

§5 DEFINITIONS

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5-1 General Terms

In the interpretation and use of these regulations, words and phrases shall be construed according to the commonly approved uses of the language; except that technical words and phrases shall be construed and understood in accordance with commonly accepted technical meanings. All words used in the present tense include the future tense; all words used in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "uses" shall be deemed to also include "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally. Words not specifically defined herein shall be used as defined in a Webster's New Collegiate Dictionary no more than 5 years old.

5-2 Specific Terms

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these regulations, shall be defined as follows:

Accessory Dwelling Unit

A smaller secondary home on the same lot as a primary dwelling which are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation. (798, 08/13/2021)

Adaptive reuse:

Conversion of a building and/or structure or part of a building and/or structure to a use different from that which it was most recently approved.

Addition:

Any alteration, extension or expansion in a building, which increases its size, building area, footprint, floor area, height or roof area.

Affordable Housing Development

A housing development containing dwelling units consisting of attached dwellings, single-family dwellings, two-family dwellings or multiple family dwellings. The housing development will have the percentage of affordable housing units which comply with the Connecticut affordable housing statute, §8-30g of the General Statutes. "Affordable housing" for purposes of this definition means "affordable housing development" as defined in §8-30g(a) of the General Statutes on the date when an application is filed under this provision of these Regulations.

(751, 01/20/2021)

Alteration:

Any change in the use or location of structural or supporting members of a building, such as foundations, bearing walls, columns, beams, girders, headers, rafters or roofs; except that a change in or addition to a building facade that is less than four (4) inches in depth shall not be deemed an alteration.

Additionally for §36 - Village District Overlay Zone, an Alteration shall include: replacements, reconstruction, alterations and additions to the exterior facade of a building that will change the appearance of the building by changing the material, color, texture, design or other visual qualities.

Antenna:

A commercial device, which is, attached to a tower or other structure, for transmitting and receiving electromagnetic waves.

Antenna Tower or Telecommunication Tower:

A commercially operated structure, whether freestanding or attached to a building or another structure, that is used to support an antenna or equipment used to collect, transmit or receive wireless telecommunications or radio signals. Examples include monopoles and lattice construction steel structures.

Apartment:

An apartment shall be considered a dwelling unit.

Arbor

A shelter of vines or branches or of latticework covered with climbing shrubs or vines.(805, 01/07/2022)

Arboretum

A park like area where many different trees or shrubs are grown or displayed.

Assisted Living Facility:

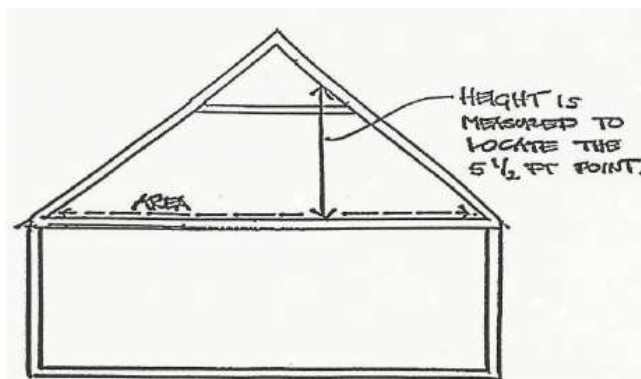
A group of private dwellings and/or shared living quarters with common rooms and facilities (i.e. kitchen, living rooms, etc.) for Seniors in need of some medical care and/or professional assistance with performing typical activities of daily living.

Attic:

A part of a building directly under the roof with no more than twenty-five percent (25%) of the floor space having headroom of five and one-half (5-1/2) feet or more. The area must be measured vertically from the top of the attic floor or floor beams to the bottom or underside of the roof or roof rafters. The attic area shall be measured horizontally from the inside of the exterior walls of the attic floor. If there are no exterior walls, the floor is measured from where the underside of the roof or roof rafters meet the attic floor. An attic shall not be deemed a story and shall not be counted in floor area measurements, but shall be counted in height measurements. Any part of the principal building in an Affordable Housing Development directly under the roof, containing roof rafters and permanently designated as unfinished space shall be considered an attic regardless of headroom. (751, 01/20/2021)

(See Floor Area, Headroom, Story, Half-Story).

An attic is determined as follows:



Automobile:

Any wheeled vehicle that is powered by a fuel or battery source including cars, motorcycles, sport utility vehicles, trucks and vans, but excluding mobile homes, trailers, camper and farming or other heavy equipment.

Automobile Dealership, Electric Vehicle:

An automobile dealership that sells, services, provides maintenance, charging, repair, delivery and storage of: (a) new and pre-owned automobiles that run exclusively on electricity, (b) energy products, and (c) related parts and accessories. For clarification, an Automobile Dealership that sells a combination of electric and gasoline powered, or hybrid type vehicles will not be deemed to be an Electric Vehicle Automobile Dealership.(755, 11/25/2018)

Automobile Dealership, New:

An automobile distribution business that sells new and/or used vehicles under 10,000 pounds at the retail level, based on a dealership contract with an automaker or its sales subsidiary and does not include wholesale sales, but may include vehicle servicing.

Automobile Dealership, Used:

An automobile distribution business that sells used vehicles at the retail level and does not include wholesale sales, but may include vehicle servicing.

Awnings:

1. A permanent awning is a fixed, roofed-over awning that is securely fastened to a building.
2. A retractable awning is an awning equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building: i.e. awnings that roll or fold up and down.
3. A "box" awning is a fixed awning that is open-through to the sky and has no roof covering.
4. There shall be a minimum clearance of 7 feet 6 inches from the sidewalk to the lowest part of the framework. The awning shall not extend closer than 12 inches from any curb line.
5. Retractable awnings and "box" awnings shall not be deemed structures.

Bank:

Any business that primarily provides the ability to perform person to person cash deposits and withdrawals with tellers, and additionally other financial transactions.

Bank Drive-in:

Any physical structure, manned or non-manned (automatic teller machine), where banking and/or financial business is transacted from within one's vehicle. A Bank Drive-in is an accessory use only to a principal Bank use. The terms drive-in, drive-up and drive-thru, and similar variations shall be synonymous.

Base Flood:

The flood having a one percent chance of being equaled or exceeded within any one year interval, as designated on the Flood Insurance Rate Map and measured in accordance with the North American Vertical Datum (NAVD) of 1988.

Base Flood Elevation:

The elevation of the crest of the Base Flood (100-year flood). The height in relation to Mean Sea Level (NAVD of 1988) expected to be reached by the waters of the Base Flood at pertinent points in the floodplains of coastal and riverine areas.

Basement:

A part of a building located partly underground, which is not a crawl space, having less than one-half (1/2) of its headroom below the average level of the finished grade measured within 10 feet of the exterior walls of the building and having one or more walls fully or partially exposed. A basement shall be deemed a story and shall be counted in floor area and height measurements. (See cellar, headroom)

For the purposes of §31-11 (Floodplain Regulations), a basement is defined as any area of a building, including cellar or crawl space, having its floor subgrade (below ground level) on all sides.

Bedroom:

A room which is designated and primarily used for sleeping.

