

§32 SUPPLEMENTARY USE REGULATIONS

Each of the following uses is permitted in each district to the extent indicated for that use and district, subject to all provisions of the applicable district, except as specifically provided for in this section. Every application for the use of property subject to conditions set forth herein shall be filed in accordance with the provisions of these regulations, and shall be subject to approval by any commission, board or agency stipulated in this section.

32-1 Supportive Housing

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

32-1.1 Standards

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

- 32-1.1.1 Building coverage shall not exceed twenty percent (20%) of the lot area and the total coverage shall not exceed fifty-percent (50%) of the area of the lot.
- 32-1.1.2 On site parking shall be provided at a minimum of one parking space per dwelling unit.
- 32-1.1.3 The Front Landscaping Area standard of Section 35-2.2 may be reduced to twenty-five (25) feet by the Planning and Zoning Commission.
- 32-1.1.4 Public water and sewer must be available for the property, and all units must be connected to the sewer and water lines.

32-1.2 Density

- 32-1.2.1 A Supportive Housing building shall include not more than six (6) dwelling units and shall not contain more than ten (10) bedrooms. No unit shall have more than two bedrooms. There shall be one (1) building per lot. The maximum building size shall be 5,000 square feet of floor area, inclusive of garage area.
- 32-1.2.2 Unit sizes: The gross interior floor area per dwelling unit shall not exceed:
 - (a) 600 square feet for an efficiency unit;
 - (b) 850 square feet for a 1-bedroom unit; and
 - (c) 1,200 square feet for a 2-bedroom unit.

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

32-1.3 Affordable Housing Requirement:

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

32-1.4 Architectural Design

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

- 32-1.4.1 Pitched roof buildings shall be required.
- 32-1.4.2 Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.
- 32-1.4.3 Dwelling unit facades should be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit façade materials shall be utilized.
- 32-1.4.4 Buildings should be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

32-1.5 Landscaping, Screening and Buffer Areas

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

- 32-1.5.1 Refuse Areas
Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.
- 32-1.5.2 Mail Boxes
Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

32-1.5.3 Buffer Strip

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

32-1.6 Utilities

32-1.6.1 All utilities and conduits within the site for a multi-family Single Use Development shall be underground.

32-1.6.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

32-1.6.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town standards, subject to the approval of the Town Engineer.

32-1.6.4 Any development application for Supportive Housing use shall require the applicant investigate the existing capacity of the sewer collection and treatment system to accommodate any increase in sanitary sewer flow created.

32-1.7 Separating Distance and CAP

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

32-2 Elderly Housing - Municipal

32-2.1 Purpose

The purpose of this section of the regulations is to promote the public health, safety and general welfare of the community by providing decent, safe and sanitary housing units for elderly persons at reasonable rents in order to assure especially adapted housing facilities for elderly persons in the public interest by allowing multiple-family housing for elderly persons within the Town of Westport.

The rights, duties, privileges and obligations of these regulations shall be limited to the Westport Housing Authority, only, in order to provide "Housing for Elderly Persons" under §8-112A, et seq. of the Connecticut General Statutes. Such housing for the elderly shall be permitted as a municipal use subject to Site Plan and Special Permit approval in accordance with §43, and to the following standards, conditions and safeguards.

32-2.2 Permitted Uses

Construction of residential dwelling units for the elderly under this Section shall be permitted for detached dwellings, semi-detached dwellings, and attached dwellings such as garden apartments and townhouses, but not for hotels, motels, rooming, boarding and lodging houses or tourist homes. Each dwelling unit shall have one (1) or two (2) bedrooms. No dwelling unit shall have more than two bedrooms. Libraries, dens, studios or other similar rooms in any dwelling unit shall be construed to be bedrooms.

32-2.3 Accessory Uses

Necessary accessory buildings, structures and uses including, but not limited to, facilities for maintenance, administration, off-street parking, storage facilities, and those facilities necessary to the operation of utility systems serving the development may be permitted. Accessory buildings and structures, other than garages, shall not exceed 300 square feet of gross floor area, shall not exceed the allowable height, shall not be used or occupied as a rooming unit or a dwelling unit, and shall not include any use or activity conducted for gain or profit.

32-2.4 Location

Any development site shall be so situated that necessary facilities such as, but not limited to, medical, shopping, and public transit are easily accessible to the occupants of such developments. All buildings shall be connected to public sewer and public water. All sites shall have direct access to an improved public road.

32-2.5 Lot Area and Shape (See Definition)

Each development site shall have a minimum lot area of one (1) acre (43,560 square feet) and shall be of such shape that a rectangle (150' x 150') will fit on the lot.

32-2.6 Density

The maximum number of dwelling units shall not exceed twenty-five (25) bedrooms per acre.

32-2.7 Setbacks

Setbacks for buildings and other structures shall be determined by the physical site characteristics and surrounding buildings, structures and uses and shall include a minimum thirty-foot (30') front landscape area.

32-2.8 Height

No building or structure shall exceed a height of either 20 feet to the top of a flat roof or 25 feet to the mid-point of a pitched roof and 30 feet to the peak; except for an addition that matches the existing pitched, gable, or gambrel roof line of an existing building on that lot.

32-2.9 Coverage (See Definition)

The building coverage shall not exceed twenty-five percent (25%) and the total coverage shall not exceed sixty-five percent (65%) of the site area.

32-2.10 Distance Between Buildings

Each building, principal or accessory, shall be at least twenty feet (20') distant from any other building on the lot, as measured in a straight line between the nearest points of any two buildings.

32-2.11 Usable Open Space

Suitably equipped and adequately maintained recreation and open space shall be provided. At least 150 square feet of usable open space shall be provided on the site for each dwelling unit. Recreation areas shall be well designed to provide security and privacy.

32-2.12 Signs

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

32-2.13 Parking and Loading

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

- 32-2.13.1 Walks, ramps and driveways shall be safely designed. Handrails and ample places for rest shall be provided. Gradients of walks shall not exceed five percent (5%).
- 32-2.13.2 All parking areas and active recreation areas, shall not be less than ten (10) feet from any building or thirty (30) feet from any front lot line and ten (10) feet from any rear and side lot lines. Open parking areas, including accessways and driveways, shall be paved with hard-top surfaces upon a suitable subgrade in accordance with Town road standards. The pavement area shall be adequately drained so as to prevent excessive accumulations of water, snow and ice.
- 32-2.13.3 There shall be provided a safe and convenient system of drives, service access roads and walks, designed with such items as handrails and ramps. Such facilities shall be adequately lighted and said lighting shall not be directed onto adjacent streets or properties.

32-2.14 Landscaping, Screening and Buffer Areas

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

32-2.15 Refuse Areas

Refuse collection areas shall be established and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.

32-3 Hospitals and Other Medical Institutions

Public and private hospitals and other medical institutions licensed by the State of Connecticut, such as homes for the aged, rest homes, nursing homes, and multi-care institutions are permitted in any Residence District subject to Special Permit and Site Plan approval in accordance with §43, and the following conditions:

32-3.1 Certificate

A valid "Certificate of Need" as issued by the State of Connecticut shall be submitted with the application.

32-3.2 Streets

The site shall have direct access to an improved public arterial street as defined in Town Plan.

32-3.3 Utilities

All buildings on the site shall be connected to public sanitary sewers and public water.

