	§18-11/ #663	To cross reference PWA to §31-10.7.4.

2/15/2013	§24A-10/ #663	To cross reference PWA to §31-10.7.4.
12/9/2013	§31-10.7.4 / #663	To relocate requirements for Public Waterfront Access to §31-10.7.4 from §5 and require PWA for all Special Permit & Non residential CAM site Plans.
2/15/2013	§32-12.9 & 39A-10 / #663	To cross reference PWA to §31-10.7.4.
AMENDMENT #664, Adopted 11-7-13, effective 12/9/13		
12/9/2013	§34-11.2 / #664	To add requirements of sight distances for projects that also require a Traffic Impact Analysis to base their sight distance requirements on actual travel speeds rather than a simple 150 feet linear distance.
12/9/2013	§44-2.5 / #664	To modify requirements to now require a Traffic Impact study for any project with 15 or more dwelling units and the square footage requirement is changed to 10,000 s.f. Also to change the criteria whereby the Commission may request mitigation of a proposed project.
AMENDMENT #667, Adopted 1-23-14, effective 2/24/14		
2/24/2014	§5-2/ #667	To modify Building Height definition and to add roof guard and railing exemption language.
2/24/2014	§31-10.6.6 / #667	To change reference from "extreme high tide" to "coastal jurisdiction line" in Zoning Regulations.
2/24/2014	§46-3.2(a) / #667	To eliminate requirement that a zoning permit be obtained within one year after a variance is granted.
2/24/2014	§46-3.2.1 / #667	To eliminate language stating when Site Plan approval is required after a variance is granted.
2/24/2014	§52-4.3.3 / #667	To change reference from "extreme high tide" to "coastal jurisdiction line" in Subdivision Regulations.
AMENDMENT #669, Adopted 3-6-14, effective 3/20/14		
3/20/2014	§29A-1 / #669	To modify Purpose statement in BCD/H Zone for the relocation of Historic Structures.
3/20/2014	§29A-4 / #669	To modify Setbacks for the relocation of Historic Structures.
3/20/2014	§29A-8.2 / #669	To modify FAR for the relocation of Historic Structures.
3/20/2014	§29A-9.3 / #669	To modify new additions and infill to historic buildings and additional buildings on the lot for the relocation of Historic Structures.
3/20/2014	§29A-11 / #669	To modify Parking & Loading for the relocation of Historic Structures.
3/20/2014	§29A-12 / #669	To modify Landscaping, Screening and Buffer Areas for the relocation of Historic Structures.
3/20/2014	§29A-15 / #669	To add a new section 29A-15 for Relocated Historic Structures, which includes subsections regarding setbacks, floor area, additions, parking and landscaping.
AMENDMENT #668, Adopted 3-13-14, effective 4/14/14		
4/14/2014	§26-1.3 / #668	To allow Special Permit Applications in DDD#4 Zones where Total Coverage is not increased by more than 10%.
AMENDMENT #673, Adopted 5-1-14, effective 6/2/14		
6/2/2014	§34-5 / #673	To establish parking standards for Day Care Centers/ Nursery Schools requiring 1 space per 10 children, plus 1 space per employee.
AMENDMENT #676, Adopted 6-19-14, effective 6/27/14		