Berm:

A man-made deposit of material that is raised above the natural surface of the land. (775, 03/30/2020)

Breakaway Walls:

Those types of walls, solid or lattice, and constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which are not a part of the structural support of the building and which are so designed as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building.

Buffer or Buffer Strip:

A strip of land along a property line or zoning district boundary which shall be free of any building or use other than natural woody growth, landscaping or screening and which may be within or a part of the minimum setback requirement.

Building:

A structure having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the building which is affixed to a lot or lots for the housing or enclosure of persons animals or chattels and shall include each of the independent units into which it is divided by common walls. A building which is connected to a principal building by a carport or garage, or by a porch, breezeway or passageway with a common wall of less than 8 feet in length, shall be deemed to be an accessory building.

Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building, except for a Non-Residential Balcony as defined in §5-2 ([800](#), 11/19/2021)

Building Accessory:

A building structure which is devoted or intended to be devoted to an accessory use and is located on the same lot with the principal building, structure or use.

Building Area and/or Footprint:

The maximum horizontal cross section area enclosed by and including the outside walls of all buildings and structures on a lot. The projection of entry platforms or steps; cantilevered roofs, eaves, cornices; chimneys; window sills or sun shades and similar incidental architectural projections shall not be included within the building area or footprint, provided that such architectural projections shall not extend more than three (3) feet from the building wall or face or more than a distance equal to 20% of the minimum required setback, whichever is less. A Non-Residential Balcony shall not be included within the building area or footprint. ([800](#), 11/19/2021) (Also see [§31-4](#), Projections into setbacks).

Building Height or Height:

The vertical distance measured in feet from the average existing level of the ground surrounding the building or addition thereto and within ten (10) feet thereof up to the midpoint height of a pitched roof or up to the level of the highest main ridge or peak of any other type of structure, or the total number of stories in a building including basements and/or half stories. In cases of buildings with more than one pitched roof and/or dormer, all pitched roofs and/or dormers must comply with allowable building height. The number of points necessary for an "average" computation shall be based on appropriate contour intervals or spot elevations as required by the Planning and Zoning Commission. The existing level shall mean the actual or proposed elevations whichever is lower of the property at the time of application.

(Also see [§32-7](#) for satellite dishes and antennas prohibition). The provisions with respect to height shall apply to roof-top mechanical equipment but shall not apply to the following:

- Solar panels on a pitched-roofed building provided the highest point of the panels are located no higher than the roof ridge line;
- Solar panels on a flat-roofed building which do not extend more than 5-feet above the roofline of a flat-roofed building, provided that the panels are set back at least 6-feet from the edge of the roof on all elevations;
- Roof parapets and turrets 3 feet or less in height;
- Roof guards, as defined in the Building Code, and rooftop railings not to exceed the minimum height in the Building Code; provided that such railings or roof guards are not solid or opaque;
- Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
 - The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and
 - The structure shall fit within a 10' x 10' square; and
 - The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.
- Church spires and belfries, pole type TV antennas and chimneys.

(See Attic, Cellar, and Crawl Space)

Building, Principal:

A building or structure in which is conducted the main or primary use of the lot on which said building is located.

Bus Shelter

A covered structure providing convenience and protection against the weather for people waiting for public transportation buses. Bus shelter locations shall be subject to approval by the Public Works Director in consultation with the Police Department and the Fire Marshal's Office. Bus shelters may contain reasonable accessories, such as individual seats and trash receptacles; provided that benches are not permitted. Bus shelters may have electricity and necessary electrical accessories, including solar panels and energy storage, charging for personal electronics and phones, security lighting, security cameras, and digital signage to provide transportation information. Commercial signage is prohibited anywhere on a bus shelter. Donor plaques and curated art are permitted.

(795, 07/01/2021)

Cannabis

"Cannabis" means marijuana, as defined in section 21a-240 of the general statutes.

(799, 09/15/2021)

Cannabis Establishments

"Cannabis Establishment" means a producer, medical dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, as those terms are defined in Section 1 of Public Act No. 21-1 of the June 2021 Special Session ("medical dispensary facility" constitutes a "dispensary facility" under Public Act No. 21-1).

(799, 09/15/2021)

Canopy:

A structure constructed of a rigid framework, with a roof covering, attached to a building at one end and supported at the other end by stanchions or columns.

Cellar:

A part of a building located mostly underground which is not a crawl space, having one-half (1/2) or more of its headroom below the average level of the finished grade measured within 10 feet of the exterior of the walls of the building. A cellar shall not be deemed a story, but shall be counted in floor area and height measurements. (See Crawl Space, Headroom.)

Certification:

A signed, written approval by the Planning and Zoning Commission or its designated agent.

Change of Use:

A change of use shall be subject to Site Plan Review.

The following shall be deemed to be a change of use for purposes of these regulations.

- Any change that requires the designation or construction of more than three (3) spaces for a building or use.
- Any change from a vacant lot area to a parking area.
- The change from any residential use to any commercial use shall also be deemed to be a "change of use."

(753, 11/25/2018)

Coastal AE Zone:

The portion of the Coastal High Hazard Area with wave heights of between 1.5 feet and 3.0 feet during the base flood and seaward of the line labeled the "Limit of Moderate Wave Action" (LimWA) on a Flood Insurance Rate Map (FIRM). The Coastal AE Zone are areas landward of a V-Zone, where, during base flood conditions, there exists the potential for wave effects, velocity flows, and erosion.

(759, 02/10/2019)

Coastal Dunes:

Accumulation of sand in mounds or ridges located landward of the beach face, usually arranged parallel to the shoreline, created by constructive waves, wind, and/or manmade restoration that tend to grow landward and/or seaward in response to windblown sand accumulation trapped by vegetation.

Coastal High Hazard Area:

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zones VE and Coastal AE on a Flood Insurance Rate Map (FIRM). (759, 02/10/2019)

Coin Operated Amusement Device:

Any amusement machine or device operated by means of the insertion of a coin, token or similar object or otherwise activated, for the purpose of amusement or skill.

Co-Location:

A means of locating commercial wireless telecommunications facilities from more than one provider on a single antenna tower.

Commercial Use:

An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commercial Wireless Telecommunication Service Facilities:

Any and all facilities including, without limitation, antennas, antenna towers or telecommunication towers, and supporting buildings and equipment which are utilized by licensed commercial wireless telecommunication services providers, including, without limitation, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Compliance Alternative:

Under the Site Plan Review process in a Village District Overlay Zone [§36](#), the Planning and Zoning Commission and the Applicant may, by mutual agreement, allow a design solution that does not meet the requirements of the Design Standards under [§36-2.3](#) but does meet the objectives of the Design Principles [§36-2.1](#). The Compliance Alternative is governed by [§36-2.2](#).

Continuing Care Retirement Community (CCRC):

A facility that provides under a single residency agreement the ability for a person 62 years of age and older to reside in an Independent Living Unit (ILU) and as medical needs dictate have the ability to transfer to assisted living and various levels of skilled care and memory care managed by the CCRC operator. The CCRC shall be regulated by the Connecticut Department of social Services and the Connecticut Department of Health shall license the skilled nursing component of the CCRC.

Cost:

As related to Substantial Improvements, the Cost of any reconstruction, rehabilitation, addition, Alteration, repair or other improvement of a Structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the Cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: Cost of plans and specifications, survey Costs, permit fees, outside improvements such as septic systems, water supply wells, geothermal wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached Structures such as garages, sheds, and gazebos.

