

RTM Meeting
June 14, 2011

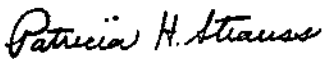
REPRESENTATIVE TOWN MEETING NOTICE

All Representative Town Meeting Members and inhabitants of the Town of Westport are hereby notified that a special meeting of the Representative Town Meeting members will be held at Town Hall, 110 Myrtle Ave., on Tuesday, June 14, 2011, at 8 p.m. for the purposes listed below. If necessary, the meeting shall reconvene on Wednesday, June 15, 2011 to deal with any agenda items not disposed of at the adjournment of the June 14, 2011 meeting.

1. To take such action as the meeting may determine, upon the request of at least 20 electors of the Town of Westport pursuant to Section C10-4 of the Town Charter, to review the action taken by the Westport Planning & Zoning Commission on May 5, 2011 to modify various sections of the Westport Zoning Regulations as they pertain to a Senior Residential Community as set forth in Text Amendment #625 Appl. #11-001. (Full text of Text Amendment #625 is available in the Town Clerk's office.)


Hadley C. Rose, Moderator

This is to certify that I mailed a copy of the above notice, properly prepaid, to each Representative Town Meeting Member on Tuesday, May 31, 2011, and that I caused a copy of said notice to be published in the Westport News in its edition of Friday, May 27, 2011.


Patricia H. Strauss, Town Clerk

RESOLUTIONS

(1)

RESOLVED: That upon the recommendation of at least 20 electors of the Town of Westport pursuant to Section C10-4 of the Town Charter, the action taken by the Westport Planning & Zoning Commission on May 5, 2011 to modify various sections of the Westport Zoning Regulations as they pertain to a Senior Residential Community as more particularly set forth in Text Amendment #625 Appl #11-001 is hereby reversed.

Full text of Amendment #625 is as follows:

Text Amendment #625

Received: 1/16/11

Last revised by the applicant 2/24/11

Public Hearing Held: 2/17/11 and 3/10/11

Adopted: 5/5/11

Effective date: 5/31/11

Deleted language is ~~[struck-out and in brackets]~~; New language is underlined.

§5, Specific Terms

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.

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.

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.

[Elderly] Senior: A [P]erson[s] 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).

§11 Residence AAA District

11-2.3 Special Permit Uses Subject to Special Conditions

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

- ...11-2.3.1 ~~[Elderly]~~ Senior housing
- ...11-2.3.5 Group home for ~~[Elderly]~~ Seniors
- ...11-2.3.17 Senior Residential Community

11-2.4 Permitted Accessory Buildings, Structure & Uses

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 ~~[n-elderly]~~ Senior accessory apartment upon compliance with all the standards and requirements therefore in §11.2.4.12A and upon review and approval by the Planning and Zoning Commission or designee such owner shall then record a Release of the Declaration of Restrictions on the Land Records.

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

19A-16 Affordable 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. To the extent permissible under applicable State and Federal laws, [F]the Affordability Plan shall establish a priority system for the affordable and workforce housing units including, but not limited to, [Westport municipal employees, the elderly, and Westport residents.] Westport residents, Westport Seniors, and Westport municipal employees.

§20 – Municipal Housing Zone (MHZ)

20-4 Density

20-4.1 ~~[Elderly]~~ Senior Housing Requirement

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

§32-2 – ~~[Elderly]~~ 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 ~~[elderly]~~ Senior persons at reasonable rents in order to assure especially adapted housing facilities for ~~[elderly]~~ Senior persons in the public interest by allowing multiple-family housing for ~~[elderly]~~ 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[A], et seq. of the Connecticut General Statutes. Such housing [~~for the elderly~~] shall be permitted as a municipal use subject to Site Plan and Special Permit approval in accordance with §43, and to the following standards, conditions and safeguards.

32-2.2 Permitted Uses

Construction of residential dwelling units for [~~the elderly~~] 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.

§32-11 Group Home for [~~the Elderly~~] 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 [~~elderly~~] 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:

32-11.2 Occupancy

A group [~~elderly~~] Senior home shall include a resident occupied dwelling unit with guest rooms for not more than six (6) [~~elderly~~] 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.

32-11.5 CAP

No more than five (5) such group homes for [~~the elderly~~] Seniors shall be permitted within the Town of Westport.

§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 and Zoning Commission in accordance with the Town 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:

<u>ZONE</u>	<u>LOT AREA</u>	<u>LOT</u>
<u>FRONTAGE</u>		
<u>AAA, AA, A,</u>	<u>4 Acres</u>	<u>200' on an</u>
<u>arterial</u>		
<u>PRD</u>	<u>Minimum</u>	<u>street</u>
<u>BCD, GBD,</u>	<u>2 Acres</u>	<u>200' on an</u>
<u>arterial</u>		
<u>HDD, HSD,</u>	<u>Minimum</u>	<u>street</u>
<u>RBD, RORD,</u>		
<u>RPOD</u>		

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 or to be 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 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 Planning and Zoning 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 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 Planning and Zoning 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 Planning and Zoning 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:

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 Planning and Zoning Commission; and
2. The Planning and Zoning 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 feet (16') 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 feet (5');

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 feet (15').

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 zoning 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 Planning and Zoning 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.