6/27/2014	§32-8.1 / #676	To add a new section 32-8.1 called Activities that require an Excavation & Fill Permit.
6/27/2014	§32-8.1.2 / #676	To list of 9 types of Exempt Activities that must still adhere to the standards in §32-8.2 & §32-8.3.
6/27/2014	§32-8.2.2 / #676	To add the word "percentage" twice; after Total Coverage and Building Coverage.
6/27/2014	§32-8.2.7 / #676	To add a requirement that Excavation & Fill Applications cannot be used to establish a new existing average grade for the purpose of measuring building height unless five years have passed since the date of approval.
6/27/2014	§32-8.3.2 / #676	To reduce manmade earth slopes to no greater than five horizontal to one vertical (20%) slopes unless approved by the town engineer and to add exemptions for grading within five feet of the property line for driveways and subdivision roads.
6/27/2014	§32-8.3.3 / #676	To change the word "excavating" to "excavated".
6/27/2014	§32-8.3.10 / #676	To relocate a standard to §32-8.3.10 that was deleted from §32-8.1.4 regarding the pumping of ground water to a surface discharge point.
6/27/2014	§32-8.4 / #676	To delete the words "as part of a site Plan".
6/27/2014	§32-8.5 / #676	To add the words "and Special Permit Review as found in §44-5 and §44-6".
AMENDMENT #679, Adopted 10-16-14, effective 10/24/14		
10/24/2014	§31-14 / #679	To extend Moratorium on Medical Marijuana for nine (9) months until July 25, 2015.
AMENDMENT #678, Adopted 10-16-14, effective 11/17/14		
11/17/2014	§5-2 / #678	To add definitions for the words "Cost" & "Unfinished Living Space" and To modify the definitions of Story" & "Structure" .
11/17/2014	§6-2.2, 6-3.1, 6-3.3 / #678	To clarify Coverage, Setbacks & Height for structures in Flood Zones
11/17/2014	§13-4, 13-5, 13-6 / #678	To modify Setbacks, Height & Coverage for structures in Flood Zones.
11/17/2014	§14-4 / #678	To modify Setbacks, Height & Coverage for structures in Flood Zones.
11/17/2014	§31-11.3.5(a) / #678	To modify Flood Zone VE, to change mean high tide line to the Connecticut Coastal Jurisdiction Line and to add Substantial Improvements, Ramps & Piers.
AMENDMENT #681, Adopted 11-06-14, effective 11/17/14		
11/17/2014	§32-1.1(a) & (b) / #681	To correct Excavation & Fill Regulations for septic fields. To change exemptions from 5 feet to 25 feet.
AMENDMENT #680, Adopted 11-20-14, effective 12/22/14		
12/22/2014	§44-2.5 / #680	To require applicants, when submitting traffic impact analysis reports to the Commission that they incorporate data from the Town's baseline traffic study as amended from time to time. Also, the Commission may request additional information to supplement, improve and enhance the accuracy of the traffic data.
AMENDMENT #672, Adopted 01-08-15, effective 02/09/15		
2/9/2015	§29-8.1 & 29A-8.1 / #672	To modify Floor Area Maximum. in BCD & BCD/H Zones to limit buildings, retail establishments, Restaurants, Businesses & other commercial establishments to a maximum of 10,000 SF of gross interior floor space.
		To modify Commercial Parking and Loading in the

2/9/2015	§29A-11 / #672	BCD/H Zone to provide parking as specified in §34-5 for new Floor Area constructed after 02-09-15.
FEES UPDATE, Adopted 04-07-15, effective 05/04/15		
5/4/2015	§APPENDIX A & §11B	To modify the Land Use Fees and Affordable Accessory Apartment Rental figures.
AMENDMENT #690, Adopted 05-14-15, effective 06/15/15		
5/4/2015	§27-2.2 & 27-2.3 / #690	Modified to allow more than 3 tenants in properties located in the Corporate Park District (CPD).
AMENDMENT #698, Adopted 07-16-15, effective 07/24/15		
7/24/2015	§31-14 / #698	Modified to further extend The Moratorium on Medical Marijuana Dispensaries & Producers for a period of six (6) months until January 25, 2016.
AMENDMENT #696, Adopted 07-16-15, effective 08/17/15		
8/17/2015	§5-2 / #696	Modified definition of structure to exempt handicapped platform lifts for ADA compliance.
AMENDMENT #699, Adopted 09-03-15, effective 09/11/15		
9/11/2015	§22 / #699	Modified to permit Health Care Professional offices in the RORD #3 zone.
AMENDMENT #694, Adopted 09-03-15, effective 10/05/15		
10/5/2015	§31-15 / #694	Section added to require that no new or expanded uses requiring more than twenty parking spaces may be located on Local Streets as specified in Plan of Conservation & Development within a Residence Zone.
10/5/2015	§34-5 / #694	Modified the chart at the end of section, which specifies the minimum required number of parking spaces for a variety of uses. The changes are summarized below:
		Senior Residential Communities will increase the required parking for Assisted Living Units from 0.5 spaces per unit to 1.0 space per unit, plus additional parking shall be required equal to 1 space per employee for the largest work shift.
		Managed Residential Communities will increase parking from 0.75 spaces per unit to 1.0 space per unit. Also parking shall be required equal to 1 space per employee for the largest work shift.
		Places of Worship and Theaters – Wording has been added to this parking standard to include vestibules and lobbies into the areas to be measured. Also a footnote has been added which specifies that for these uses they are to be measured from the interior of the exterior walls with no deductions for stages, bemas, alters, choirs or similar spaces.
		The category called "Other" allows the Commission to determine the required parking for a use not found elsewhere in this section. The Commission will now approve parking for such uses through Site Plan and Special Permit approval instead of only Site Plan approval.
10/5/2015	§34-8 / #694	Modified to require all requests to use Joint Parking must be approved by Special Permit when the relief sought between 20% and 50% of the allowable parking reduction.
10/5/2015	§34-11.7 / #694	Modified to require that all required parking for Special Permit uses in Residential Zones be paved with asphalt.