32-3.4 Lot Area

The site shall have a minimum area of not less than twice the minimum required lot area in the applicable zoning district.

32-3.5 Density

No site shall exceed a density of 20 beds per acre and no site or building shall accommodate more than 120 beds including staff and resident accommodations and not more than one (1) dwelling unit for a resident manager.

- 32-3.5.1 A project of 40 beds or more shall only be permitted either on a site with at least 100 feet of frontage on a public street within a commercial zone or within an existing building (or buildings) containing 20,000 square feet or more of gross interior floor space.
- 32-3.5.2 An existing hospital or other medical institution may replace its building or buildings as long as :
 - (a) the buildings have been occupied by the existing hospital for a minimum of ten years, and
 - (b) the replacement building [s] complies with all applicable zoning regulations, and
 - (c) the replacement floor area does not cause an increase in excess of 15% of the existing gross interior floor area of the buildings used for hospital purposes on the site as of September 1, 1999.

32-3.6 Bedrooms

No bedrooms shall exceed 250 square feet of floor area per bed and there shall be no kitchen facilities in any bedroom.

32-3.7 Usable Open Space

At least 150 square feet of usable open space shall be provided on the site for each bedroom.

32-4 Storage of Commercial and Recreational Vehicles

Except as otherwise provided for in these regulations, not more than one (1) registered commercial vehicle or vehicle used for commercial purposes, not more than two (2) registered recreational vehicles, campers or boats, and not more than one (1) unregistered motor vehicle, shall be garaged, stored or parked consistently on a residential premises. Such a commercial vehicle shall not exceed one-ton rated capacity if a pickup truck or van, or one and one-half yard capacity dump truck. The registered commercial vehicle or vehicle used for commercial purposes shall be owned or used by the resident of the premises for use in employment. Recreational campers and boats and unregistered vehicles shall be owned by the resident or owner of the premises on which they are stored.

Such commercial, recreational and unregistered vehicles shall not be located in the front yard area and shall be garaged or suitably screened from view on all sides during all seasons of the year. There shall be no mechanized construction equipment stored on a residential premises.

32-5 Junkyards

Junkyards or the storage of scrap or other waste material, other than a municipal solid waste disposal site, shall be prohibited; except that the storage of scrap salvage or other materials, the storage of not more than one unregistered motor vehicles, or the repair of automobiles or other vehicles owned by the resident or owner of the premises may be permitted outdoors on a residential lot provided that such outdoor storage or repair area shall be no greater than 200 square feet in size, shall not be located in the front yard area, and shall be screened from view on all sides during all seasons of the year. Such accessory use shall not be permitted for commercial purposes.

32-6 Outdoor Storage and Display

Outdoor storage and display is permitted as an accessory use in all Non-Residential Districts except DDD and HDD, subject to Site Plan approval in accordance with §43, herein, and the following conditions:

32-6.1 All outdoor storage and display areas shall: not be visible from any adjoining Residence District, not obstruct or impair vehicular or pedestrian traffic, not reduce or impinge upon required off-street parking or loading spaces, be maintained in a clean and attractive manner, and cannot be located in the front landscape area.

32-6.2 Truck trailer storage shall be restricted to a designated loading area. No such trailer shall be stored for more than seven (7) days unless a Temporary Zoning permit is authorized by the Administrative Review Committee pursuant to §43-15 and 45-4, herein. No such permit shall be valid for more than ninety (90) days. Retail sales are not permitted from a stored trailer. A trailer shall be a vehicle mounted on an axle with wheels for transport on the public highways.

32-7 Prohibited Uses

The following uses and activities are expressly prohibited in any zoning district within the Town of Westport.

- 32-7.1** Any use which is toxic, noxious, offensive, or objectionable by reason of the emission of smoke, dust, gas, odor, or other form of air pollution; or by reason of the deposit, discharge, or dispersal of liquid, solid or toxic waste, in any form, in a manner or amount so as to cause damage to the soil or any stream or to adversely affect the surrounding area; or by reasons of the creation of any periodic and/or abnormal noise, vibration, electro-magnetic or other disturbance perceptible beyond the boundaries of the lot on which it is situated; or by reason of illumination by artificial light or light reflected beyond the limits of the lot on, or from which, such light or light reflection, emanates; or which involves any dangerous fire, explosive, radioactive or other hazard, or which can cause injury, annoyance, or disturbance to any of the surrounding properties, or to their owners and occupants.
- 32-7.2** Tourist cabins, trailers, or mobile home camps or parks or any use of trailers, mobile homes, campers, or boats for human habitation , except as provided in §16, herein.
- 32-7.3** The use of any building, structure or land for the purpose of gambling houses; gambling with tables, slot machines, video machines or other devices whether mechanical or electronic; gambling at cards, dice or pool; casino gambling; lottery and numbers games, except as authorized by the State of Connecticut or any other State; teletrack betting; off-track betting; race track betting (dog, horse, auto or other); jai alai frontons; or other similar games of chance, betting activities and/or gambling uses; provided that nothing herein shall prohibit activities such as bingo, bazaars, raffles or charitable "casino nights" by not-for-profit and tax exempt organizations.
- 32-7.4** Satellite dishes and/or dish type antennas shall be prohibited on or attached to the exterior of any building or structure except for disc type antennas less than two feet in diameter.
- 32-7.5** The use of any multiple family dwelling unit for any home occupation use shall be prohibited.

32-8 *Excavation and Filling of Land*

Within the Town of Westport the excavation of land, stockpiling of earth products on a site and/or filling of land with earth products such as, but not limited to: topsoil, loam, sand, gravel, clay, stone minerals or fuel is permitted in any Zoning District subject to Special Permit and Site Plan approval in accordance with §43, provided however that the following shall be exempt from the Special Permit Requirements:

32-8.1 Exemptions

- 32-8.1.1 Excavations or filling of earth products in connection with and clearly essential to the construction or alteration of a building or structure on the same premises, provided a sewer, health, wetland, zoning or building permit has been issued for such construction or alteration, and such work is specified in said permit.

- 32-8.1.2 Construction, grading or changing of contours in accordance with plans for the same that have been approved by the Planning and Zoning Commission, covering the roads, lots and other improvements in an approved subdivision. Any excavation or filling beyond the limits shown in the approved plans of the Planning and Zoning Commission's action shall require a permit as outlined in this Section.
- 32-8.1.3 The construction of a swimming pool or underground shelter for which a zoning permit has been issued, or a wall, driveway, fence or other special appurtenances to the use of land in question or the placement of utility lines or services. Incidental filling, grading or excavating in connection with maintenance, repairs, or minor improvements to property or customary landscaping shall be exempt from permit requirements.
- 32-8.1.4 If excavation or regrading under any of the foregoing exceptions is carried on in a manner so as to circumvent the protection of property sought by the provisions of this regulation or so as to appreciably change the groundwater table or alter natural drainage basins or flow in a manner not commensurate with public health, safety and welfare, the Zoning Enforcement Officer or the Planning and Zoning Commission shall issue a cease and desist order and require the owner to remedy the violation.