§34 – Off-Street Parking and Loading

...34-5 Parking Requirements Table

Senior Residential Community:

Independent Living Facility 1.0 space per unit

Assisted Living Facility 0.5 space per bed

Full Care Living Facility 0.5 space per bed

...public [elderly] Senior housing 0.75 spaces for each dwelling unit for [elderly]
Senior persons

...[Elderly] Senior group home

1 space per bedroom or guest room



WESTPORT CONNECTICUT

PATRICIA H. STRAUSS

TOWN CLERK

BACK UP MATERIAL
RTM ITEM # 1

May 20, 2011

Hadley C. Rose, Moderator
Representative Town Meeting
14 St. George Pl
Westport, CT 06880

RE: Agenda Item Request pursuant to Section C10-4 of the Town Code

Dear Hadley:

Today, lead petitioner Bart Shuldman of 14 Broadview Rd filed a petition from at least 20 electors of the Town of Westport pursuant to Section C10-4 of the Town Code, for the RTM to place an item on an upcoming Representative Town Meeting agenda, involving a request to review and reject the action taken by the Westport Planning & Zoning Commission on May 5, 2011 and legally noticed on May 13, 2011 adopting text amendment #625 Appl. #11-001 to modify various sections of the Westport Zoning Regulations as they pertain to a Senior Residential Community. A copy of the petition pages and a copy of the legal notice are enclosed.

At least 20 electors' names have been verified for acceptance of this petitioned request. Pursuant to Section C10-4 of the Town Code, please consider placing this matter on the agenda of the RTM at a future meeting to be held within 30 days after receipt of the petition.

Sincerely,

A handwritten signature in cursive script that reads "Patricia H. Strauss".

Patricia H. Strauss
Town Clerk

Cc: Gordon F. Joseloff, First Selectman
Ira Bloom, Town Attorney
Gail Kelly, Assistant Town Attorney
Laurence Bradley, Director, Planning & Zoning
Matthew Mandell, Chair, RTM Planning & Zoning Committee

LEGAL NOTICE OF DECISION

5/13/11

Notice is hereby given that at a meeting held on May 5, 2011, the Westport Planning and Zoning Commission took the following action:

1.ADOPTED: Amendment #625, Appl. # 11-001 by the First Selectman for a text amendment to the Westport Zoning Regulations to modify §5, Definitions, to add Assisted Living Facility; to modify §5, Definitions, to add Full Care Living Facility; to modify §5, Definitions, to add Independent Living Facility; to modify §5-2, Definitions, to replace the term "Elderly" with "Senior;" to modify §5, Definitions, to add Senior Center; to modify §5, Definitions, to add Senior Residential Community; to modify §11-2.3.1, to replace the term "Elderly" with "Senior;" to modify §11-2.3.5, to replace the term "Elderly" with "Senior;" to modify §11-2.3, Special Permit Uses Subject to Special Conditions, to add a section for Senior Residential Community; to modify §11-2.4.12D, Permitted Accessory Buildings, Structures, and Uses, to replace the term "Elderly" with "Senior;" to modify §19A-16, Affordable Plan, to replace the term "Elderly" with "Senior;" and to modify existing language regarding establishing a priority system for affordable and workforce housing units; to modify §20-4, Density, to replace the term "Elderly" with "Senior;" to modify §32-2, Elderly Housing-Municipal, to replace the term "Elderly" with "Senior;" to modify §32-2.1, Purpose, to replace the term "Elderly" with "Senior;" to modify §32-2.2, Permitted Uses, to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with "Senior" in other areas of this section. **Effective date: May 31, 2011**

2.ADOPTED: Amendment #623, Appl. #10-055 by Barr Associates for a map amendment to the Westport Zoning Map to rezone the properties at 0 Cottage Lane, PID #H09017000 and 0 Cottage Lane, PID #H09018000, owned by Alan Thoele, from Residential A to General Business District. **Effective date: June 6, 2011**

3.GRANTED: 78 Maple Avenue South, Appl. #11-017 by CFJ Realty Development, LLC for property owned by CFJ Realty Development, LLC for a Special Permit & Site Plan approval for excavation & fill in a Res AAA zone, PID # H07031000.

The above items were approved/granted/adopted and are on file with the Planning and Zoning Office in Town Hall at 110 Myrtle Avenue.

Dated at Westport, Connecticut this 13th day of May, 2011
Ron Corwin, Chairman, Planning and Zoning Commission

May 20, 2010

To: Patricia Strauss,
Town Clerk of the Town of Westport, Connecticut

From: Bart Shuldman
Name of Petitioner

bcs44@optonline.net

Re: Petition to Review and Reject Planning & Zoning Decision

RECEIVED FOR RECORDS
WESTPORT LAND RECORDS
2011 MAY 20 A 10:40
VOL. _____ PAGE _____
Patricia Strauss
TOWN CLERK

I am a resident of, and registered voter in, Westport, Connecticut.


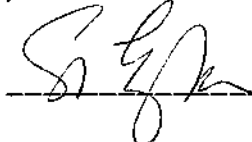
The following is a Petition, signed in counterparts by 20 or more electors of Westport a/k/a Registered Voters, including the Petitioner. I and those signatories hereby file this petition on and as of this 20th day of May 2011 with the Town Clerk of Westport, Connecticut.

