

## **§11 RESIDENCE AAA DISTRICT**

### **11-1 Purpose**

The purpose of the AAA District is to allow single-family residences on a minimum two acre lot. The AAA District provisions are intended to encourage very low density development for primarily residential and related purposes in areas served primarily by on-site sewerage facilities.

### **11-2 Permitted Uses**

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

#### **11-2.1 Principal Uses**

- 11-2.1.1 One (1) single-family dwelling per lot.
- 11-2.1.2 Residential Nursery limited to the planting and growing of nursery vegetation and shrubs on the premises, their maintenance and incidental seasonal sales. Such activities shall not include any activity not directly associated with the growth and maintenance of plants and shrubs on the premises.
- 11-2.1.3 Truck garden or farm; provided that any such farm on which animals or poultry are raised or kept for commercial purposes shall be at least five (5) acres in size. Accessory and appurtenant uses including a produce stand for incidental seasonal sales and the storage of commercial vehicles directly associated with such use are permitted on the premises; provided that all such commercial vehicles are garaged.
- 11-2.1.4 Mobile vendor; limited to specific hours and location, subject to receipt of a Temporary Zoning Permit issued by the Zoning Enforcement Officer.
- 11-2.1.5 A Community Residence which houses six (6) or fewer mentally retarded persons and two (2) staff persons and which is licensed by the State.
- 11-2.1.6 A family Day Care Home registered pursuant to §19a-87b of the Connecticut General Statutes.

#### **11-2.2 Special Permit Uses**

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

- 11-2.2.1 Government buildings, facilities and uses including: recreation facilities, municipal office buildings, administrative headquarters, fire stations, police facilities, sewage and refuse disposal facilities, vehicle and material storage depots, parking lots, sanitary landfill operations and other similar buildings, facilities and uses.
- 11-2.2.2 Schools, day care centers, and group day care homes.
- 11-2.2.3 Non-commercial camps, non-commercial recreational clubs, and other private non-commercial recreational uses.
- 11-2.2.4 Places of worship, including related educational activities and any accessory buildings necessary for the functioning of the primary institution.

- 11-2.2.5 Cemeteries.
- 11-2.2.6 Golf and country clubs.
- 11-2.2.7 Museums and libraries, and other similar community cultural uses.
- 11-2.2.8 Public utility buildings and facilities necessary for the services of the surrounding residential area.
- 11-2.2.9 Riding academies, boarding stables, and commercial kennels if located on a lot of at least ten (10) acres.
- 11-2.2.10 Private, non-commercial boathouses, landings, and docks. No boat shall be occupied or used as a dwelling or dwelling unit.
- 11-2.2.11 Commercial nursery, truck garden or farm for the sale of produce from the premises if located on a lot of at least five (5) acres, including greenhouses, sale-rooms and appurtenant uses such as the storage of commercial vehicles associated with the use of the premises.
- 11-2.2.12 Railroad rights-of-way, railroad commuter stations and bus stations.
- 11-2.2.13 Related accessory buildings, structures and uses.

**11-2.3 Special Permit Uses Subject to Special Conditions**

The following uses are permitted subject to the conditions provided for in §32 and Special Permit and Site Plan Approval in accordance with §43, herein:

- 11-2.3.1 Elderly housing.
- 11-2.3.2 Hospitals and other medical institutions.
- 11-2.3.3 Excavation and filling of land.
- 11-2.3.4 Home Caterers.
- 11-2.3.5 Group Home for Elderly.
- 11-2.3.6 Group Home for Youth.
- 11-2.3.7 Residential Facility for School Based Education Program
- 11-2.3.8 Conversion of School Buildings to Housing
- 11-2.3.9 Related accessory buildings, structures and uses.
- 11-2.3.10 Managed Residential Communities
- 11-2.3.11 Affordable and Middle Income Housing on Town-Owned Property
- 11-2.3.12 Historic Residential Structures
- 11-2.3.13 Supportive Housing
- 11-2.3.14 Lighted athletic fields on town owned public school property.
- 11-2.3.15 Home Occupation, Level 2, as defined in §5-2, Home Based Business.

