

§31 REGULATIONS APPLYING TO ALL DISTRICTS *Revised 01-25-17*

31-1 Lot Frontage

31-1.1 One Lot

No lot in any district shall be occupied unless it has a frontage of at least twenty (20) feet of fee ownership on an existing improved public street, private street and/or subdivision road approved by the P&Z Commission and on file with the Town Clerk. The required 20-foot frontage and 20-foot wide accessway shall be located to provide a safe means of access to the lot, to permit a convenient driveway across said frontage into the lot, and to allow the physical construction of a driveway at least 10 feet in width.

31-1.2 Multiple Lots

Two (2), three (3), four (4) or five (5) lots may use the same private street providing that such street has a minimum right-of-way width of thirty (30) feet and connects with or extends from an existing improved public street, private street and/or subdivision road provided that such existing street has an improved travel path at least twenty (20) feet wide and a right-of-way width of forty (40) feet approved by the P&Z Commission and on file in the Town Clerk's Office.

31-2 Rear Lots

Rear lots are permitted in any Residence District, subject to the following conditions and safeguards:

31-2.1 Lot and Building Requirements

Each rear lot shall comply with the lot and building requirements for the applicable Residence District.

31-2.2 Access Requirements

Each rear lot shall be connected by a strip of land or accessway, in fee simple ownership by the owner of said rear lot, to an existing improved public or private street or a subdivision road approved by the P&Z Commission and on file with the Town Clerk.

- 31-2.2.1** The accessway shall not exceed a length of:
 - (a) 450 feet for Residence AAA District
 - (b) 350 feet for Residence AA District
 - (c) 250 feet for Residence A District
 - (d) 125 feet for Residence B District

31-2.2.2 The maximum number of adjoining accessways shall not exceed two (2).

31-2.2.3 Each accessway shall be at least twenty (20) feet in width.

31-2.2.4 The area of such accessway shall not be included in the minimum required area of the lot.

31-3 Fences and Walls, Obstructions at Corners (see §5-2 Fence or Walls)

On any lot, no planting, fence, stone wall, sign, building or other obstruction shall be extended within thirty (30) feet of any corner triangle formed by the intersecting right-of-way lines or projected street lines of any public or private street so as to interfere with traffic visibility around such corner. This restriction shall not apply to any building permitted by these regulations to extend within thirty (30) feet of any such corner.

31-4 Projections into Setbacks

The space in any setback shall be open and unobstructed, except for the projection of entry platforms or steps; cantilevered roofs, eaves, cornices; chimneys; window sills or sun shades and similar incidental architectural projections, provided that such architectural projections shall not extend more than three (3) feet into the required setback, or more than a distance equal to twenty percent (20%) of the minimum required setback, whichever is less. The projections shall be measured from the building wall or face.

31-5 SECTION DELETED

31-6 Setbacks from High Voltage Transmission Lines

No building or structure shall be erected within a minimum safe distance from the center line of any high voltage transmission line as determined by the applicable public utility standards.

31-7 Setbacks from Waterbodies, Watercourses and Wetlands

No building, structure, parking areas, driveway, patio or terrace shall be located within twenty-five (25) feet of an inland wetland, tidal wetland and/or mean high water line of any such waterbody or watercourse, nor within the limits set by the Westport Waterway Protection Lines Ordinance, existing or approved by the Commission at the time of application, whichever is greater, unless a direct encroachment into such regulated area is specifically approved by Conn. DEP, Westport Conservation Commission, Westport Flood and Erosion Control Board and the Westport R.T.M. as applicable. Bridges, docks, landings and/or boathouses and other similar structures are exempt from this setback requirement.

31-8 Setbacks for Sub-Surface Structures

Any basement, cellar or other similar underground buildings or subgrade structures, shall adhere to all required setbacks within the applicable District.