10/5/2015	§34-11.12 / #694	Modified to require that all requests to use Future Reserved parking must be approved by Special Permit when the relief sought is between 20% and 50% of the allowable parking reduction.
10/5/2015	§44-2.1 / #694	Modified to require that before the P&Z Commission renders a decision on an application that appropriate comments/approvals are obtained from the Fire Department, the Police Department and the Board of Selectmen/Traffic Authority/Water Pollution Control Authority (WPCA).
AMENDMENT #701, Adopted 12-10-15, effective 01/11/16		
1/11/2016	§11-3, 12-3, & 13-3 / #701	Modified <u>Lot Area and Shape</u> sections in AAA, AA, & A to provide a cross reference to additional incentives for historic structures preservation listed in §32-18.
1/11/2016	§11-4, 12-4, & 13-4 / #701	Modified <u>Setbacks</u> sections in AAA, AA, & A to provide a cross reference to additional incentives for preservation of historic structures listed in §32-18.
1/11/2016	§11-5, 12-5, & 13-5 / #701	Modified <u>Building Height</u> sections in AAA, AA, & A to provide a cross reference to additional incentives for preservation of historic structures listed in §32-18.
1/11/2016	§11-6, 12-6, & 13-6 / #701	Modified <u>Coverage</u> sections in AAA, AA, & A to provide a cross reference to additional incentives for preservation of historic structures listed in §32-18.
1/11/2016	§32-18.1/ #701	Modified Purpose statement to add lot area & shape as additional incentives for preservation of historic structures.
1/11/2016	§32-18.4/ #701	Modified Considerations section to add lot area & shape as additional incentives for preservation of historic structures.
1/11/2016	§32-18.5/ #701	<p>Modified Commission Actions section to add lot area & shape as additional incentives for preservation of historic structures provided:</p> <ol style="list-style-type: none"> 1. The lot shall be located in the Res AAA, Res AA, or Res A, zoning districts; 2. The lot shall contain more than one Historic Residential Structure; and 3. Each new lot created shall contain at least one Historic Residential Structure. Additionally: <ul style="list-style-type: none"> <input type="checkbox"/> For lots in the Res AAA district, the Lot Area and Lot Shape requirements may be reduced to the standards of the next less restrictive zoning district (or Res AA requirements); <input type="checkbox"/> For Lots in the Res AA district, the Lot Area and Lot Shape requirements may be reduced to the standards of the next less restrictive zoning district (or Res A requirements); <input type="checkbox"/> For lots in the Res A district, the Lot Area requirements may be reduced to not less than one-quarter (1/4) acre, and the Lot Shape requirements may be reduced to the next less restrictive zoning district (or Res B).
AMENDMENT #707, Adopted 02-11-16, effective 03/01/16		
3/1/2016	§39A-4.1 / #707	Modified to substitute the location requirement from frontage on an arterial street that is equal to at least fifteen percent (15%) of the perimeter of the lot, to a location requirement of frontage of seventy-five feet (75') on an arterial street on sites over two (2) acres in

