



Town of Westport
Planning and Zoning Commission
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To be published in the Norwalk Hour on Thursday, February 16, 2023 and Thursday, February 23, 2023

LEGAL NOTICE OF HEARING

Notice is hereby given that the Westport Planning and Zoning Commission will hold a Remote Public Hearing on **Monday, February 27, 2023, at 7:00 P.M.**

Pursuant to State Law, there will be no physical location for this meeting. This meeting will be held electronically and live streamed on www.westportct.gov. This meeting will also be shown on Optimum Government Access Channel 79 and Frontier Channel 6020. The public may attend using the link to be published on the agenda prior to the meeting. The meeting agenda is available at www.westportct.gov on the "[Meeting List and Calendar](#)" web page. Public testimony may be offered during a Public Hearing by joining the meeting. Written comments may also be received prior to any Public Hearing and should be sent to PandZ@westportct.gov by 12:00pm on the day of the meeting if intended to be distributed for consideration by members of the Planning and Zoning Commission. Written comments received after 12:00pm on the day of the meeting will be entered into the record but will not be distributed until the next business day. Meeting materials submitted are available at www.westportct.gov, on the Planning and Zoning Department web page under "[P&Z Pending Applications & Recent Approvals](#)".

- 1. 1595 Post Road East:** Special Permit/Site Plan Appl. #PZ-23-00045 submitted by Delamar Westport LLC, property owner, to modify the recent Site Plan and Special Permit approval (PZ-22-00667) to increase the hotel rooms from 75 to 86 keys and 81 to 89 bedrooms, for property located in the General Business District and Residence A district, PID#H09120000.
- 2. 0 Maple Avenue North:** Subdivision Appl. #PZ-22-00806 submitted by Bryan Nesteriak, for property owned by SIR Development, for a 2-lot subdivision of property, located in the Residence A zone, PID# H09201000.
- 3. Text Amendment #813:** Appl. #PZ-22-00039 authored by P&Z Commission to remove references to a district's "character" in the Zoning and Subdivision Regulation, pursuant to Public Act 21-29. A copy of the proposed text amendment is available on the Planning & Zoning webpage www.westportct.gov under P&Z Pending Applications & Recent Approvals and is on file in the Westport Town Clerk's Office and the Westport Planning and Zoning Office located at Town Hall, 110 Myrtle Avenue, Westport.

Dated at Westport, Connecticut on the 16th day of February and the 23rd day of February 2023, Danielle Dobin, Chairwoman, P&Z Commission.

Text Amendment #813

Submitted: 1/19/22

Received: _____

Public Hearing: _____

Adopted: _____

Effective date: _____

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

§15 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

15-1 Purpose

The purpose of the PRD Zone is to allow single-family, two-family and multi-family residences on a minimum 15 acre site with a minimum 300 foot frontage on the Post Road. The PRD provisions are intended to encourage moderate density development (less than the Residence B Zone density) for primarily smaller sized residential dwellings on vacant or underutilized parcels in areas along the Post Road and served by centralized sewerage facilities. It is in the public interest to preserve the residential ~~[character]~~ qualities of Westport, to provide a desirable alternative to presently permitted commercial uses in specific locations, to reduce the potential traffic and drainage impacts on Town facilities, and to provide a broader choice of housing types in Westport. The PRD can help to achieve these objectives.

15-12 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 residential in character]~~ have residential qualities 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.

Pitched roofed buildings shall be encouraged.

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

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 should be considered. Staggered or off-set unit fronts shall not be less than 5 ft. in depth.

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.

§17 OPEN SPACE RESIDENTIAL DISTRICT (OSRD)

17-1 Purpose

The purpose of the OSRD Zone is to allow single-family, two-family and/or multi-family residences on a minimum 50 acre site with frontage on or direct access to a major thoroughfare or arterial street. The OSRD provisions are intended to encourage low to moderate density development (less than the PRD and Residence B Zone density) for residential dwellings on large, vacant or under-utilized parcels in areas previously designed for Design Development Districts. It is in the public interest to preserve the residential ~~[character]~~ qualities of Westport, to provide a desirable alternative to presently permitted commercial uses in specific locations, to reduce the potential traffic and drainage impacts on public facilities, and to provide a better layout and design of housing in environmentally sensitive areas. The OSRD can help to achieve these objectives.

17-12 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 elevation shall ~~[be of such character 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.

17-12.1

Residential buildings shall have pitched roofs.

17-12.2

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

17-12.3

Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials shall be utilized. Staggered or off-set unit facades shall not be less than 5 ft. in depth.

§18 RESIDENCE C DISTRICT

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 nonresidential 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, ~~and~~ 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.

18-12 Architectural Design

The architectural design, scale and mass of buildings and other structures requiring a Special Permit, including the exterior building material, color, and 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.

§19 AFFORDABLE HOUSING ZONE (R-AHZ)

19-17 Architectural Design

19-17.1

The architectural design, scale and mass of buildings and other structures requiring a Special Permit, including the exterior building material, color, and 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.

19-17.2

Pitched roofed buildings shall be required.

19-17.3

Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

19-17.4

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

19-17.5

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.

§19A RESIDENTIAL AFFORDABLE HOUSING ZONE/WORKFORCE (R-AHZ/W)

19A-9 Architectural Design

19A-9.1

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 and~~] consistent with the prevailing design traditions 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.

19A-9.2

Pitched roofed buildings shall be required.

19A-9.3

Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels as approved by the Planning and Zoning Commission.

19A-9.4

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

19A-9.5

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.

§20 MUNICIPAL HOUSING ZONE (MHZ)

20-9 Architectural Design

The architectural design, scale and mass of buildings and other structures, including the exterior building material, color, and roof-line and building elevations shall ~~[be residential in character as to]~~ harmonize and be compatible with the neighborhood.

20-9.1

The architectural design, scale and mass of buildings and other structures requiring a Special Permit, including the exterior building material, color, and 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.

20-9.2

Pitched roofed buildings shall be required.

20-9.3

Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

20-9.4

Dwelling unit facades need to be designed to avoid a barracks or dormitory appearance. Staggered or offset unit facades and/or varied unit facade materials shall be utilized.

20-9.5

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.

NON-RESIDENCE DISTRICTS

§21 RESTRICTED PROFESSIONAL OFFICE DISTRICT (RPOD)

21-1 Purpose

The purpose of the RPOD is to allow for the limited use of land as professional offices and related activities. These provisions are designed to create a zone classification which would afford a reasonable and desirable transition between established commercial and residential areas. Large homes in older residential areas in the proximity of commercial areas tend to become economically depressed as the demand for other types and locations of single-family homes increases. ~~These areas were developed to be [The character of such areas is]~~ more residential than commercial, and from other standpoints, this situation cannot lead to the wholesale conversion of these areas to commercial zones. Consequently, a transitional type of zone is required to conserve the value of such property while preserving the scale ~~[character]~~ of such areas and the existing buildings therein from the standpoint of intensity of use and physical appearance. The Restricted Professional Office District provides for such a transition.

21-9 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 property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. New construction shall adhere to the purposes of this district in whole or in part.

21-9.1

Buildings shall be designed to achieve a small scale and residential appearance.

21-9.2

Pitched roofed buildings shall be required.

21-9.3

Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

21-9.4

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.

§22 RESTRICTED OFFICE-RETAIL DISTRICTS #1, 2 & 3 (RORD)

22-1 Purpose

The purpose of the RORD is to allow for the limited use of land and existing buildings for offices, retail stores, multiple-family dwellings and combinations thereof. These provisions are designed to create zone classifications, which would afford a reasonable and desirable combination of compatible uses along the Post Road, Riverside Avenue and Saugatuck Avenue adjacent to and in scale with established residential areas. Frame residential structures on small lots with topographic limitations in the proximity of commercial areas tend to become economically depressed as the demand for fire resistant buildings on larger and more accessible sites increases. ~~Such areas were originally [The character of such areas is]~~ more residential in architectural design, building scale and physical features of the land. These provisions are intended to retain the residential ~~[character]~~ scale and massing of the existing buildings and are not intended to lead to the wholesale redevelopment of those areas to new commercial uses. Consequently, a mixed-use type of zone is required to conserve the value of such property and to recognize the intensity of uses while preserving ~~[the character of]~~ such areas from the standpoint of compatible land uses, architectural design, building scale and physical appearance.

22-9 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 property values in the neighborhood, and to preserve and improve the appearance and beauty of the community.

New construction shall adhere to the purpose of this district, in whole or in part.

22-9.1

Buildings shall be designed to achieve a small scale and residential appearance.

22-9.2

Pitched roofed buildings shall be required.

22-9.3

Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

22-9.4

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.

§23 RESTRICTED BUSINESS DISTRICT (RBD)

23-9 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 other buildings in the RBD Districts so as to preserve and improve the appearance and beauty of the community. New construction or re-construction shall adhere to the design purpose of this district, in whole or in part.

- a. Buildings designed to achieve a 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.

§24 GENERAL BUSINESS DISTRICT (GBD)

24-9 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 other buildings in the General Business Districts so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purpose of this district, in whole or in part.

- a. Buildings designed to achieve a 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.

§24A GENERAL BUSINESS DISTRICT/SAUGATUCK (GBD/S)

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 ~~and~~ 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-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]~~ aspects 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.

§24B GENERAL BUSINESS DISTRICT/RESIDENTIAL (GBD/R)

24B-10 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, and roof-line and building elevations shall ~~[be of such character as to]~~ harmonize and be compatible with the other buildings in the Saugatuck River area 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 appropriate scale and appearance shall be encouraged.
- b. Public pedestrian access to the water and a Riverwalk along the water, shall be provided on all sites adjacent to the water.
- c. 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, while balancing the needs of FEMA and Flood Compliance.
- d. Roof top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

§26 DESIGN DEVELOPMENT DISTRICT (DDD)

26-2 Exception - Active

Existing Design Development Districts (DDD) 2, 3, and 4 in effect prior to November 1, 1975, shall comply with the following standards and requirements:

26-2.1 District Area

The boundaries of existing Design Development Districts (DDD) Nos. 2, 3, and 4, in effect prior to November 1, 1975, may be modified from time to time; except that no such district shall be less than four (4) acres in area for DDD No. 2, three (3) acres for DDD No. 3, and ten (10) acres in area for DDD No. 4.

26-2.2 Permitted Uses

The following uses are permitted in the respective district (DDD) subject to Special Permit and Site Plan approval in accordance with §43, herein.

26-2.2.1 DDD No. 2

- a. Any use permitted in a Business District.
- b. Any use permitted in a Residence AAA District.
- c. Warehouses in conjunction with commercial and research uses, and motels.
- d. Inclusionary two-family and multi-family dwelling units subject to the provisions of §32-12, herein.

26-2.2.2 DDD No. 3

- a. Any use permitted in a Business District.
- b. Any use permitted in Design District No. 2.

26-2.2.3 DDD No. 4

- a. Research laboratories and uses devoted to scientific research and development and any investigative activity of a scientific or technical nature not otherwise prohibited herein.
- b. General business offices which house the administrative functions of a business and do not dispense a service directly to the public, i.e., corporate headquarters.
- c. Any use permitted in a Residence AAA District.

26-2.2.4 Accessory Uses in DDD Nos. 2, 3 and 4

- a. Uses customarily accessory to a permitted principal use, including the manufacturing, processing or assembly of goods which is clearly incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.
- b. All display or storage of goods, merchandise or supplies shall be located within a building.
- c. Within a DDD #2 only, one attached or detached dwelling unit, provided the density does not exceed 20 bedrooms per acre.
- d. Within a DDD #4 only, one dwelling unit per principal building to be occupied by a resident gatekeeper, caretaker or maintenance person.
- e. Commercial Wireless telecommunication service facilities, in conformance with §32-16.

