

§24A GENERAL BUSINESS DISTRICT/Saugatuck

(GBD/S) Revised 12-09-13

24A-1 Purpose

The purpose of the General Business District Saugatuck is to encourage residential development including affordable housing in addition to the commercial, office and retail currently allowed in the General Business District in Saugatuck Center resulting in sites developed to enhance and conserve the area's aesthetic appeal and historic scale, massing and character, pedestrian access, and recreational water-related uses and views while limiting the intensity of development consistent with the Town Plan of Conservation and Development. Parcels shall be eligible for district designation if they are located in the area considered the Saugatuck Center (as defined by the Town Plan of Conservation and Development) and formerly zoned GBD.

24A-2 Permitted Uses

All developments in the GBD/S shall require Special Permit and Site Plan review by the Planning and Zoning Commission. A Traffic Analysis in accordance with §44-2.5 shall be required in all instances, even if not required by §44-2.5. Every application for rezoning to GBD/S shall be accompanied by a conceptual site plan that is integral to the GBD/S use. All rezoning applications shall also be in accordance with §42. It is the intention of this district that the GBD/S zone would revert back to GBD upon expiration of the site plan, as provided in §43-11. In the GBD/S, no land, building or structure shall be used, and no building shall be hereafter erected, altered or added to, unless otherwise provided in these regulations as a Multiple Use Development, including residential use as in 24A-2.1, and a minimum of one (1) or more of the following non-residential uses:

24A-2.1 Special Permit Uses

- 24A-2.1.1 Two-family and multi-family dwellings as part of a Multiple Use Development, subject to conditions specified herein. Affordable units are required as part of residential development as specified in §24A-17.
- 24A-2.1.2 The following non-residential uses are permitted however the Planning and Zoning Commission can prohibit certain of these uses on the street level (See §24A-2.3 for Prohibited Uses in the GBD/S):
 - (a) Stores and shops where goods are sold and services are rendered primarily at retail.
 - (b) Grocery stores, delicatessens and Retail Food Establishments.
 - (c) Restaurants.
 - (d) Cafes and taverns.
 - (e) Business, professional, medical, insurance, real estate, and other offices.
 - (f) Banks.
 - (g) Indoor theaters and assembly halls.
 - (h) Undertaker's establishments.
 - (i) Newspaper and job printing establishments.
 - (j) Commercial marinas including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.
 - (k) Commercial wireless telecommunication service facilities, in conformance with §32-16.

24A-2.2 Accessory Uses

Uses customarily accessory to be a permitted principle use shall be permitted as specified in §24-2.3 (General Business District Accessory Uses).

24A-2.3 Prohibited Uses

The uses listed in §32-7, shall be prohibited in addition to those specified in §24-2.4, General Business District Prohibited Uses (See also §24A-2.1.2).

24A-3 Lot Area (See Definitions)

Minimum lot area required is forty thousand square feet (40,000 SF), provided that no lot shall have less than 50 feet of frontage on at least one street.

24A-4 Setbacks (See §31-3 through §31-8, also.)

To encourage pedestrian oriented frontages and maintain the existing street walls, the Planning and Zoning Commission may allow a minimum front lot line setback from zero (0) to thirty (30) feet. No principal building, structure or use except a residential patio or terrace shall extend closer than fifteen (15) feet from any side lot line or twenty-five (25) feet from any rear lot line. In addition, a setback of thirty (30) feet is required adjacent to any residential district boundary line.

Parameters for patios and terraces in setbacks as specified above:

1. Must include affordable housing in projects of at least 20%.
2. Must be in development with minimum of ten (10) units.
3. Cannot be on a side that abuts a residential zone.
4. Cannot be used on a waterfront site.
5. A Zoning Permit will be required.
6. Only allowed in a rear or side setback.
7. Size of patio or terrace is at the discretion of the Planning and Zoning Commission at the time of a Special Permit.

24A-5 Height

No building or other structure shall exceed two and one half (2 1/2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof. However, the Planning and Zoning Commission may allow a height of thirty-five (35) feet to the mid-point of a pitched roof on sites located within the 100-year floodplain that require the building to be elevated, and/or where the site is sloped.

24A-6 Coverage (See Definitions)

24A-6.1 Building Coverage

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the General Business District/Saugatuck.

24A-6.2 Coverage Exemptions

The Planning and Zoning Commission may exempt up to an additional minimal amount of coverage associated with open porches, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience or will further the intent to preserve and/or enhance the historic character and appearance of the area, and at the discretion of the Commission at the time of Special Permit approval on sites that include at least 20% affordable housing.

24A-7 Building Area

No mandatory requirements.

24A-8 Floor Area

24A-8.1 Maximum

- (a) No one building shall exceed 10,000 square feet of gross interior floor area and no group of stores or shopping center shall exceed 40,000 square feet of gross interior floor area. Concealed parking shall not count towards gross interior floor area.
- (b) Not less than 60% of the proposed development floor area shall consist of residential uses including affordable dwelling units pursuant to §24A-17.