		size.
AMENDMENT #704, Adopted 05-12-16, effective 06/12/16		
6/12/2016	§5-2 / #704	Add definition for Arboretum.
6/12/2016	§40-1 / #704	Modified to substitute the word "municipal" to Town-owned" to clarify the applicability of this section. Also to expand the purpose of DOSRD #2. DOSRD #2 is being modified so that it can be applied to Town-owned properties where existing facilities are located so that the Town may wish to expand or modify such legally existing uses in the future without losing the underlying purpose of the DOSRD zone which is open space.
6/12/2016	§40-2.1 / #704	Modified DOSRD #1, #2 to further limit the principal permitted uses to now be limited to walk, paths, gardens, ponds, picnic tables, benches, restrooms & water fountains.
6/12/2016	§40-2.2 / #704	Modified DOSRD #3 to further limit the principal permitted uses to now be limited to walk, paths, gardens, ponds, picnic tables, benches & nature preserves. Public art & Arboretums are now being added to the list of principal uses.
6/12/2016	§40-3 / #704	Modified DOSRD #2 to more clearly define the allowed Special permit uses.
6/12/2016	§40-3.1 / #704	Modified to simply allow by Special Permit "recreational uses" that are "proposed" by the Parks & Recreation Commission.
6/12/2016	§40-3.2 / #704	Modified to eliminate playgrounds exceeding 2,000 sq. ft.
6/12/2016	§40-3.3 / #704	Added new section to all existing facilities in DOSRD #2 which existed as of 04-20-15 to expand up to 50% of their existing footprint or floor area whichever is greater.
6/12/2016	§40-3.4 / #704	Added new section which specifies which "municipal" uses will be & will not be allowed on properties zoned as DOSRD #2 in new or expanded structures.
6/12/2016	§40-7 / #704	Modified DOSRD #2 to allow building height of 35 ft. or an addition up to the height of an existing structure.
6/12/2016	§40-8 / #704	Modified to eliminate the 50% reduction in coverage for Tennis Courts coverage.
6/12/2016	§40-13 / #704	Modified "Final Approval" wording to make it more clear.
AMENDMENT #711, Adopted 05-12-16, effective 06/12/16		
6/12/2016	§32-18.5(e) / #711	Adds new section and criteria for development that authorizes the Planning and Zoning Commission to grant both Lot Area and Lot Shape incentives to properties to be subdivided that are non-conforming to the minimum lot size requirements of the Res AAA zoning district, are at least 25,000 GSF (0.57 acres) in size as of the effective date of the regulation (6-12-16) and contain at least one Historic Residential Structure 100 years or older as listed on the Tax Assessor's Field Card records.
AMENDMENT #720, Adopted 07-28-16, effective 08/05/16		
8/5/2016	§34-11.2.4 / #720	Adds new section to align with construction standards required by Westport Det. Of Public Works (DPW).
	§35-2, 35-2.1.1, 35-1.2,	Modified Uses to include application for Site Plan Waivers, in reference to the Greening of the Post Road Tree Program, the promotion of drought tolerant

8/5/2016	35-2.1.3 / #720	tree species and the prohibition against the use of invasive species, bonding for trees, shrubs & landscaping walls.
8/5/2016	§35-2.2.1(b), 35-2.2.2, 35-2.2.3, 35-2.2.4 / #720	Modified Front Landscaping Area to add BCD/H and GBD/S zones to those zones where front landscaping may be reduced, low mature height in areas with overhead lines, aligning sidewalk and curb construction standards with DPW requirements.
8/5/2016	§35-2.3.4 / #720	Modified Sidewalks to remove redundant language and referring to §34-11.15 Sidewalk within the Off-Street Parking and Loading.
8/5/2016	§35-2.4.1(b) & 35-2.4.3 / #720	Modified both Buffer Strips & Type C Plants allowable height from 6' to 8'.
8/5/2016	§35-4 / #720	Modified to require Landscaping of Developed Sites be brought up to current standards rather than adherence to the maximum extent possible.
8/5/2016	Sketches at End of §35 / #720	Modified Sketches to show above changes made in Amendment #720. Also added an Approved Tree List.
8/5/2016	§44-2.1.1 / #720	Adds the Tree Board as the local agency to be consulted.
AMENDMENT #714, Adopted 09-01-16, effective 10/09/16		
10/9/2016	§19-B-1 – 19B-11 / #714	Adds new section for Residential Rental Housing Opportunity/ Workforce Zone (R-RHOW). To increase the availability of affordable and attainable rental workforce dwellings in Westport where existing and adequate public facilities and services are present.
AMENDMENT #716, Adopted 09-01-16, effective 10/09/16		
10/9/2016	§13-2.1, 13-2.1.1 / #716	Adds Special Permit Uses subject to special conditions for Small Home Development in Residence A District and as provided for in detailed new §32-24, Small Home Developments and Special Permit & Site Plan approval in accordance with §43.
10/9/2016	§32-24 – 32-24.13 / #716	Adds new section Small Home Developments to expand the variety of housing choices in Westport while maintaining the character and integrity of the town.
AMENDMENT #717, Adopted 09-01-16, effective 10/09/16		
10/9/2016	§22-2.2.2 / #717	Adds language authorizing fitness centers and/or exercise facilities to locate in the RORD #3 subject to certain restrictions listed in the regulations and subject to Special Permit approval from the P&Z Commission.
AMENDMENT #721, Adopted 10-20-16, effective 11/20/16		
11/20/2016	§4-5 / #721	Modified to exempt the first 200 senior units from the multi-family housing cap. This amendment may be considered consistent with goals in 2007 Town Plan of Conservation & Development to create to help seniors stay in Westport.
11/20/2016	§5 / #721	Adds the definition of a Continuing Care Retirement Community.
11/20/2016	§32-15B / #721	Adds new section for Age-Restricted Housing (ARH). To address the housing and other needs of an aging population by allowing for a diversity of housing types.
AMENDMENT #726, Adopted 01-19-17, effective 01/25/17		
1/24/2017	§31-14 / #726	Modified to further, extend the Moratorium on Medical Marijuana Dispensaries & Producers for a period of four (4) months until May 25, 2017.