Coverage, Building:

The percentage of a development site in a Non Residence Zoning District, or a lot in a Residence Zoning District, occupied or intended to be occupied by all buildings and structures. Building coverage shall include the

building area. No more than 20% of the land covered by waterbodies, water courses, wetlands, and land of severe topography having slopes of twenty five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable building coverage. A Non-Residential Balcony shall not be included within the Building Coverage. ([800](#), 11/19/2021)

Coverage, Total:

The percentage of a development site in a Non Residence Zoning District, or a lot in a Residence Zoning District, occupied or intended to be occupied by all buildings, structures, parking areas, driveways, swimming pools, tennis courts and similar improvements. Patios and terraces, as defined herein, shall be excluded except if the terrace or patio is 3 feet or more above the adjacent grade at any point, such as with a retaining wall. A Non-Residential Balcony shall be excluded from Total Coverage. Parking on unpaved surfaces provided by places of worship, in excess of the minimum number of parking spaces required by §34-5 of these regulations, shall be excluded. Total coverage shall include one-hundred percent (100%) of the building area and parking areas, driveways, swimming pools, and similar improvements, but only fifty-percent (50%) of a tennis court. No more than 20% of the land covered by water bodies, watercourses, wetlands, and land of severe topography having slopes of twenty five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable total coverage. Calculations shall be made on forms approved by the Planning and Zoning Commission. (See Appendix D). ([800](#), 11/19/2021)

Crawl Space:

A part of a building, located below the first story, having headroom of less than five (5) feet at all points. A crawl space shall not be deemed a story and shall not be counted in floor area measurements, but shall be counted in height measurements. (See Basement, Cellar, Story)

Day Care Center or Nursery School:

A building or portion thereof, licensed by the State Department of Health for the care, guidance and/or supervision of 13 or more children not including those of the resident occupant. A Special Permit approval is required.

Development:

Any man made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or Structures; the construction of additions, Alterations or Substantial Improvements to buildings or structures; the placement of Buildings or Structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities in Special Flood Hazard Areas.

Disturbed area:

An area of land where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Dunes:

A mound or ridge of sand or loose sediment natural (or man-made) within a marine beach system.

([775](#), 03/30/2020)

Dwelling:

A building used as living quarters. The term shall not be deemed to include automobile court, motel, hotel, camping trailer, travel trailer, recreation vehicle, mobile home, boat or tent, except as provided in [§16](#) (MHPD), herein. No vehicles of any kind can be occupied or used as a rooming unit or a dwelling unit.

Dwelling, Attached:

A dwelling having any portion of one or more walls, floors or ceilings in common with another dwelling.

Dwelling, Multiple Family:

Any building designed, constructed and used as a residence building for three (3) or more dwelling units; the term includes cooperatives, condominiums, town houses and apartments.

Dwelling Single Family:

A detached dwelling which is one (1) dwelling unit and contains one kitchen only.

Dwelling, Two Family:

An attached dwelling containing two (2) dwelling units and only one kitchen for each dwelling unit.

Dwelling Unit:

Any room or group of rooms providing living quarters and an independent kitchen.

Elevated Building:

A building without a basement built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls, as allowed under applicable standards.

Elevation:

The height in feet relative to mean sea level (MSL). Alternatively a plan of the sides of a building.

Erosion:

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Event Facilities

Facilities operated for purpose of providing private events, or recreational and meeting facilities, with or without meals. (819, 01/12/2023)

Existing Manufactured Home Park or Subdivision:

A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date, June 30, 1980, of the floodplain management ordinance adopted by the community.

Expansion to an Existing manufactured Home park or Subdivision:

The preparation of additional sites by the construction of facilities for servicing the Lots on which the Manufacturing Homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fall Zone:

The radius around an antenna or telecommunication tower equal to the height of the antenna or telecommunication tower.

Family:

- a. People living together as a single housekeeping unit who are all related by blood, marriage or adoption; or
- b. A group of persons living together as a single housekeeping unit who are unrelated by blood, marriage or adoption except that such a group shall not exceed five (5) individuals; and
- c. Bona fide domestic servants in the paid employ of a resident family, may be included in the single housekeeping unit, provided that the number of servants shall be limited to three (3).

Family Day Care Home:

Private family home caring for not more than six children, including the provider's own children not at school full time, and which is licensed by the State. A zoning permit is required.

Federal Emergency Management Agency (FEMA):

The federal agency that administers the National Flood Insurance Program (NFIP).

Fence or Wall:

Any rigid barrier which serves to separate one portion of land from another and may serve to prevent intrusion. (See §31-3, Fences and Walls, Obstructions at Corners)

Flood or Flooding:

A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM):

An official map of the Town of Westport upon which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the Town of Westport.

Flood Insurance Study (FIS):

The official study of the Town of Westport in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of Flood hazards and, if appropriate, corresponding Water Surface Elevations.

Flood proofed:

Watertight, having walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Flood proofing:

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, including water and sanitary facilities, structures and their contents

Floodway:

The channel of a river or other watercourse with adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation above a designated height.

Floor:

The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area:

The floor area of a building shall be the sum of the total horizontal areas of all the floors of that building measured from the interior faces of the exterior walls. Floor areas shall include the area of basements, cellars, and half stories. Attics and crawl spaces (as defined in these regulations) are not included in the floor area. Only one floor of an atrium shall be included in the floor area. Only one atrium in a building will be excluded from the floor area. All other openings in a floor shall be counted as floor area.

Floor Area, Patron:

All floor space accessible to customers, including foyers and hallways, but excluding bathrooms and coat rooms.

Floor Area Ratio (F.A.R): The aggregate floor area of all buildings on a lot divided by the gross lot area of such lot as defined in [APPENDIX D](#), or portion thereof, that lies within the applicable zoning district. (FAR = Floor Area divided by Gross Lot Area). See [§34-12.1.5](#) for parking/garage floor area.

Floor Area Ratio (F.A.R.)

The aggregate floor area of all buildings on a lot divided by the gross lot area of such lot as defined in Appendix D, or portion thereof, that lies within the applicable zoning district. (FAR = Floor Area divided by Gross Lot Area). See §34-12.1.5 for parking/garage floor area.

Floor, Lowest:

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor. In Special Flood Hazard Areas, these areas must be designed in accordance with the definition of "elevated building" and [§31-11.5.2](#) of these regulations.

Floor Space:

The area of a floor, measured at floor level from the interior faces of the exterior walls or the bottom of the roof or roof rafters.

Food Establishment Retail:

A retail food establishment shall mean any business where food or non-alcoholic beverages are sold to the public for either on premises or off premises consumption and the sale of alcoholic beverages must be for off-premises consumption only, except such establishments that exist in the Residence B district as of the adoption of this regulation, June 3, 2024, may provide alcoholic beverages for on-premise consumption. A retail food establishment may have no more than 10 indoor patron seats. Such establishments shall not be considered Restaurants and no additional parking will be required provided that they have indoor seating for no more than 10 patrons For outdoor seating – See [§5-2](#) & [§32-20](#) Outdoor Eating Areas. (843, 06/17/2024)

Footprint:

See [Building Area](#).