**PETITION FOR REVIEW AND REJECTION UNDER CHAPTERS 10-4
AND 5-1 OF
WESTPORT'S TOWN CODE/CHARTER**

The undersigned, each of whom is a registered voter in the Town of Westport hereby petition for review and rejection by the Westport Representative Town Meeting the action of the Westport Planning and Zoning Commission in adopting Amendment #625, Appl. #11-001 by the First Selectman for a text amendment to the Westport Zoning Regulations to modify §5, Definitions, to add Assisted Living Facility; to modify §5, Definitions, to add Full Care Living Facility; to modify §5, Definitions, to add Independent Living Facility; to modify §5-2, Definitions, to replace the term "Elderly" with "Senior;" to modify §5, Definitions, to add Senior Center; to modify §5, Definitions, to add Senior Residential Community; to modify §11-2.3.1, to replace the term "Elderly" with "Senior;" to modify §11-2.3.5, to replace the term "Elderly" with "Senior;" to modify §11-2.3, Special Permit Uses Subject to Special Conditions, to add a section for Senior Residential Community; to modify §11-2.4.12D, Permitted Accessory Buildings, Structures, and Uses, to replace the term "Elderly" with "Senior;" to modify §19A-16, Affordable Plan, to replace the term "Elderly" with "Senior;" and to modify existing language regarding establishing a priority system for affordable and workforce housing units; to modify §20-4, Density, to replace the term "Elderly" with "Senior;" to modify §32-2, Elderly Housing-Municipal, to replace the term "Elderly" with "Senior;" to modify §32-2.2, Permitted Uses,

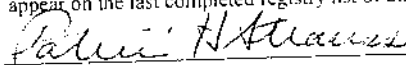
to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

ALL as set forth in Amendment #625 adopted on May 5, 2011 and noticed on Friday, May 13, 2011 at page C6 of the *Westport News*.

Name (print)	Signature	Westport Address
✓ <u>BARI SHULDMAN</u>		<u>14 Broadview Road</u>
✓ <u>Susan Levy Shuldmann</u>		<u>14 Broadview Rd.</u>
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(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 2 signed names of electors, whose names appear on the last completed registry list of this town.


Signed (Town Clerk)

establishing a priority system for affordable and workforce housing units; to modify §20-4, Density, to replace the term "Elderly" with "Senior;" to modify §32-2, Elderly Housing-Municipal, to replace the term "Elderly" with "Senior;" to modify §32-2.2, Permitted Uses, to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

ALL as set forth in Amendment #625 adopted on May 5, 2011 and noticed on Friday, May 13, 2011 at page C6 of the *Westport News*.

Name (print)

Signature

Westport Address

✓ Margery S. Silk Margery Silk 27 CWERWAKE PARK

✓ Tona Andersen Tona Andersen 471 Main St

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 2 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss
Signed (Town Clerk)

to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

ALL as set forth in Amendment #625 adopted on May 5, 2011 and noticed on Friday, May 13, 2011 at page C6 of the *Westport News*.

Name (print)	Signature	Westport Address
✓ <u>Mark Lindvall</u>	<u>Mark Lindvall</u>	<u>5 Fernhill Lane</u>
✓ <u>Christopher Dean</u>	<u>CD</u>	<u>16 Birch Hill Landing N</u>
<u>SKARIA THOMAS</u>	<u>Skaria T</u>	<u>6 FERNHILL LN</u>
✓ <u>Mary Ann Underhill</u>	<u>MUnderhill</u>	<u>5 Fernhill Ln.</u>
✓ <u>Chris Papp</u>	<u>CP</u>	<u>7 Fernhill Lane</u>
<u>TR Papp</u>	<u>Martina Papp</u>	<u>7 Fernhill Lane</u>

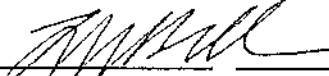
(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 4 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss
Signed (Town Clerk)

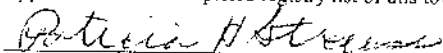
to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

ALL as set forth in Amendment #625 adopted on May 5, 2011 and noticed on Friday, May 13, 2011 at page C6 of the *Westport News*.

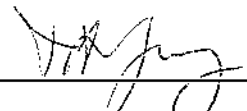
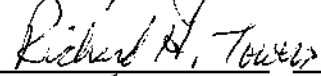
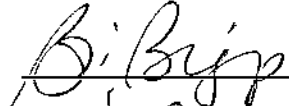



Name (print)	Signature	Westport Address
✓ <u>LEANNE BELL</u>		<u>29 RIVER LA</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(continued)

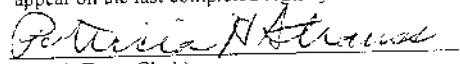
I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 1 signed names of electors, whose names appear on the last completed registry list of this town


Signed (Town Clerk)

**PETITION TO REVIEW AND REJECT
PLANNING & ZONING AMENDMENT #625
(Application #11-001)
(continued)**

Name (print)	Signature	Westport Address
✓ <u>Ted Youngling</u>		<u>52 Long Lots Rd</u>
✓ <u>RICHARD H. TOWERS</u>		<u>12 Greens Farms Hollow</u>
✓ <u>Brandi Briggs</u>		<u>2 Rainey Lane</u>
✓ <u>Jordan Gal</u>		<u>155 Old Mill Rd.</u>
✓ <u>ROBERT LAFLEUR</u>		<u>93 NEWTOWN TPK.</u>
✓ <u>Linda Carper</u>		<u>218 Bayberry Lane</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I, Patricia H. Strauss, Town Clerk of the Town of Westport,
certify that this petition page was filed with me May 20, 2011
and that it contains 6 signed names of electors, whose names
appear on the last completed registry list of this town.


