

§29B BUSINESS CENTER RETAIL RESIDENTIAL DISTRICT (BCRR) 11-19-17

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 mid point 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.