AMENDMENT #722, Adopted 01-12-17, effective 02/12/17		
2/12/2017	§32-18.5 (e) / #722	Modified to expand the P&Z Commission authority to grant both Lot Area & Lot Shape incentives, to enable the preservation of historic residential structures located on property to be subdivided where the original lot conforms to minimum lot size & lot standards in the Res AAA district & is divided by the Aspetuck River, but the newly created lots will not conform to the minimum lot size & lot shape standards in the Res AAA district & at least one new lot will contain an Historic Residential Structure 100 years or older.
AMENDMENT #724, Adopted 03/16/17, effective 04/16/17		
4/16/2017	§5 / #724	Adds definitions for: Automobile, Automobile Dealership New and Automobile Dealership Used.
4/16/2017	§6-6.2 / #724	Modified §6-6, Redevelopment of Split Zoned Properties to add new section for the Redevelopment of Non-Conforming Automobile Dealerships.
AMENDMENT #725, Adopted 03/16/17, effective 04/16/17		
4/16/2017	§24B / #725	Adds new section for General Business District/Residential (GBD/R).
AMENDMENT #727, Adopted 04/06/17, effective 05/06/17		
5/6/2017	§5-2 / #727	Modifies the Alteration definition to describe what constitutes an Alteration in the Village District Overlay Zone, §36.
5/6/2017	§5-2 / #727	Add the following new definitions associated with the Village District Overlay Zone, §36: Compliance Alternative, Maintenance and Minor Repairs, Substantial Reconstruction and Rehabilitation, and Village District.
5/6/2017	§21-4.1 / #727	Add new section on front setbacks for properties within the Restricted Professional –Office District/Village District Overlay Zone.
5/6/2017	§21-9A / #727	Add new section on Site Plan Review for properties within the Restricted Professional –Office District/Village District Overlay Zone.
5/6/2017	§22-4.3 / #727	Add new section on front setbacks for properties within the Restricted Office Retail District/Village District Overlay Zone.
5/6/2017	§22-9A / #727	Add new section on Site Plan Review for properties within the Restricted Office Retail District/Village District Overlay Zone.
5/6/2017	§23-4.1 / #727	Add new section on front setbacks for properties within the Restricted Business District/Village District Overlay Zone.
5/6/2017	§23-9A / #727	Add new section on Site Plan Review for properties within the Restricted Business District/Village District Overlay Zone.
5/6/2017	§29-4.1 / #727	Add new section on front setbacks for properties within the Business Center District/Village District Overlay Zone.
5/6/2017	§29-9A / #727	Add new section on Site Plan Review for properties within the Business Center District-Historic/Village District Overlay Zone.
5/6/2017	§29A-2.2.6 / #727	Adds language citing this section does not apply to properties within the Business Center District-Historic/Village District Overlay Zone.