Signed (Town Clerk)

PETITION TO REVIEW AND REJECT
PLANNING & ZONING AMENDMENT #625
(Application #11-001)
(continued)

Name (print)	Signature	Westport Address
✓ <u>Lore Feller</u>	<u>[Signature]</u>	<u>11 Lancaster Rd., Westport</u>
✓ <u>PETER HORNER</u>	<u>[Signature]</u>	<u>3 MEADOWBROOK LN., WESTPORT</u>
✓ <u>Neil Messon</u>	<u>[Signature]</u>	<u>253 GREENS FARMS RD.</u>
✓ <u>Terry Doyle</u>	<u>[Signature]</u>	<u>10 Partridge Lane Westport</u>
✓ <u>MARY TOWERS</u>	<u>[Signature]</u>	<u>12 GREENS FARMS HOLLOW</u>
✓ <u>Mary Bell</u>	<u>[Signature]</u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
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<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 5 signed names of electors, whose names appear on the last completed registry list of this town.
Patricia H. Strauss
Signed (Town Clerk)

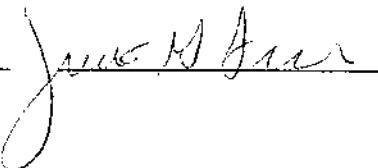
to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

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Name (print)

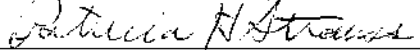
Signature

Westport Address

Cecilia G. Freedman		17 Crawford Rd
_____	_____	_____
_____	_____	_____
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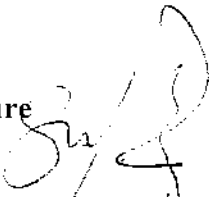
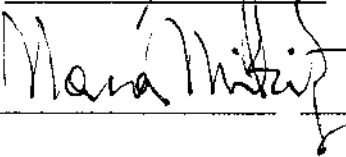
(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 1 signed names of electors, whose names appear on the last completed registry list of this town.


Signed (Town Clerk)

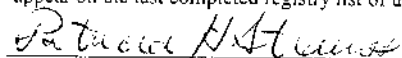
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Name (print)	Signature	Westport Address
✓ <u>SHELDON MINKOWITZ</u>		<u>25 BROADVIEW ROAD</u>
✓ <u>NORMA MINKOWITZ</u>		<u>25 BROADVIEW ROAD</u>
_____	_____	_____
_____	_____	_____
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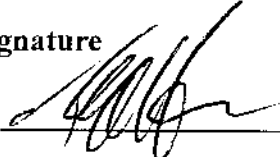
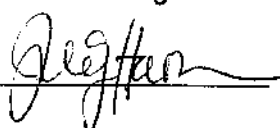
(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 2 signed names of electors, whose names appear on the last completed registry list of this town.


 Signed (Town Clerk)

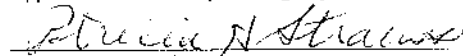
to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

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Name (print)	Signature	Westport Address
✓ Robert Haran		8 Broadview Rd.
✓ Julie G. Haran		8 Broadview Rd
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

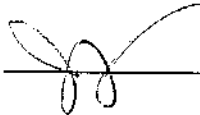
(continued)

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Signed (Town Clerk)

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Name (print)	Signature	Westport Address
✓ <u>Jeffrey L Gray</u>		<u>21 Broadview Rd.</u>
✓ <u>Marsha Gray</u>	<u>Marsha Gray</u>	<u>21 Broadview Road</u>
_____	_____	_____
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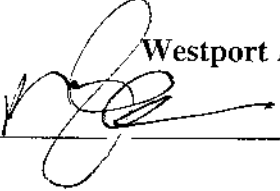
(continued)

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Patricia H. Strauss
Signed (Town Clerk)

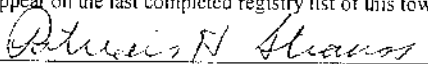
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Name (print)	Signature	Westport Address
✓ RICHARD GORDON		31 JENNIE LANE.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 1 signed names of electors, whose names appear on the last completed registry list of this town.


 Signed (Town Clerk)

**PETITION TO REVIEW AND REJECT
PLANNING & ZONING AMENDMENT #625
(Application #11-001)
(continued)**

Name (print)

Signature

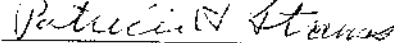
Westport Address

✓ DAVID J. LOFFREDO  18 INDIAN HILL ROAD

✓ Megan M. Loffredo  18 Indian Hill Road


_____	_____	_____
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I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 2 signed names of electors, whose names appear on the last completed registry list of this town.


Signed (Town Clerk)

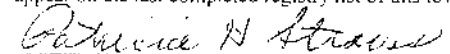
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Name (print)	Signature	Westport Address
✓ HELEN BLOCK		67 Partrick Rd.

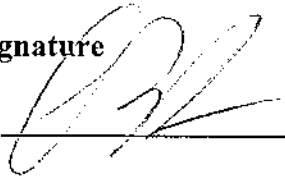
(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 1 signed names of electors, whose names appear on the last completed registry list of this town.


Signed (Town Clerk)

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Name (print)	Signature	Westport Address
<u>✓ Clayton B. Andrews</u>		<u>30 Old Hill Rd</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____

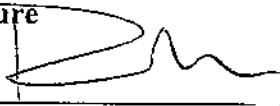

(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 1 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss
Signed (Town Clerk)

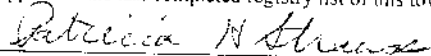
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Name (print)	Signature	Westport Address
Ross Kudwitt		9 Summer Hill Rd.
✓ Rebecca Kudwitt		9 Summer Hill Rd.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 2 signed names of electors, whose names appear on the last completed registry list of this town.