26-2.3 Lot Area and Shape

Commercial buildings shall have a minimum lot area of one (1) acre (43,560 square feet). Residential buildings shall conform to the minimum lot size designated for a single-family dwelling in the applicable Residence District.

26-2.4 Setbacks (See §31-4 through §31-8, also.)

No principal or accessory building, structure or use shall extend closer than fifty (50) feet from any front lot line, or Residential District Boundary Line and thirty (30) feet from any other side or rear lot line.

26-2.5 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-half the sum of the heights of such adjacent buildings.

26-2.6 Height

No building or other structure shall exceed two (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.

26-2.7 Coverage

The building coverage shall not exceed ten percent (10%) of the net area of the lot which lies within the DDD.

26-2.8 Building Area

No mandatory requirements.

26-2.9 Floor Area

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.15 on the area of the lot which lies within the Design Development District (DDD) zone. Floor area used for parking and loading shall be excluded from the FAR.

26-2.10 Architectural Design

The architectural design, scale and mass of building and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevation shall ~~be of such character as to~~ harmonize and be compatible with the neighborhood, so as to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

26-2.11 Signs

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

26-2.12 Parking and Loading

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

26-2.12.1

An unobstructed view of at least two hundred fifty (250) feet along the major traffic artery shall be provided for entering and exiting traffic on all driveway openings.

26-2.13 Landscaping, Screening and Buffer Areas

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

§27 CORPORATE PARK DISTRICT (CPD)

27-9 Architectural Design

The architectural design, scale and mass of building and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevation shall ~~[be of such character as to]~~ harmonize and be compatible with the neighborhood, so as to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

27-9.1 Roof-top equipment

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

§28 BUSINESS PRESERVATION DISTRICT (BPD)

28-1 Purpose

These provisions are intended to retain the residential ~~[character]~~ scale and massing of the existing buildings and are not intended to lead to the wholesale redevelopment of these areas to intensify the commercial use and to eliminate existing architectural scale and features. These BPD provisions are designed to create a zoning classification which would afford a reasonable and desirable linear, visual transition between established commercial areas. Frame residential structures in commercial areas along arterial streets tend to be replaced by larger more modern structures. The historical architectural design and building scale ~~[character]~~ of such areas is more residential ~~[in architectural design and building scale]~~ than more recently developed areas in the General Business District. Consequently, a limited business type zone is required to conserve the value of property while preserving ~~[the character of]~~ such areas and existing buildings therein from the standpoint of compatible land uses, architectural design, building scale and physical appearance. The BPD provides for such preservation and development.

28-9 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 other buildings in the BPD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purpose of this district, in whole or in part.

28-9.1.1

Buildings shall be designed to achieve a small scale and residential appearance.

28-9.1.2

Pitched roofed buildings shall be required.

28-9.1.3

Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

28-9.1.4

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.

§29 BUSINESS CENTER DISTRICT (BCD)

29-9 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 older buildings in the BCD District 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, in whole or in part.

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

§29A BUSINESS CENTER DISTRICT / HISTORIC (BCD/H)

29A-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 older buildings in the BCD/H District 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, in whole or in part.

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

Proposed new buildings on the same lot as the historic building, exterior building additions and alterations and roof top mechanical units shall be submitted to the Historic District Commission and the Architectural Review Board for a combined recommendation from a joint meeting. Their guidelines for review will be the most recent Secretary of the Interior's Standards for the Treatment of Historic Properties, Standards for Rehabilitation.

29A-9.1 Removal of historic buildings

If a historic building or a historic portion of a building, as described in the most recent Westport Historic Resources Inventory, is to be demolished, the property will be subject to the permitted uses, lot area, setbacks, height, coverage, floor area, architectural design, signs, parking and loading, and landscaping provisions in the Business Center District regulations and §29A-14 shall not apply. Also see §6-2.3, Restoration.

29A-9.2 Removal of non-historic additions to historic buildings

If an existing addition to an historic building is not described as historically significant in the most recent Westport Historic Resources Inventory, that addition may be removed and another structure built no greater than the existing footprint, setback and height as the removed addition. The new structure will complement the historic period of the retained portion and will not alter the historic portion as stated in the most recent Secretary of the Interior's Standards for Treatment of Historic Properties, Standards for Rehabilitation. FAR must be adhered to. Also see §29A-8.2.

29A-9.3 New additions and infill to historic buildings and additional buildings on the lot

Except as set forth in §29A-15, additions or infill to historic structures and new buildings on the lot must be no greater than the height and setbacks of the original historic structure. Additions must complement the historic period of the historic structure and will not alter the historic portion as stated in the most recent Secretary of the Interior's Standards for Treatment of Historic Properties, Standards for Rehabilitation. FAR must be adhered to. Also see §29A-8.2.

29A-14 Exemption of Floodplain Regulations

The rehabilitation or restoration of structures in the BCD/H shall be exempt from the provisions of §31-9, Flood Plain Regulations, provided that:

1. A determination is made by the Planning and Zoning Commission that the proposed rehabilitation or restoration will not destroy the historic ~~character and~~ design of the building;
2. A determination that the rehabilitation or restoration will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

29A-14.1 Written Notice Required

Upon approval of any such rehabilitation or restoration, the Planning and Zoning Commission shall give written notice to the applicant specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage and shall maintain the records of all such actions and any appeals there from for the benefit of FEMA.

§29B BUSINESS CENTER RETAIL RESIDENTIAL DISTRICT (BCRR)

29B-11 Architectural Design

The architectural design, scale and mass of buildings and other structures shall be consistent with the Village District Design Principles and shall include, among other elements, exterior building materials, colors, roof-lines, and building elevations ~~that [of such character as to]~~ work with, reflect and develop the design of buildings in the surrounding area, thereby preserving and improving the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district, in whole or in part.

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

§30 HISTORIC DESIGN DISTRICT (HDD)

30-1 Purpose

The purpose of the Historic Design District is to:

- a. prevent the potential loss of significant exterior historic factors and public buildings;
- b. preserve the ~~[visual character]~~ architectural details and appearance of historic buildings that are on the National Register of Historic Places;
- c. reduce traffic impacts on local streets and intersections;
- d. provide additional parking;
- e. discourage traffic generation and parking demand during peak periods on the local streets;
- f. Encourage residential land uses and allow office uses, primarily above the first floor; and
- g. Encourage visual and physical access to and along the waterfront.

Such special purpose districts should be limited to areas where buildings are on the National Register, where areas are served by public utilities, where areas are served by mass transit, where areas have frontage on two State Highways, and where areas have frontage on the Saugatuck River and areas where buildings are recommended to be preserved by the HDC.

30-9 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 historic buildings in the HDD District 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, in whole or in part.

30-9.1 Building Facades

Building facades along public streets and riverfronts shall be restored and preserved, and facade easements may be granted to the Town. Proposed new exterior building additions and alterations and roof top mechanical units shall be submitted to the Historic District Commission for review and recommendation. Architectural Review Board review and recommendation is not required.

30-9.2 Streetscape Amenities

Streetscape amenities (e.g. pavers, lighting, signage, landscaping, curbing, benches, etc.) shall adhere to a uniform design scheme throughout the HDD District. The uniform design scheme for the entire district shall be submitted to the Historic District Commission for review and recommendation.

30-9.3 River Frontage Amenities

The immediate river frontage shall be primarily devoted to pedestrians, e.g. parks, landscaping, walkways, plazas, etc.

30-16 Exemption of Floodplain Regulations

The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places and located within a HDD shall be exempt from the provisions of §31-9, Flood Plain Regulations, provided that:

1. A determination is made by the Planning and Zoning Commission that the proposed reconstruction, rehabilitation, or restoration will not destroy the historic features [character] and design of the building;
2. A determination that the reconstruction, rehabilitation or restoration will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

30-16.1 Written Notice Required

Upon approval of any such reconstruction, rehabilitation or restoration, the Planning and Zoning Commission shall give written notice to the applicant specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25. For \$100. Of insurance coverage and shall maintain the records of all such actions and any appeals therefrom for the benefit of FEMA.

SUPPLEMENTARY REGULATIONS AND STANDARDS

§31 REGULATIONS APPLYING TO ALL DISTRICTS

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 embayment's 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.

Section Deleted(779, 03/04/2021)

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.

§32 SUPPLEMENTARY USE REGULATIONS

32-1 Supportive Housing

Two-family or multi-family dwelling units on a minimum of twice the required lot area of the underlying residential zoning district may be used as Supportive Housing living quarters, requiring annual certification by P&Z staff that the definition of Supportive Housing is met. Supportive Housing is subject to a Special Permit and Site Plan approval in accordance with §43, herein, subject to the following conditions:

32-1.1 Standards

All applicable standards of the underlying zoning district must apply except that:

32-1.1.1

Building coverage shall not exceed twenty percent (20%) of the lot area and the total coverage shall not exceed fifty-percent (50%) of the area of the lot.

32-1.1.2

Onsite parking shall be provided at a minimum of one parking space per dwelling unit.

32-1.1.3

The Front Landscaping Area standard of §35-2.2 may be reduced to twenty-five (25) feet by the P&Z Commission.

32-1.1.4

Public water and sewer must be available for the property, and all units must be connected to the sewer and water lines.

32-1.2 Density

32-1.2.1

A Supportive Housing building shall include not more than six (6) dwelling units and shall not contain more than ten (10) bedrooms. No unit shall have more than two bedrooms. There shall be one (1) building per lot. The maximum building size shall be 5,000 square feet of floor area, inclusive of garage area.

32-1.2.2

Unit sizes: The gross interior floor area per dwelling unit shall not exceed:

- a. 600 square feet for an efficiency unit;
- b. 850 square feet for a 1-bedroom unit; and
- c. 1,200 square feet for a 2-bedroom unit.

For purposes of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a Storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom. The gross interior floor area of a unit shall exclude garage Parking spaces, common storage areas, common stairs, common halls, common foyers and other similar spaces used in common.

32-1.3 Affordable Housing Requirement:

100% of housing units on the lot shall be Affordable for persons whose annual income does not exceed fifty percent (50%) of the state median income level, adjusted for family size. In conjunction with an application for approval of a Special Permit for a Supportive Housing Development, the applicant shall submit an "Affordability Plan", in accordance with §8-30g which shall describe how the regulations regarding affordability will be administered. The plan must also include a means of offering a "right of first refusal" to the Town of Westport to acquire the property. The right of first refusal must be placed on the land records for the property.

32-1.4 Architectural Design

The architectural design, scale and mass of buildings and other structures used for multiple-family dwelling units, 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, and to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

32-1.4.1

Pitched roof buildings shall be required.

32-1.4.2

Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.

32-1.4.3

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

32-1.4.4

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.

32-1.5 Landscaping, Screening and Buffer Areas

Landscaping must be provided in accordance with §35 of the regulations (also see §32-1.1.3).

32-1.5.1 Refuse Areas

Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.

32-1.5.2 Mail Boxes

Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

32-1.5.3 Buffer Strip

For any multi-family Single Use Development, the minimum planted buffer strip required under §35, herein, may be extended along any side or rear lot line located between the dwelling units and any adjoining non-residential use or vacant lot.

32-1.6 Utilities

32-1.6.1

All utilities and conduits within the site for a multi-family Single Use Development shall be underground.

32-1.6.2

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.

32-1.6.3

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.

32-1.6.4

Any development application for Supportive Housing use shall require the applicant investigate the existing capacity of the sewer collection and treatment system to accommodate any increase in sanitary sewer flow created.