31-9 Liquor Establishments

31-9.1

The sale of alcoholic liquor for on premises consumption shall be limited to Non-Residential Zoning Districts except for liquor establishments in Residential Districts that have a valid liquor permit issued by the Connecticut Liquor Control Commission as of the effective date of this

regulation August 9, 2010 and Special Events that obtain a temporary liquor permit approved by the P&Z Director, the Police Chief and issued by the Connecticut Liquor Control Commission.

31-10 Coastal Area Regulations

31-10.1 Purpose

The purpose of this regulation is to a) promote and encourage public access to and use of the waters of Long Island Sound, Saugatuck River, Sasco Creek, and other similar marine and tidal waters as identified in Chapter 444 of Conn. General Statutes and b) assure that development within the coastal area of Westport is accomplished in a manner which is consistent with the goals and policies of the Conn. Coastal Area Management Act (CAM Act)¹ and with the goals and policies of the Town of Westport P&Z Commission.

31-10.2 Location

The Coastal Area shall be defined as that area of Westport which lies within the Coastal Boundary (CAM Boundary) as described in § 22a-94 of the Connecticut General Statutes and as shown on the Official Building Zone Map.

31-10.3 Permitted Uses

In the Coastal Area, any use, activity or project which is allowed in the Zoning District in which the property is located shall be permitted, subject to compliance with the requirements of all pertinent sections of these regulations except that priority shall be given to water dependent uses as defined in §22a-93 (16) of Conn. General Statutes.

31-10.4 Water Dependent Uses

Water dependent uses shall be those uses defined in Chapter 444 of the Conn. General Statutes, except that a water dependent use that is water dependent by virtue of providing "general public access to marine and tidal waters" only shall also provide three (3) or more of the following amenities for general public use in any non-residential zone and shall require same for all Special Permit uses in any residential zone, except an Accessory Apartment.

- a) open space easement for passive public use;
- b) pedestrian access easement;
- c) vehicular access easement and additional public parking;
- d) conservation easement for natural preservation;
- e) view land/vistas preservation easement;
- f) canoe and/or boat ramp;
- g) fishing pier;
- h) marina and boat docks;
- i) dry-dock boat storage; and
- j) boat rentals.

31-10.5 Coastal Site Plan Requirements

No use, activity or project for which a Coastal Site Plan is required by § 22a-105 (b) of CAM Act shall commence until a Coastal Site Plan has been approved by the P&Z Commission or the Zoning Board of Appeals in accordance with the requirements of §22a-105 through 22a-109 of the CAM Act.

31-10.6 Exemptions

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

The following uses, activities and project shall be exempt from the coastal site plan review requirements of §22a-105 through §22a-109 of the Conn. General Statutes.

- 31-10.6.1** Interior modifications to buildings.
- 31-10.6.2** Gardening, grazing and the harvesting of crops.
- 31-10.6.3** Construction of an individual single family residential structure, except when such structure is (a) located on an island not connected to the mainland by an existing road, bridge or causeway, or (b) is in or within two hundred (200) feet of the Mean High Water Line (MHWL), or (c) is in or within one hundred feet of the following coastal resource areas; tidal wetlands, coastal bluffs and escarpments and beaches and dunes.
- 31-10.6.4** Additions and or exterior modifications to any existing residential building or structure, except for additions within two hundred (200) feet of MHWL that expand extend or enlarge either the building area or floor area by more than 25%.
- 31-10.6.5** Construction of new or modification of existing on-premise fences, driveways, swimming pools, tennis courts, utility sheds, cabanas, garages, decks, docks, pedestrian walks, patios and terraces, underground utility connections, essential electric, gas, telephone, water and sewer lines, signs and other similar detached accessory buildings and structures, that are incidental to the enjoyment of a residence, that will not substantially alter the natural character of coastal resources and that will not restrict access along the public beach, shorefront or near shore waters.
- 31-10.6.6** Minor excavating, regrading, filling or stockpiling of materials, not to exceed 5,000 square feet in area, 1,000 cubic yards in quantity, and ten (10) feet in height except in or within one hundred (100) feet of tidal wetlands, coastal bluffs, escarpments, beaches, dunes, islands, near shore waters, fresh water wetlands and embayments or coastal jurisdiction line.
- 31-10.6.7** Minor additions to and minor changes of use in a non-residential building, structure, or property except those changes occurring on property abutting tidal wetlands and/or coastal waters including the Saugatuck River. Minor shall be defined as less than 1000 square feet of building coverage, or less than 1000 square feet of floor area or fewer than four (4) new parking spaces and shall

include exterior staircases or elevator mandated by the fire marshal for public safety and awnings.