Signed (Town Clerk)

to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

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Name (print)	Signature	Westport Address
✓ <u>Sharon Simons</u>	<u>Sharon Simons</u>	<u>3 Victoria Lane</u>
<u>Nelva Willard</u>	<u>Nelva Willard</u>	<u>8 Dorchester Drive</u>
<u>Ruth Willard</u>	<u>Ruth Willard</u>	<u>8 Dorchester Dr</u>
✓ <u>Alan Puklin</u>	<u>Alan Puklin</u>	<u>1 Victoria Lane</u>
MARCYS PUKLIN		
✓ <u>Marcy Puklin</u>	<u>Marcy Puklin</u>	<u>1 Victoria Lane</u>
<u>Tom Simon</u>		<u>3 Victoria Lane</u>

(continued)

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 3 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss
Signed (Town Clerk)

to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

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Name (print)	Signature	Westport Address
KATHRYN SIVICO	<i>[Signature]</i>	15 Janson Dr
Anthony Sivico	<i>[Signature]</i>	15 Janson Dr
Alexander Orzechoff	<i>[Signature]</i>	47 Woodside Ave
September Sivico	<i>[Signature]</i>	15 Janson Dr ? 47 Woodside Ave
Kenny Symonzek	<i>[Signature]</i>	20 Westfair Drive PO. Box 3242 Westport, CT 06880
Laura Cusano	<i>[Signature]</i>	931 Post Rd W.
Maribel Huerta	<i>[Signature]</i>	1655-51 Post Rd. E Westport Ct. 06880





~~(continued)~~

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me May 20, 2011 and that it contains 4 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss
Signed (Town Clerk)

to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

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Name (print)	Signature	Westport Address
Thomas Fode		18 Mayflower Pkwy
Cecile Fode		" "
Lestic Papano		33 Mayflower Pkwy
Vicki Dixon		26 Mayflower Pkwy

(continued)

to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with the term Senior" [sic] in other areas of this section. **Effective date: May 31, 2011.**

ALL as set forth in Amendment #625 adopted on May 5, 2011 and noticed on Friday, May 13, 2011 at page C6 of the *Westport News*.

Name (print)	Signature	Westport Address
Elaine Schanzenbach	<i>Elaine Schanzenbach</i>	12 Mayflower Place
Allan B Campbell	<i>Allan B Campbell</i>	12 Mayflower Place
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(continued)



WESTPORT CONNECTICUT

PLANNING & ZONING
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1030 • (203) 341-1079
(203) 454-6145 - fax

Hearing: Feb. 17, 2011 and March 10, 2011
Work Sessions: March 24, 2011, April 7, 2011,
April 14, 2011, May 5, 2011
Decision: May 5, 2011

May 6, 2011

BACK UP MATERIAL
RTM ITEM # 1

Honorable Gordon Joseloff, First Selectman
110 Myrtle Avenue, Town Hall
Westport, CT 06880

RE: Text Amendment #625/P&Z Appl. #11-001, Senior Residential Community

Dear Mr. Joseloff:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on May 5, 2011 it was moved by Mrs. Lowenstein and seconded by Mr. Press to adopt the following resolution.

RESOLUTION #11-001

WHEREAS, THE PLANNING AND ZONING COMMISSION met on May 5, 2011 and made the following findings:

1. The application is for a text amendment to the Westport Zoning Regulations to add a new section §32-15A and to modify existing sections §5, §32-8, and §34-5, to create opportunities for future development of Senior Residential Communities on Town-owned property.
2. The amendment was revised by the applicant subsequent to its initial submission, to supersede the original request to replace §32-15, Managed Residential Communities, with §32-15, Senior Residential Communities. The applicant's revision retains the regulations for Managed Residential Communities that allows development of Town-owned land and privately-owned land pursuant to §32-15, and simultaneously provides for development of Senior Residential Communities on Town-owned property pursuant to §32-15A.
3. The amendment also seeks to replace all references in the Zoning Regulations from "Elderly" to "Senior," as recommended by the Planning and Zoning Commission in 2010.
4. The amendment additionally seeks to modify language, as recommended by the Town Attorney's Office that is contained in §19A-6 describing the methods for prioritizing available Affordable and Workforce Housing units.
5. The Text Amendment is the second step in a multi-step approval process necessary to develop a Senior Residential Community on Town-owned property.
6. Thirteen (13) Town-owned properties meet the location requirements for a Senior Residential Community as proposed in Amendment #625. A map and list of qualifying properties was submitted by the applicant and is available in the application file.

7. Location criteria proposed in Amendment #625 to qualify property as eligible for a Senior Residential Community, include:
 - A. Shall be Town-owned;
 - B. Shall have a minimum lot area of 4-acres in the Res AAA, AA, A, and PRD zoning districts, and a minimum lot area of 2-acres in the BCD, GBD, HDD, HSD, RBD, RORD, and RPOD zoning districts; and
 - C. Shall have 200' continuous lot frontage on an Arterial Street as listed in the Road Classifications Table on Pg. 8-2 of the *2007 Plan of Conservation and Development*.
8. Baron's South located at 60 Compo Road South is Town-owned property that meets the proposed location requirements and it is the property used by the applicant to demonstrate how the regulations if adopted may be applied and may allow for development of a Senior Residential Community.
9. Baron's South is 22+ acres in size and is located in the Residential A District, General Business District, and Restricted Professional Office District. The property is centrally located in Westport and has frontage on three (3) streets including Compo Road South (Rte. 136), Imperial Avenue, and Post Road East. Portions of the property lie in the Coastal Area Management (CAM) zone. The property contains steep slopes, is heavily wooded, and contains many mature trees. The Westport Center for Senior Activities is located on Baron's South as well as multiple residential buildings some of which are presently used for rental housing and others for storage.
10. The Planning and Zoning Commission in 2010 issued a Positive Report to the §8-24 Request from the First Selectman for:

"A plan to substantially improve property at 60 Compo Road South, known as the Baron's South property, to locate a senior living community that includes below market rate housing opportunities for seniors, and a healthcare component consisting of medical and extended care services which could include independent living and a skilled nursing facility."
11. The applicant's Explanatory Statement identifies some of the benefits associated with adopting the amendment include:
 - A. Addressing an urgent community need to increase the available inventory of below market rate housing, as well as a need to enhance the types of housing choices offered to Westport residents, especially seniors;
 - B. Providing opportunities for seniors with the maximum level of independence thereby allowing residents to age in place, and allowing residents who require little or no care to live alongside residents who may require increasing levels of care;
 - C. Meeting a growing need for skilled nursing beds that can serve residents' needs such as short term rehabilitation, long-term care, advanced dementia, chronic care, and hospice care; and
 - D. Responding to recommendations offered by the Planning and Zoning Commission in the 2010 §8-24 Report to replace existing references contained in the Zoning Regulations from "elderly" to "senior."
12. The proposed amendment was reviewed by the Architectural Review Board which unanimously recommended approval and suggested any future Request for Proposals for a Senior Residential Community might include requirements for additional "green" applications and/or LEED certification requirements.
13. No appraisal or survey of the demonstration site or any other potential site was submitted.

NOW THEREFORE, BE IT RESOLVED that **Amendment #625:** Appl. # 11-001 by the First Selectman for a text amendment to the Westport Zoning Regulations to modify §5, Definitions, to add Assisted Living Facility; to modify §5, Definitions, to add Full Care Living Facility; to modify §5, Definitions, to add Independent Living Facility; to modify §5-2, Definitions, to replace the term “Elderly” with “Senior;” to modify §5, Definitions, to add Senior Center; to modify §5, Definitions, to add Senior Residential Community; to modify §11-2.3.1, to replace the term “Elderly” with “Senior;” to modify §11-2.3.5, to replace the term “Elderly” with “Senior;” to modify §11-2.3, Special Permit Uses Subject to Special Conditions, to add a section for Senior Residential Community; to modify §11-2.4.12D, Permitted Accessory Buildings, Structures, and Uses, to replace the term “Elderly” with “Senior;” to modify §19A-16, Affordable Plan, to replace the term “Elderly” with “Senior;” and to modify existing language regarding establishing a priority system for affordable and workforce housing units; to modify §20-4, Density, to replace the term “Elderly” with “Senior;” to modify §32-2, Elderly Housing-Municipal, to replace the term “Elderly” with “Senior;” to modify §32-2.1, Purpose, to replace the term “Elderly” with “Senior;” to modify §32-2.2, Permitted Uses, to replace the term “Elderly” with “Senior;” to modify §32-11, Group Home for Elderly, to replace the term “Elderly” with “Senior;” to modify §32-11.2, Occupancy, to replace the term “Elderly” with “Senior;” to modify §32-11.5, CAP, to replace the term “Elderly” with “Senior;” to add §32-15A, Senior Residential Community, and 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 Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term “Elderly” with “Senior” in other areas of this section; is **ADOPTED as MODIFIED** below, for the following reasons:

1. The definition for Affordable Housing proposed by the applicant in §5-2 is Adopted as Modified, but will be inserted within §32-15A, Senior Residential Community, not in §5-2. The definition will therefore apply only to a Senior Residential Community and not be applicable to other uses listed in the regulations that contain an affordable housing requirement. Some of the proposed language contained in the definition is modified to be consistent with the language contained in the Connecticut General Statutes and other sections of the Zoning Regulations. Language is also added to clarify that any affordable units must be eligible for moratorium points.
2. §5-2, Definitions (Assisted Living Facility) – Adopted as submitted.
3. §5-2, Definitions (Full Care Living Facility) – Adopted as submitted.
4. §5-2, Definitions (Independent Living Facility) – Adopted as submitted.
5. §5-2, Definitions (Senior) – Adopted as submitted.
6. §5-2, Definitions (Senior Center) – Adopted as submitted.
7. §5-2, Definitions (Senior Residential Community) – Adopted as submitted.
8. §11-2.3.1, Elderly Housing, to replace the term “Elderly” with “Senior” – Adopted as submitted.
9. §11-2.3.5, Group Home for Elderly, to replace the term “Elderly” with “Senior” – Adopted as submitted.

10. §11-2.3, Special Permit Uses Subject to Special Conditions, to add a section for Senior Residential Community – Adopted as submitted.
11. §11-2.4, Permitted Accessory Buildings, Structures, and Uses, to replace the term “Elderly” with “Senior” – Adopted as submitted.
12. §19A-16, Affordable Plan, Adopted as modified to replace the term “Elderly” with “Senior,” to insert language as recommended by the Town Attorney’s Office related to establishing a priority system for affordable and workforce housing units, and to change the order of priorities to emphasize Westport residents.
13. §20-4, Density, to replace the term “Elderly” with “Senior” – Adopted as submitted.
14. §32-2, Elderly Housing-Municipal, to replace the term “Elderly” with “Senior” – Adopted as submitted.
15. §32-2.1, Purpose, to replace the term “Elderly” with “Senior” – Adopted as submitted.
16. §32-2.2, Permitted Uses, to replace the term “Elderly” with “Senior” – Adopted as submitted.
17. §32-8.2, Excessive Fill Regulations, to add a new section §32-8.2.1(d) to provide standards for regulating developments of Senior Residential Communities – This section is Not Adopted as a majority of members of the Planning and Zoning Commission were not persuaded of the benefits associated with creating special excavation and fill standards for this use, and the Planning and Zoning Commission finds this section is not consistent with the Zoning Regulations.
18. §32-11, Group Home for Elderly, to replace the term “Elderly” with “Senior” – Adopted as submitted.
19. §32-11.2, Occupancy, to replace the term “Elderly” with “Senior” – Adopted as submitted.
20. §32-11.5, CAP, to replace the term “Elderly” with “Senior” – Adopted as submitted.
21. §32-15A, Senior Residential Community, Add new section title - Adopted as submitted.
22. §32-15A.1, Purpose – Adopted as modified to add language emphasizing that Senior Residential Communities are designed to serve Westport seniors, and shall include preferences for Westport residents for available residential units (affordable or other units).
23. §32-15A.2, Permitted Uses – Adopted as modified. Language is added to qualify 35% of the Independent Living Facility units shall be built and Zoning Certificates of Compliance shall be issued before issuance of a Zoning Permit for any Assisted Living Facility units and/or Full Care Living Facility units. Housing for seniors should be the first priority for development of Town-owned land under §32-15A.
24. §32-15A.3, Accessory Uses - Adopted as submitted.
25. §32-15A.4, Location – Adopted as modified to add the word “Conservation” to correctly cite the following document, “Plan of Conservation and Development.”

