

June 29, 2021

Text Amendment # \_\_\_\_/# \_\_\_\_\_

Submitted: \_\_\_\_\_

Received: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Adopted: \_\_\_\_\_

Effective date: \_\_\_\_\_

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

## **§40 DEDICATED OPEN SPACE AND RECREATION DISTRICT #1, #2, ~~AND #3~~ AND #4 (DOSRD)**

### 40-1 Purpose

The purpose of the Dedicated Open Space and Recreation District Zone is to encourage the acquisition and retention of Town-owned parks and other Town-owned land for public use and the enjoyment of visitors. It is in the public interest to provide areas where the citizens of Westport can have places to enjoy a peaceful and tranquil environment and to pursue recreation and leisure uses. It is intended to permit the reasonable use of open space land. The objective of the Dedicated Open Space and Recreation District is to protect environmentally vulnerable land, permanently preserve certain open spaces and recreational areas within the Town and to maintain the natural appearance, beauty, character and recreational value of these areas in order to contribute to the health, safety and general welfare of the community.

The purpose of a Dedicated Open Space and Recreation District #1 designation is to allow certain Town-owned open space park areas to be maintained for passive or non-organized recreation. This includes undeveloped parkland, beaches, wooded areas, meadows and riverside areas.

The purpose of a Dedicated Open Space and Recreation District #2 designation is to allow certain Town-owned open space areas to be maintained for passive or non-organized recreation in a natural and undeveloped setting with no new buildings or structures being erected and to allow certain uses and structures, which are legally existing as of the date of such designation, that would be otherwise Non-Conforming Uses of Non-Conforming Structures (each, as defined in §5-2) to be conforming, thereby legalizing such previously Non-Conforming Uses of Non-Conforming Structures (which legalizations shall be hereinafter defined respectively as a "Legalized Use" or a "Legalized Structure" as applicable and further thereby allowing certain legalized Uses or Legalized Structures to grow and expand in a manner consistent with the objective of the Dedicated open Space and Recreation District, while limiting the introduction of new uses and controlling more intense development

The purpose of a Dedicated Open Space and Recreation District #3 designation is to allow certain Town-owned open space park areas to be maintained for passive or non-organized recreation in a completely natural and undeveloped setting. No buildings or structures shall be erected.

The purpose of a Dedicated Open Space and Recreation District #4 designation is to allow certain Town-owned open space park areas to be maintained for passive or organized recreation. Buildings and structures are permitted.

**40-2 Permitted Improvements and Facilities in a DOSRD #1, DOSRD#2, and DOSRD #3 and DOSRD #4.**

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**40-2.1 Principal Improvements and Facilities permitted in DOSRD#1 and DOSRD#2**

The following specific improvements and facilities are permitted in a DOSRD#1 and DOSRD #2.

- a. Walks, paths, gardens and ponds, picnic tables and benches;
- b. Temporary free-standing restrooms and water fountains.

**40-2.2 Principal Improvements and Facilities allowed in DOSRD#3**

The following non-commercial passive or non-organized recreational Improvements and Facilities are permitted in a DOSRD #3:

- a. Walks, paths, gardens and natural water features, picnic tables and benches;
- b. Nature preserves;
- c. Arboretums as defined in (§5-2).

**40-2.3 Principal Improvements and Facilities allowed in DOSRD#4**

The following non-commercial passive or non-organized recreational Improvements and Facilities are permitted in a DOSRD #4:

- a. Walks, paths, gardens and natural water features, picnic tables, water fountains and benches;
- b. Nature preserves;
- c. Arboretums as defined in (§5-2);

**40-3 Special Permit Uses Improvements and Facilities in a DOSRD #2.**

The following non-commercial recreational, improvements and facilities may be permitted in DOSRD #2, subject to a special permit and site plan approval in accordance with §43 herein.

**40-3.1**

Renovation and/or expansion of Legalized Structures that existed on the subject parcel prior to 2003. Renovation and/or expansion of such Legalized Structures may be permitted within the same building footprint, and may occupy up to an additional 10% of the original building footprint. Building features necessary to provide handicap access shall be excluded from the calculation of building footprint. Any renovation or expansion of such Legalized Structures shall maintain and be consistent with the architectural character of the original Legalized Structure.