- 31-10.6.8** Other activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land, water and other related resources that will not substantially alter the natural character of coastal resources and that will not restrict access along the beach, shorefront or near shore waters.

The above exemptions from coastal site plan review requirements shall apply to all applications to the P&Z Commission for Special Permit and Site Plan Review pursuant to §43 herein and requests to the Zoning Board of Appeals for a Variance.

31-10.7 Coastal Site Plan Procedures

An application for approval of a Coastal Site Plan shall be filed with the P&Z Commission or the Zoning Board of Appeals in addition to any required application for a Zoning Permit, Special Permit, or Site Plan Review. and all other required local, State and/or Federal approvals, and shall comply with all provisions of the applicable Zoning District in which the property is located; with §§ 43 & 44 herein; with all other pertinent requirements of these Zoning Regulations; and with all applicable provisions of §22a-105 through §22a-109 of the CAM Act.

31-10.7.1 Coastal Site Plan

An application for a Coastal Site Plan shall comply with the provisions of §43-3, Application, Site Plan Document and Objectives, herein, and shall contain the following additional information:

- (a) location and spatial relationship of coastal resources on and contiguous to the site;
- (b) a project description including location, design, timing and methods of construction;
- (c) an assessment of the capability of the resources to accommodate the proposed activity;
- (d) an assessment of the suitability of the project for the site;
- (e) an evaluation of the potential, beneficial and/or adverse impacts of the project;
- (f) a description of proposed methods to mitigate adverse effects on coastal resources;
- (g) reasons why the adverse impacts of the proposed activity are acceptable;
- (h) a statement of how such activity is consistent with the goals and policies of the CAM Act;
- (i) a sedimentation and erosion control plan shall be submitted for all projects, activities and uses requiring site plan review pursuant to §31-10.5 herein involving ground disturbance.

31-10.7.2 Environmental Assessment/Impact

The Commission or its designated agent may require the applicant to provide additional environmental information for the purpose of compiling a complete environmental impact analysis.

Any required Environmental Assessment or Environmental Impact Statement shall consider:

- (a) the physical and environmental characteristics of the site.
- (b) the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water dependent development opportunities.
- (c) all applicable goals and policies of the CAM Act, and identify conflicts between the proposed activity and any goal or policy.

31-10.7.3 Vegetated Buffers

In coastal site plans where there are environmentally sensitive and/or ecologically fragile natural resources such as inland wetlands, steep slopes in excess of 25% or scenic vistas, or coastal resources such as tidal wetlands, coastal bluffs and escarpments, beaches, and dunes, the Commission may require the provision of a vegetative buffer in order to protect and preserve such natural or coastal resources. Plantings shall be native species, and salt-tolerant.

31-10.7.4 Public Waterfront Access

Public Waterfront Access (PWA) is a dedicated portion of land along a public body of water, created through an easement or donation of fee ownership, that may be accessed by the public from dawn to dusk.

PWA will be required as part of any Coastal Site Plan review for any Special Permit Use or sites located in Non-Residential Zones that are adjacent to the Saugatuck River. However, the Planning & Zoning Commission during the course of a public hearing may waive the need for PWA if requested by an applicant.