32-1.7 Separating Distance and CAP

No Supportive Housing developed under these regulations may be located within 1,500 feet of other Supporting Housing developed under these regulations. There shall be no more than five (5) Supportive Housing developments approved under this regulation within the Town of Westport.

32-12 Inclusionary Two-family and Multi-Family Dwellings

Two-family and multi-family dwelling units are permitted in any GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H and DDD #2 Non-Residential Zoning District subject to a Special Permit and Site Plan Approval in accordance with §43, herein, all applicable provisions of the underlying zoning district, and the following additional standards and safeguards. (See §39A for Lots Split Residential and Non-Residential Zoning District)

The purpose of this section is to increase the diversity of housing choices and to provide additional below market rate housing within Westport. In order to implement this purpose, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed residential units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g.

32-12.1 Lot Area and Shape.

32-12.1.1

No minimum lot area or shape. Any lot using this regulation must provide frontage on an arterial street that is equal to at least fifteen percent (15%) of the perimeter of the lot.

32-12.1.2

Any lot created by subdivision or lot merger not in existence at the time this regulation was created must have a Regularity Factor of at least 0.55.

32-12.1.3

Primary access to the development must be from a non-residential portion of lot.

32-12.2 Density

32-12.2.1 Maximum -

The maximum allowable density shall not exceed 20 bedrooms 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 eighteen (18) inclusive of affordable units.

32-12.2.2 Bedrooms -

For the purpose of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom.

32-12.2.3

The purpose of this subsection is to encourage the increase in the diversity of housing choices for, and eliminate nonconforming commercial uses of, lots located within certain split zone districts. Notwithstanding any other provision of these Regulations, when a lot is located within a split zone district involving the GBD and Residence A zone districts, and a proposal is to eliminate and/or abandon a nonconforming septic tank manufacturing company with associated contractor's yard use located on any portion of the lot, and to substitute such nonconforming use with a Multi-Family dwelling use, then the maximum allowable density shall not exceed thirty units per gross acre, with a maximum allowable density not to exceed thirty-two units regardless of lot size, unless otherwise permitted by these Regulations. The maximum allowable number of bedrooms shall be fifty bedrooms per gross acre, with a maximum allowable number of bedrooms not to exceed forty-seven bedrooms regardless of lot size, unless otherwise permitted by these Regulations. When calculating a gross acre for purpose of this subsection, that area of the lot located within the Residence A zone district shall not be included. (772, 08/06/2019)

32-12.3 Setbacks

No principal or accessory building or structure shall extend closer than:

- a. twenty (20) feet from any front lot line.

b. Side and rear setbacks are governed by the underlying district.

32-12.4 Height

In order to retain the historic streetscape in the BPD and BCD/H zones, the height is restricted to that which is permitted in the underlying non-residential zoning district.

32-12.4.1

For buildings within the GBD, RPOD, RORD, RBD, BCD and DDD #2 zoning districts, of which at least one-third (1/3) of the floor area is residential, a height of three (3) stories and thirty-five (35) feet is allowed.

32-12.4.2

for a building in which less than one-third (1/3) of the floor area is residential use, the height is restricted to that which is permitted in the underlying zone.

32-12.5 Coverage

A building coverage bonus in the non-residential zone shall be allowed. The bonus may not exceed five percent (5%) of the non-residentially zoned portion of the lot in excess of that which is allowed in the underlying non-residential zone, except for the BCD and BCD/H zoning districts.

32-12.5.1

The P&Z Commission may exempt 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 features [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.

32-12.5.2

the total coverage shall not exceed seventy percent (70%) of the area of lot.

32-12.5.3

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

32-12.6 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 ten (10) feet.

32-12.7 Floor Area

32-12.7.1

Unit Size: 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. The average unit size shall not exceed 1,250 square feet.

32-12.7.2 Floor Area Ratio (FAR)

32-12.7.2.1

No lot which contains buildings or structures which consists of two-family or multi-family dwellings, shall exceed an FAR of 0.5, except in the BCD and BCD/H zones. Any incremental increase in floor area above the maximum allowable FAR in the underlying zone shall be used for dwelling(s) units only. Floor area used for parking and loading 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.

32-12.7.2.2

At least 30% of the floor area of the property, exclusive of the affordable housing units, shall be non-residential use in the GBD, RBD, BCD, BCD/H & DDD #2 zones. The RPOD, RORD & BPD zones, with their smaller building standards, shall have no minimum non-residential (commercial) requirement.

32-12.7.2.3

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

32-12.7.2.4

Any lot located within a split zone district involving the GBD and Residence A zone districts, where there is a proposal to eliminate and/or abandon a nonconforming septic tank manufacturing company with associated contractor's yard use located on any portion of the lot, and to substitute such nonconforming use with a Multi-Family use that meets the affordability requirements provided by §32-12.15, then a minimum non-residential (commercial) component is not required.(772, 08/06/2019)

32-12.8 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 located on the property and on any adjacent lot, if they are listed on the most recent Westport Historic Resource Inventory. The design should reflect 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.

Architectural design requirements for the underlying zones apply and in addition dwelling unit facades shall be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials shall be utilized.

32-12.9 Public Waterfront Access

Public Waterfront Access (see Definitions and §31-10.7.4 herein) shall be provided on all sites adjacent to the Saugatuck River.

32-12.10 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations, as determined by underlying zoning district.

32-12.11 Parking

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations; however such parking and loading shall be located on the lot and to the rear of the front leading edge of any building facing the street. Parking shall be required as provided in §34-5, except that the P&Z Commission may reduce the required multifamily parking standards by 0.5 spaces per unit. Tandem parking may be allowed subject to the discretion of the P&Z Commission.

32-12.11.1

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

32-12.12 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations. Sidewalks shall be provided in accordance with §35-2.2.4 of the Supplementary Regulations.

32-12.12.1

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. The glare from light sources shall be shielded from roads and abutting properties. Lighting must be provide in accordance with §44-5.5 of the Regulations.

32-12.12.2 Refuse Areas:

Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.

32-12.12.3 Mail boxes:

Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

32-12.12.4

All standards listed in §32-8.2.3 shall be adhered to with the exception that a fill height ratio of up to 0.50 relative to the distance from the property line shall be permitted in the side and rear yard setbacks and within five-feet (5') of the property line to allow grading to create a landscape feature designed to provide screening to adjacent properties for Multi-Family dwelling use on a lot located within a split zone district involving the GBD and Residence A zone districts, and a proposal is to eliminate and/or abandon a nonconforming septic tank manufacturing company with associated contractor's yard use. (772, 08/06/2019)

32-12.12.5

All standards listed in §32-8.3.2 shall be adhered with the exception that slopes of up to one vertical to two horizontal (1V:2H) shall be permitted in the side and rear yard setbacks and within five-feet (5') of the property line to allow grading to create a landscape feature designed to provide screening to adjacent properties for Multi-Family dwelling use on a lot located within a split zone district involving the GBD and Residence A zone districts, and a proposal is to eliminate and/or abandon a nonconforming septic tank manufacturing company with associated contractor's yard use. (772, 08/06/2019)

32-12.13 Utilities

32-12.13.1

All utilities and conduits shall be underground.

32-12.13.2

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.

32-12.13.3

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. 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.

32-12.14 Change of Use

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

32-12.15 Affordability Requirement and Plan

32-12.15.1

In conjunction with residential units proposed as part of this regulation, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed residential units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g. An affordability plan must be submitted at the time of application in accordance with same. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD).

32-12.15.2

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.

32-12.16 Traffic Analysis

A Traffic Analysis in accordance with §44-2.5 shall be required unless waived at the discretion of the Planning & Zoning Commission.

32-12.17 Sunset Provision

No application may be submitted to the Planning and Zoning Commission pursuant to the provisions of this §32-12.2.3, §32-12.7.2.4, §32-12.12.4, and §32-12.12.5 of these Regulations after August 13, 2019; however, any application submitted to the Commission prior to August 13, 2019, which is subsequently approved by the Commission, shall be subject to the provisions of §32-12.2.3, §32-12.7.2.4, §32-12.12.4, and §32-12.12.5 after August 13, 2019. Any request to modify, extend or revise such approval, even after August 13, 2019, shall be subject to the provisions of §32-12.2.3, §32-12.7.2.4, §32-12.12.4, and §32-12.12.5 of the Regulations. (772, 08/06/2019)

32-15 Managed Residential Community

32-15.1 Purpose

The purpose of this section is to allow a Managed Residential Community which provides services including assistance with activities of daily living in order to enable older persons to maintain a maximum level of independence, to reflect the continuing concern of the Commission for the special needs of older persons and to provide for their safety, health and general welfare.

32-15.2 Permitted Uses

Construction and operation of a Managed Residential Community, including the provision of Private Residential Units all as defined herein and in §5-2.

32-15.3 Accessory Uses

Accessory buildings, structures and uses necessary to the operation of a Managed Residential Community include maintenance, utility and recreational facilities. Accessory buildings and structures shall not exceed 300 square feet of floor area, shall not exceed one story or 16 feet in height and shall not be used or occupied as a rooming unit or a dwelling unit. The accessory buildings shall be in keeping with the architectural style of the main building and shall not detract from neighboring residential properties.

32-15.4 Location

A Managed Residential Community lot shall be located and have frontage on an arterial street as classified by the P&Z Commission in accordance with the Town Plan of 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.

32-15.5 Lot Area, Shape and Frontage

Each lot shall have a minimum lot area, shall be of such shape that a minimum square will fit in the lot, and shall have a minimum frontage on at least one arterial street, as follows:

ZONE	LOT AREA	LOT SHAPE	LOT FRONTAGE
AAA, AA, A, PRD	6 Acres Minimum	300' x 300'	200' on an arterial street
BCD, GBD, HDD, HSD, RBD, RORD, RPOD	2 Acres Minimum		200' on an arterial street

Split Zones: For lots located in both commercial and residential zones, lot area, shape, and frontage shall be governed by the standards of the zone in which the greater portion of the lot lies.

32-15.6 Affordable Units

For every two affordable units built, one additional unit will be allowed up to a maximum of 5% of the total units otherwise allowed by these regulations. These units shall be permanently allocated to meet or be lower than the affordability levels for which persons and families pay 30% or less of their annual income where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the U.S. Department of Housing and Urban Development. Rent shall include all utilities except phone and cable television. Therefore, if 10 affordable units are proposed, 5 extra units may be constructed. These are called bonus units.

32-15.7 Density

32-15.7.1

The maximum allowable density shall not exceed 15 residential units per gross acre in any permitted zoning district (see §32-15.7.2). Units shall not contain more than two (2) bedrooms. For the purposes of these regulations, libraries, dens, studios, studies, lofts and other similar spaces within private residential units shall be deemed to be bedrooms.

32-15.7.2

The total number of residential units shall not exceed 90 on a site of 8 acres or less, 105 units on a site 8 acres up to 9 acres, and 115 units on a site over 9 acres on any Managed Residential Community site, plus bonus units.

32-15.7.3

The total aggregate number of residential units permitted on all Managed Residential Community sites shall not exceed 300 units including bonus units, under these Managed Residential Community Regulations.