Full Care Living Facility:

A shared living facility for Seniors in need of 24-hour professional care including, but not limited to, skilled nursing and hospice services.

Functionally Dependent Facility:

A facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Game Room:

A building or portion thereof used or intended to be used for the operation of coin operated amusement devices for the use of the general public or specific invitees.

Garages, Commercial:

Any lot, building or part thereof, used for the storage, service or repair of motors, engines, vehicles or boats for remuneration, including any rental, lease or sale of any motors, engines, vehicles or boats.

Garages, Private:

An accessory building or portion of a principal building used for the storage of vehicles as an accessory use.

General Development Plan (GDP)

A plan intended to establish base parameters for site and architectural design pursuant to applications necessary to allow the Planning and Zoning Commission to review and approve a general plan for development or redevelopment of property prior to site plan review and approval at a public hearing by the Planning and Zoning Commission. At the discretion of the Planning and Zoning Commission, documents generally consistent with §44-1 shall accompany the GDP, Special Permit, and Site Plan applications. Approvals pursuant to §44-2 shall be obtained prior to site plan approval. Applications for GDP shall be subject to a public hearing and reviewed in accordance with §44-3.(827, 08/27/2023; [842](#), 04/12/2024)

Group Day Care Home:

A home which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children and which is licensed by the State.

Headroom:

The vertical distance from the top of the floor or floor beams to the bottom of the next higher floor or floor beams or the bottom of the roof or roof rafters.

Healthcare Professional:

A practitioner with an advanced degree, certification or trained specialist who works with people to resolve health related issues and except as specifically provided, who is not a licensed medical doctor, such as

psychologists, social workers, counselors, naturopaths, massage therapists, and nutritionists. Psychiatrists are also considered Healthcare Professionals. (See Medical).

Historic Structure:

Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered federal, state or local historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on the Westport Historic Resource Inventory.

Home Based Business:

The use of a portion of a Principal or Accessory Building for business purposes by the resident occupants including: dressmaking, millinery, family day care home, or office/studio for a medical doctor, doctor of chiropractic, State Licensed doctor of naturopathic medicine, psychiatrist, State Licensed psychologist, State licensed acupuncturist, psychotherapist, dentist, nutritionist, attorney, architect, engineer, writer, author, teacher, artist, musician, accountant, stock broker, insurance agent, telemarketing, telephone answering service, interior designer, photographer, computer consultant, business consultant, real estate agent, massage therapist, nursing placement service, roommate matching consultant or business administrator for a manufacturing company, and similar uses, in the following hierarchy of intensity:

- Home Office – The use of a Principal or Accessory Building for occasional business use (as part of employment typically occurring elsewhere) or a Home Based Business involving minimal visits (less than 10 per day) to the premises by non-residents. Non-resident employees or contractors are not allowed, (see standards listed in [§11-2.4.6](#)). This use shall not require a Zoning Permit.
- Home Occupation, Level 1 – The use of a Principal or Accessory Building for Home Based Business, which may include one (1) non-resident on-site employee or contractor and is limited to ten (10) patron, client, or associate visits a day. This use shall require a Zoning Permit and is subject to the requirements listed in [§11-2.4.6A](#) and [§32-18.9](#) as applicable.
- Home Occupation, Level 2 – The use of a Principal or Accessory Building for a Home Based Business involving more than one non-resident on-site employee or contractor and is limited to ten (10) patron, client, or associate visits a day. This use shall require a Zoning Permit and Special Permit approval from the P&Z Commission and is subject to the requirements in [§32-18.9](#) and [§32-21](#) as applicable.

Hospital:

An institution licensed by the State Department of Health having facilities and medical staff to provide diagnosis, care and treatment of a wide range of acute conditions or chronic diseases including injuries.

Hydrodynamic Loads:

Loads that are caused on buildings or structures by the flow of flood water moving at moderate or high velocity around the buildings or structures or parts thereof, above ground level which allows the free flow of flood water. Hydrodynamic loads are basically of the lateral type and relate to direct impact loads by the moving mass of water, and to drag forces as water flows around the obstruction.

Hydrostatic Loads:

Loads that are caused by water, either above or below the ground surface, free or confined, and which is either stagnant or moves at slow velocities up to 5 feet per second. Hydrostatic pressures at any point are equal in all directions and always are perpendicular to the surface on which they are applied.

Independent Living Facility:

A group of private dwellings and/or shared living quarters with common rooms and facilities (i.e. kitchen, living rooms, etc.) available to Seniors who are capable of independently performing typical every-day activities.

Kitchen:

A room, place or space within a structure designed, arranged with such items as, but not limited to: cabinets, counters, typical kitchen appliances and plumbing fixtures. A kitchen is used for the preparation and storage of food.

Limit of Moderate Wave Action (LiMWA):

The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are seaward of the line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

(759, 02/10/2019)

Living Quarters:

Separate and independent space including kitchen, sleeping and bathroom facilities within a building.

Lot:

An undivided parcel of land which is separately owned from an adjoining land as evidenced by an instrument recorded in the land records of the Town of Westport or an individual parcel of land shown on a map filed in the land records of the Town of Westport. A parcel or tract of land which is divided by the Saugatuck River, West Branch of the Saugatuck River, Aspetuck River or the Sasco Creek, south of Long Lots Road, or by a public street, or by any other street, road or vehicular access way fulfilling or intended to fulfill either the lot frontage or the rear lot line access requirements of these regulations for one or more other parcels, shall not be considered a single lot.

Lot Area:

The horizontal area contained within the property lines of the lot as calculated below. In determining compliance with minimum lot area and shape requirements land subject to easements for underground utilities may be included but land subject to easements for above ground utilities which forbid buildings or structures within the area of the easement or, where no such easement exists, the minimum area recommended by a utility company for public safety shall not be included. No part of any public or private street nor any easement which grants exclusive surface use of the property to other than the owner (except drainage easements) shall be included in the lot area. In determining compliance with minimum lot area requirements, land of severe topography having slopes of twenty five percent (25%) or greater, and land covered by waterbodies, water courses and/or wetlands may be used to satisfy no more than twenty percent (20%) of the minimum lot area requirements. Calculations shall be made on forms approved by the Planning and Zoning Commission. (See [§31-2.2.4](#) and [APPENDIX D](#))

Lot, Corner:

A lot abutting the intersection of two or more streets. Corner and through lots have two or more front lot lines and generally no rear lot line.

Lot, Depth:

The average horizontal distance between the front and rear lot lines, measured parallel to or as nearly parallel as possible to side lot lines.

Lot Line:

Any property line bounding a lot.

Lot Line, Front:

The property line(s) dividing the lot from the right of way of a street or streets. In the case of a rear lot, the front lot line shall be considered the line or lines most nearly parallel to and closest to a street or streets providing lot frontage.

Lot Line, Rear:

The property line between the side lot lines and generally opposite to the front lot line.

Lot Line, Side:

The property line(s) generally extending from the street and connecting the front and rear lot lines.

Lot, Rear:

A lot of which the buildable area is located generally to the rear of other lots having frontage on the same street and having access to the street via an access way that is part of the rear lot.