32-8.2 Excessive Fill Regulation

The purpose of this Section is to limit the total amount of fill material that can be placed on any lot in order to restrict the development of those parcels of land where an excessive amount of fill would be necessary in order to make the land developable and to prevent adverse drainage impacts on surrounding properties resulting therefrom:

- 32-8.2.1 Excessive Fill
 - (a) In any Residential Zoning District, the maximum amount of fill material permitted on any lot of 8,000 square feet or more in area shall not exceed an amount greater than that required to raise said parcel ten (10) feet above the existing natural grades over an area equal to the maximum allowable coverage in the respective zone.
 - (b) In any Commercial Zoning District, the maximum amount of fill material permitted on any lot of 8,000 square feet or more in area shall not exceed an amount greater than that required to raise said parcel ten (10) feet above the existing natural grades over an area equal to the maximum allowable building coverage in the respective zone.
 - (c) For lots with fewer than 8,000 square feet in a Residential or Commercial Zone, the maximum amount of fill material shall not exceed 1,100 cubic yards.
- 32-8.2.2 Formula

The following formula shall be used to compute the maximum allowable fill amount: Lot Area (square feet) X Total Coverage in Residential Zoning District or Building Coverage in Commercial Zoning District X ten (10) feet divided by 27 cubic feet/1 cubic yard = maximum allowable fill in cubic yards.

- 32-8.2.3 **Maximum Fill Height and Quantity**
No portion of any lot shall be filled to a height greater than ten (10) feet above the existing natural grade. On any lot the total allowable quantity of fill permitted under §32-8.2, above, shall exclude any fill that is required by the WWHD under §32-8.2.4 below.
- 32-8.2.4 **Limitation of Fill for Septic Systems**
In instances where fill material is expressly required by Westport-Weston Health District for a septic system, both primary and reserve areas, the total area to be filled for septic purposes shall not be raised more than 4.0 feet above the existing natural grades at the time of application for either a Zoning Permit, Site Plan, Special Permit or Subdivision Application; except that the total amount of fill shall not exceed 1,185 cubic yards, based on an area of 100 feet X 80 feet = 8,000 square feet X 4 feet = 32,000 divided by 27 = 1,185 cubic yards.
- 32-8.2.5 **Maximum Fill Height For Septic Systems**
When fill is required for a septic system, no portion of any lot shall be filled to a height greater than four (4) feet above the existing natural grade. The amount of fill permitted for a septic system shall be allowed exclusive of any fill allowed under §32-8.2, above.
- 32-8.2.6 **Total Maximum Fill**
The combined total maximum allowable quantity of fill on any lot shall not exceed the sum of the maximum quantities of fill allowed under §32-8.2 and 32-8.2.5, above.
- 32-8.2.7 **Natural Existing Grades**
The natural existing grades shall be either the contour of elevations as shown on the 1 foot = 100 feet scale Inland Wetland Map with two (2) foot contour, adopted 3/30/83, and as may be amended from time to time, or the contour elevations and/or spot elevations as shown on an existing conditions survey map prepared by a Registered Land Surveyor. Said contours or spot elevations shall be based on Mean Sea Level (MSL) datum.

32-8.3 Standards

The proposed excavation or filling project, if approved, shall conform to the following standards:

- 32-8.3.1 The premises shall be excavated and graded in conformity with the proposed contour plans as approved.
- 32-8.3.2 Manmade earth slopes shall not exceed twenty (20) degrees to the horizontal (2.75 horizontal to 1.0 vertical) within 25 feet of any lot line and slopes shall not exceed thirty (30) degrees to the horizontal (2 horizontal to 1 vertical) over remainder of the property to be excavated. Man-made rock slopes shall not exceed 1 horizontal to 12 vertical and shall be subject to the approval of the Town Engineer.

- 32-8.3.3 No equipment other than for digging, drilling, leveling and bringing in or carting away excavating material or fill shall be maintained on the premises.
- 32-8.3.4 No processing of earth of any kind shall be conducted on the site.
- 32-8.3.5 No permanent building in connection with the project shall be erected on the premises.
- 32-8.3.6 There shall be no sharp declivities, pits or depressions.
- 32-8.3.7 Proper surface drainage shall be provided and groundwater shall not be polluted.
- 32-8.3.8 After excavation or filling, the premises shall be cleared of debris and temporary structures within the time provided in the permit.

32-8.4 Restoration Plan

As part of the Site Plan, the applicant shall submit a Restoration Plan showing final grading and landscaping and whatever other information is necessary to indicate how the site will be restored to permit future development of the site. Restoration shall include:

- 32-8.4.1 A layer of arable soil of reasonable depth to be spread over the premises upon the completion of the excavation or filling operation in accordance with approved contour lines.
- 32-8.4.2 A suitable ground cover planted and grown to an erosion resistant condition.

32-8.5 Considerations Affecting Approval

In reviewing all plans, the Commission shall take into consideration the public health, safety and welfare, the general objectives of Site Plan Review and the following specific considerations:

- 32-8.5.1 The Commission shall consider the location, intensity and type of operation contemplated in each application. The Commission may impose conditions for safety of operations and to prevent damage to adjacent lands or improvements, including the specifications of appropriate performance standards.
- 32-8.5.2 Filling with and/or removing earth products shall be restricted to areas which have access to roads of sufficient width and capacity to carry maximum projected loads. When alternate routes are available, truck traffic shall avoid routes which require passage through residential areas.
- 32-8.5.3 Locations shall be avoided where it is anticipated that the activity may cause slides, sinking, collapse of supporting soil, erosion by wind or water, water pollution, undue alterations of the water table of adjoining properties or any other deleterious effects.

- 32-8.5.4 Activities shall also be reviewed with respect to the condition of the site after completion of the operation and the relationship of that site to existing and permitted development in the general area in which the site is located. The applicant's proposed Restoration Plan for the site must demonstrate the extent to which the site can, and reliably will, be restored to condition, and will facilitate the development of the general area. For this purpose, the Commission shall exercise judgement as warranted by the circumstances of each case to impose conditions including but not limited to:
- (a) Grading and landscaping requirements.
 - (b) Limitation on the months of the year, days of the week, and hours of the day during which any work may be performed on the premises.
 - (c) Limitations as to the size and type of machinery used on the premises.
 - (d) Place and manner of disposal of excavated materials, and/or source and variety of fill materials to be brought onto the premises.
 - (e) Requirements for the control of dust, noise, fumes and lighting.
 - (f) The applicant shall post a bond with the Commission in accordance with §43-13 and 43-14, herein.

32-8.6 Administrative Excavation/Fill Permit

In certain cases where the area to be excavated, stockpiled or filled does not exceed five thousand (5,000) square feet or one thousand (1,000) cubic yards, whichever is less, and such material does not exceed a height of 10 feet above the existing natural grade at the time of application, an administrative excavation/fill may permit for such excavation or filling be issued by and upon the unanimous decision of the full Administrative Review Committee authorized under §43-14.3, subject to all considerations and conditions of approval as set forth in this Section with the following exceptions:

- 32-8.6.1 No administrative permits may be issued for a period of longer than six (6) months. An Administrative Permit may be renewed for only one additional six month period.
- 32-8.6.2 A bond may be required in accordance with §43-12 and 43-13 herein.
- 32-8.6.3 The application shall be accompanied by 3 copies of a plot plan showing all buildings and structures, all wetlands, watercourses and waterbodies, the location, size and nature of the disturbed area, existing and proposed contours, grades or elevations, square feet of area, and cubic yards of material.
- 32-8.6.4 The applicant shall submit a list of names and addresses of all property owners within 250' of the subject property and stamped envelopes addressed to the applicant and each such property owner as shown on the tax assessment records as of the date of the application submission.