26. §32-15A.5, Lot Area, Shape and Frontage – Adopted as modified to identify 200’ of continuous frontage shall be provided to clarify the intent of the regulation, and to remove the word “minimum” as it is not needed.
27. §32-15A.6, Affordable Units - Adopted as modified to change the wording to identify: a priority system shall be established that gives preferences to Westport residents for available affordable dwelling units to the extent possible under federal and state law, to add that the amount of income derived from assets shall be guided by applicable state and federal regulations, to place the definition of Affordable Housing in this section, and to add the Planning and Zoning Commission will condition that units must be eligible to count for moratorium points under §8-30(g).
28. §32-15A.7, All Other Units – New section added to clarify that a priority system shall be established that gives preferences to Westport residents for any units other than affordable dwelling units. Such priorities are appropriate given the use of Town-owned land for projects built under the regulation.
29. §32-15A.8, Density – Adopted as submitted.
30. §32-15A.9, Setbacks – Adopted as submitted.
31. §32-15A.10, Height – Adopted as submitted.
32. §32-15A.11, Floor Area Ratio (FAR) - Adopted as modified to provide clarity.
33. §32-15A.12, Coverage – Adopted as submitted.
34. §32-15A.13, Unit Sizes - Adopted as submitted.
35. §32-15A.14, Open Space - Adopted as submitted.
36. §32-15A.15, Signs - Adopted as submitted.
37. §32-15A.16, Parking and Loading - Adopted as submitted.
38. §32-15A.17, Landscaping, Screening, and Buffer Areas - Adopted as modified to clarify the intent of the regulation.
39. §32-15A.18, Architectural Design – Adopted as modified to remove the requirements in §32-15A.18.3 that all buildings shall have pitched roofs. The modification is made so the amendment may be consistent with other sections in the Zoning Regulations and to enhance flexibility in future design of buildings in a Senior Residential Community.
40. §32-15A.19, Utilities - Adopted as submitted.
41. §32-15A.20, Subdivision – Adopted as modified to add language clarifying the benefits listed in §32-15A may be applied exclusively to property used for a Senior Residential Community and shall not be applied to lots created by future subdivision of property wherein the lots are conveyed for a use other than a Senior Residential Community.
42. §34-5, Parking Requirements Table – Adopted as modified to remove the proposed standard for “Senior Housing,” as part of a Senior Residential Community as this definition/use does not exist and is therefore not necessary.

REASONS

1. The Planning and Zoning Commission finds the amendment is consistent with the Comprehensive Plan.
2. The Planning and Zoning Commission finds the amendment is consistent with the Westport Zoning Regulations.
3. The Planning and Zoning Commission finds the proposed uses are consistent with existing sections contained within the Zoning Regulations that allow for residential alternatives to single-family homes, and allow for health-related facilities including §32-3, Hospitals and Other Medical Institutions; and Assisted Living Facilities pursuant to §32-15, Managed Residential Facilities.
4. The Planning and Zoning Commission finds the amendment is generally consistent with the 2007 Town Plan of Conservation and Development, and the following goals and strategies in particular:
 - *“It is a goal of this Plan to seek ways to expand the variety of housing choices and options of Westport in order to help meet the needs of existing and future residents while maintaining the character and integrity of the town.” Pg. 6-1*
 - *“Westport should continue efforts to help seniors who may not want or need large single-family houses to remain in Westport and to provide opportunities for others. Since single-family detached housing may not meet the needs of all people, the Plan recommends that Westport explore ways to diversify the housing portfolio of the community.” Pg. 6-2*
 - *“Require all housing construction in Westport either provide affordable housing units or pay into an affordable housing trust fund.” Pg. 6-4*
 - *Consider modifying the zoning regulations to allow municipal facilities to have greater coverage (building and impervious) through a Special Permit.” Pg. 9-7*
 - *“Evaluate the zoning regulations for ways to reduce land coverage and building size to conserve energy.” Pg. 11-5*
5. The Planning and Zoning Commission accepts the applicant's Explanatory Statement citing the need for a residential community which would:
 - A. Provide opportunities for seniors with the maximum level of independence thereby allowing residents to age in place, and allowing residents who require little or no care to live alongside residents who may require increasing levels of care.
 - B. Address a real community need to increase the available inventory of below market rate housing, as well as a need to enhance the types of housing choices offered to Westport residents, especially seniors; and
 - C. Meet a growing need for skilled nursing beds that can serve residents' needs such as short term rehabilitation, long-term care, advanced dementia, chronic care, and hospice care.
6. The Planning and Zoning Commission finds the amendment will benefit the community by allowing for the development of senior dwelling units on Town-owned land that qualify for moratorium points pursuant to the affordable housing provisions listed in Connecticut General Statutes §8-30(g).