Lot Shape:

Configuration of lot shall be such that a minimum rectangle as specified herein shall be contained within the lot lines, and that the Regularity Factor shall be 0.55 or greater. In determining compliance with minimum rectangle requirements, land of severe topography having slopes of twenty five (25) percent or greater, and land covered by waterbodies, watercourses and/or wetlands may be used to satisfy no more than twenty (20) percent of the minimum area rectangle requirements.

Each new lot created by a subdivision, resubdivision, or first cut as of November 1, 2000 shall have a Regularity Factor of not less than fifty-five one hundredths (0.55). In calculating the Regularity Factor, the perimeter of the lot may be configured to exclude any portion of the lot in excess of the minimum required lot size. This is done when including the excess area would cause the Regularity Factor to be less than 0.55. The Regularity Factor shall be determined by the following formula:

$$\frac{16A}{P^2} = R$$

A= Gross area of lot in square feet

P=Lot Perimeter

R=Regularity factor

Lot, Through:

A lot other than a corner lot which has frontage on two or more streets. Corner and through lots have two or more front lot lines and generally no rear lot lines.

Lot, Width:

The average horizontal distance between the side lot lines, measured at right angles to the lot depth.

Maintenance and Minor Repairs:

Ordinary maintenance and repair for which no building permit is required and which does not alter the exterior appearance of the building. Maintenance and Minor Repairs shall not be deemed an alteration as defined herein.

Managed Residential Community:

A Managed Residential Community shall consist of private residential units and common supportive facilities and provide or make available services required by State of Connecticut statutes or regulations for an Assisted Living Services Agency (ALSA). The common supportive facilities shall include, but are not limited to: meal service offering 3 meals per day, laundry service, housekeeping, maintenance including routine chore services the resident is unable to perform, programs of social and recreational activities, personal transportation, 24 hour security and health and personal services in a group setting to persons of sixty-two (62) years of age and older who require help or aid with activities of daily living.

A Managed Residential Community shall provide common facilities for use by the occupants including common rooms, laundry facilities, mailboxes, entertainment facilities, communal dining area(s) with kitchen and supportive food preparation areas, administrative offices, a convenience store for the residents of the facility, and areas for periodic medical examinations, limited treatment and therapy, or similar uses. Also, the building must have one (1) interior area capable of accommodating 100% of the tenant population at one time.

In addition, services offered to residents shall include a common kitchen area on each floor equipped with conventional ovens or microwave ovens available for use by all residents. Also, appropriate exercise facilities, equipment and instruction must be available to all tenants.

A Managed Residential Community shall offer nursing-type services by a licensed ALSA in accordance with the State of Connecticut statutes or regulations. However, a Managed Residential Community is not a nursing home or convalescent facility as defined by the State of Connecticut statutes or regulations (See definition of Private Residential Unit.) Residents may include those having dementia and physical disabilities.

Manufactured Home:

A structure, transportable in one or more sections, which is built on a permanent chassis designed to be used with or without a permanent foundation when connected to the required utilities, including recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer if in a Special Flood Hazard Area.

Manufactured Home Park or Subdivision:

A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value:

The Value of Real Property (i.e. building) as determined by dividing the assessed value of the building as shown on the official Tax Assessor's records by the current assessment sales ratio established by the State Office of Policy and Management (OPM) prior to the start of the initial repair or improvement, or in the case of damage, the value of the Structure prior to the damage occurring.

Mean Sea Level:

The average height of the sea for all stages of the tide which is considered as Elevation 0.0 feet based upon the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

Medical:

This term shall mean a licensed medical doctor, doctor of dental surgery and doctor of medical dentistry and other similar uses such as chiropractors, physical therapists, rehabilitation centers, but not psychiatrists. (See Healthcare Professional)

Medical Dispensary Facility

A "Medical Dispensary Facility" constitutes a "Dispensary Facility" as that term is defined in Section 1 of Public Act No. 21-1 of the June 2021 Special Session: A place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department [of consumer protection] has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder.

(799, 09/15/2021)

Mobile Home:

A detached single family dwelling unit designed:

1. for long term occupancy and containing sleeping accommodations, a flush toilet and a tub and/or shower bath and kitchen facilities, and having both plumbing and electrical connections for attachment to outside systems;
2. To be transported on its own wheels or on flatbed or other trailer or detachable wheels; and
3. To be placed on rigid supports at the site where it is to be occupied as a residence complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utility systems.

Mobile Home Park:

An area zoned for mobile home use which meets the standards set forth in §16, and which has been approved by the P&Z Commission.

Mobile Home Replacement Unit (MHRU):

A permanent, non-transportable dwelling unit constructed to replace an existing Mobile Home Unit and/or infill additional dwelling units, situated within a Mobile Home Park District existing prior to 8-15-11, and designed for long-term occupancy as a residence. (MHRU)

Mobile Home Unit Space:

An area of ground within a mobile home park designed for the accommodation of one mobile home.

Motel, Hotel, Motor Inn, Tourist Court:

A building or buildings containing five (5) or more rooming units that are rented, or hired out for sleeping purposes with or without common rooms and related eating facilities.

Multiple Use Development:

A use of land, buildings or structures with a combination of office, retail or other commercial uses and two family or multifamily dwellings on a lot.

New Construction:

New Construction shall be defined as any of the following:

- An entirely new structure.
- An increase in the size of a structure by more than 35% of its footprint or Floor Area within a 5 year period. For structures listed on the Westport Historic Resources Inventory – up to 50% may be considered.
- Removal, destruction or reconstruction of more than 35% of the exterior walls or structural members of building or structure within a 5 year period, except a change in a building facade that is less than four (4) inches in depth. For structures listed on the Westport Historic Resources Inventory – up to 50% may be considered.
- New Construction as it relates to §31-11, "Floodplain Regulations," means structures for which the "start of construction" commenced on or after June 30, 1980. (Adoption date of floodplain management regulations and includes any subsequent improvement to such structures).

New Manufactured Home Park or Subdivision:

A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after the effective date, June 30, 1980, of the floodplain management regulation adopted by the community.

Non-Conforming Structure:

A structure that does not conform to one or more of the standards required in the zoning district in which it is located, such as setback, coverage, floor area and height.

Non-Conforming Lots:

A parcel of land that does not meet the requirements of the zoning district in which it is located such as, but not limited to, area, shape, frontage, depth, width or access.

Non-Conforming Use:

A continuous use of land or of a structure which is currently not a permitted use in the district in which it is located, but which either legally existed at the time these regulations were first established, or which was a permitted use under these regulations prior to their being amended. A use which is permitted by variance shall be deemed to be a non-conforming use.