**11-2.4 Permitted Accessory Buildings, Structures & Uses**

The following buildings, structures and uses are permitted:

- 11-2.4.1 Docks, landings and boathouses. Such structures shall not accommodate more than two wet slips or moorings and shall be exempt from rear yard setback requirements. No boat shall be occupied or used as a dwelling or dwelling unit.
- 11-2.4.2 Swimming pools. The setbacks for swimming pools shall be measured from the edge of any deck, pool apron or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property lines.
- 11-2.4.3 Outdoor recreational uses, paddle tennis courts and tennis courts except that only 50% of the surface area of the tennis court shall be used in computing total lot coverage. Tennis courts and paddle tennis courts accessory to a dwelling shall not be lighted. Any tennis court or paddle tennis court located closer than 50 feet from a side or rear property line shall be screened along said property line in accordance with §35-2.4 (Buffer Strip), herein.
- 11-2.4.4 Detached private garages shall not exceed one story and a height of 16 feet.
- 11-2.4.5 The leasing of rooms by the principal owner (owner occupant) to not more than four (4) persons or the taking in of not more than four (4) boarders in a principal building in which the principal owner is a domiciliary subject to the approval of a Zoning Permit. This provision shall not permit the operation of a guest house or tourist home for transient use.
- 11-2.4.6 Home Office, as defined in 5-2, Home Based Business. A Principal Building, Accessory Building, or Multi-Family Dwelling Unit may be permitted a Home Office. Pursuant to §33-5-one free standing sign or wall sign not to exceed two (2) square feet in area nor six (6) feet in height, identifying the name and address of the occupant of a Dwelling and/or Home Office. A Zoning Permit is not required for this use. Such occupation shall be incidental and clearly a secondary use of the principal residence.
- 11-2.4.6A Home Occupation, Level 1, as defined in §5-2, Home Based Business, subject to a Zoning Permit, and the following conditions:
  - (a) Resident Occupant - Only one Home Occupation, Level 1 shall be conducted on any premises. Such occupation shall be conducted by one or more residents of the premises.
  - (b) Location - A Home Occupation, Level 1 shall be located within the Principal Building on the lot, unless approved in an Accessory Building pursuant to §32-18, Historic Residential Structures. Such occupation shall be incidental and clearly a secondary use of the principal residence.
  - (c) Floor Area – The total interior floor area devoted to a Home Occupation, Level 1 shall not exceed 25% of the floor area of the Principal Building, excluding cellars and basements, and including waiting rooms, file rooms and similar spaces devoted to uses which are supplementary to such occupations.
  - (d) Visitors – There shall be no more than ten (10) patron, client, or associate visits a day.