32-8.6.5 The Administrative Review Committee shall grant or deny an administrative permit within sixty five (65) days of the date of receipt of a complete and proper application.

32-9 Refuse Disposal (Dumpsters and Compactors)

The use of commercial dumpsters, as opposed to typical garbage cans, for refuse collection may be permitted outdoors on a lot in any zoning district provided that such commercial dumpster shall not be located within any required setback area in a Residential Zone nor within any required Front Landscaping Area or Buffer Strip in any other Zone, shall be covered with a lid or roof structure, and shall be suitably screened from view on all sides during all seasons of the year. (Also see §34-11.14, Design and Access to Dumpster Area)

32-10 Home Caterers

A single-family dwelling on at least a 1/2 acre lot may be permitted a second kitchen to be used solely for home catering or professional cooking by the resident owner of the business in a Residence District subject to a Special Permit and Site Plan approval in accordance with §43, herein and the following conditions:

32-10.1 Qualification

The second kitchen shall be located wholly within the principal building and shall have a license from the Westport-Weston Health District. The owner of the property must consent to the application for a second kitchen and acknowledge the owner's obligation to remove the second kitchen within 30 days after the expiration or revocation of a Special Permit as required under § 32-10.7.

32-10.2 Occupancy

The principal dwelling shall be occupied by the principal resident owner of the business during the duration of the Special Permit.

32-10.3 Operation

The home catering use shall permit the preparation of food on, and the delivery of food from the premises. The hours of operation shall be limited to the period from 8:00 A.M. to 8:00 P.M. unless otherwise approved by the Commission. No more than one (1) full-time or part-time person shall be permitted in addition to the resident owner of the business conducting the home catering use. No food shall be sold to or consumed by customers on the premises.

32-10.4 Floor Area

The home catering use including the additional kitchen and related work area shall not exceed 600 square feet of floor area.

32-10.5 Signs and Parking

Advertising signs shall be permitted on the premises in accordance with §33-5.1.1, herein. Off-street parking shall be provided in accordance with § 34, herein. One commercial vehicle may be permitted on the lot subject to the provisions of §32-4, herein.

32-10.6 Certification

Prior to the issuance of a Zoning Permit, a certificate in the form of an affidavit to verify that the principal resident owner of the business is in residence and that the home catering use is licensed by the WWHD shall be presented to the Planning and Zoning Commission. Thereafter, the principal resident owner of the business shall submit a notarized affidavit to the ZEO by January 31st of each year as a requirement for the continuation of the Special Permit.

32-10.7 Expiration

Within 30 days after the expiration or revocation of a Special Permit for a home catering use, the then owner of the property shall physically remove from the dwelling, at his/her expense, the kitchen used for home catering.

32-11 Group Home for Elderly

A single-family dwelling on at least a one (1) acre lot may be used as a group home for a limited number of unrelated elderly persons as living quarters in a Residence District subject to a Special Permit and Site Plan approval in accordance with §43, herein, and the following conditions:

32-11.1 Qualification

No single-family dwelling shall qualify under these regulations unless each such single-family dwelling and all additions thereto, except such structures as may be required for the Fire Safety Code, shall have been on the Assessor's list as of Oct. 1st at least 5 years before the date of application.

32-11.2 Occupancy

A group elderly home shall include a resident occupied dwelling unit with guest rooms for not more than six (6) elderly persons wholly within a single-family dwelling that is occupied by the principal owner or by a non-profit corporation. No such group home shall be occupied by more than eight (8) persons.

32-11.3 Signs and Parking

Advertising signs shall be permitted on the premises in accordance with §33, herein. Off-street parking shall be provided in accordance with §34, herein.

32-11.4 Certification

Prior to the issuance of a Zoning Permit, a certification in the form of an affidavit to verify that the principal owner or non-profit corporation is in residence, that the occupants of the group home are of age and that the number of occupants is permissible shall be presented to the Planning and Zoning Commission. Thereafter, the principal owner or non-profit corporation shall submit such notarized affidavit to the ZEO by Jan. 31st of each year as a requirement for the continuance of the Special Permit.

32-11.5 CAP

No more than 5 such group homes for the elderly shall be permitted within the Town of Westport.

32-12 Two-family and Multi-Family Dwellings

Two-family and multi-family dwelling units may be permitted in any RPOD, RORD, BPD, RBD, BCD and DDD #2 Commercial Zones subject to a Special Permit and Site Plan Approval in accordance with §43, herein, all applicable provisions of the underlying zoning district, and the following additional standards and safeguards.

32-12.1 Lot Area and Shape

Any lot to be utilized for a two-family or multi-family Single Use Development, as defined herein, shall have a minimum area of 3/4 acre (32,670 square feet) and a minimum frontage of 150 feet on a public street.

32-12.2 Density

- 32-12.2.1 The maximum allowable density shall not exceed 20 bedrooms per gross acre.
- 32-12.2.2 The minimum number of dwelling units shall not be less than 5 units for any Single Use Development or Multiple Use Development project as defined herein; except that a lesser number of units may be permitted for a change of use within an existing building.
- 32-12.2.3 For the purpose of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom.

32-12.3 Setbacks

No principal or accessory building or structure in a multi-family, Single Use Development, as defined herein, shall extend closer than:

- (a) 30 feet from any street line;
- (b) a distance equal to the height of the building, but not less than 15 feet, from any side lot line; and
- (c) 15 feet from any rear lot line.

32-12.4 Building Spacing

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

32-12.5 Floor Area

- 32-12.5.1 Unit types: Residential dwelling units shall be limited to efficiency, one-bedroom and two-bedroom units.
- 32-12.5.2 Unit sizes: The gross interior floor area per dwelling unit shall not exceed:
 - (a) 600 square feet for an efficiency unit;
 - (b) 850 square feet for a 1-bedroom unit; and

- (c) 1,200 square feet for a 2-bedroom unit. The gross interior floor area of a unit shall exclude garage parking spaces, common storage areas, common stairs, common halls, common foyers and other similar spaces used in common.

32-12.5.3 Floor Area Ratio (FAR)

No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR of 0.35, except in the BCD zone. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for non-residential uses, shall be used for dwelling(s) units only. Floor area used for parking and loading shall be excluded from the FAR.

32-12.6 Architectural Design

Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials should be utilized. Multi-family, Single Use Developments shall have a pitched roof design and shall have staggered or off-set unit facades of not less than 10 feet in depth over a minimum length of 20 feet.

32-12.7 Landscaping, Screening and Buffer Areas

- 32-12.7.1 Refuse Areas: Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.
- 32-12.7.2 Mail boxes: Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.
- 32-12.7.3 Buffer Strip: For any multi-family Single Use Development, the minimum planted buffer strip required under §35, herein, may be extended along any side or rear lot line located between the dwelling units and any adjoining non-residential use or vacant lot.