Non-Residential Balcony

A platform, located above grade, which is enclosed by a railing or balustrade, but without a roof, on the outside of a Building located adjacent to the Saugatuck River in a non-residential district, with building area no larger than 500 square feet and protrudes no further than ten (10) feet from the Building and its drainage must be tied into the Building's storm management system with sufficient capacity to support the Non-Residential Balcony runoff. There shall be no more than two (2) Non-Residential Balconies per building that benefit from the Building Coverage and setback relief referenced in the Structure definition in §5-2. (800, 11/19/2021)

Outdoor Eating Area:

An outdoor area serving as an Accessory Use to a Restaurant, Cafe, Tavern or Retail Food Establishment that allows for tables and chairs for outdoor table service or self-service dining, See §32-20.(814, 04/01/2022)

Outdoor Special Events:

Outdoor Special Events shall include special cases, unusual circumstances, annual events or seasonal uses including; 1) any outdoor event open to the public located on private property; 2) any outdoor event in a residential zone on private property occupied by a Special Permit use as listed in §11-2.2; 3) any outdoor event that has a tent(s) that total larger than 350 square feet of area that will be placed on a residential property for more than 7 days; 4) any commercial filming, photography or promotion projects that involve either a cast/crew

of larger than 7 people or last for more than 3 hours; 5) amusement devices, such as carousels, roller coasters, whirligigs, merry-go-rounds and Ferris wheels.

Owner, Principal:

A person who owns at least 50% of the interest in the real property. The principal owner of any corporate owned property shall be a person who owns at least 50% of the shares of the Corporation.

Places of Worship:

A building or place that by design is intended for conducting organized religious services and may be referred to more commonly as a church, synagogue or mosque.

Parking Management Plan

A Parking Management Plan (PMP) is a document approved by the Planning and Zoning Commission and recorded on the Town of Westport Land Records, which outlines how the use of parking on a property or properties is managed and controlled, including operational and/or demand management strategies. Operational strategies are limited to sharing of parking with multiple uses on one or more properties, valet services, tandem spaces, grass pave spaces, use of loading spaces off peak and/or continued use of legally nonconforming parking spaces. Demand management considerations may include the property location, proximity to transit and/or publicly available parking, walking, biking, shared vehicles provided by the property owner or tenant, carpooling, shuttle services and/or other techniques to reduce the use of single occupancy passenger vehicles. Based on a review of the proposed operational and/or demand management strategies, the Commission may approve a parking plan that maintains existing non-conformities with respect to the dimensional standards of §34 and/or a reduction in the required number of spaces pursuant to §34-5. PMPs shall include a schedule for reporting to the Commission and staff the onsite parking utilization, beginning any time before the site's total calculated parking demand per §34-4 can exceed its self-parking capacity and continuing at least annually thereafter. Reports shall be prepared by a licensed engineer, certified planning professional, or similar professional, and the Commission shall have the ability for its own consultant to review the report. PMPs shall also identify the mechanism(s) for resolving parking issues that may arise, which may be unique to each site. (804, 01/28/2022)

Parking Space, Loading Space:

One standard parking space (stall) shall constitute an area nine (9) feet in width and eighteen (18) feet in stall length with a vertical clearance to accommodate one (1) automobile. A small car space (stall) shall constitute an area eight (8) feet in width and sixteen (16) feet in stall length with a vertical clearance to accommodate one (1) automobile. A handicapped parking space (stall) shall constitute an area of fifteen (15) feet in width and eighteen (18) feet in stall length with a vertical clearance to accommodate one (1) automobile or van. One (1) loading space (stall) shall constitute an area twelve (12) feet in width and thirty (30) feet in stall length with a vertical clearance of fifteen (15) feet.

Patio:

See Terrace or Patio.

Pergola

An outdoor feature consisting of parallel colonnades supporting an open roof of girders and cross rafters. (805, 01/07/2022)

Pilings:

Columnar support members which may be of any approved type capable of resisting all applied loads and shall, as far as practicable, be compact and free from unnecessary appendages which would trap or restrict free passage of debris during a flood.

Premises:

A lot, plot or parcel of land including the buildings, structures and uses thereon.

Private Occupational School:

An enterprise certified by the Connecticut Commissioner of Higher Education pursuant to Connecticut General Statutes §10a-22b, to offer instruction in a trade, industrial, commercial or service occupation, as defined in

Private Residential Unit:

Any room or group of rooms including a full bathroom and kitchenette devoted to the exclusive use or occupancy of up to two residents, (see [§32-15.12.1](#)) of a Managed Residential Community. Kitchenette facilities are not required for those units serving dementia residents. Since common kitchen and dining facilities are provided for all residents within the Managed Residential Community, a residential unit shall not be considered a dwelling unit even though it shall have a small kitchenette facility for occasional use by the resident(s). Each residential unit shall be equipped with an emergency call system.

Provider:

An entity authorized by the Federal Communications Commission (FCC) to be a signal carrier for cellular telephones, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), and paging services or other modes of communication as described in the Federal Telecommunications Act of 1996.

Public Art

Publicly accessible installations of original works of art displayed primarily for public viewing and appreciation located on public or private property. They are to be tangible, two- and three dimensional objects created by an artist through the application of artistry, technical skills, and imagination and may take a variety of forms such as sculpture, murals, photography, an artifact, or be a memorial, monument, or fountain. They may be composed of such media as stone, metal, glass, plastic, ceramic, paint, and may feature hard or soft landscaping components. Any such art shall not be combined with any other use or Structure.

An §8-24 Municipal Improvement review by the Planning and Zoning Commission is required prior to any outside Public Art installation on Town-owned property.([810](#), 04/01/2022)

Public Building:

Any building owned, leased or otherwise held by the federal, state or town government.

Public Park and Recreation Area:

Public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space areas or similar public land within the town that is under the control, operation or management of the town, any other town or the state.

Public Waterfront Access (PWA):

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. (For specific requirements see [§31-10.7.4](#) herein.)

Recreational Vehicle:

A vehicle which is:

- Built on a single chassis;
- 400 s.f. or less when measured at the horizontal projection;
- The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.
- designed to be self-propelled or permanently towable by a light duty truck; and
- designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Redevelopment:

Development activity characterized by the removal of an existing building and/or structure to be replaced with new construction.

Regularity Factor:

The Regularity Factor is a numerical expression of a ratio between the perimeter of a lot, and the gross lot area. The Regularity Factor is currently set at fifty-five one hundredths (0.55). The intent of the Regularity Factor is to minimize the creation of irregularly-shaped lots. A perfect 4-sided square lot will have a Regularity Factor of 1.0. (See Appendix D)

Renewable Energy:

Energy derived from natural sources that are replenished at a higher rate than they are consumed.

(838, 11/30/2023)

Research Laboratory:

Any use devoted to scientific research and development of manufactured products, processed products, compounded products and any investigative activities of a scientific nature. It may also include a combination of research activities and manufacturing activities provided that:

- a. The manufacturing is the direct outcome of the research activity conducted therein; and
- b. The manufacturing activity does not constitute more than seventy five percent (75%) of the total use conducted on the premises, measured by such criteria as floor space allocation, man hour consumption, operating expenditures and personnel; and
- c. The manufacturing activity is light in intensity; and
- d. Combinations containing manufacturing uses which constitute more than twenty five (25%) of the total use shall not exceed twenty five thousand (25,000) square feet in total floor area.

Restaurant:

A place having an adequate kitchen and dining room, the primary business of which is the service of food or beverages to patrons seated at tables, counters or cafeteria style. A Restaurant is distinguished from a Retail Food Establishment if it has indoor seating for more than 10 patrons. A Restaurant may have a permit to allow the retail sales of alcoholic liquor to be consumed on the premises, as granted by the Department of Liquor Control (See Restaurant and Restaurant, Drive-in).