32-15.8 Setbacks

32-15.8.1

Minimum setbacks from lot lines for principal and accessory buildings or structures shall conform to the following:

ZONE	FRONT	SIDE	REAR
AAA, AA, A, PRD and any properties abutting a residential zone	100'	75'	75'
BCD, GBD, HDD, HSD, RBD, RORD, RPOD (except a structure must be setback 75' from any residential property line).	30'	30'	50'
Split zones – for lots located in both commercial and residential zones, setbacks in the residential portion shall adhere to the standards for residential zones in §32-15.8.2.(a)			

32-15.8.2

Minimum setbacks from lot lines for parking spaces and loading areas shall conform to the following:

ZONE	FRONT	SIDE	REAR
AAA, AA, A, PRD , and any properties abutting a residential zone	50'	35'	35'
BCD, GBD, HDD, HSD, RBD, RORD, RPOD	30'	25'	25'
Split zones - for lots in both commercial and residential zones, setbacks in the residential portion shall adhere to the standards for residential zones in §32-15.8.2			

32-15.8.3

No setbacks shall be required from Zoning District Boundary Lines crossing the interior of the lot.

32-15.9 Height

No building or other structure shall exceed a height of 2 1/2 stories or 30 feet, whichever is less.

32-15.10 FAR

No building or structure shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot. 0.35 FAR shall be allowed in BCD, GBD, HDD, HSD, RBD, RORD, and RPOD.

32-15.11 Coverage

The building coverage shall not exceed 15 % and the total coverage shall not exceed 25% in a residential zone.

The building coverage shall not exceed 20% and the total coverage shall not exceed 30% in a commercial zone.

32-15.12 Unit Sizes

The gross interior floor area of private residential units in a Managed Residential Community shall not be less than 350 square feet. Units cannot exceed 2 bedrooms.

Non-related persons may, but cannot be required, to share units.

32-15.13 Useable Open Space

A minimum area of useable open space of 450 sq. ft. shall be provided on the site for each private residential unit, as follows:

32-15.13.1

The land so set aside shall be graded, screened and landscaped, shall be of a passive recreation nature suited to the needs of the residents, and may include open interior courtyards. Such recreation areas shall be designed to provide security and privacy and to prevent the emission of objectionable noise and light onto abutting properties. Useable Open Space must not have slope greater than 5% and shall be free of wetlands, ledge and rock outcroppings. Natural geologic features and specimen trees shall be preserved. Paved paths and site lighting for the benefit of residents shall be provided.

32-15.14 Signs

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

32-15.15 Parking and Loading

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

1. Only one (1) off-street loading space shall be required for any Managed Residential Community facility. Said loading space shall be conveniently located near a service entrance to the facility; and
2. Handicapped parking and a drop-off area for residents and guests may be provided in the front of the building.

32-15.16 Landscaping, Screening and Buffer Areas

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

32-15.16.1

Refuse collection areas shall be provided, suitably screened, supplied with covered receptacles and conveniently located to serve the facility.

32-15.16.2

Ground mounted mechanical units or equipment shall not be located within any setback area or buffer area and shall be suitably screened.

32-15.16.3

Exterior site lighting shall be adequate for public safety and resident security. Pole lights shall be limited to a height of 16 feet with down-directed fixtures. Spotlights on the building are prohibited.

32-15.17 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.

32-15.17.1

No wall of any building shall exceed 50 feet in length in an unbroken plane without an off-set of at least five (5) feet;

32-15.17.2

Rooftop mechanical equipment shall be adequately screened except for energy conservation systems such as solar energy panels;

32-15.17.3

All buildings shall have pitched roofs;

32-15.17.4

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 one-half the sum of the height of such adjacent buildings except for connecting corridor links of at least 20 feet in length and at least 8 feet in width.

32-15.18 Utilities

32-15.18.1

All utilities and conduits within the lot shall be underground.

32-15.18.2

All buildings on the lot shall be connected to public sanitary sewers and served by a public water supply.

32-15.18.3

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 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 & Zoning Commission in accordance with the 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:

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

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 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 the 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 P&Z 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 fifteen (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 P&Z 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 P&Z 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:

32-15A.16.1

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 P&Z Commission; and

32-15A.16.2

The P&Z 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 (16') feet 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 (5') feet;

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 (15') feet.

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 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 P&Z 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.

32-15B Age Restricted Housing (ARH)

32-15B.1 Purpose

The purpose of this section is to address the housing and other needs of an aging population by allowing for a diversity of housing types, which may include accessory services, and to provide for their safety, health and general welfare.

32-15B.2 Special Permit Uses

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

32-15B.2.1

Independent living units, restricted to occupancy by persons aged sixty-two (62) and older in accordance with the Federal Fair Housing Act.

32-15B.2.2

CCRC Community

32-15B.2.3

Accessory uses and buildings for the exclusive use of residents and their guests.

32-15B.3 Location

No development under this Section shall be approved unless the site meets the following special requirements, as applicable:

32-15B.3.1

The site shall have convenient access to an arterial or collector roadway, as designated in the Plan of Conservation and Development, as may be amended.

32-15B.3.2

The site shall have access to public sewer and water supply.

32-15B.3.3

The development/site operator shall provide adequate transportation to provide for access to, local retail, commercial and medical service areas.

32-15B.4 Lot Area and Frontage

ZONE	LOT AREA	LOT FRONTAGE
AAA, AA, A, PRD,	3 Acre Minimum	50 feet on arterial or collector road
BPD, HSD, RBD, RORD, RPOD	2 Acre Minimum	50 feet on arterial or collector road

32-15B.5 Housing Affordability

32-15B.5.1

A minimum of five (5) percent of the total number of any independent living units shall be restricted to comply with the affordability levels prescribed under CGS 8-30(g).

32-15B.5.2

if such independent living units are offered for sale, the affordability shall exclude the costs of health care and other services.

32-15B.5.3

if such independent living units are not for sale, then the Commission may approve alternative methods of dedicating a minimum of five (5) percent of such units as permanent affordable housing where health care, meals, housekeeping, transportation and other or similar services are a portion of the resident's cost of maintaining residency at the facility.

32-25B.6.4

the applicant shall submit an "Affordability Plan" concurrently with a Special Permit and Site Plan application which shall prescribe how the regulations regarding affordability will be administered.

32-15B.6 Density

The total number of living units and beds on the parcel shall not exceed the following density limits:

- a. The maximum number of independent living units permitted in a non-CCRC development shall not exceed fifteen units per gross acre in a residential zone and 18 units in a commercial zone.
- b. The maximum cumulative units permitted in a CCRC development shall be determined under Sections [32-15B.8](#) & [32-15B.11](#) of these regulations.

32-15B.7 Setbacks

The setbacks are restricted to that which is permitted in the underlying zoning district. No setbacks shall be required from Zoning District Boundary Lines crossing the interior of the lot.

32-15B.8 Height

The building height is restricted to that which is permitted in the underlying zoning district.

32-15B.9 Building Spacing

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 one-half the sum of the height of such adjacent buildings except for connecting corridor links of at least 20 feet in length and at least 8 feet in width.

32-15B.10 Floor Area

The total interior floor area of a unit shall exclude garage parking spaces, mechanical rooms, common storage area, common stairs, common halls, common foyers and other similar spaces used in common. The average unit size shall not exceed 1,250 square feet. Units cannot exceed 2 bedrooms.

32-15B.11 Coverage

The total coverage permitted is 70%. The building coverage permitted is limited to 35% in residential zones and 50% in commercial zones. If 75% of the required parking is provided underground, an increase in total coverage not to exceed 75%.

32-15B.12 Useable Open Space

A minimum area of useable open space of 150 sq. ft. shall be provided on the site for each private residential unit, as follows:

- a. The land so set aside shall be graded, screened and landscaped, shall be of a passive recreation nature suited to the needs of the residents and may include open interior courtyards. Such recreation areas shall be designed to provide security and privacy and to prevent the emission of objectionable noise and light onto abutting properties.
- b. The type of useable Open Space shall be determined by the Commission but generally will not include slope greater than 5%, and shall be free of wetlands and ledge and rock outcroppings. Natural geologic features and specimen trees shall be preserved. Paved paths and site lighting for the benefit of residents shall be provided

32-15B.13 Signs

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

32-15B.14 Parking and Loading

Off-street parking shall be provided in accordance with §34 of the Supplementary Regulations, except that:

Parking shall be provided on the basis of one (1) parking space for each staff member on the largest shift plus adequate parking for the living arrangements based on the following minimum rates:

- a. 1.25 spaces per Independent Living Unit not in a CCRC;
- b. 1 space per Independent Living Unit in a CCRC;
- c. .80 of the spaces for staff equating to the largest shift of employee; and
- d. .25 for each assisted living unit.

32-15B.15 Landscaping, Screening and Buffer Areas

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

32-15B.16 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.

32-15B.16.1

No wall of any building shall exceed 60 feet in length in an unbroken plane without an off-set of at least five (5) feet;

32-15B.16.2

Rooftop mechanical equipment shall be adequately screened except for energy conservation systems such as solar energy panels;

32-15B.16.3

All buildings shall have pitched roofs including mansard, gable, gambrel, hip, or dome in Residential zones

32-15B.17 Utilities

32-15B.17.1

All utilities and conduits within the lot shall be underground.

32-15B.17.2

All buildings on the lot shall be connected to public sanitary sewers and served by a public water supply.

32-15B.17.3

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.

32-15B.18 Exemptions

The first two-hundred (200) units approved for seniors under this regulation shall be exempt from §4-5, Maximum Allowable Multi-Family Dwellings. The exemption shall be effective from the date of approval and it will be on a first come-first serve basis. Such approval shall become null and void if a zoning permit is not secured within one (1) year. If the approval becomes void, the exemption from the §4-5, Maximum Allowable Multi-Family Dwellings, is also void and the project must repeat the approval process.

32-16 Commercial Wireless Telecommunication Service Facilities

32-16.1 [2-] Purpose

In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, the Commission finds that these regulations which require a special permit are necessary in order to:

32-16.1.1

Accommodate the need for wireless telecommunications antennas while regulating their location and number:

32-16.1.2

Minimize adverse visual effects of wireless telecommunications antennas and antenna or wireless telecommunication towers through proper design, siting and vegetative screening;

32-16.1.3

Avoid potential damage to adjacent properties from antenna or wireless telecommunication towers and falling ice through their proper siting and engineering;

32-16.1.4

Encourage the joint use of any new antenna or wireless telecommunication tower;

32-16.1.5

Preserve the ~~[character,]~~ appearance and property values within the Town of Westport while allowing adequate commercial wireless telecommunication service facilities to be developed;

32-16.1.6

Protect the scenic, historic, environmental and natural resources of the community; and

32-16.1.7

Lessen potential adverse effects of commercial wireless telecommunication service facilities by minimizing the total number and height of such facilities, maximizing the use of existing structures in commercial districts for such facilities and by requiring providers to share locations where feasible.

Based on the foregoing purpose nothing stated herein shall diminish or restrict the P&Z Commission's obligation to consider the criteria set forth in §44-6 of the zoning regulations. All commercial wireless telecommunication service facilities shall require a special permit and must conform to the standards set forth in pursuant to §44-6.

32-16.2 Location

The siting of commercial wireless telecommunication service facilities involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are confined to the following commercial and mixed-use zoning districts: DDD with a minimum lot size of 10 acres, BCD, BPD, CPD, GBD, HDD, HSD, RBD, RORD, RPOD zones.

This limitation as to zone shall apply unless the service provider shall demonstrate to the P&Z Commission that such a restriction has the effect of prohibiting the provision of a reasonable quality of personal wireless service to the Town of Westport.

32-16.2.1

Commercial wireless telecommunication service facilities shall be located on existing structures, such as existing buildings, water towers, utility poles or existing telecommunications facilities, provided that such installation preserves the ~~[character]~~ visual appearance and integrity of those structures. These telecommunication service facilities shall be camouflaged. Existing telephone and electric utility structures also need to be considered as sites for one or more commercial wireless telecommunications service facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.