32-12.8 Utilities

- 32-12.8.1 All utilities and conduits within the site for a multi-family Single Use Development, shall be underground.
- 32-12.8.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.
- 32-12.8.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

32-12.9 Change of Use

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

32-13 Group Home for Youth

A single-family dwelling or Town-owned building on at least a one-acre lot may be used as a group home for a limited number of unrelated youth, as living quarters in a Residence District, subject to a Special Permit and Site Plan approval in accordance with §43, herein, and the following conditions:

32-13.1 Qualifications

No single-family dwelling or Town-owned building shall qualify under these regulations unless each such building and all additions thereto, except such structural additions as may be required for the Fire Safety Code, shall have been on the Assessor's list as of October 1st at least 5 years before the date of application.

32-13.2 Occupancy

A group home for youth shall include a resident occupied dwelling unit with guest rooms for not more than eight (8) youth wholly either within a single-family dwelling that is occupied by the principal owner or non-profit corporation or is located within a Town-owned building. Priority shall be given to children of Westport residents whose age does not exceed 19 years. No such group home shall be occupied by more than 8 youth and 3 staff for a total of not more than 11 persons.

32-13.3 Supervision

The youth in said home shall be supervised, at all times, by on-premise staff persons of at least 21 years of age according to the following standards:

- (a) at least one (1) staff person for every four (4) youth or fewer; and
- (b) at least one (1) staff person at night.

32-13.4 Signs and Parking

Advertising signs shall be permitted on the premises in accordance with §33, herein. Off-street parking shall be provided in accordance with §34 herein.

32-13.5 Certification

- 32-13.5.1 Any such home for the youth shall obtain a license for a group home from Conn. Dept. of Children and Youth Services (DCYS) within one year of the granting of a Special Permit or said Special Permit shall become null and void.
- 32-13.5.2 The Planning and Zoning Commission may authorize the issuance of a Temporary Zoning Permit for 6 months, renewable for one additional 6 month period, pending receipt of the license from Conn. DCYS.
- 32-13.5.3 Prior to the issuance of a final Zoning Permit, a certification in the form of an affidavit and appropriate supporting documents shall be submitted within one year to the Zoning Enforcement Office to verify:
 - (a) that the principal owner of the single-family dwelling or the non-profit corporation is in residence or that a valid lease is in effect for a Town-owned building;
 - (b) that the occupants of the group home are of age;

- (c) that the number of occupants is permissible; and
- (d) that the group home has a valid and current license from the Conn. DCYS. Thereafter, the principal owner, non-profit corporation or lessee shall submit such notarized affidavit to the Zoning Enforcement Office by January 31st of each year as a requirement for the continuance of the Special Permit.

32-13.6 CAP & Spacing

No more than three (3) group homes for the youth shall be permitted within the Town of Westport. No such group home shall be located within a radius of 1,000 feet from another group home for the youth.

32A-13 Residential Facility for School-Based Education Program

A single-family dwelling or Town-owned building may be used as a Residential Facility for School-Based Education Program, on a minimum one-half (1/2) acre lot, for a limited number of unrelated youth, as living quarters in a Residence District, subject to a Special Permit and Site Plan approval in accordance with §43, herein, and the following conditions:

32A-13.1 Qualifications

Any single-family dwelling or Town-owned building shall qualify under these regulations provided that each such building shall have been on the Assessor's List as of Oct. 1st at least 5 years before the date of application. Additions to such buildings are permitted that meet all regulations applicable to the underlying zoning district, subject to review by the Architectural Review Board and Special Permit and Site Plan approval from the Planning and Zoning Commission.

32A-13.2 Occupancy

A Residential Facility for School Based Education Program shall include a resident occupied dwelling unit with guest rooms for not more than eight (8) high school-aged youth who will attend the local public high school, wholly within a single-family dwelling that is owned by a non-profit corporation or leased from the Town by a non-profit corporation. Said non-profit corporation shall be chartered by the State of Connecticut for educational purposes and shall be affiliated with a national non-profit corporation chartered for educational purposes which has been in existence for at least 5 years before the date of application. The total number of resident staff and their immediate family shall not exceed four (4). If one of the family members is of high school age that family member then is counted as one of the eight (8) permitted high school-aged students.

32A-13.3 Supervision

The youth in said residential facility shall be supervised by one or more resident staff persons of at least 21 years of age, who are employed by the non-profit corporation.

32A-13.4 Signs and Parking

Advertising signs shall be permitted on the premises in accordance with §33, herein. Off-street parking shall be provided in accordance with §34 herein.

32A-13.5 Certification

32A-13.5.1 Prior to the issuance of a Zoning Permit, a certification in the form of an affidavit and appropriate supporting documents shall be submitted to verify:

- (a) that the principal owner of the single-family dwelling or lessee of a Town owned building is the non-profit corporation;
- (b) that the youth are of high school age and are attending the local public high school; and
- (c) that the total number of occupants is permissible.

32A-13.5.2 Annual certification is required in accordance with §32A-13.5.1. The non-profit corporation that submitted the Special Permit application shall submit such notarized affidavit to the Zoning Enforcement Officer by January 31st of each year as a requirement for the continuance of the Special Permit.

32A-13.6 Cap and Spacing

No more than two (2) residential facilities for school based education programs shall be permitted within the Town of Westport. No such facility shall be located within a radius of 1,000 feet from another Residential Facility for a School Based Education Programs or from a Group Home for Youth.

32-14 Conversion Of School Buildings To Housing

32-14.1 Purpose

It is the purpose of this section to address the need of the Town of Westport for additional multi-family housing. This Regulation is intended to promote the health, safety and general welfare of the community by authorizing the conversion of existing large municipal school buildings with at least 25,000 square feet of gross interior floor space into decent, safe and sanitary owner-occupied multi-family, dwelling units in a cooperative and/or condominium form of ownership, only.

32-14.2 Permitted Uses

Conversion of existing municipal school buildings to cooperative or condominium, owner-occupied, multi-family dwelling units shall be permitted under this Section, subject to a Special Permit and Site Plan approval in accordance with §43 and §44 of these Regulations. Hotels, motels, rooming, boarding and lodging houses or tourist homes shall not be permitted. There shall be no new principal buildings constructed on the site. The existing building may be expanded only to allow necessary ramps, staircases, elevator towers and similar service facilities.

32-14.3 Accessory Uses

Necessary accessory buildings, structures and uses including, but not limited to, facilities for recreation, maintenance, administration, off-street parking, storage and utilities serving the development may be permitted.

32-14.3.1 Detached Garages: No garages, carports or other parking buildings shall be permitted.

32-14.4 Location & CAP

Any development site shall be so situated that public transit is directly available. All buildings shall be connected to public sanitary sewer and public water and shall be within 1,500 feet of an existing sewer. All sites shall have direct frontage upon and access to an improved public street. No more than three (3) existing municipal school buildings shall be permitted to be converted to housing within the Town of Westport.

32-14.5 Density

- a) The maximum number of dwelling units in the conversion project shall not exceed one (1) dwelling unit for each 800 square feet of gross interior floor area within the existing school building. The minimum required lot area shall not be less than 3,000 square feet of land for each dwelling unit. The overall project density shall not be greater than eight (8) dwelling units per gross acre, including both the project lot area and any contiguous town-owned recreational and/or open space lands associated with the existing school site.
- b) The types of units shall be limited to efficiency, one-bedroom and two-bedroom dwelling units, only.
- c) The gross interior floor area per dwelling unit shall not exceed: (1) five hundred (500) square feet for an efficiency; (2) eight hundred (800) square feet for a one-bedroom unit; and (3) one thousand (1,000) square feet for a two-bedroom unit; unless such parts of the existing building are otherwise arranged or designed to be reasonably, conveniently and safely transformed into slightly larger units.
- d) Not less than 40% of the total number of units in the building shall be efficiency and one-bedroom units.
- e) The gross interior floor area of a unit, shall exclude garage parking spaces, common storage areas, common stairs, common halls, common foyers and other similar spaces used in common.
- f) Libraries, dens, studios or similar rooms in any dwelling unit shall be counted as bedrooms.