Each PWA will differ depending on topography and/or geological circumstances, but shall satisfy the following design guidelines:

1. Pedestrian Corridors - Linear pedestrian connections shall be established or continued from the public street level to the shoreline and along the waterfront. A minimum six (6) foot wide path shall be provided unless deemed unnecessary by the Planning and Zoning Commission.
2. Parking - Signed and delineated public parking spaces shall be provided and shall be located on site between the public street and the waterfront unless specifically modified by the Planning and Zoning Commission. The number of actual spaces shall be not less than 1 parking space per 100 linear feet of water frontage as measured generally parallel to the waterfront, or 1 parking space per 10,000 square feet of floor area, whichever is greater.

3. Signage - Uniform informational, interpretive and locational signs shall be included within each public waterfront access component. Signage may be required to be both on site and adjacent to the site within public rights-of-way. Signage shall be consistent with §33-11 herein and the Coastal Public Access Sign Catalog provided by the Connecticut Department of Energy and environmental Protection.

4. Handicap Accessibility - Where feasible, handicap accessibility to the waterfront shall be provided.

5. Sustainable Design - PWA facilities, including walkways, permeable paths, timber boardwalks, interpretive signage, protective railings, and ornamental landscaping, shall be designed and constructed of quality, sustainable materials requiring minimal maintenance.

6. Site Amenities - Site amenities such as landscaping, historical or interpretive signage, benches, stationary binoculars, small rain or sun shelters, fishing piers, commercial fishing docks, and public boat slips are encouraged to be incorporated into the PWA.

7. Site amenities shall not be counted in calculating coverage subject to approval from the Planning and Zoning Commission.

8. At least 25% of the frontage of any site adjacent to the water shall allow views of the water from the street. These views shall not be blocked by landscaping, fencing or walls.

9. Public pedestrian access to the water and a Riverwalk along the water shall be provided on all sites adjacent to the water.

31-10.7.5 Public Hearing

In reviewing a Coastal Site Plan in accordance with the requirements of §22a-109 of the CAM Act, the Commission or Board will hold a public hearing on a Coastal Site Plan if required by these regulations.

31-10.7.6 Commission/Board Action

The Commission or Board shall approve, approve with conditions, modify, or deny the application. It shall set forth the reasons for its decision and shall notify the applicant of its decision by certified mail within fifteen (15) days after such decision is rendered. In approving any activity proposed in a Coastal Site Plan, the Commission or Board shall make a written finding that the proposed activity, with any conditions or modifications imposed by the Board or Commission, is:

- (1) consistent with all applicable goals and policies of the CAM Act;
- (2) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

31-10.7.7 Time Periods

Any approved coastal site plan for which a zoning permit has not been issued within one (1) year from the effective date shall become null and void, unless an extension of time is applied for and granted by the Commission or Board.

31-10.7.8 Bond

The Board or Commission reviewing a Coastal site Plan may require a bond, escrow account or other surety or financial security arrangements to secure compliance with any modifications, conditions and other terms stated in its approval of a Coastal Site Plan.

31-11 Flood Plain Regulations

31-11.1 Purpose

The purpose of these Flood Plain Regulations is:

- (1) to protect life and property from the ravages of flooding;
- (2) to control development in areas which are subject to flooding; and
- (3) to enable the Town of Westport to continue its eligibility for federal flood insurance and, in doing so, to meet the minimum standards set forth by the Federal Emergency Management Agency.

31-11.2 Location

All land, buildings, structures and uses located within the 100 year flood area shall be subject to the provisions of these regulations:

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

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

31-11.3 Flood Protection Requirements

Any proposed building, structure, or use located in a flood prone area, as delineated on the Flood Insurance Rate Map (FIRM) shall conform to the following requirements:

31-11.3.1 Data

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

- (a) For the purpose of these regulations, the applicant shall provide the elevations, in relation to mean sea level, of the lowest floors (including basements or cellars) of all new construction or substantially improved structures. In Coastal High Hazard Areas (VE zones), the applicant shall provide the elevation of the bottom of the lowest horizontal Structural member for all New Construction or substantially improved Structures. If a structure has been flood proofed, the applicant shall provide the elevation, in relation to mean sea level, up to which the structure was flood proofed.
- (b) A record of all such flood elevation information shall be maintained by the Floodplain Coordinator.