32-16.2.2

If the applicant provides proof that it is not feasible to locate on an existing structure, commercial wireless telecommunication service facilities shall be designed so as to be camouflaged. The applicant shall use compatible building materials and colors, screening, landscaping & placement within trees, or shall disguise the structure to resemble a tree or structure compatible with the site.

32-16.2.3

The applicant shall submit documentation indicating Federal Communication Commission licensure supporting the legal right to install and use the proposed facility mount at the time of application for a Special Permit.

32-16.2.4

The following additional siting criteria are required:

- a. No tower shall be located on land designated or deed-restricted as open space.
- b. No tower may be constructed within a mile radius of an existing tower.

32-16.3 Setbacks

32-16.3.1

Antenna towers, telecommunication towers and rooftop antennas shall adhere to the setback requirement of the zoning district in which the tower or antenna is located. No tower can be located a minimum of 50 ft. or within the fall zone, whichever is greater, from of any residential property line.

32-16.4 Height

32-16.4.1

No communication tower, including any antenna attached thereto, shall exceed a height of 150 feet, measured to the top of the highest antenna from the average existing grade surrounding and within 10 feet around the proposed tower. The overall height of a telecommunication tower or antenna on a building cannot exceed 150 feet measured from the existing grade of the ground.

32-16.5 Accessory Buildings and Equipment

32-16.5.1

Any equipment must be housed in an existing building or in a building not to exceed 750 square feet of gross floor area or be more than 16 feet in height. Manned equipment including a business office, maintenance depot and vehicle storage is prohibited in a residential district.

32-16.5.2

All accessory or equipment buildings shall be architecturally designed to blend in with the surrounding environment. All buildings and/or grounds shall conform to the general style of architecture and landscaping in the neighborhood.

32-16.5.3

If the equipment is located on the roof of a building, the area of the equipment building and other equipment structures shall not occupy more than twenty-five (25) percent of the roof area and must be suitably screened.

32-16.6 Additional Standards

32-16.6.1

No signs shall be permitted on any facility unless otherwise permitted by these regulations set forth in §33, as amended from time to time.

32-16.6.2

All utilities proposed to serve a commercial wireless telecommunication service facility shall be installed underground.

32-16.6.3

All commercial wireless telecommunication service facilities shall comply with FCC standards for non-ionizing electromagnetic emissions and upgraded as necessary to comply with new scientific findings and associated regulations. All generators and equipment shall comply with all state and local noise and emission regulations. Proper documentation to prove compliance with these standards must be submitted with each application.

32-16.6.4

No commercial wireless telecommunication service facility shall be permitted on property located within a Westport Historic District, National Register Historic District or on any property located on the state or national Register of Historic Places.

32-16.6.5

Antenna towers and telecommunication towers shall be camouflaged or painted to reduce visual impact.

32-16.6.6

A fence with a height of eight (8) feet shall be required around an antenna tower or telecommunication tower and any free-standing equipment.

32-16.6.7

Landscaping shall be required around the fence and shall consist of a row of evergreen trees (planted 10 feet on center minimum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum height of fifteen (15) feet at maturity. Such screen shall be maintained by the owner of the property to ensure its effectiveness.

32-16.6.8

The proposed support structure (tower or building) shall be designed for additional facilities including other commercial wireless telecommunication service facilities, and local police, fire and ambulance needs, unless it is determined to be technically unfeasible.

32-16.6.9

Written notice of a proposed telecommunication tower must be sent to any municipality located within 1,500 feet from the tower. Said notice must be sent by registered mail to the Town Clerk's office of the adjoining municipality.

32-16.7 Materials for Application Submission

Construction of a commercial wireless telecommunication service facility requires a Site Plan and Special Permit approval from the P&Z Commission. Documents to be filed with the application shall be the same as those described in §44 of the Westport Zoning Regulations with the following additional information:

32-16.7.1

A description of technological alternatives for the proposed telecommunication tower and a statement containing the reasons for the choice of the proposed facility.

32-16.7.2

A statement containing a description of the siting criteria and the process by which other possible sites were considered and eliminated.

32-16.7.3

Photographs showing existing conditions. Each sight line shall be illustrated by a photograph depicting what can currently be seen from any public road and residential area within a one mile radius.

32-16.7.4

Photographs showing proposed conditions. Each of the existing condition photographs shall have the proposed commercial wireless telecommunication service facility superimposed on it to show what will be seen from public roads and residential area within a one mile radius if the proposed commercial wireless telecommunication service facility is built.

32-16.7.5

A map depicting the extent of the provider's existing and planned coverage and the service area of the proposed commercial wireless telecommunications service facility.

32-16.7.6

If coverage greater than 50% from the proposed commercial wireless telecommunications services facility is outside Westport, the applicant must demonstrate that they are unable to locate, for reasons other than financial, within the municipality which is primarily receiving service from the proposed facility.

32-16.7.7

Demonstration on a map that reasonable coverage and capacity is either not already being provided in the Town of Westport or the potential to provide coverage is not possible by modifying other sites.

32-16.7.8

Demonstration on a map and in a written narrative, of the provider's long range plan for location and necessity of facilities within the Town of Westport describing existing and proposed coverage areas. Such long range plan shall span a time period not less than 36 months from the anticipated time of installation. The long-range plan shall include a report of technological progress relevant to the application. Special emphasis should be placed upon planning that recognizes that technological progress can be used to both improve the quality of service and lessen the impact upon the quality of life. For example, improved receivers can reduce required power levels. Similarly, improved coding systems can reduce interference and improve signal to noise ratios which reduces the probability of a call being dropped.

32-16.8 Review by Independent Consultants

The applicant shall hire independent consultants approved by the P&Z staff to conduct an independent review of any application for a new tower. The consultants will work under the direction of the P&Z Dept. As many qualified professionals as are necessary must be hired so that the following fields of expertise are addressed: a) telecommunications engineering, b) structural engineering and d) others as determined by the P&Z Office. The P&Z Director may waive this requirement for municipal public safety service providers (police, fire, and emergency medical service).

32-16.9 Requirement to Fly Balloon

When an antenna tower or a telecommunication tower is proposed, prior to the meeting with the Commission the applicant shall arrange to fly a brightly colored three foot diameter balloon at the site that is at the maximum height of the proposed installation. The applicant shall provide written notification to the P&Z Commission, at least ten days in advance, of the time and date of the flight. The balloon shall be flown for at least three consecutive hours between 9:00 A.M. and 5:00 P.M. on the dates chosen.

32-16.10 Abandonment

A commercial wireless telecommunication service facility not in use for six (6) months shall be removed by the facility owner and/or the property owner. This removal shall occur within ninety (90) days of the end of such six (6) month period.

32-16.11 Bond

A bond shall be required in an amount determined by the Town Engineer at the time of issuance of a zoning permit for the construction of all telecommunication towers and antenna (e) to ensure that such removal will be accomplished.

32-16.12 Zoning Certificate of Compliance

32-16.12.1

Subsequent to completion of the telecommunication tower, a certificate from a structural engineer licensed in the State of Connecticut confirming that the tower is properly constructed and structurally sound shall be submitted.

32-27 Special Needs Housing

Housing for Special Needs Individuals is important to meet the Westport Plan of Conservation Development goals to allow qualified 501(c)3 non-profit organizations specializing in providing special needs services in residential settings to help address **the** housing needs ~~[that maintain the character and integrity]~~ of Westport. Such housing enables persons with special needs to live in Westport and contribute to the community through employment and other opportunities. Special Needs Housing encourages the adaptive reuse of existing town owned buildings and shall require a Special Permit and Site Plan Approval.(778, 06/03/2020)

32-27.1 Location

Special Needs Housing shall be located within an existing building in the Residence A District on Town owned property. (778, 06/03/2020)

32-27.2 Density

The maximum allowable density shall not exceed six (6) units per building.(778, 06/03/2020)

32-27.3 Special Standards

32-27.3.1 Height and Coverage

Modifications and/or additions affecting Building Height and/or Total Coverage necessary to bring an existing building into conformance with Building Code requirements for ADA compliance are allowed and shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater.(778, 06/03/2020)

32-27-3.2 Landscaping, Screening and Buffer Areas

Existing parking areas do not need to meet the requirements of Section 35-2.3.(778, 06/03/2020)

32-27-3.3 Parking

The minimum parking requirement for Special Needs Housing shall be one (1) space per residence. (778, 06/03/2020)

32-27.4 Affordability Requirement

All proposed units shall be affordable to households whose income does not exceed 60% of the State Median Income as provided by CT General Statutes §8-30g, and an affordability plan shall be required prior to the issuance of a Zoning Certificate of Compliance.(778, 06/03/2020)

§36 VILLAGE DISTRICT OVERLAY (VDO) ZONE / WESTPORT CENTER

36-1 Establishment of the Village District

36-1.1 Purpose

The purpose of this Village District Overlay (VDO) is to protect the distinctive ~~[character]~~ features, landscape, and historic structures and development pattern within this Village District while encouraging a mixed use, walkable district that is attractive to residents, employees, and visitors. New construction or substantial rehabilitation in the Village District should be compatible with the existing ~~[character-of-the]~~ district and reinforce both the existing development patterns and connections to the Saugatuck River.

36-1.2 Authorization

The Village District Overlay (VDO) Zone is hereby designated as a Village District, as authorized by Chapter 124 (§8-2j) of the Connecticut General Statutes (CGS) and any new construction or substantial reconstruction and rehabilitation of the exterior of a building shall be reviewed in accordance with the provisions of this §36 of these Regulations and with the requirements of CGS §8-2j.

36-1.3 Applicability

All zoning regulations, including those applying to the underlying district, shall continue to govern the Village District, except as amended by this §36. Site plan approval by the Planning and Zoning Commission shall be required for the following activities within the Village District and in view from public streets, public spaces, walkways, bikeways or from the Saugatuck River:

- New construction as defined in §5-2;
- Substantial reconstruction and rehabilitation of properties;
- Alterations to existing building façades such that the appearance of the building is changed.

The Planning and Zoning Commission's authority shall include, but not be limited to, the following:

- i. The design and placement of buildings;
- ii. The maintenance of public views;
- iii. The design, paving materials, and placement of public roadways;
- iv. Other elements that the Planning and Zoning Commission deems appropriate to maintain and protect the ~~[character]~~ scale, architecture, and historic features of the Village District.

The Planning and Zoning Commission will review the application for Site Plan Review using the criteria within this §36, including §36-2, Design Principles and Standards, as the basis of its review.

A site rezoned by the Planning and Zoning Commission to Village District Overlay shall continue to bear its original district designation, but with the initials VDO appended to indicate a Village District Overlay designation. Designation as a Village District Overlay or the removal of such designation shall be considered a change of zone.

36-1.4 Additions to the Village District

The Planning and Zoning Commission may add one or more parcels to an existing Village District using the following criteria:

- The parcel to be added must be contiguous with the existing Village District boundary and within the boundary of Westport Center as depicted in the Westport Plan of Conservation and Development;
- The characteristics of the existing building and site must be consistent with [§36-2.1 Design Principles](#);
- The dimensional characteristics of the existing building and site must be consistent with other buildings in the Village District with respect to height, setback from front lot line, and building massing.

36-1.5 Advisory Opinion

The Joint Committee of the Architectural Review Board and the Historic District Commission (the Joint Committee) is designated as the Village District Consultant for the purposes of CGS §8-2j(f). The membership of the Joint Committee shall include at least one member who is an architect, landscape architect, or planner who is a member of the American Institute of Certified Planners.