32-14.6 Setbacks

No principal building, structure or use and no accessory building, structure or use shall extend closer than 30 feet from any street line and 25 feet from any side or rear property line; except in a Res. AAA Zone where all setbacks shall be at least 50 feet.

32-14.7 Height

The height of an existing school building or structure shall not be increased in the course of conversion except for necessary mechanical units, elevator shafts, skylights, solar panels and other similar features which shall not extend more than 4 feet above the height of the existing building. No accessory building or structure shall exceed a height of either 12 feet to the top of a flat roof or 16 feet to the peak.

32-14.8 Coverage (See Definitions)

The building coverage shall not exceed twenty-five (25) percent and the total coverage shall not exceed sixty-five (65) percent of the lot area.

32-14.9 Usable Open Space

Suitably equipped and adequately maintained recreation and open space shall be provided. At least 150 square feet of usable open space shall be provided on the site for each dwelling unit. Recreation areas shall be designed to provide privacy and security.

32-14.10 Signs

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

32-14.11 Parking and Loading

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

- 32-14.11.1 A safe and convenient system of drives, service access roads and walks shall be provided and shall be designed with amenities such as handrails and ramps. Such facilities shall be adequately lighted from low to medium height poles and said lighting shall be down-directed. Gradients of walks shall not exceed five (5) percent.
- 32-14.11.2 All parking areas, including aisles and driveways, shall be paved with hard-top surfaces upon a suitable subgrade. The pavement areas shall be adequately drained so as to prevent excessive accumulations of water, snow and ice.

32-14.12 Landscaping, Screening and Buffer Areas

Landscaping shall be provided in accordance with. §35 of the Supplementary Regulations.

- 32-14.12.1 Refuse collection areas shall be provided, screened, supplied with covered receptacles, and conveniently located to serve all dwelling units.
- 32-14.12.2 Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

32-14.13 Utilities

- 32-14.13.1 All utilities and conduits within the lot shall be underground.

32-14.13.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

32-14.13.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

32-14.14 Architectural Design

32-14.14.1 The building fenestration, facade and roof line shall be preserved.

32-14.14.2 All buildings shall be compatible with the existing architecture.

32-14.14.3 The historic and/or architectural integrity of the existing building shall be maintained.

32-15 Managed Residential Community

32-15.1 Purpose

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

32-15.2 Permitted Uses

Construction and operation of a Managed Residential Community, including the provision of Private Residential Units all as defined herein and in §5.2.

32-15.3 Accessory Uses

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

32-15.4 Location

A Managed Residential Community lot shall be located and have frontage on an arterial street as classified by the Planning and Zoning Commission in accordance with the Town Plan of Development. All buildings shall be connected to public sanitary sewer and public water.

These facilities shall not be located in Special Flood Hazard Areas A and V as shown on the FIRMs for Westport.

32-15.5 Lot Area, Shape and Frontage

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

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

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

32-15.6 Affordable Units

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

32-15.7 Density

- 32-15.7.1 The maximum allowable density shall not exceed 15 residential units per gross acre in any permitted zoning district (see §32-15.7.2) . Units shall not contain more than two (2) bedrooms. For the purposes of these regulations, libraries, dens, studios, studies, lofts and other similar spaces within private residential units shall be deemed to be bedrooms.
- 32-15.7.2 The total number of residential units shall not exceed 90 on a site of 8 acres or less, 105 units on a site 8 acres up to 9 acres, and 115 units on a site over 9 acres on any Managed Residential Community site, plus bonus units.
- 32-15.7.3 The total aggregate number of residential units permitted on all Managed Residential Community sites shall not exceed 300 units including bonus units, under these Managed Residential Community Regulations.

32-15.8 Setbacks

- 32-15.8.1 Minimum setbacks from lot lines for principal and accessory buildings or structures shall conform to the following:

ZONE	FRONT	SIDE	REAR
AAA, AA, A, PRD and any properties abutting a residential zone	100'	75'	75'
BCD, GBD, HDD, HSD, RBD, RORD, RPOD (except a structure must be setback 75' from any residential property	30'	30'	50'

line).

Split zones – for lots located in both commercial and residential zones, setbacks in the residential portion shall adhere to the standards for residential zones in §32-15.8.2.(a)

32-15.8.2 Minimum setbacks from lot lines for parking spaces and loading areas shall conform to the following:

ZONE	FRONT	SIDE	REAR
AAA, AA, A, PRD , and any properties abutting a residential zone	50'	35'	35'
BCD, GBD, HDD, HSD, RBD, RORD, RPOD	30'	25'	25'

Split zones - for lots in both commercial and residential zones, setbacks in the residential portion shall adhere to the standards for residential zones in §32-15.8.2

32-15.8.3 No setbacks shall be required from Zoning District Boundary Lines crossing the interior of the lot.

32-15.9 Height

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

32-15.10 FAR

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

32-15.11 Coverage

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

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

32-15.12 Unit Sizes

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

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

32-15.13 Useable Open Space

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

32-15.13.1 The land so set aside shall be graded, screened and landscaped, shall be of a passive recreation nature suited to the needs of the residents, and may include open interior courtyards. Such recreation areas shall be designed to provide security and privacy and to prevent the emission of objectionable noise and light onto abutting properties.

Useable Open Space must not have slope greater than 5% and shall be free of wetlands, ledge and rock outcroppings. Natural geologic features and specimen trees shall be preserved. Paved paths and site lighting for the benefit of residents shall be provided.

32-15.14 Signs

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

32-15.15 Parking and Loading

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

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

32-15.16 Landscaping, Screening and Buffer Areas

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

- 32-15.16.1 Refuse collection areas shall be provided, suitably screened, supplied with covered receptacles and conveniently located to serve the facility.
- 32-15.16.2 Ground mounted mechanical units or equipment shall not be located within any setback area or buffer area and shall be suitably screened.
- 32-15.16.3 Exterior site lighting shall be adequate for public safety and resident security. Pole lights shall be limited to a height of 16 feet with down-directed fixtures. Spotlights on the building are prohibited.

32-15.17 Architectural Design

The architectural design, including the exterior building material, color, roof line and building elevations shall be residential in character and compatible in scale with the neighborhood so as to protect property values and preserve and improve the appearance and beauty of the community.

- 32-15.17.1 No wall of any building shall exceed 50 feet in length in an unbroken plane without an off-set of at least five (5) feet;
- 32-15.17.2 Rooftop mechanical equipment shall be adequately screened except for energy conservation systems such as solar energy panels;
- 32-15.17.3 All buildings shall have pitched roofs;

- 32-15.17.4 If more than one building is constructed on a single lot, they shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the height of such adjacent buildings except for connecting corridor links of at least 20 feet in length and at least 8 feet in width.