Restaurant, Drive-In:

A place that delivers prepared food and/or non-alcoholic beverages to patrons in motor vehicles, regardless of whether it also serves said items to patrons who are not in motor vehicles, for consumption in or out of motor vehicles, on or off the premises.

Riverine:

Relating to, formed by or resembling a river, including tributaries, streams, brooks and creeks.

Rooming Unit:

A portion of a building providing a partial housekeeping unit with incomplete living quarters. A rooming unit shall not include an area for cooking facilities within the unit, but may include board within the building.

Scenic Vista:

A view, which, because of its natural beauty, is in the best interest of the welfare of the entire community to preserve, e.g., the Saugatuck River.

School:

A public school or private school having a comprehensive curriculum of study comparable to that of a public school, a nursery school, a kindergarten or a religious school.

Sediment & Erosion Control Plan:

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Senior:

A person sixty-two (62) years of age or older.

Senior Center:

A facility that offers services and activities to promote the physical, mental and social well-being of Seniors.

Senior Residential Community:

A Senior Residential Community shall consist of dwelling units and may include facilities intended to support and enhance the lives of Seniors including, but not limited to, service enriched residential opportunities, and/or other uses aimed at providing a continuum of care, hospice services, housing, recreation, Senior Centers, education and socialization for Seniors (i.e. Independent, Assisted, and Full Care Living Facilities).

Separation Distance:

A straight measurement taken from the nearest lot line of the proposed use to the nearest lot line of the protected use.

Setback:

The minimum required horizontal distance from any street line or lot line to the closest point of any building, structure, structural projection as described in Building Area and/or Footprint in §5-2 or use, measured in a straight line from, and most nearly perpendicular to such street line(s) or lot line(s). Where a lot is partially in a non-residence zoning district and partially in a residence zoning district, setbacks shall be measured from the zoning district boundary line. (See §31-4)

Setback, Front:

The minimum required horizontal distance from the front lot line(s) or street line(s) to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the front lot line(s).

Setback, Rear:

The minimum required horizontal distance from the rear lot line to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the rear lot line(s).

Setback, Side:

The minimum required horizontal distance from the side lot lines to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the side lot lines.

Signs:

An illustration or display of any kind painted, attached or erected in any manner and displayed or in view of the general public for advertising purposes. The term "sign" shall include logos and signs erected inside the window display area of a building and outside business flags, but shall not include temporary, non-illuminated, on premises sale signs erected inside the window display located on the ground floor of a building.

Sign, Commercial or Off Premises (Billboards):

A sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such signs, or any sign advertising a commodity or activity not sold, produced or conducted on the premises.

Signs, Directional:

A non-conforming sign intended to direct the way to a place or activity.

Sign, Free Standing:

A sign supported by one or more uprights or braces in or on the ground. For temporary free standing portable signs see §33-5.3.

Sign, Identification or on Premises:

Any sign advertising a commodity sold or produced on the premises or a business (businesses) or activity conducted on the premises where the sign is located.

Sign, Roof:

A sign attached to a building and erected upon the roof or extending above the main roof line of such building.

Sign, Wall:

A sign which is affixed to the exterior walls of any building and projecting not more than 18 inches from the building wall or parts thereof. Wall signs shall also include permanent signs erected inside window display areas of a building and theater marquee signs that regularly change to announce movies or events.

Single Use Development:

A use of land, buildings or structures comprised of only permitted commercial uses or only permitted residential uses, but not both, on a lot.

Smoke Shop or Tobacco Store

A "Smoke Shop or Tobacco Store" is a retail establishment where 20% or more of the retail area is dedicated to the sale of tobacco and products containing tobacco or nicotine (including "e-cigarettes") and paraphernalia, and/or contain areas for the consumption of any smokeable products. (839, 11/30/2023)

Special Flood Hazard Area:

Land within the floodplain of the Town of Westport subject to a one percent or greater chance of flooding in any given year as shown on the Westport Flood Insurance Rate Map (FIRM). SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones VE and Coastal AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard. ([759](#), 02/10/2019)

Special Needs Individuals:

Persons (i) that are blind, physically disabled, and/or have intellectual disabilities pursuant to Sections 1-1f and/or 1-1g of the Connecticut General Statutes, or (ii) that have been homeless or at-risk of being homeless, and while residing in Special Needs Housing under Zoning Regulation §32-27 will be provided with supportive services by the Westport Housing Authority, the Town of Westport, or a qualified 501(c)3 non-profit organization specializing in providing supportive services in residential settings. These services include individualized health and employment case management and other services such as accessible mental health, substance addiction, or employment. ([778](#), 06/03/2020; [822](#), 10/20/2022)

Start of Construction:

This term includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement, was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a Substantial Improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story:

A part of a building, between the upper surface of a floor and the floor (or roof) next above, which is not an attic, cellar, crawl space, or half story. Any unfinished area below the Base Flood Elevation located within the Special Flood Hazard Area is not considered a story provided a Non-Conversion Agreement, acceptable to the Town Attorney, is filed on the Land Records. An annual inspection by Planning and Zoning Staff is also required. A story is counted in floor area and height measurements.

Story, Half:

A part of a building directly under the roof with between twenty-five percent (25%) to fifty percent (50%) of the floor space having headroom of five and one-half (5-1/2) feet or more. The remaining floor space must have less than 5-1/2 feet headroom. The area must be measured vertically from the top of the floor or floor beams to the bottom or underside of the roof or roof rafters. The half story area shall be measured horizontally from the

inside of the exterior walls of the roof or roof rafters at the floor level. A half story shall be counted fully in floor area and height measurements. (See Attic)

Street:

Includes public highways, and public and private roads.

Street Lines:

A dividing property line between the street and lot.

Street, Public:

Any town road or state or federal highway.

Structure:

Anything constructed or erected which requires location on the ground and or/ attachment to or placement on something having a location on the ground. Except as otherwise indicated, "Structures" as used in these regulations shall be deemed to include buildings, parapets, turrets, ground-mounted and roof top mechanical units, swimming pools, tennis courts, towers, paddle or platform tennis courts, balconies, open entries, porches, decks, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes, flagpoles and fences or walls more than eight (8) feet in height and a gas or liquid storage tank that is principally above ground. (See [§32-7.4](#) for rooftop dishes)

Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building, except for a Non-Residential Balcony.

Ground-mounted mechanical units, such as air conditioning compressors, shall not be deemed structures for purposes of coverage, for permitted uses, (as distinct from special permit uses) in residence districts. Patios or terraces shall not be deemed structures for purposes of coverage but shall adhere to all required setbacks. If the patio/terrace is 3 feet or more above adjacent grade at any point, such as with a retaining wall, it will be included in total coverage. (See patio or terrace definition). Handicapped ramps, platform lifts necessary for ADA compliance and temporary signs as specified in §33-5 are not considered structures. Access stairs required by a public utility and no larger than 50 square feet are not considered structures. Bus Shelters are not considered structures for purposes of coverage and setbacks. A Non-Residential Balcony as defined in §5-2, shall not be considered a structure for purposes of Building Coverage. A Non-Residential Balcony as defined in §5-2 shall not be considered a structure when located in the Rear setback facing the Saugatuck River. For those properties that qualify for a Non-Residential Balcony, but have no Rear setback, a Non-Residential Balcony shall not be considered a structure when located in a Side setback facing the Saugatuck River. Public Art shall not be deemed a structure for purposes of coverage but shall adhere to all required setbacks.