The Joint Committee shall review all applications for new construction and substantial reconstruction within the district and in view from public streets, public spaces, walkways, bikeways and the Saugatuck River. The basis for review and recommendations shall be the regulations in §36-2 Design Principles and Standards.

The Planning and Zoning Commission may also seek recommendations from any town agency, regional council or outside specialist, including, but not limited to, the following:

- Western Connecticut Council of Governments;
- The Westport Historical Society;
- The Connecticut Trust for Historic Preservation;
- The University of Connecticut College of Agriculture and Natural Resources.

The hiring of outside consultants shall follow the procedures established §43-6.4 of Zoning Regulations.

36-1.6 Approval and Denial

The Planning and Zoning Commission shall record the reason for approval or denial of the Site Plan Review application.

The approval must be certified by the Planning and Zoning Commission and recorded in the land records of the Town of Westport at the expense of the record owner. The approval must contain the following information:

- Owner of record;
- Description of the premises to which it relates;
- Reasons for the decision.

36-2 Design Principles and Standards

Application of the Design Principles and Design Standards will reinforce the existing patterns of land use and development with the Village District. As noted in §36-3 Design Review, The Planning and Zoning Commission and the Joint Committee will use the Design Standards as the basis for their review of the application. Should the Applicant apply for a Compliance Alternative (as defined in §5-2: Specific Terms Definitions of the Zoning Regulations), the Planning and Zoning Commission and the Joint Committee will refer to these governing Design Principles.

36-2.1 Design Principles

The following Design Principles shall apply to new construction and substantial reconstruction and rehabilitation of properties within the Village District. These Design Principles are consistent with the legislative requirements of CGS § 8-2j.

36-2.1.1

Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.

36-2.1.2

All spaces, structures and related site improvements visible from public roadways, public spaces, walkways, bikeways and the Saugatuck River shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.

36-2.1.3

The color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.

36-2.1.4

The removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.

36-2.1.5

The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district.

36-2.1.6

Proposed streets shall be connected to the existing district road network, wherever possible.

36-2.1.7

Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting.

36-2.1.8

Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district shall be integrated into the site design.

36-2.1.9

The landscape design shall complement the district's landscape patterns.

36-2.1.10

The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings.

36-2.1.11

The scale, proportions, massing, and detailing of any proposed building shall be in proportion to the scale, proportion, massing, and detailing in the district.

36-2.2 Compliance Alternative

If the Planning and Zoning Commission and the Applicant jointly agree that a proposed design meets the compatibility objectives of §36-2.1 *Design Principles* but does not meet the requirements of §36-2.3 *Design Standards*, the Planning and Zoning Commission may accept the proposed design provided that it complies with the compatibility objectives §36-2.1 *Design Principles*.

A Compliance Alternative must accomplish the relevant Design Principle. The Applicant must submit documentation that indicates the specific proposed alternative method or standard that will be used, why the Design Standards are not applicable to the application, and how the project is fully compliant with the Design Principles. Approval by the Planning and Zoning Commission of a Compliance Alternative is discretionary, but shall not be unreasonably withheld if the Applicant has provided sufficient documentation to justify such request. The use of the Compliance Alternative must be by mutual consent between the Joint Committee, Planning and Zoning Commission and the Applicant.

36-2.3 Design Standards

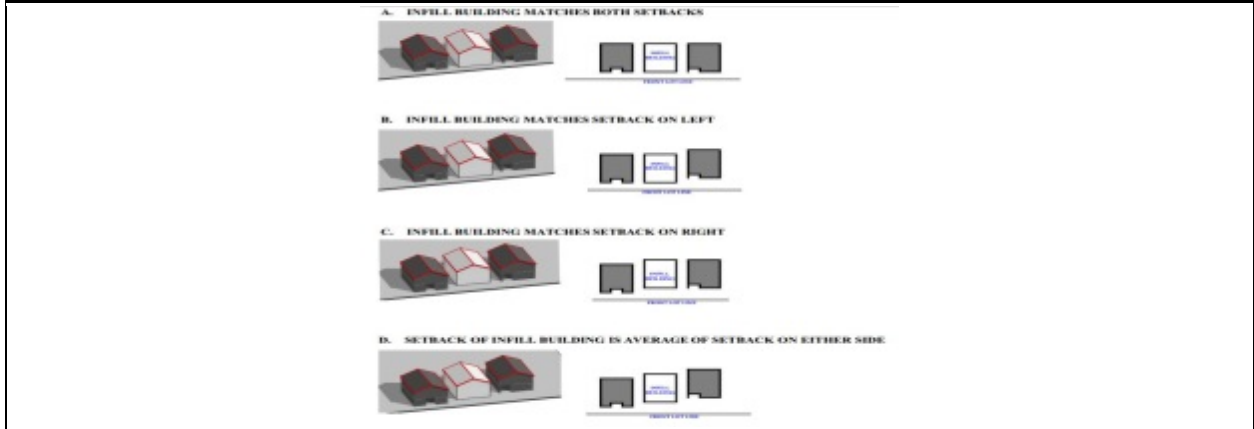
The following design standards shall apply to new construction, substantial reconstruction and rehabilitation of properties, and changes that alter the exterior appearance of buildings within the Village District and in view from public streets, walkways, bikeways or from the Saugatuck River. Where applicable, these standards are designed to supplement existing regulations in §33, §34 and §35 of the Zoning Regulations.

Buildings that are used as single-family homes within the Village District do not have to comply with the following standards: §36-2.3.3 (2) - Placement and Treatment of Entries; §36-2.3.3 (6) - Transparency; §36-2.3.3 (7) - Awnings and Signage; §36-2.3.5 - Parking; and §36-2.3.6 - Streetscapes and Sidewalks.

36-2.3.1 Building Placement and Orientation

1. **Building Placement** – Building placement shall respect existing patterns of building placement for the street on which they are located and define the edges of streets and public spaces. The individuality of the building shall be subordinated to the overall continuity of the streets and public spaces. Buildings shall be placed to conceal parking at the interior or rear of building lots.
2. **Building Setbacks** – Infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, or may be an average of the two setbacks. *See Figure 36 A.*

Figure 36A Setbacks for Infill Buildings



3. **Building Orientation** – Buildings shall be oriented with the primary building façade(s) facing the primary street frontage(s) of the site. Building massing and façades shall be designed to frame streets and public spaces to provide a sense of spatial enclosure and to define street edges. Building entrances, storefronts and windows shall be oriented to the primary street(s) with transparency to streets and public spaces.
4. **Design Treatment of Edges** – Buildings that are not physically adjoined to abutters shall treat side yards and the spaces between buildings in a manner consistent with existing patterns of use, in terms of setbacks and use. Landscaping shall be used to define street edges and to buffer and screen edges that may have a negative visual impact, such as parking or loading areas. Access driveways and curb cuts using side yards may be combined between adjoining properties to access parking for multiple buildings at the interior of the block.

36-2.3.2 Building Massing and Form

1. **Relationship to Existing Context** – Building massing, form, and scale shall be complementary to and respectful of the patterns of existing buildings in the immediate vicinity. See Figure 36 B.

Figure 36B Relationship to existing contents and building form.



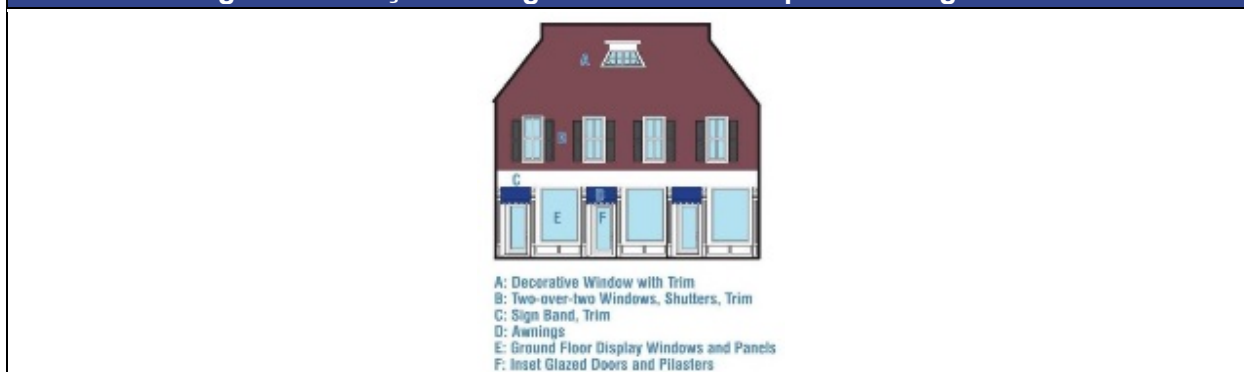
2. **Building Form** – The shape and massing of new and renovated buildings shall provide a balance among building height, story-height, building width and block width. The shape and massing of the building shall complement the abutting structures and define the edges of streets and open spaces. See Figure 36 B.
3. **Scale** – The scale of proposed new or substantially rehabilitated buildings shall be compatible with the surrounding architecture and landscape context. Elements that may help to relate building massing proportionally shall include: articulated building bases through a change in material or color; placement of windows in a regular pattern; articulation of building entries with canopies, porches or awnings, and façade and roof projections (such as bay windows or dormers).
4. **Proportion** – The proportions of building elements shall be generally compatible with existing structures and the features and components of the façade.
5. **Height** – Infill buildings visible from public streets, public spaces, walkways, bikeways or the Saugatuck River shall continue the patterns of height of adjacent existing properties. Where the discrepancy between the proposed height and existing height patterns is greater than ten feet, the Joint Committee shall review design proposals with the Applicant for context sensitivity based upon the following: articulation of façade; building mass, scale, bulk and proportion; or other building massing considerations.
6. **Building Roofs** – Roofing materials visible from public streets, public spaces, walkways, bikeways or the Saugatuck River shall be of high quality and durable, including, but not limited to: slate, copper, ceramic slate tile, clay tile, concrete tile, or ribbed metal or architectural asphalt shingle. Flat horizontal roofs are exempted from this standard. Roofing materials shall not call undue attention to the roof itself with bright or contrasting colors, unless historically documented. Building mechanical equipment located on building roofs, sites, or other locations shall be not be visible from the street.

36-2.3.3 Building Façades

1. **Façade Design and Relationship to Existing Context** – The façade, or primary building elevation, of new construction or substantial rehabilitation shall be compatible with the façade design of neighboring buildings so as to create continuity across projects and the street edge. Primary building façades with frontage along the street shall be sensitive to the existing context of building façades along that street. At least two of the following design elements should be repeated in adjacent buildings, excluding parking structures: design

treatment at the ground level, relative location and size of doors, window style and proportions, location of signs, dominant façade material, dominant color, bay window style, and roof form. There shall be a direct vertical correspondence between the design of the façade of the upper floors and the ground level retail façades. New construction and substantial rehabilitation of properties adjacent to public open spaces shall be oriented to define the edges of those open spaces and provide a transparent ground floor to activate the public space. See Figure 36C.

Figure 36C Façade Design and Relationship to existing context



2. **Placement and Treatment of Entries** – Entrances shall be oriented to the primary street frontage and address the street with an active and welcoming entry composition that is integrated into the overall massing and configuration of the building form. Building and shop entrances shall be recessed to a minimum depth equal to the width of the door to prevent doors from swinging into the sidewalk. Building entries may add components to the building façade such as storefronts, canopies, porches, and stoops and shall provide a high level of visibility and transparency into ground floor uses. See Figure 36 D.