32-15.18 Utilities

- 32-15.18.1 All utilities and conduits within the lot shall be underground.
- 32-15.18.2 All buildings on the lot shall be connected to public sanitary sewers and served by a public water supply.
- 32-15.18.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town standards, subject to the approval of the Town Engineer.

32-16 Commercial Wireless Telecommunication Service Facilities

32-16.1 Purpose

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

- 32-16.1.1 Accommodate the need for wireless telecommunications antennas while regulating their location and number:
- 32-16.1.2 Minimize adverse visual effects of wireless telecommunications antennas and antenna or wireless telecommunication towers through proper design, siting and vegetative screening;
- 32-16.1.3 Avoid potential damage to adjacent properties from antenna or wireless telecommunication towers and falling ice through their proper siting and engineering;
- 32-16.1.4 Encourage the joint use of any new antenna or wireless telecommunication tower;
- 32-16.1.5 Preserve the character, appearance and property values within the Town of Westport while allowing adequate commercial wireless telecommunication service facilities to be developed;
- 32-16.1.6 Protect the scenic, historic, environmental and natural resources of the community; and
- 32-16.1.7 Lessen potential adverse effects of commercial wireless telecommunication service facilities by minimizing the total number and height of such facilities, maximizing the use of existing structures in commercial districts for such facilities and by requiring providers to share locations where feasible.

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

32-16.2 Location

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

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

- 32-16.2.1 Commercial wireless telecommunication service facilities shall be located on existing structures, such as existing buildings, water towers, utility poles or existing telecommunications facilities, provided that such installation preserves the character and integrity of those structures. These telecommunication service facilities shall be camouflaged. Existing telephone and electric utility structures also need to be considered as sites for one or more commercial wireless telecommunications service facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.
- 32-16.2.2 If the applicant provides proof that it is not feasible to locate on an existing structure, commercial wireless telecommunication service facilities shall be designed so as to be camouflaged. The applicant shall use compatible building materials and colors, screening, landscaping and placement within trees, or shall disguise the structure to resemble a tree or structure compatible with the site.
- 32-16.2.3 The applicant shall submit documentation indicating Federal Communication Commission licensure supporting the legal right to install and use the proposed facility mount at the time of application for a Special Permit.
- 32-16.2.4 The following additional siting criteria are required:
 - (a) No tower shall be located on land designated or deed-restricted as open space.
 - (b) No tower may be constructed within a mile radius of an existing tower.

32-16.3 Setbacks

- 32-16.3.1 Antenna towers, telecommunication towers and rooftop antennas shall adhere to the setback requirement of the zoning district in which the tower or antenna is located. No tower can be located a minimum of 50 ft. or within the fall zone, whichever is greater, from of any residential property line.

32-16.4 Height

- 32-16.4.1 No communication tower, including any antenna attached thereto, shall exceed a height of 150 feet, measured to the top of the highest antenna from the average existing grade surrounding and within 10 feet around the proposed tower. The overall height of a telecommunication tower or antenna on a building cannot exceed 150 feet measured from the existing grade of the ground.

32-16.5 Accessory Buildings and Equipment

- 32-16.5.1 Any equipment must be housed in an existing building or in a building not to exceed 750 square feet of gross floor area or be more than 16 feet in height. Manned equipment including a business office, maintenance depot and vehicle storage is prohibited in a residential district.
- 32-16.5.2 All accessory or equipment buildings shall be architecturally designed to blend in with the surrounding environment. All buildings and/or grounds shall conform to the general style of architecture and landscaping in the neighborhood.
- 32-16.5.3 If the equipment is located on the roof of a building, the area of the equipment building and other equipment structures shall not occupy more than twenty-five (25) percent of the roof area and must be suitably screened.

32-16.6 Additional Standards

- 32-16.6.1 No signs shall be permitted on any facility unless otherwise permitted by these regulations set forth in §33, as amended from time to time.
- 32-16.6.2 All utilities proposed to serve a commercial wireless telecommunication service facility shall be installed underground.
- 32-16.6.3 All commercial wireless telecommunication service facilities shall comply with FCC standards for non-ionizing electromagnetic emissions and upgraded as necessary to comply with new scientific findings and associated regulations. All generators and equipment shall comply with all state and local noise and emission regulations. Proper documentation to prove compliance with these standards must be submitted with each application.

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- 32-16.6.4 No commercial wireless telecommunication service facility shall be permitted on property located within a Westport Historic District, National Register Historic District or on any property located on the state or national Register of Historic Places.
- 32-16.6.5 Antenna towers and telecommunication towers shall be camouflaged or painted to reduce visual impact.
- 32-16.6.6 A fence with a height of eight (8) feet shall be required around an antenna tower or telecommunication tower and any free-standing equipment.
- 32-16.6.7 Landscaping shall be required around the fence and shall consist of a row of evergreen trees (planted 10 feet on center minimum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum height of fifteen (15) feet at maturity. Such screen shall be maintained by the owner of the property to ensure its effectiveness.
- 32-16.6.8 The proposed support structure (tower or building) shall be designed for additional facilities including other commercial wireless telecommunication service facilities, and local police, fire and ambulance needs, unless it is determined to be technically unfeasible.
- 32-16.6.9 Written notice of a proposed telecommunication tower must be sent to any municipality located within 1,500 feet from the tower. Said notice must be sent by registered mail to the Town Clerk's office of the adjoining municipality.

32-16.7 Materials for Application Submission

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

- 32-16.7.1 A description of technological alternatives for the proposed telecommunication tower and a statement containing the reasons for the choice of the proposed facility.
- 32-16.7.2 A statement containing a description of the siting criteria and the process by which other possible sites were considered and eliminated.
- 32-16.7.3 Photographs showing existing conditions. Each sight line shall be illustrated by a photograph depicting what can currently be seen from any public road and residential area within a one mile radius.

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- 32-16.7.4 Photographs showing proposed conditions. Each of the existing condition photographs shall have the proposed commercial wireless telecommunication service facility superimposed on it to show what will be seen from public roads and residential area within a one mile radius if the proposed commercial wireless telecommunication service facility is built.
- 32-16.7.5 A map depicting the extent of the provider's existing and planned coverage and the service area of the proposed commercial wireless telecommunications service facility.
- 32-16.7.6 If coverage greater than 50% from the proposed commercial wireless telecommunications services facility is outside Westport, the applicant must demonstrate that they are unable to locate, for reasons other than financial, within the municipality which is primarily receiving service from the proposed facility.
- 32-16.7.7 Demonstration on a map that reasonable coverage and capacity is either not already being provided in the Town of Westport, or the potential to provide coverage is not possible by modifying other sites.
- 32-16.7.8 Demonstration on a map and in a written narrative, of the provider's long range plan for location and necessity of facilities within the Town of Westport describing existing and proposed coverage areas. Such long range plan shall span a time period not less than 36 months from the anticipated time of installation. The long-range plan shall include a report of technological progress relevant to the application. Special emphasis should be placed upon planning that recognizes that technological progress can be used to both improve the quality of service and lessen the impact upon the quality of life. For example, improved receivers can reduce required power levels. Similarly, improved coding systems can reduce interference and improve signal to noise ratios which reduces the probability of a call being dropped.