31-11.3.2 Flood Zones A, AE and VE

In all special Flood Hazard Areas, designated as Flood Zone A, Flood Zone AE and Flood Zone VE the following provisions shall apply:

- (a) Proposed developments shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including §404 of the Federal Water Pollution Control Act as well as all other local regulations and ordinances.
- (b) Permits shall be required for all new construction, substantial improvements (including the placement of prefabricated buildings, manufactured homes, and mobile homes), and other development and all of the above shall
 - (1) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure,
 - (2) be constructed with materials and utility equipment resistant to flood damage, and
 - (3) be constructed by methods and practices that minimize flood damage.
 - (a) Where floodproofing is utilized for a particular structure, a professional engineer or architect, licensed by the State of Connecticut shall certify that the floodproofing methods are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with the base flood. A record of each certificate indicating the specific

- elevation (in relation to mean sea level) to which said structure is floodproofed, shall be maintained by the Floodplain Coordinator.
- (b) New and replacement water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site sewage disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (c) Electrical, heating, ventilation, plumbing, air conditioning equipment, gas and liquid storage tanks that are principally above ground, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (d) Prior to any alteration or relocation of any watercourse designated on the Flood Insurance Rate Map (FIRM) the applicant shall notify the Conservation Commission, Flood and Erosion Control Board (F&ECB), RTM, Town Engineer, Connecticut Department of Environmental Protection (DEP), Conn. Coordinating Office and each adjacent community and shall submit copies of such notifications to the Floodplain Coordinator. The flood carrying capacity within an altered or relocated portion of any such watercourse shall be maintained.
 - (e) Alternative vehicular access and escape routes should be provided for all new and substantially improved non-residential structures when normal routes would be blocked or destroyed by flooding.

31-11.3.3 Flood Zone A (Unnumbered)

In all special flood hazard areas designated as Flood Zone A (Unnumbered), the following additional standards shall apply:

- (a) The Zoning Enforcement Officer shall require the applicant to obtain and utilize any base flood elevation and floodway data available from a Federal, State, Town or other source. The applicant shall use said data as criteria for ascertaining that:
 - (1) all new construction and substantial improvements of residential structures have the lowest floor (including basement or cellar) elevations at or above the base flood level and
 - (2) all new construction and substantial improvements of non-residential structures have the lowest floor (including basement or cellar) elevations floodproofed at or above the base flood level.
- (b) In A-Zones, where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement or other development (including fill) be permitted, which would increase base flood elevations more than one (1) foot at any point along the watercourse, when all anticipated development is considered cumulatively with the proposed development.

31-11.3.4 Flood Zone AE

In all special flood hazard areas designated as Flood Zones AE the following additional standards shall apply:

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement or cellar) elevations at or above the base flood level.
- (b) All new construction and substantial improvements of non-residential structures shall
 - (1) have the lowest floor (including basement or cellar) elevations at or above the base flood level or,
 - (2) together with attendant utility and sanitary facilities, shall be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components of resisting the hydrostatic and hydrodynamic loads and effects of buoyancy. Where floodproofing is utilized for a particular structure in accordance with this section, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be filed with the Zoning Enforcement Officer.
- (c) Encroachments, including fill, new construction, substantial improvements, and other developments within the adopted regulatory floodway, that would result in any increase in flood levels within the community during the occurrence of the base flood discharge, be prohibited.
- (d) The placement of any manufactured homes or mobile homes, within the adopted regulatory floodway, shall be prohibited.