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- (e) Students or Pupils - No more than four (4) students or pupils at any one time shall be permitted.
  - (f) Employees – There shall be no more than one (1) non-resident on-site employee or contractor.
  - (g) Display - No display shall be visible from the outside.
  - (h) Signs - Pursuant to §33-5 one free standing sign or wall sign not to exceed two (2) square feet in area nor six (6) feet in height, identifying the name and address of the occupant of a Dwelling and/or a Home Occupation, Level 1 is permitted.
  - (i) Parking - 2 off-street parking spaces are required in addition to the 2 parking spaces required for a single family residence. No parking spaces shall be located within the minimum required front setback.
  - (j) Prohibition - The use of any Multiple Family Dwelling Unit for any Home Occupation, Level 1, shall be prohibited.
  - (k) Limitation - Either one (1) Home Occupation Level 1 or Level 2 is permitted per lot.
- 11-2.4.7 Barns that are designed, arranged and intended to be occupied and used solely for the storage of farm products and equipment, for feed, and/or for the housing of farm animals, or horses. Such barns shall not exceed 1,200 square feet of gross floor area; shall not exceed two stories and a height of twenty-four (24) feet and shall not include any bathroom facilities (toilet, tub or shower), kitchen facilities and/or central heating systems including electric baseboard.
- 11-2.4.8 Other buildings, structures and uses not listed above, accessory to a permitted principal use, provided that:
- (a) The accessory building or structure shall not exceed 300 square feet of gross floor area.
  - (b) The accessory building or structure shall not exceed one (1) story and a height of sixteen (16) feet; except for barns identified in §11-2.4.7 above.
  - (c) Ground mounted solar panels shall not exceed 16 feet in height and shall be fully screened from any adjacent property line and street line at all times.
  - (d) Ground mounted satellite dishes or disc type antenna shall not exceed 16 feet in height and shall be fully screened from any adjacent property line and street line at all times. Roof top satellite dishes and roof top disc type antenna are prohibited except for disc type antennas less than two feet in diameter.
  - (e) No accessory building or structure shall be occupied or used as a rooming unit or a dwelling unit.
  - (f) No accessory building shall contain a kitchen.
  - (g) No accessory building shall contain more than two (2) water use fixtures (sink, toilet, tub/shower).
  - (h) The provisions listed above may be modified for applications approved pursuant to §32-18. (Historic Residential Structures).

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- (i) Light poles for lighted athletic fields on town owned public school property shall be permitted up to a height of 80 feet provided that all requirements of §32-19 are in compliance.
- 11-2.4.9 No accessory building, structure or lot shall include any use or activity conducted for gain or profit, except as otherwise expressly permitted herein.
- 11-2.4.10 The use of any accessory structure for human habitation shall be prohibited except as modified by §32-18. (Historic Residential Structures).
- 11-2.4.11 Storage of commercial vehicles in accordance with the provisions of §32, herein.
- 11-2.4.12 A single-family dwelling may be converted to allow the incorporation of one (1) additional dwelling unit as an accessory apartment or affordable accessory apartment subject to Site Plan Approval in accordance with §43, herein.
- 11-2.4.12A Accessory Apartments.
- (a) An accessory apartment must be located within the principal building on the lot.
  - (b) Occupancy – At least one of the dwelling units shall be occupied by the principal owner.
  - (c) Eligibility - At least one of the dwelling units shall be occupied by a person 62 years of age or older or a person of any age with disabilities who is receiving Social Security disability payments.
  - (d) Signatures - Pursuant to §43-3 all applications for Site Plan Review shall contain the signature(s) of the owner(s), or a letter of authorization by the property owner.
  - (e) Floor Area - The additional dwelling unit shall not exceed 800 square feet of floor area or 25% of the total floor area in the dwelling, whichever is smaller. See §5 for definition of Floor Area.
  - (f) If the property is not on Town sewers, the property owner or his designee must obtain the Health Department approval of the septic system.
  - (g) If the property is on Town sewers, proof of the sewer hook up must be submitted to the P&Z Office by the property owner or his designee.
  - (h) Proof of adequate parking must be submitted to the Planning and Zoning Office by the property owner or his designee. One parking space for the converted unit is required.
  - (i) The resolution of approval of the apartment must be recorded on the Land Records of the Town of Westport in the Town Clerk's Office.
  - (j) Annual Certification - Prior to the issuance of a Zoning Permit, a certificate in the form of an affidavit to verify that the principal owner is in residence and that one of the occupants of a particular dwelling unit is 62 years of age or older or receiving Social Security Disability payments shall be presented to the P&Z Office. Thereafter, the principal owner shall submit such notarized affidavit to the Zoning Enforcement Office by January 31st of each year as a requirement for the continuance of the Zoning Permit. If the accessory apartment is not being used as a separate dwelling unit, the property owner must submit a notarized affidavit stating that the apartment is not in use.

- 11-2.4.12B Affordable Accessory Apartments. A single-family dwelling may be converted to allow the incorporation of one (1) additional dwelling unit as an affordable accessory apartment as defined in the Connecticut General Statutes (CGS) §8-30g(k) for a minimum of 10 years subject to Site Plan Approval by the Planning and Zoning Commission or its designee in accordance with §43, herein, and the following conditions.

