

**§18 RESIDENCE C DISTRICT** *Revised 12-09-13*

**18-1 Purpose**

The purpose of the Residence C Zone is to permit single-family, two-family and multi-family residences on a minimum 5,000 square feet lot with a minimum 50 ft. of frontage on a public street. The Residence C provisions are intended to allow moderate/high density development (greater than the Residence B Zone density) for smaller sized dwelling units on small parcels along Saugatuck and Riverside Avenues and served by public sanitary sewerage facilities. The Residence C Zone shall also allow for the redevelopment and/or adaptive reuse of existing non-residential buildings on Riverside Avenue into larger sized dwelling units on lots over two (2) acres in non-residentially zoned lots and residentially zoned lots that currently have a permitted non residential use with a minimum 200 feet of frontage on Riverside Avenue and served by public sanitary sewerage facilities. It is in the public interest to preserve the existing residential and historic scale, massing and character of the area, to provide a desirable alternative to presently permitted commercial uses in this area, to reduce the potential traffic on public streets, and to provide a broader choice of housing types in Westport. The Residence C district can help to achieve these objectives.

**18-2 Permitted Uses**

In a Residence C, no land, building, or structure shall be used and no building shall be hereinafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

**18-2.1 Principal Uses**

- 18-2.1.1 Any use permitted in a Residence AAA District, as specified in §11-2.1, herein.
- 18-2.1.2 Two-family dwellings.

**18-2.2 Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein.

- 18-2.2.1 Any Special Permit use allowed in a Residence AAA District, as specified in §11-2.2 & 11-2.3 herein, except §11-2.4.12 (Accessory Apartment) and §11-2.4.5 (Leasing of Rooms) is not allowed.
- 18-2.2.2 Multi- family dwellings in principal buildings subject to the conditions herein.
- 18-2.2.3 Related accessory buildings, structures and uses, except §11-2.4.6A, Home Occupation, Level 1, and §32-21, Home Occupation, Level 2.

**18-2.3 Accessory Building, Structures and Uses**

- 18-2.3.1 Outdoor recreational uses, swimming pools, tennis courts and platform tennis courts.
- 18-2.3.2 Manager's Office and/or community recreation center.
- 18-2.3.3 Private garages. Garages detached from a principal dwelling shall not exceed the allowable height.
- 18-2.3.4 Other buildings, structures and uses not listed above, customarily accessory to a permitted principal use, provided that:
  - (a) Each such accessory building or structure shall not exceed 300 square feet of gross floor area;
  - (b) No such accessory building or structure shall exceed the allowable height; and
  - (c) No such accessory building or structure shall be occupied or used as a rooming unit or a dwelling unit.
- 18-2.3.5 No accessory building or structure shall include any activity conducted for gain or profit.

**18-3 Lot Area, Width, Depth & Frontage**

Each lot within a Res. C shall have a minimum area of 5,000 square feet, a minimum depth of 75 ft., a minimum width of 50 ft. and a minimum frontage of 50 ft. on a public street. On lots of two acres or more, 200 feet of frontage shall be required.

**18-4 Density**

**18-4.1 Maximum**

The maximum unit density shall not exceed one dwelling unit for each 4,350 square feet of gross lot area. The total number of dwelling units shall not exceed a density of 10.0 units per gross acre.

**18-4.2 Maximum Total Aggregate**

The total aggregate number of dwelling units permitted on all Res. C lots within the Town of Westport shall not exceed 120 cumulative dwelling units under these Res. C regulations.

**18-5 Setbacks (See §31-4 through §31-8, also.)**

No principal or accessory building, structure or use shall extend closer than 30 ft from any street line or front lot line. Side and rear setbacks shall be determined by the physical site characteristics and surrounding buildings, structures and uses; provided that any two adjacent buildings on adjoining lots shall be separated by either a common fire-wall on the lot line or by a distance of at least six (6) ft. from the lot line.

**18-6 Height**

No principal building or other structure shall exceed two and one-half (2-1/2) stories and a height of thirty (30) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet. On lots of two acres or more, no principal building or other structure shall exceed three (3) stories and a height of thirty-five (35') feet unless the Planning and Zoning Commission approves additional height up to forty (40) feet in conjunction with reduced building coverage and/or to accommodate sloping sites or floodplain conditions.

**18-7 Coverage**

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the Res. C District. The total coverage shall not exceed 60% of the area of the lot which lies within the Res. C District. On lots of two acres or more, where existing and/or proposed buildings exceed two and one-half (2-1/2) stories and a height of thirty (30) feet, the building coverage shall not exceed twenty percent (20%) and the total coverage shall not exceed fifty percent (50%). On lots of two acres or more, an additional one percent (1%) of building coverage may be added for each on-site workforce or affordable unit provided the total building coverage does not exceed twenty five percent (25%).

**18-8 Building Area**

No one building shall contain more than eight (8) dwelling units except in the case of the adaptive reuse of an existing non-residential building, provided the minimum unit size shall be one thousand (1,000) square feet.

**18-9 Building Spacing**

Groups of buildings on a single lot 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 one-third (1/3) the sum of the heights of such adjacent buildings or twenty (20) feet.