24A-8.2 FAR (see definitions)

The total floor area of all proposed uses shall not exceed a Floor Area Ratio (FAR) of 0.5 provided the total of all non-residential floor area shall not exceed 0.20 FAR and the total for residential floor area shall not exceed .40 FAR. Floor area used for parking and loading spaces shall be excluded from the FAR. Floor area used for affordable housing units shall be exempt from the FAR calculation not to exceed an additional 0.25 FAR (See also §24A-16).

24A-8.3 Residential Unit Sizes:

The gross interior floor area per dwelling unit shall not exceed 2,000 square feet.

24A-9 Residential Density

24A-9.1 Density

The maximum allowable density for market rate units shall not exceed 20 bedrooms, as defined in §32-12.2.3, per gross acre. An additional maximum density of 6 bedrooms per gross acre is permitted for affordable units that are exempt from this calculation. The maximum number of units per acre shall not exceed 18, inclusive of affordable units.

24A-10 Public Waterfront access (PWA)

See Definitions and §31-10.7.4 herein

24A-11 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be made compatible with the historic structures in the Saugatuck area by reflecting both the characteristic scale and building traditions of those historic structures so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district.

- (a) Buildings designed to achieve small scale and residential appearance shall be encouraged.
- (b) Pitched roofed buildings shall be encouraged.
- (c) Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
- (d) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
- (e) Where applicable, developments shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined here as those registered in either the Connecticut or U.S. Registers of Historic structures or the Westport Historic Resources Inventory listed or deemed eligible for listing on the National Register of Historic Places, State Register of Historic Places, Westport Historic Resources Inventory, or are at least 50 years of age.
- (f) Public pedestrian access to the water and a Riverwalk along the water shall be provided on all sites adjacent to the water.
- (g) Non-residential uses shall have at least one main entrance which is publicly accessible from the street.

24A-12 Signs

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

24A-13 Parking and Loading

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations. However, the Planning and Zoning Commission may allow the maximum height of any exposed face or wall of a partially below grade structure, as measured to the roof top, deck top or first floor of a building above not to exceed 6 feet above the average existing level of the ground surrounding the structure and within 10 feet thereof, at the time of the application. The Planning and Zoning Commission may permit 25% joint parking, as defined in §34-8, for mixed residential and office use developments where peak hours and usage do not conflict. (See also §24A-16)

24A-14 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations, unless deemed unnecessary by the Planning and Zoning Commission. Sidewalks shall be provided in accordance with §35-2.2.4, unless deemed unnecessary by the Planning and Zoning Commission.

24A-15 Utilities

- 24A-14.1 All utilities and conduits within the site for the Multiple Use Development, shall be underground.
- 24A-14.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

24A-14.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

24A-16 Change of Use

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

24A-17 Integrated Site Development

Notwithstanding the above, where one or more sites each consist of 40,000 SF, they may be proposed as an integrated site development provided said sites are contiguous or separated only by a public right-of-way with a minimum of at least one hundred (100) feet of street frontage across from each proposed site. The applicant shall submit a phasing plan as part of the integrated site application demonstrating coordinated construction of all sites for review and approval by the Planning and Zoning Commission. Integrated GBD/S site developments are allowed the following additional special standards:

- (a) The maximum combined allowable floor area for all sites may be redistributed over all sites provided no single receiving site exceeds 1.0 FAR.
- (b) The minimum overall required off-street parking for all sites may be satisfied by the combined parking on all sites.
- (c) The maximum combined allowable coverage for all sites may be redistributed over all sites provided that the total coverage of any receiving site shall not exceed 40% and provided that no upland site coverage shall be transferred to any site adjacent to the water.
- (d) On integrated sites that include sites adjacent to the water, no floor area from an upland site shall be added to a site adjacent to the water.
- (e) Cross easements shall be established between integrated properties where necessary.

24A-18 Affordability Requirement and Plan

In conjunction with residential units proposed as part of a GBD/S development, 20% of all proposed units shall be required to be affordable in accordance with CT General Statutes §8-30g and §19-19 of the Westport Zoning Regulations. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable.

24A-18.1 Alternative Method of Compliance

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

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

The Commission shall judge whether an off-site unit is comparable with on-site market rate units based upon all unit characteristics in aggregate and taking into account offsetting attributes.
- (d) The Affordability Plan required to be submitted under this section shall provide for enforceable deed covenants by which the off-site affordable units are guaranteed to have ongoing repairs and maintenance and replacement of capital improvements comparable to the on-site market rate units for the term of the deed restricted affordability requirement. Approval of the form and content of such deeded covenants shall be at the sole discretion of the Commission.
- (e) As part of this alternative method of compliance at least 50% of the required affordable units in the zone shall be located within the GBD/S zoning district.

24A-19 CAP

No more than two (2) General Business District/Saugatuck developments shall be permitted within the Town of Westport. An integrated site shall be considered to be a single such development.