31-11.3.5 Flood Zone VE

In all coastal high hazard zones, designated as Flood Zone VE the following additional standards shall apply:

- (a) All New Construction and Substantial Improvements shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101, except for accessory docks, landings, ramps, piers and boathouses.
- (b) New construction and substantial improvements.
 - (1) All new construction and substantial improvements shall be elevated on footings, pilings or columns, and securely attached to such footings, pilings or columns so that the bottom of the lowest horizontal structural member (excluding the footings, pilings or columns) shall have an elevation at or above the base flood level;

(2) All such footings, pilings or columns and the attached structures shall be constructed and adequately anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values required by applicable State Building Codes;

(3) A professional engineer or architect licensed in the State of Connecticut shall certify that the structure is adequately secured to said footings, pilings or columns in accordance with the State Building Code in order to withstand high velocity water and hurricane wave wash;

(4) The space beneath the lowest floor shall not be designed, intended or otherwise used for either human habitation or electrical and heating equipment and said space should be free of obstructions.

(5) Non- supporting breakaway walls, lattice work or mesh screening shall be allowed below the Base Flood Elevation provided it is not part of the structural support of the Structure and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the Structure on which it is to be used and provided the following design specifications are met:

(1) Design safe loading resistance of each wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or

(2) If more than twenty (20) pounds per square foot, a licensed professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the Base Flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components prior to or during the collapse of such wall.

(c) The use of fill for the structural support of buildings shall be prohibited.

(d) The placement of manufactured homes or mobile homes, except in existing mobile home parks, is prohibited. Manufactured homes or mobile homes placed in existing mobile home parks shall be elevated so that the bottom of the lowest horizontal structural member is at or above the Base Flood Elevation (BFE). The manufactured home must also meet all the construction standards for Zone VE as per §31-11.3.5. Recreational vehicles placed on sites within Zone VE shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of §31-11.3.2,

the VE Zone construction requirements of § 31-11.3.5, and the anchoring requirement of §31-11.4.2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- (e) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

31-11.3.6 Floodways

In the floodway, as delineated on the Flood Insurance Rate Map (FIRM), or which may have been determined as a result of § 31-11.3.3, any encroachments, including fill, New Construction, Substantial Improvements, and other development that would result in any (0.00 feet) increase in flood levels within the community during the occurrence of the base flood discharge shall be prohibited. Zero (0.00 feet) increase must be proven, with supporting technical data, by hydrologic and hydraulic analysis performed in accordance with sound engineering practices by a registered professional engineer. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot, at any one point.

31-11.4 Manufactured Homes

31-11.4.1 All manufactured homes (including recreational vehicles placed on a site for 180 consecutive days or longer) when placed or Substantially Improved in Zone A or AE, shall be elevated so that the lowest floor is above the Base Floor Elevation. The manufactured home must also meet all the construction standards for Zone A, §31-11.3.3, or Zone AE, §31-11.3.4 as applicable. This includes manufactured homes located outside a Manufactured Home Park or Subdivision, in a New Manufactured Home Park or Subdivision, in an existing Manufactured Home Park or Subdivision, in an expansion to an existing Manufactured Home Park or Subdivision, or on a site in an existing Manufactured Home Park in which a manufactured home has incurred substantial damage as a result of a Flood. Recreational vehicles on site for fewer than 180 consecutive days must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

31-11.4.2 Each such home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

31-11.5 General Standards

Prior to constructing, expanding or locating any building, structure or use within a floodway or floodway fringe (floodplain), the applicant must demonstrate:

- (a) that the floodplain is the only practicable location for such project and
- (b) that the proposed project is designed so as to minimize any flood hazard with the floodplain; and
- (c) that proposed building sites will be reasonably safe from Flooding.

31-11.5.1 Specific Standards

Any project within the floodway or floodway fringe (floodplain) shall be analyzed for both a 25-year and a 100-year storm and shall be designed and arranged in accordance with the following standards:

- (a) The existing and projected storm water runoff and/or tidal flooding shall be calculated for both the proposed project and the affected drainage basin.
- (b) The potential for flood damage to adjacent buildings or structures shall not be increased.
- (c) The velocity or volume of flood waters shall not be adversely altered.
- (d) Flooding upstream or downstream of the project shall not be significantly increased.
- (e) Surface run-off increases shall be retained or detained on-site whenever possible and where ever appropriate.
- (f) Buildings and structures shall be adequately designed and/or protected against flood hazards.
- (g) The capacity and function of the floodplain shall not be adversely affected.
- (h) The proposed project location and design shall be acceptable to the Town Engineer and if the Town Engineer determines that Flood and Erosion Control Board review is required the project must also be acceptable to the F&ECB.