Figure 36D Placement and Treatment of Entries



3. **Façade Materials** – Materials shall be selected to be compatible with or complementary to the Village District. Materials on the façade that are subject to deterioration (plywood or plastic) shall be avoided or removed and replaced. Building façade exterior materials, including architectural trim and cladding, shall be of high quality and durable, including but not limited to: stone, brick, wood, metal, glass, sustainable cement masonry board products and integrated or textured masonry. Exterior material may not include vinyl siding. Uninterrupted, multi-level glazing may not be used as a primary façade design treatment. Repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic features [character]. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires

replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- Roof Parapet and Cornice Lines** – Building cornice lines shall be maintained, preserved or recreated to define building façades and create façade components consistent with historic parapet or cornice lines as originally designed and built in Village District. See *Figure 36 E*.

Figure 36E Roof Parapet and Cornice Lines



A: Similar Cornice Line and Roof Peak
B: Similar Cornice Lines

- Proportion and Pattern of Windows** – Original window patterns and openings shall be preserved or restored, including conservation and repair to preserve historical details, in the redevelopment of existing structures. New construction shall acknowledge and respond to existing adjacent window patterns in proportion, scale, rhythm and number of openings. See *Figure 36 F*.

Figure 36F Proportion and Pattern of Windows



A: Decorative Window
B: Typical Pattern for Second Story
C: Ground Floor Display Windows
D: Inset Glazed Doors

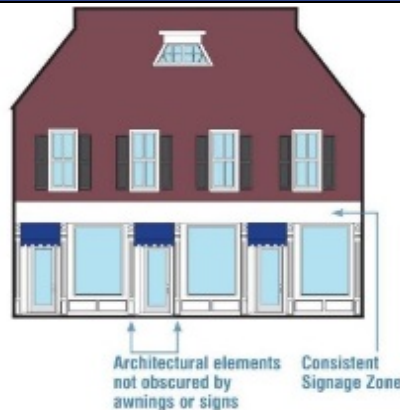
- Transparency** – Building façades facing the principal street or public open space shall have at least 25% of the overall façade in transparent windows and at least 40% of the ground floor façade in transparent windows. Along the secondary façades that face pedestrian alleys or connections, façades must achieve at least 15% transparency. Windows on the ground floor of the primary façade shall not be mirrored or use tinted glass or be obstructed by curtains, shades, or blinds. See *Figure 36 G* on next pg.

Figure 36G Transparency



7. **Awnings and Signage** – Awnings and signs may not obscure important architectural details by crossing over pilasters or covering windows. Multiple awnings or signs on a single building shall be consistent in size, profile, location, material, color and design. On multi-tenant buildings the awnings and signs shall be allowed to vary in color and details, but shall be located at the same height on the building façade. See *Figure 36 H*.

Figure 36 H Awnings and Signage



36-2.3.4 Landscape

1. **Landscape Use and Orientation** – Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be integrated with the design of new construction and reflect a coordinated site and building design.
2. **Open Spaces** – Public and private open spaces shall be designed, landscaped, and furnished to be compatible with or complementary to the overall [character of the] Village District.
3. **Site and Street Edges** – New landscape strips with street trees, street trees in sidewalk tree wells, or landscaped medians shall be consistent with the existing landscape patterns

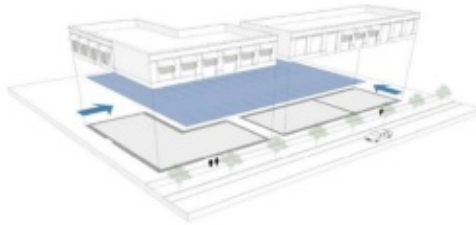
of the location of proposed improvements. Landscape strips and sidewalk tree wells shall be of sufficient width to promote the health of street trees and other plantings.

4. **Views** – Buildings shall be designed and located on the site so as to preserve views to the Saugatuck River.
5. **Rain Gardens** – Rain gardens may be provided as a contributing element of the site drainage, and integrated into the overall site. The plantings should be well adapted to wetland edge environments, including grasses, hedges, shrubs, or trees that tolerate intermittent wet conditions and extended dry periods. The design should prevent long-term standing water that would damage the plantings.

36-2.3.5 Parking

1. **Parking Placement** – Parking shall be located at the interior of blocks, behind buildings, or at the rear of sites, away from prominent site edges, public spaces, and streets. See *Figure 36 I*.

Figure 36 I Parking Placement



2. **Screening and Landscaping** – Parking areas shall be separated from the street with landscaped buffers of between five feet and eight feet in width. Parking areas on secondary streets may also be screened by other site components, including fences, gates, walls, permanent planters, or hedges. Landscaped medians shall be provided between parking spaces to break up the impervious surfaces and mitigate the visual impact of parking. No landscape island shall be less than 6' wide with a minimum width of 10' is required for planting strips with trees. See *Figure 36 J*.

Figure 36 J Screening and Landscaping

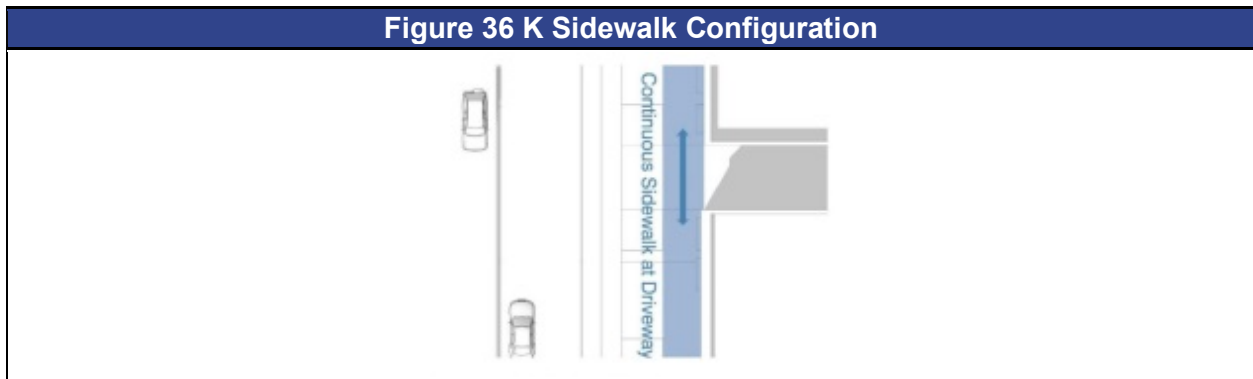


3. **Structured Parking** – Structured parking, where provided, shall be at the interior of a block, surrounded on visible edges by active uses to avoid inactive street edges created by the parking structure. Alternatively, the structured parking could be arranged such that the ground floor area facing the main street is available for commercial space.

4. **Curbs and Curb Cuts** – Granite curbs shall be used to protect planting areas and to define sidewalks, walkways, and parking area edges. Curb cuts shall be minimized and combined whenever possible. Every curb cut shall provide a continuous and uninterrupted pedestrian walkway.

36-2.3.6 Streetscape and Sidewalks (See Sidewalk Ordinance, Chapter 50 of the Town Code)

1. **Pedestrian Access** – New construction and public infrastructure improvements shall reinforce a network of continuous, convenient and safe pedestrian connections along sidewalks to and from all pedestrian entrances of all garages, parking lots and parking structures and all public, resident, and employee entrances to every building. Sidewalks and pedestrian paths should incorporate appropriate lighting, street furniture, landscaping, and signage consistent with the Village District. The network should not include streets or spaces that are primarily used for vehicular connections, deliveries and services.
2. **Sidewalk Configuration** – Sidewalks shall have a minimum unobstructed width of 4'-0". Sidewalks shall be widened to accommodate street trees, landscaping, and outdoor furnishing and amenities. Sidewalks shall be continuous and uninterrupted at driveways and curb cuts to reinforce priority for pedestrians. See *Figure 36 K*.



3. **Special Paving** – Unit pavers may be used to enhance the ~~[character]~~ visual aesthetics of sidewalks, pathways, and plazas. Existing brick or pavers shall be maintained or replaced and shall be introduced if adjacent sidewalks are brick. When employed, unit pavers should be selected and set in a manner that limits uneven surfaces or joints that would become an impediment to accessibility. An acceptable method includes providing a sub-base of wire-mesh reinforced concrete below the setting bed, and mortared joints. See *Figure 36 L*.



4. **Passageways** – Passageways through buildings that connect the principal streets to parking shall include displays relevant to adjacent businesses, public art, and/or wayfinding

signage related to the Village District and lighting that provides a safe environment for pedestrians.

5. **Street Furniture** – Permanent street furniture including light fixtures, benches, bike racks, trash and recycling receptacles, and newspaper stands shall be integrated with street and sidewalk circulation to ensure adequate clearances, access and convenience of the location of these amenities. Street furniture shall be clustered at convenient locations that are plainly visible and accessible and must be located such that the minimum 4'-0" sidewalk clearances are maintained.
6. **Public Art** – Public art may be used to define and punctuate public spaces. Art installations shall maintain clearances in public spaces, and be constructed of materials that are durable, easily maintained and that do not present safety hazards.
7. **Sidewalk Cafés** – Where sidewalk width is constrained at location of sidewalk use for outdoor cafés, the Planning and Zoning Commission may reduce the minimum clear width of the sidewalk to 3' for a maximum length of 10'. After a 5' interval of a minimum width of 4', the minimum clearance of 3' may be allowed for another 10'. The goal is to maintain the balance for clear width of pedestrian activity and the extension of outdoor cafés into the public space.

§39 HISTORIC OVERLAY DISTRICT

39-3 Architectural Design

39-3.1

Proposed exterior building additions and alterations and roof top mechanical units shall be submitted to the Historic District Commission for review and recommendation.

39-3.2

The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall serve as the basis for rehabilitation projects within the Historic Overlay District. 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 so as to]~~ retain the architectural integrity of the particular building or buildings in order to preserve the beauty and appearance of the community. New construction or reconstruction shall adhere to the design purposes and the historic scale and architectural design ~~[character]~~ of the Historic Overlay District.

§39A INCLUSIONARY HOUSING OVERLAY DISTRICT (IHZ)

39A-8 Coverage

A building coverage bonus in the non-residential zone shall be allowed. The bonus may not exceed five percent (5%) of the non-residentially zoned portion of the lot in excess of that which is allowed in the underlying non-residential zone, except for the BCD and BCD/H zoning districts.

39A-8.1

The Planning and Zoning Commission may exempt 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~~ scale, massing, 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.

39A-8.2

The total coverage shall not exceed seventy percent (70%) of the area of the lot.

39A-8.3

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

39A-8.4

ALFCIL Facilities coverage shall be limited as described in §39A-8.1 and 8.2 above, except that where total coverage is limited not to exceed sixty percent (60%) of the total gross area of the lot in all zones, building coverage may be allowed up to twenty-five percent (25%) but may not benefit from bonuses listed in §39A-8.3.

§40 DEDICATED OPEN SPACE AND RECREATION DISTRICT #1, #2 AND #3 (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, ecosystem, [~~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.

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 architecture [~~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, the leasing of Legalized Structures, and parking necessary for approved uses and other municipal uses the Commission finds to be consistent with the use of the DOSRD #2 and low intensity of uses contemplated by these regulations.

40-9 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.

§44 SPECIAL PERMIT AND/OR SITE PLAN DOCUMENTS, STANDARDS AND OBJECTIVES

44-5 Site Plan Standards and Objectives

In reviewing a Site Plan Application, the Commission shall take into consideration the public health, safety and welfare and the standards contained in this §44-5 and its subsections. If an application does not comply with such standards and objectives the Commission may deny it or may require such modifications of the proposed plans as it deems necessary to comply with the specific areas, bulk, parking, landscaping, sign and document standards contained herein as well as to assure the accomplishments of the standards and objectives of this §44-5.