The Planning and Zoning Director, after consultation with the Westport Housing Authority, shall annually publish a notice of the following:

- (i) the maximum rents that may be charged for affordable units (including common charges, if any, and heat and utility costs, which may be by a reasonable estimate, and excluding telephone and cable television); and
- (ii) the maximum allowed tenant income which is 80% of the state median income adjusted for family size as determined by the United States Department of Housing and Urban Development for the State of Connecticut.

***Requirements and Standards:***

(a) Each tenant's income shall not exceed 80% of the state median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the State of Connecticut, in accordance with CGS §8-30g. The rental charge for the apartment shall not exceed 30% of the renter's income.

(b) At least one dwelling unit in the converted single family house shall be owner-occupied. The single family house may also be owned by the Town of Westport or a non-profit corporation having offices located within the Town of Westport for at least 5 years prior to the date of application. Occupancy of the dwelling units in the home owned by the non-profit must be by their employees. Any such dwelling unit approved shall comply with the standards of this section.

(c) An affordable accessory apartment must meet the requirements listed in CGS §8-30g (k) which are as follows:

- (i) Be attached to the main living unit of a house and the house must have the exterior appearance of a single family home;
- (ii) Have a full kitchen;
- (iii) Have an internal doorway connecting to the main living unit of the house;
- (iv) The utilities must not be billed separately from such main living unit; and
- (v) The apartment must comply with building code and health and safety regulations.

(d) The affordable accessory apartment unit shall have a minimum of 300 square feet and shall not exceed 800 square feet of floor area, or 25% of the total floor area in the dwelling, whichever is smaller. See §5 for definition of Floor Area.

(e) The owner at the time that any new tenant takes occupancy shall sign and file with the P&Z Commission an Affidavit in the form prescribed by the Commission certifying that:

(i) the Affidavit accurately sets forth the rent to be charged and paid and such rent does not exceed the maximum allowable rent published by the Planning and Zoning Director annually; and

(ii) the tenant has certified under penalty of false statement either in the lease or otherwise to the owner that tenant's family income does not exceed the maximum allowed tenant income.

(f) It shall not be a violation of this Section that a tenant's income exceeds 80% of the state median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the State of Connecticut, after initial occupancy provided that the tenant meets all requirements at the time of initial occupancy until the next annual certification.

(g) Pursuant to §43-3 all applications for Site Plan review shall contain the signature(s) of the owner(s), or a letter of authorization by the property owner.

(h) If the property is not on Town sewers, the property owner or his designee must obtain the Health Department approval of the septic system. If the property is on Town sewers, proof of the sewer hook up must be submitted to the Planning and Zoning Office by the property owner or his designee.

(i) Proof of adequate parking must be submitted to the P&Z Office by the property owner or his designee. One parking space for the converted unit is required.

(j) The following must be filed on the Land Records of the Town of Westport in the Town Clerk's Office prior to the issuance of the Zoning Permit:

(i) The resolution of approval of the affordable accessory apartment and

(ii) a Declaration of Restriction in the form prescribed by the P&Z Commission and approved by the Town Attorney and which includes language stating that the Declaration of Restriction cannot be released without the consent of the P&Z Commission of the Town of Westport, or their designee, and only under certain circumstance.

(k) Annual Certification - A certificate in the form of a notarized affidavit stating the name of the tenant renting the affordable unit, verifying that the primary unit continues to be owner-occupied, and that the rent does not exceed the maximum allowable rent in effect as of January 1 of that year as published by the Planning and Zoning Director. Thereafter, the principal owner shall submit such notarized affidavit to the Zoning Enforcement Office by January 31st of each year as a requirement for the continuance of the Zoning Permit. If the accessory apartment is not being used as a separate dwelling unit, the property owner must submit a notarized affidavit stating that the apartment is not in use.