5/6/2017	§29A-9A / #727	Add new section on Site Plan Review for properties within the Business Center District-Historic/Village District Overlay Zone.
5/6/2017	§36 / #727	Add new chapter, §36 Village District Overlay (VDO) Zone/Westport Center, and design principles and standards.
5/6/2017	§43-5.2 / #727	Adds language clarifying, Site Plan Review in the Village District Overlay Zone shall be performed by the Joint Committee, Planning, and Zoning Commission and is not eligible for a Site Plan Waiver.
AMENDMENT #735 Adopted 06/01/17, effective 07/26/17		
7/26/2017	§5-2 / #735	Add definitions for Dispensary Facility, Place of Worship Public Building, Public Park and Recreation Area, and Separation Distance.
7/26/2017	§32-25 / #735	Add new section §32-25 establishing Medical Marijuana Dispensary Facilities as a Special Permit use application which requires a License to Operate issued by the Department of Consumer Protection, is considered Retail for parking purposes and must conform to location requirements of 1,000 feet from protected uses.
AMENDMENT #737 Adopted 09/07/17, effective 09/15/17		
9/15/2017	§21-4.1 / #737	Modified front lot-line requirements, to restore the thirty-foot (30') front setback requirement in the Restricted Professional Office District.
9/15/2017	§22-4.3.1 / #737	Modified front lot-line requirements, to restore the thirty-foot (30') front setback requirement in the Restricted Office Retail District.
9/15/2017	§23-4.1 / #737	Modified front lot-line requirements, to restore the thirty-foot (30') front setback requirement in the Restricted Business District.
9/15/2017	§36-2.3 / #737	Modified Design Standards in the VDO to correct an error in a cross-reference.
AMENDMENT #738 Adopted 10/05/17, effective 11/05/17		
11/5/2017	§27 / #738	Modified Permitted Uses subject to Special Permit/Site Plan approval to delete the term "dental" as that is prohibited in the CPD and to add "Healthcare Professional" as defined in §5-2, as a Permitted Use in the CPD subject to Special Permit/Site Plan approval.
AMENDMENT #739 Adopted 10/12/17, effective 11/12/17		
11/12/2017	§4-5 / #739	Modified Maximum Allowable Multi-family dwellings to enable ALFCI dwelling units to be included in the existing, first 200 unit exemption.
11/12/2017	§39-A / #739	Modified Inclusionary Housing Zone Overlay District (IHZ) to allow Assisted Living, Full Care and Independent Living (ALFICIL) facilities subject to proposed standards.
AMENDMENT #740 Adopted 10/12/17, effective 11/19/17		
11/19/2017	§29-B / #740	Add new Chapter §29-B Business Center Retail Residential District (BCRR). The locational criteria of the proposed district includes but is not limited to (see regulation for exact text): <ol style="list-style-type: none"> 1. The lots must be commercially zoned; and 2. The lots must be within Westport Center, as defined in the POCD, north of the Post Road and east of Main Street; and

		3. The lot must have 75 feet of frontage on a non-state highway local road; and 4. The lot must have a 40% of its perimeter used as a municipal parking lot, which existed at the time of the adoption of this regulation.
AMENDMENT #748 Adopted 10/11/18, effective 11/11/18		
11/11/2018	§32-8.5.4 / #748	Modify to bring Wetport's bonding regulations into line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by the municipality and the implementation of any erosion and sediment controls required during construction activities.
11/11/2018	§35-2.1.3 / #748	Modify to bring Wetport's bonding regulations into line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by the municipality and the implementation of any erosion and sediment controls required during construction activities.
11/11/2018	§43-12 / #748	Modify to bring Wetport's bonding regulations into line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by the municipality and the implementation of any erosion and sediment controls required during construction activities.
11/11/2018	§45-9 / #748	Modify to bring Wetport's bonding regulations into line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by the municipality and the implementation of any erosion and sediment controls required during construction activities.
11/11/2018	§53-9 / #748	Modify to bring Wetport's bonding regulations into line with Public Act 12-812 to allow only for financial guarantee to provide adequate completion of site improvements that will be conveyed to or controlled by the municipality and the implementation of any erosion and sediment controls required during construction activities.
AMENDMENT #752 Adopted on 11/8/2018, effective 11/25/2018		
11/25/2018	§22-2.2.2 / #752	Modify the current standards for fitness centers and/or exercise facilities in the RORD#3 zone.

APPENDIX D - LOT CALCULATIONS

Revised 10-14-03

The following directions should be used in conjunction with the "Lot Area Worksheet" attached.

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 not 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)	
IF LINE 13 IS POSITIVE, THE LOT COMPLIES. OTHERWISE, THE LOT DOES NOT COMPLY		

LOT REGULARITY FACTOR WORKSHEET			
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		
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.			

LOT AREA COVERAGE WORKSHEET			
BASE LOT CALCULATION (All entries in square feet--do not 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)		=
MAXIMUM LOT AREA COVERAGE CALCULATION			
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		
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			