**40-3.2**

Renovation and expansion of Legalized Structures first built on the subject parcel after 2003 and

prior to 06-12-16. Renovation and/or expansion of such Legalized Structures may be permitted with the same floor area or footprint of the original building and may occupy up to an additional 50% of the original floor area or footprint of such Legalized Structure, whichever is greater. Such Legalized Structures may be used for the Legalized Use or any other use permitted by this Section.

#### **40-3.3 Municipal Uses.**

Permitted uses for the purpose of this section shall be limited to recreation facilities, municipal offices, administrative headquarters, art storage and galleries for Town-owned art collections, the leasing of Legalized Structures, and parking necessary for approved uses and other municipal uses the Commission finds to be consistent with the purpose of the DOSRD #2 and low intensity of uses contemplated by these regulations.

#### **40-4 Special Permit Uses Improvements and Facilities in a DOSRD #4.**

##### **40-4.1**

Renovation and/or expansion of Structures that existed on the subject parcel prior to 2021. Renovation and/or expansion of such Structures may be permitted within the same building footprint, and may occupy up to an additional 10% of the original building footprint.

Building features necessary to provide handicap access shall be excluded from the calculation of building footprint.

##### **40-4.2**

Active Recreation facilities (including directly associated buildings and structures) such as but not limited to: pickle ball courts, bocce courts, indoor and outdoor swimming pools, tennis courts, squash courts, racquetball courts and putting greens.

##### **40-4.3**

Restrooms, locker rooms, and showers.

#### **40-5 4 Special Events**

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Nothing in this regulation shall prevent special events from taking place in an area designated as a Dedicated Open Space and Recreation District #1, ~~or #2~~ or #4. Permission for a special event requires prior approval from the Parks and Recreation Department and/or the Board of Selectman. Special events shall not be permitted in a Dedicated Open Space and Recreation District #3.

#### **40-6 5 Lot Area, Location and Shape**

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No mandatory requirement.

#### **40-7 6 Setbacks**

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Except for buildings or structures that have become Legalized Structures as a result of a DOSRD designation made pursuant to the §40, no buildings or structure shall extend closer than thirty (30) feet from any street line or twenty five (25) feet from any side or rear lot line unless the property occupied by such buildings or structures abuts a Res AAA zoned property and in such case, such

buildings or structures shall not extend closer than 50 feet from any street line or other property line. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands).

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#### **40-8 7 Height**

Except for buildings or structures that have become Legalized Structure as a result of a DOSRD designation made pursuant to this §40, no principal buildings or structure shall exceed a height of twenty-six (26) feet. No accessory structure shall exceed a height of sixteen (16) feet. In DOSRD#2 no Legalized Structure shall exceed a height of the existing structure of thirty five (35) feet, whichever is greater.

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#### **40-9 8 Coverage**

The total coverage shall not exceed twenty-five percent (25%) of the lot area.

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#### **40-10 9 Architectural Design**

The architectural design, scale and mass of buildings and other structures, including among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the neighborhood, so as to protect the property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. Architectural Review Board review is required for all Special Permit uses. There shall be no buildings or structures located within the DOSRD #3. Bridges may be constructed.

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#### **40-11 10 Signs**

Signs shall be permitted in accordance with §33-4, §33-5 and §33-6 of the Supplementary Regulations.

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#### **40-12 11 Parking and Loading**

The required number of parking spaces will be determined in consultation with the Parks and Recreation Director. A parking lot will require a Special Permit in the DOSRD #1, DOSRD #2 ~~and~~ DOSRD #3 ~~and~~ DOSRD #4. Parking lots are allowed within the 30-foot front landscape area but must meet a 25 feet side and rear setback from residentially zoned properties. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands). In the DOSRD #3 there shall be no more than 0.33 parking spaces per acre and no less than 3 parking spaces.

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#### **40-13 12 Landscaping, Screening and Buffer Areas**

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

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#### **40-14 13 Final Approval**

An application for a Dedicated Open Space and Recreation District shall adhere to all of the approval and compliance requirements of the Zoning Regulations. The Commission may approve a Dedicated Open Space and Recreation District if it finds that the purposes, application procedure, standards and conditions meet the Zoning Regulations and that the proposed Dedicated Open Space and Recreation District will not be detrimental to the public health, safety, and general welfare and property values of the neighborhood. The Planning and Zoning

Commission may attach such conditions to a Special Permit in a Dedicated Open Space and Recreation District #2 that it deems necessary to preserve the purpose, objective and intent of the Zoning Regulations of the Dedicated Open Space and Recreation District.