7. Regulatory and other approvals will be required to develop a Senior Residential Community on Town owned property including, but not limited to, the following:
- A. Approval from the Planning and Zoning Commission pursuant to C.G.S. §8-24 for leasing of public property;
 - B. Site Plan and Special Permit approval from the Planning and Zoning Commission for construction of a Senior Residential Community, or any part thereof, pursuant to the adoption of this zoning regulation;
 - C. Development approvals from Town Departments and agencies other than the Planning and Zoning Commission, as necessary pursuant to §44-2 of the Zoning Regulations, prior to final development approval by the Commission;
 - D. Development approvals from State Departments and agencies as applicable which may include: the State of Connecticut Department of Transportation (ConnDOT), the State Traffic Commission (STC), and the State of Connecticut Department of Social Services who is responsible for issuing a Certificate of Need (CON) for a Skilled Nursing Facility if proposed;
 - E. Review by the Historic District Commission for any demolition of any buildings older than 50 years; and
 - F. Review by the Architectural Review Board for construction of any new buildings proposed as part of a Special Permit/Site Plan application.

VOTE:

AYES	-5-	{Corwin, Lowenstein, Press, Lathrop, Jimishian}
NAYS	-2-	{Krawiec, Walsh}
ABSTENTIONS	-0-	

EFFECTIVE DATE: MAY 31, 2011

Very truly yours,



Ron Corwin,
Chairman,
Planning & Zoning Commission

Attached
Adopted Text Amendment #625

cc: Richard Redniss, Redniss and Mead
Steve Daniels, Co-Chairman, Baron's South Subcommittee
Martha Hauhuth, Co-Chairman, Baron's South Subcommittee
George Masumian, Chairman, Architectural Review Board
Barbara Bufler, Human Services Director
Stuart McCarthy, Parks and Recreation Director
Alicia Mozian, Conservation Director
Steve Edwards, Public Works Director
Peter Ratkiewich, Town Engineer
Hadley Rose, RTM Moderator
Ira Bloom, Town Attorney

Text Amendment #625

Received: 1/16/11

Last revised by the applicant 2/24/11

Public Hearing Held: 2/17/11 and 3/10/11

Adopted: 5/5/11

Effective date: 5/31/11

Deleted language is [~~struck out and in brackets~~]; New language is underlined.

§5, Specific Terms

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.

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.

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.

[Elderly] Senior: A [P]erson[s] 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).

§11 Residence AAA District

11-2.3 Special Permit Uses Subject to Special Conditions

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

- ...11-2.3.1 [Elderly] Senior housing
- ...11-2.3.5 Group home for [Elderly] Seniors
- ...11-2.3.17 Senior Residential Community

11-2.4 Permitted Accessory Buildings, Structure & Uses

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 ~~[n-elderly]~~ Senior accessory apartment upon compliance with all the standards and requirements therefore in §11.2.4.12A and upon review and approval by the Planning and Zoning Commission or designee such owner shall then record a Release of the Declaration of Restrictions on the Land Records.

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

19A-16 Affordable 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. To the extent permissible under applicable State and Federal laws, [F]the Affordability Plan shall establish a priority system for the affordable and workforce housing units including, but not limited to, [Westport municipal employees, the elderly, and Westport residents.] Westport residents, Westport Seniors, and Westport municipal employees.

§20 – Municipal Housing Zone (MHZ)

20-4 Density

20-4.1 [Elderly] Senior Housing Requirement

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

§32-2 – [Elderly] 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 [elderly] Senior persons at reasonable rents in order to assure especially adapted housing facilities for [elderly] Senior persons in the public interest by allowing multiple-family housing for [elderly] 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[A], et seq. of the Connecticut General Statutes. Such housing [for the elderly] shall be permitted as a municipal use subject to Site Plan and Special Permit approval in accordance with §43, and to the following standards, conditions and safeguards.

32-2.2 Permitted Uses

Construction of residential dwelling units for [the elderly] 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.

§32-11 Group Home for [the Elderly] 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 [elderly] 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:

32-11.2 Occupancy

A group [elderly] Senior home shall include a resident occupied dwelling unit with guest rooms for not more than six (6) [elderly] 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.

32-11.5 CAP

No more than five (5) such group homes for [the elderly] Seniors shall be permitted within the Town of Westport.

§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 and Zoning Commission in accordance with the Town 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:

<u>ZONE</u>	<u>LOT AREA</u>	<u>LOT FRONTAGE</u>
<u>AAA, AA, A,</u>	<u>4 Acres</u>	<u>200' on an arterial</u>
<u>PRD</u>	<u>Minimum</u>	<u>street</u>
<u>BCD, GBD,</u>	<u>2 Acres</u>	<u>200' on an arterial</u>
<u>HDD, HSD,</u>	<u>Minimum</u>	<u>street</u>
<u>RBD, RORD,</u>		
<u>RPOD</u>		

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 or to be 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 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 Planning and Zoning 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 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 Planning and Zoning 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 Planning and Zoning 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:

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 Planning and Zoning Commission; and
2. The Planning and Zoning 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 feet (16') 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 feet (5');

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 feet (15').

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 zoning 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 Planning and Zoning 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.

§34 – Off-Street Parking and Loading

...34-5 Parking Requirements Table

Senior Residential Community:

Independent Living Facility 1.0 space per unit

Assisted Living Facility 0.5 space per bed

Full Care Living Facility 0.5 space per bed

...public [elderly] Senior housing 0.75 spaces for each dwelling unit for [elderly]
Senior persons

...[Elderly] Senior group home 1 space per bedroom or guest room