An Arbor or Pergola is considered a Structure and counts towards coverage if it has any type of closed roof or covering or a is constructed over a deck. Only Arbors and Pergolas considered to be Structures count towards coverage. An Arbor or Pergola constructed over a Patio or over 8 feet in height cannot be located in the setback. ([795](#), 07/01/2021; [800](#), 11/19/2021; [805](#), 01/07/2022; [810](#), 04/01/2022)

Substantial Damage:

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement:

Any combination of repairs, reconstruction, alteration or improvements to a structure, during any five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value as defined herein of the existing structure before "the start of construction" of the improvement. This term also includes structures which have incurred "Substantial damage," regardless of the actual repair work performed. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to correct.

Existing violations of state or local health, sanitary, building, fire or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Substantial Reconstruction and Rehabilitation:

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values. A Substantial Reconstruction and Rehabilitation is distinct and separate from Substantial Damage and Substantial Improvement as defined herein. All work on any structure within the Special Flood Hazard Area as defined herein, including Substantial Repair and Rehabilitation, shall comply with all of the requirements of §31-11, "Floodplain Regulations." In the event of a conflict between this definition and the definition of New Construction, the definition herein shall prevail.

Supportive Housing:

Affordable Housing in accordance with CT General Statutes §8-30g that provides for persons who have been homeless or at-risk of being homeless, supportive services by the Westport Housing Authority, Town of Westport, or qualified 501(c)3 non-profit organizations specializing in providing supportive services in residential settings. These services include individualized health and employment case management and other services such as accessible mental health, substance addiction, or employment.

Swimming Pool:

Swimming pool as defined by the State Building Code, shall be deemed a structure and its surface area as measured from the inside face of the exterior walls shall be used in computing Total Coverage. A swimming pool having a supported roof shall be deemed a building and shall be computed in Building Coverage.

Tennis Courts:

A specially prepared level playing surface which may have either a full or partial enclosure or fence protecting a playing area for the game of tennis. A tennis court shall be deemed a structure but only 50% of its surface area shall be used in computing Total Coverage.

Terrace or Patio:

An improved or graded area located on the ground with no structural/supports other than subsurface base material and retaining walls. The concrete or other paved areas around a swimming pool which is the pool apron is considered a terrace/patio. A patio or terrace shall be flush to the ground with no air spaces beneath. A terrace or patio shall not be deemed a structure for purposes of total coverage except if the terrace or patio is 3 feet or more above the adjacent grade at any point, such as with a retaining wall. Terraces and patios shall always adhere to all required setbacks except as otherwise provided in §24A of these Regulations.

Unfinished Living Space:

A fully enclosed space below the Base Flood Elevation that is not heated and/or cooled, does not contain finished floors, does not have sheetrock walls, and does not have other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. Unfinished enclosed areas below the Base Flood Elevation should comply with FEMA Technical Bulletin 2 as amended, Flood-Damage Resistant Materials Requirements. Unfinished living space may be used only for storage, parking and access to upper levels. (759, 02/10/2019)

Unified Shopping Center:

A shopping area consisting of six (6) or more tenants, with at least three (3) retail tenants combined with other non-residential uses such as Office, Restaurant, Healthcare Professional or Medical, located in one or more buildings, all situated on one lot. Such shopping area shall be required to have not less than six (6) retail tenants in order to qualify for additional freestanding signage area pursuant to §33-8.4.5.(808, 03/05/2022)

Usable Open Space:

That portion of the ground space on the same lot as the principal building which is either landscaped or developed and maintained for recreation purposes. Usable Open Space shall not include those portions of a lot that are utilized for off street parking or loading, drive way or building purposes, nor wetlands, waterbodies, watercourses or land of severe topography having slopes of 25% or greater.

Uses:

The specific activity for which a lot, a building or a structure is designed, used or intended to be used. The term permitted use, special use or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory:

A use of land, buildings or structures which is incidental and subordinate to and customarily used in connection with, and located on the same lot with the principal building, structure or use.

Use, Principal:

Principal: The main or primary use of a premise.

Variance of Floodplain Regulations:

A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement of the regulations would result in unnecessary hardship.

Village District:

An area designated by the Zoning Commission under Chapter 124 §8-2j of the Connecticut General Statutes (CGS) for the purpose of protecting the distinctive features, landscape and historic structures within the boundaries of that area.

Violation of Floodplain Regulations:

Failure of a Structure or other Development to be fully compliant with the community's floodplain management regulations. A Structure or other Development without required permits, lowest Floor Elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Walkway:

An improved pedestrian sidewalk, path, trail or accessory at least three (3) feet in width.

Waterbody:

Any pond, lake or body of standing water either natural or artificial; excluding swimming pools.

Watercourse:

Any river, stream, brook, or other natural or artificial waterway.

Water Surface Elevations:

The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of Floods of various magnitudes and frequencies in the Flood plains of coastal or riverine areas.

Westport Athletic Special Event:

A "Westport Athletic Special Event" is any Westport team athletic practice or game, including, but not limited to, football, soccer, field hockey, and lacrosse that utilizes the athletic field lighting after 8:00 p.m. between September 1st and December 1st, or any event that uses athletic field lighting after December 1st through August 31st, or any event utilizing field lighting that exceeds a measurement of 0.3 foot candles at the property line. Other conditions applying to Westport Athletic Special Events shall include the following:

- Such events must involve a Westport Board of Education or Westport Parks and Recreation Dept. sponsored or sanctioned team.
- Any event that continues or otherwise occurs after 8:00 p.m. and utilizes the athletic field lights, including practices, shall constitute a Westport Athletic Special Event; except that regularly scheduled Staples High School Varsity games which are scheduled to begin at 6:00 p.m. or earlier, but which are delayed due to unforeseen circumstances (e.g. weather, travel delays), may be completed and will not be considered a Westport Athletic Special Event.
- Soccer, field hockey, lacrosse, other games and practices for any sport may take place under lighting which is in compliance with §32-19.4(d), herein and shall be completed before 8:00 p.m., and therefore shall not count toward the stipulated number of Westport Athletic Special Events.
- Football Games associated with CIAC or FCIAC playoff or Championship playoffs for the Staples High School football team are permitted and shall not be counted as Westport Athletic Special Events. Practices for such games shall also not be counted as Westport Athletic Special Events provided that they are concluded by 8:00 p.m.

Wetlands:

Any bank, bog, marsh, swamp, meadow, flat or other lands that are regulated by Department of Environmental Protection as tidal wetlands or by Westport Conservation Commission as inland wetlands.

Workforce Housing:

A dwelling unit for sale or rent at a price that is affordable for a person or family whose income is not more than 110% of the most recently published United States Department of Housing and Urban Development Standard Metropolitan Statistical Area (HUD – SMSA) Median Family Income for a Family of Four encompassing Westport. Example: ($\$111,000 \times 110\% = \$122,100$) NOTE: This number is for example purposes ONLY. The Median Family Income changes on an annual basis.