11-2.4.12C Conversion of an Accessory Apartment to an Affordable Accessory Apartment- When the owner of a dwelling with an accessory apartment wishes to change its status to an affordable accessory apartment, the owner of such dwelling may register it as a dwelling with an affordable accessory apartment upon compliance

with all the standards and requirements therefore in §11-2.4.12B, review and approval by the Planning and Zoning Commission or designee and the recording of a Declaration of Restrictions on the Land Records.

- 11-2.4.12D Conversion of an Affordable Accessory Apartment to an Accessory Apartment- At the end of the required 10-year period, if the owner of a dwelling with an affordable accessory apartment wishes to change its status to an accessory apartment or the apartment is for any reason no longer in compliance with the occupancy standards and requirements in this Section for such use, the owner of such dwelling may register it as a dwelling with an elderly accessory apartment upon compliance with all the standards and requirements therefore in §11.2.4.12A and upon review and approval by the Planning and Zoning Commission or designee such owner shall then record a Release of the Declaration of Restrictions on the Land Records.
- 11-2.4.12E Removal of Affordable Accessory Apartment - When an owner wishes to eliminate the affordable accessory apartment, proof of the removal of the second kitchen and the restoration of the apartment to its status before the conversion shall be submitted to the satisfaction of the Zoning Enforcement Officer. The owner shall also record a Release of the Declaration of Restrictions on the Land Records after inspection and confirmation by the Zoning Enforcement Officer.
- 11-2.4.12F Continuation of 10-year Time Period - At the end of the required 10-year period, the owner may choose to continue the use as an affordable accessory apartment per the requirements in §11-2.4.1B herein.
- 11-2.4.13 Apartments which have existed on a single family residential lot along with the single family dwelling prior to 10/1/59 may be allowed to continue to be used for separate dwelling purposes subject to site plan approval and the following conditions:
- (a) Qualifications - The property owner or his designee must provide confirmation on the 1959 Tax Assessor's card of the existence of more than one dwelling unit on the property as of 10/1/59 or two (2) affidavits and other valid information from Town or utility company records which confirms the existence of the dwelling unit as of 10/1/59 or an affidavit acceptable to the Commission by a person other than the property owner stating that such person had direct personal knowledge of the existence of a kitchen in the dwelling unit(s) in question prior to or on 10/1/59.
  - (b) If the property has a septic system, the property owner or his designee must obtain the Health Department approval of the septic system.
  - (c) If the property is on town sewers, proof of the sewer hook up must be submitted to the Planning and Zoning Office by the property owner or his designee.
  - (d) Floor plans of the apartment must be submitted by the property owner or designee to the Planning and Zoning Office.
  - (e) Review of the floor plans by the Building Department.
  - (f) Proof of adequate parking must be submitted to Planning and Zoning Office by the property owner or his designee.

- (g) The resolution of approval of the apartment must be recorded on the Land Records of the Town of Westport in the Town Clerk's Office.

**11-3 Lot Area and Shape (See Definitions)**

Each lot shall have a minimum area of two (2) acres (87,120 square feet) and shall be of such shape that a square with two hundred (200) feet on each side will fit on the lot.

**11-4 Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use, or accessory building or structure shall extend closer than fifty (50) feet from any street line or lot line.

**11-5 Height**

No principal building or other structure shall exceed three (3) stories and a height of forty (40) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8

**11-6 Coverage (See Definitions)**

The total coverage shall not exceed twenty-five percent (25%) of the area of the lot. Total coverage shall include 50% of the surface area of tennis courts.

**11-7 Building Area**

No mandatory requirement.

**11-8 Floor Area**

No mandatory requirement.

**11-9 Architectural Design**

No requirements.

**11-10 Signs**

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

**11-11 Parking and Loading**

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

**11-12 Landscaping, Screening and Buffer Areas**

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

**11-13 Open Space Subdivision**

Lot area, shape and setbacks for Open Space Subdivisions shall be in accordance with the requirements of §56 of the Subdivision Regulations.