31-11.5.2 Elevated Buildings

In all special Flood Hazard Areas designated as Flood Zone A or AE the following provision shall apply to elevated buildings:

- (a) New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- (b) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - 4) The foundation slab of a residential structure, including the slab of a crawl space, must be set equal to the outside finished grade on at least one side of the building;
 - 5) Fill placed around foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building;
 - 6) Flood openings are not required if the grade inside the foundation walls is above the base flood elevation; and Flood Opening are required in garages unless the garage floor is above the base flood elevation. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
- (c) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
- (d) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

31-11.6 Equal Conveyance and Compensatory Storage

(a) **Equal Conveyance**

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

(b) Compensatory Storage

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

31-11.7 Abrogation and Greater Restrictions

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

31-11.8 Warning and Disclaimer of Liability

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

31-11.9 Above Ground Storage Tanks

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

31-12 Aquifer Impact

In order to help maintain drinking water standards, wastewater discharge into on-site septic disposal systems should not average more than 350 gallons per gross acre per day within that portion of the primary recharge area of the Saugatuck River Aquifer located north of the Kings Highway Bridge (St. Rt. 57) as shown on the attached map which is from the "Guide to Ground Water & Aquifer Protection" report for Westport by SWRPA dated July, 1980. Larger average discharges shall require either the installation of community sewerage systems or public sanitary sewers or the construction of smaller buildings i.e. fewer bedrooms or less gross floor area.

31-13 Aircraft Restrictions

31-13.1 Purpose

The purpose of this section is to restrict aircraft landings and take-offs within the Town of Westport in order to protect its inhabitants from the hazards, noise and disruption to quiet possession and enjoyment associated with such activities.

31-13.2 Definitions

- (a) The term "aircraft" shall include airplane, helicopter, gyroplane, gyrodyne, ultralight and glider as those terms are defined in Title 14 of the Code of Federal Regulations, Aeronautics and Space Federal Aviation Administration, and Connecticut General Statutes, §15-34, or any amendment to such regulation or statute.
- (b) The term "public aircraft" shall mean public aircraft as defined in Connecticut General Statutes, §15-34 (22).
- (c) The terms "take-off" and "landing" shall include, in addition to the common meaning thereof, the positioning of any aircraft such that passengers or objects may be transferred between it and the ground, water or any structure.
- (d) The term "emergency" shall mean any condition or circumstance relating to the flight of an aircraft that creates reasonable cause for concern by the pilot in command as to the continued safety of flight of such aircraft.

31-13.3 Restriction

- (a) The take-off and landing of aircraft is prohibited in all districts within the Town except in an emergency, or, with respect to public aircraft only, in furtherance of a legitimate and proper governmental activity, including medical emergencies, which necessitates such take-off or landing.
- (b) In the event of an emergency which necessitates a landing within the Town, the pilot in command shall,
 - (1) In the event the Federal Aviation Regulations require a report as to such incident, send a copy of such report to the P&Z Commission, or
 - (2) In the event no report is required by the Federal Aviation Regulations, send a report describing the incident and nature of the emergency to the P&Z Commission within thirty (30) days.

(c) In the event of an emergency which necessitated a landing, no take-off of such aircraft shall be conducted without first notifying the Zoning Enforcement Officer or Westport Police Department and securing their permission to conduct such take-off, which permission shall be granted only after due consideration of matters of public safety and the purposes of this Section.

31-14 Medical Marijuana Dispensaries and Producers

31-14.1 Purpose

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

31-15 Uses Requiring More Than 20 Parking Spaces

31-15.1 Purpose

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