**18-10 Floor Area**

**18-10.1 FAR**

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.3 on the area of the lot that lies within the Res. C. Floor area used for parking and loading shall be excluded from the FAR. On lots of two acres or more, when at least one on-site workforce or affordable unit is provided, the FAR shall not exceed 0.4.

**18-10.2 Unit Types**

Residential dwellings shall be limited to efficiency, one-bedroom and two-bedroom dwelling units. Libraries, dens, studios, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. On lots of two acres or more, three bedroom units shall be allowed.

**18-10.3 Unit Sizes**

No Res. C project shall exceed an average of 1,000 square feet of interior floor area per dwelling unit. The total interior floor area of a unit shall exclude garage parking spaces, common storage area, common stairs, common halls, common foyers and other similar spaces used in common. On lots of two acres or more, the average unit size shall not exceed 2,500 square feet.

**18-11 Usable Open Space**

No mandatory requirement, except that any land so set aside shall be properly laid out, graded, screened and landscaped and shall include recreation facilities suited to the needs of the residents. Public Waterfront Access (see Definitions and §31-10.7.4 herein) shall be provided on all sites adjacent to the Saugatuck River.

**18-12 Architectural Design**

The architectural design, scale and mass of buildings and other structures requiring a Special Permit, including the exterior building material, color, roof-line and building elevations shall be residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

**18-12.1** Pitched roofed buildings may be required.

**18-12.2** Roof-top mechanical equipment, except for energy conservation systems such as solar energy panels, shall be concealed from view on all sides.

**18-12.3** Dwelling unit facades should be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials shall be utilized.

**18-12.4** Buildings should 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.

**18-12.5** 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 herein as those listed or eligible for listing on the National Register of Historic Places, State Register of Historic Places, Westport Historic Resources Inventory, or are at least fifty (50) years of age.

**18-13 Signs**

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

**18-14 Parking and Loading**

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

At least ten percent (10%) of the minimum required parking spaces shall be provided in open areas for visitors and guests.

**18-15 Landscaping, Screening and Buffer Areas**

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

**18-15.1 Exterior Lighting**

Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level, except for required street lights & tennis courts. The glare from light sources shall be shielded from roads and abutting properties.

**18-15.2 Refuse Area**

Refuse collection areas shall be provided and conveniently located for all buildings. The collection area shall be screened and supplied with covered receptacles.

**18-15.3 Mail Boxes**

Mail boxes shall be provided and conveniently located for all units. The mail boxes shall be covered from the elements.

**18-16 Utilities**

**18-16.1** All utilities and conduits within the site shall be underground.

**18-16.2** No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

**18-16.3** Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

**18-16.4** 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.

**18-17 Affordability Requirement**

**18-17.1** A minimum of fifteen percent (15%) of the total number of market rate dwelling units shall be designated as workforce or affordable housing, as defined in §5. The applicant shall submit an affordability plan prior to the issuance of a Zoning Permit. The plan shall include a means of offering a "right of first refusal" to the Town of Westport for any units that are vacated once the affordability period has ended. No development created pursuant to Section 18 of these Regulations shall qualify as an "affordable housing" development pursuant to C.G.S. §8-30g unless the development complies with all of the requirements set forth in C.G.S. §8-30g. Any C.G.S. §8-30g application in the Residential C District may not elect to pay a fee in lieu of providing on-site affordable units.

**18-17.2** An applicant may elect, or the Commission may require the applicant, to pay a fee-in-lieu of constructing some of the required workforce housing units on-site, provided:

- (i) that seventeen and one half percent (17½%) of the number of market rate units are provided with a minimum of five percent (5%) of the workforce or affordable units remaining onsite ; and
- (ii) that the balance of the 17½% not provided on-site shall be used to determine the amount of the fee-in-lieu; and
- (iii) that the Planning and Zoning Commission makes a finding that the funds are appropriately linked to the establishment of an equivalent number of off site affordable units pursuant to C.G.S. §8-30g.

Fractional units are rounded up. Units provided onsite shall be deducted in full from the total required units to determine a fee-in-lieu, however, the number of offsite units to be created shall be rounded up. Such fee shall take the form of a one time cash contribution to a housing trust fund, to be administered by the Town of Westport, to be used for constructing, rehabilitating, or repairing housing in Westport that is affordable to persons and families of low and moderate income who meet the income limits in C.G.S. §8-30g. Said funds shall be paid prior to the issuance of the Zoning Permit. The cash contribution to be provided shall be calculated based on 225% of the most recently published Standard Metropolitan Statistical Area (SMSA) Median Family Income for a Family of Four encompassing Westport, as published by the U.S. Department of Housing and Urban Development (HUD). Any C.G.S. §8-30g application in the Residential C District may not elect to pay a fee in lieu of providing on-site affordable units.

Example:

**A. Onsite:**

15% requirement for 37 market rate (5.55) units (6 workforce or affordable units required)

Total Units = 43 onsite

**B. Offsite (Fee-in-Lieu):**

17½% requirement for 37 (6.475) units (7 workforce or affordable units required)

Total Units = 44 with 5 Offsite Units

5% = 1.85 (minimum of 2 on site)

SMSA income family of 4 = \$111,000 x 225% = \$249,750 fee per unit

7 required – 2 workforce on site = 5 affordable units for fee

5 x \$249,750 = \$1,248,750

Fee must yield a minimum of 5 offsite C.G.S. §8-30g compliant units.