44-5.1 Public Safety

That all buildings, structures, uses, equipment or material are directly accessible for fire, police and ambulance services. The plans shall comply with the Town's Fire District and Fire Lane Ordinances, subject to the approval of the Fire Marshal. The plans shall comply with the State Building Code, with specific regard to the handicapped ramp, depressed curb and parking provisions and the elevator provisions, subject to the approval of the Building Inspector. All elevators shall be of adequate size to accommodate a standard ambulance stretcher.

44-5.2 Traffic and Pedestrian Access

That all proposed vehicular and pedestrian access ways are safely designed, adequately provided and conveniently arranged to prevent traffic and pedestrian hazards both within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

- a. The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
- b. The width, grade and alignment of entrances and exits.
- c. The distance of entrances and exits from street corners, places of public assembly and other access ways.
- d. The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.

44-5.3 Circulation and Parking

That the vehicular circulation pattern and the off-street parking and loading spaces are safely designed, adequately provided and conveniently arranged to meet the needs of the proposed uses and to prevent traffic congestion, within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

- a. The effect of the proposed development on traffic conditions on abutting streets.
- b. The patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk systems.
- c. The adequacy of traffic signalization traffic channelization, left turn lanes, or roadway width on the adjoining streets.
- d. The interconnection of parking areas via access drives within and between adjacent lots or uses, in order to maximize efficiency, minimize curb cuts and encourage safe and convenient circulation.

- e. The adequacy of vehicular stacking lanes and/or distances.
- f. The adequacy of pedestrian drop-off areas for visitors, car pools or transit buses.
- g. The location, arrangement and adequacy of off-street parking and loading facilities.
- h. The location, arrangement and adequacy of handicapped facilities such as ramps, depressed curbs and reserved twelve (12) foot wide parking spaces.
- i. The location and design of vehicle maneuvering areas, back around areas and fire lanes.
- j. The physical identification of entrances, exits, one-way drives, small car spaces, handicapped spaces and fire lanes.
- k. The provision of bumper guards, guard rails, wheel stops, speed bumps, traffic signs, islands, crosswalks and similar safety devices necessary to protect life and property.

44-5.4 Landscaping and Screening

That the proposed development will protect the environmental quality of the site and will preserve and enhance the adjacent property values. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective.

- a. Existing large and/or specimen trees shall be preserved to the maximum extent possible particularly within the front landscape and buffer strip areas.
- b. The front landscape area shall conform to the "Greening of the Post Rd." and other Beautification Committee plans dated November 1973 and January 1974, as revised, where applicable. No such street tree shall be removed without the approval of the Beautification Committee. Any such tree so removed shall be replaced in kind at the expense of the property owner.
- c. The location, arrangement and adequacy of landscaping within and bordering parking and loading areas.
- d. Vehicular parking, loading and service areas shall be screened during all seasons of the year from adjacent residential districts in accordance with Sec. 35, herein.
- e. The location, height and materials of walls, fences, mounds, berms, hedges and plantings so as to ensure compatibility with the [character of] adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features in accordance with §35, herein.
- f. The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.
- g. The preservation of natural attributes and major features of the site such as watercourses, waterbodies, wetlands, highly erodible areas, major trees, historic structures and scenic views both from the site and onto or over the site.

44-5.5 Lighting and Noise

44-5.5.1

That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at, and glare across, the property lines.

- a. All exterior light fixtures shall be located at the minimum height from the ground and the maximum distance from the property line consistent with providing adequate and safe lighting of the building entrances, walkways, parking area and access ways.

- b. All exterior lighting shall be designed so that the filaments, light sources or lenses are shielded with opaque material in such a way that the light will be down directed and will not be visible at a height greater than six (6) feet above the ground level at property lines.
- c. Unshielded lighting may be used if it can be shown that the light distribution characteristics of the proposed fixtures are not objectionable.
- d. Lighting may be directed upward at such an angle to light only on-site buildings, trees, shrubs or site surfaces.
- e. Lights producing varying intensities, changing colors, or light movement shall be prohibited.

44-5.5.2

Buildings and accessory facilities shall be designed and arranged and the installation of sound absorptive shielding on the site (mounds, berms, screening or other suitable noise barriers) may be required so as to minimize noise levels at the property line.

44-5.6 Public Health

That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the Town.

- a. Provisions shall be made for any necessary sedimentation control and/or control of erosion by wind or water during the construction period as recommended by the Conservation Director pursuant to Sec. 37 herein.
- b. Storm drainage facilities shall be provided to adequately and safely drain the site while minimizing downstream flooding, subject to the approval of the Town Engineer.
- c. All refuse collection areas shall be located near the service entrance or loading area of a building, shall be easily accessible to service trucks, and shall be screened or otherwise enclosed by plantings, walls or fencing.

44-5.7 Character Function and Appearance

That the location, size and design of any proposed building structure or use, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be compatible and harmonious with the [character] function and appearance of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, buildings or structure as indicated by the exterior appearance of existing buildings (bulk, height, roof style, materials and color), their location on the site in relation to streets, parking and adjacent residences and their relationship to the natural terrain, watercourses, waterbodies, wetlands and vegetation.

44-6 Special Permit Standards

In reviewing a Special Permit application or an application for a change in a Special Permit use, the Commission shall consider all the standards contained in §44-5, Site Plan Standards and Objectives, herein, and shall take into consideration the public health, safety and general welfare and may prescribe reasonable conditions and appropriate safeguards to assure the accomplishment of such standards and objectives. In granting any Special Permit, including any change in a Special Permit Use, the Commission shall determine that the proposed use conforms to the overall intent of these regulations and shall consider each case whether proposed use will:

1. Be in conformance with the Plan of Conservation and Development;
2. Not prevent or inhibit the orderly growth and development of the area;
3. Not have a significant adverse effect on adjacent areas located within the close proximity to the use;
4. Not interfere with pedestrian circulation;
5. Not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation;
6. Not have a significant adverse effect on historical, archeological and/or paleontological sites;
7. Preserve important open space and other features of the natural environment related to the public health, safety and welfare;
8. Not obstruct significant views which are important elements in maintaining the scenic resources [~~character~~] of the Town or neighborhood for the purpose of promoting the general welfare and conserving the value of buildings;
9. Not have a significant adverse effect on storm drainage, sewage disposal or other municipal facilities;
10. Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.

§46 ZONING BOARD OF APPEALS

46-5 Procedures for Variances in Flood Hazard Zones Pursuant to §31-11

46-5.1 Pre-Existing, Small Lot Location

Variances may be issued by the Zoning Board of Appeals for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with §46-5.4.2.

46-5.2 Functionally Dependent Uses

Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of §46-5.4.2.

46-5.3 Floodway Prohibition

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

46-5.4 Considerations for Granting of Variances

46-5.4.1

In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- k. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- l. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and;

- m. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

46-5.4.2 Conditions for Variances

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of historical building, a determination that the variance is the minimum necessary so as not to destroy the historic features ~~[character]~~ and design of the building;
- b. Variances shall only be issued upon
 - 1. a showing of good and sufficient cause,
 - 2. a determination that failure to grant the variance would result in exceptional hardship, and;
 - 3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest floor elevation.

§52 PROCEDURES

52-7 Other Evidence

Other evidence may be required, if necessary for the Commission's determination, establishing that the land to be subdivided ~~[is of such character that it]~~ can be used for building purposes without danger to health or the public safety or alteration of significant archeological, historical and/or paleontological resources (significance to be determined by the State Historic Preservation Officer), that the proper provision will be made for water, drainage and sewerage and, in areas contiguous to wetlands, brooks, rivers or other areas subject to flooding, that proper provision will be made for protective flood control measures, that in places deemed proper by the Commission open space for parks and playgrounds will be established and if the Commission shall have adopted a Town Plan of Development affecting the area of the proposed subdivision, that any proposed street shown on the subdivision plan is in harmony with existing or proposed streets shown on said plan, especially in regard to safe intersections with such streets.

§54 DESIGN STANDARDS

54-12 Street Names and Street Address Numbers

All streets, serving more than one (1) lot, shall be named and shall bear the names which are appropriate to the culture and history ~~[character]~~ of the Town and which do not duplicate or too closely approximate in spelling or sound existing street names in Westport. All proposed lots shall be given a street address number, by the Department of Public Works.

54-17 Lots

The area, shape and frontage of proposed lots shall conform to the Zoning Regulations of the Town of Westport and shall be of such shape, size, location, and topography ~~[and-character]~~ that buildings can be reasonably constructed in conformity with the requirements of the Zoning Regulations. Lots shall be capable of being ~~[of such character that they can be]~~ occupied and used for buildings purposes without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for occupancy and building by reason of swamps, water or flooding conditions, unsuitable soil, topography, ledge rock or other physical conditions shall be combined with another lot that is suitable or shall be marked "Not an Approved Building Lot" on the subdivision map.

54-17.1

Three or more contiguous rear lots shall be served by a street.

54-21 Park, Recreation and Open Space Areas

Land for park, recreation and open space areas shall be provided and reserved in each subdivision as deemed necessary by the Planning and Zoning Commission and in locations deemed proper by the Commission. The amount of open space for these purposes shall not exceed 10% of the total acreage of the subdivision. The land reserved shall be of such location, shape, and topography ~~[and-general-character]~~ as to be usable to satisfy the needs determined by the Commission. Proper pedestrian reservation of land shall also conform to any Plan of Conservation and Development pertaining to parks, playgrounds, recreation areas and open spaces.

Land for open space may be deeded as follows:

1. To the town for active or passive recreational purposes or for conservation; or
2. To a private association (such as a nature conservancy or the Aspetuck Land Trust) legally constituted for conservation purposes; or
3. To a private association consisting of the owner(s) of the lot(s) within the subdivision or resubdivision for a use determined by the Planning and Zoning Commission.

54-21.1 Payments in lieu of open space.

As provided under Section 8-25 and 8-25b of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the town or pay a fee to the town and transfer land to the town in lieu of any requirement to provide open space in the subdivision. Such payment or combination of payment and the fair market value of the land to be transferred shall be equal to ten per cent of fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Planning and Zoning Commission and the applicant, but the cost of such appraisal shall be paid by the applicant. Instead of an appraiser the Town Assessor could determine the current market value upon agreement of the applicant and the Commission. This value would be binding upon the parties. A fraction of such payment in lieu of open space, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision, shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

54-21.2 Exceptions

As provided in Section 8-25(a) of the Connecticut General Statutes, the open space requirement of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in section 8-39a of the Connecticut General Statutes, equal to twenty per cent or more of the total housing to be constructed in such subdivision.

§56 OPEN SPACE SUBDIVISIONS

56-1 Purpose

In accordance with the Zoning Regulations, the Commission may permit the establishment of an Open Space Subdivision in a Residence AAA or Residence AA or Residence a zoning district for one (1) or more of the following purposes:

56-1.1

To avoid hazardous conditions and excessive damage from storm water runoff and stream flooding, to safeguard the groundwater table, and to protect streams and ponds from pollution, to protect and preserve the natural beauty of the terrain, and to encourage the wise use and sound management of natural resources throughout the Town.

56-1.2

To provide land for neighborhood recreation purposes.

56-1.3

To permit the best possible design of a parcel of land after consideration of its particular topography, size, shape, soils or other unique features such as valuable trees, watercourses, waterbodies, and historical, archeological and/or paleontological sites.

56-1.4

To preserve open space within the Town and to maintain the natural appearance, beauty and ecosystem [character] of an area.