32-16.8 Review by Independent Consultants

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

32-16.9 Requirement to Fly Balloon

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

32-16.10 Abandonment

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

32-16.11 Bond

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

32-16.12 Zoning Certificate of Compliance

- 32-16.12.1 Subsequent to completion of the telecommunication tower, a certificate from a structural engineer licensed in the State of Connecticut confirming that the tower is properly constructed and structurally sound shall be submitted.

32-17 Affordable and Middle Income Housing on Town-Owned Property

32-17.1 Purpose

It is the purpose of this section to address the need of the Town of Westport for additional one family, two-family and multi-family affordable and middle income housing. This Regulation is intended to promote the health, safety and general welfare of the community by authorizing the conversion of existing municipal buildings and the construction of new buildings on town-owned property for the purpose of decent, safe and sanitary dwelling units and such dwelling units shall be rented or sold at below market rate. Fifty percent (50%) of the dwelling units on a property shall be affordable. The remainder will be middle income housing. In case of an uneven number of housing units more than 50% of the dwelling units shall be affordable. In the case of one dwelling on a property the unit shall be for middle income housing.

- a) The affordable housing to be provided will be affordable housing defined as:
- assisted housing, which means housing which will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate housing, or
 - any housing occupied by persons receiving rental assistance under Chapter 319 of Section 1437F of Title 42 of the United States Code, or
 - any housing currently financed by Conn. Housing Finance Authority mortgages or

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- any housing subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income.

Median income means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development.

b) Middle Income Housing will be housing for persons or families earning up to or equal to 80% of the median income of the Stamford Norwalk Service Area of which Westport is a part.

32-17.2 Permitted Uses

Affordable housing and middle income housing only, as defined in §32-17.1 on the date that the application is filed under this section of the Zoning Regulations. Conversion of existing town owned buildings and the construction of new buildings on town-owned land for single family, two-family or multi-family dwelling units shall be permitted under this Section, subject to a Special Permit and Site Plan approval in accordance with §43 and §44 of these Regulations. Hotels, motels, rooming, boarding, home occupations and lodging houses or tourist homes shall not be permitted.

32-17.3 Accessory Uses

Necessary accessory buildings, structures and uses including, but not limited to, facilities for recreation, maintenance, administration, off-street parking, storage and utilities serving the development may be permitted.

32-17.4 Density

- a) The minimum required lot area shall not be less than 3,000 square feet of land. The project density shall not be greater than six (6) dwelling units per gross acre with no more than a total of 36 dwelling units.
- b) The types of units shall be limited to efficiency, one-bedroom and two-bedroom dwelling units, except a single family dwelling may have three bedrooms.
- c) The gross interior floor area per dwelling unit shall not exceed: (1) six hundred (600) square feet for an efficiency; (2) eight hundred and fifty (850) square feet for a one-bedroom unit; and (3) one thousand (1,000) square feet for a two-bedroom unit; unless such parts of the existing building are otherwise arranged or designed to be reasonably, conveniently and safely transformed into slightly larger units.
- d) The gross interior floor area of a unit in a multifamily or two family unit, shall exclude garage parking spaces, common storage areas, common stairs, common halls, common foyers and other similar spaces used in common.
- e) Libraries, dens, studios or similar rooms in any dwelling unit shall be counted as bedrooms.

32-17.5 Setbacks

No new principal building, structure or use and no new accessory building, structure or use shall extend closer than 30 feet from any street line and 25 feet from any side or rear property line except in a Res. AAA Zone where all setbacks shall be at least 50 feet.

32-17.6 Height

The height of an existing municipal building shall not be increased in the course of conversion except for necessary mechanical units, elevator shafts, skylights, solar panels and other similar features which shall not extend more than 4 feet above the height of the existing building. No new accessory building or structure shall exceed a height of either 12 feet to the top of a flat roof or 16 feet to the peak. Additions to a building cannot exceed the height of the existing building.

The height of new buildings shall not exceed 2 stories and 26 feet in height.

32-17.7 Coverage (See Definitions)

The building coverage shall not exceed fifteen percent (15%) and the total coverage shall not exceed twenty-five percent (25%) of the lot area.

32-17.8 Building Spacing

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings for new buildings.

32-17.9 Signs

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

32-17.10 Parking and Loading

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

32-17.10.1 A safe and convenient system of drives, service access roads and walks shall be provided and shall be designed with amenities such as handrails and ramps. Such facilities shall be adequately lighted from poles no higher than 16 feet and said lighting shall be down-directed. Gradients of new walks shall not exceed five (5) percent.

32-17.10.2 All parking areas, including aisles and driveways, shall be paved with hard-top surfaces upon a suitable subgrade. The pavement areas shall be adequately drained so as to prevent excessive accumulations of water, snow and ice.

32-17.11 Landscaping, Screening and Buffer Areas

Landscaping shall be provided in accordance with §35 of the Supplementary Regulations.

32-17.11.1 Refuse collection areas shall be provided, screened, supplied with covered receptacles, and conveniently located to serve all dwelling units.

32-17.11.2 Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

32-17.12 Utilities

The applicant must investigate the existing capacity sewer collection and treatment system to accommodate any increase in sanitary sewer flow created by the proposed conversion.

All utilities and conduits within the lot shall be underground.

No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line or private septic system.

All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer. Septic systems require approval by the Westport Weston health District.

32-17.13 Usable Open Space

There shall be at least 450 square feet of usable open space for each dwelling unit. Land so set aside shall be properly laid out, graded, screened and landscaped and shall include recreation facilities suited to the needs of the residents and may include land adjacent to each unit for use by its occupant.

32-17.14 Change of Use

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

32-17.15 Architectural Design

32-17.15.1 The building fenestration, facade and roof line shall be preserved.

32-17.15.2 All buildings shall be compatible with the existing architecture.

32-17.15.3 The historic and/or architectural integrity of the existing building shall be maintained.

32-17.15.4 Dwelling unit facades need to be designed to avoid a barracks or dormitory appearance. Staggered or offset unit facades and/or varied unit façade materials shall be utilized.

32-17.15.5 All mechanical units shall be screened, ground mounted and rooftop.

32-18 Historic Residential Structure (HRS)

32-18.1 Purpose

The purpose of this regulation is to further the preservation, rehabilitation, restoration, reconstruction and/or adaptive re-use of historic structures containing existing special permit uses listed in Sections 11-2.1 thru 11-2.2.13, historic residential structures and associated historic accessory structures in Westport residential districts. The Planning and Zoning Commission may, by grant of a Special Permit/HRS, authorize the use, setback, height parking, landscaping and coverage incentives of this section in those circumstances where applicable zoning regulations have the practical effect of discouraging the preservation or continued use of historic buildings and historic accessory structures.

32-18.2 Definitions

32-18.2.1 Historic Structure

For the purposes of this regulation, a structure is considered historic if, as of the effective date of this regulation, it is located in Westport and meets at least one of the following criteria:

- (a) The structure or accessory structure is:
 - (i) A property listed or eligible for listing on the National or State Register of Historic Places or is a contributing historic resource in an established or eligible National or State Historic Register District; and
 - (ii) Has been determined to be historic by the Historic District Commission (“HDC”) Administrator after consultation with the Historic District Commission or its designee.
- (b) The structure or accessory structure is a local Historic Landmark Property or a contributing resource in a local Historic District. Such Properties and Districts are listed in Chapter 63 of the Town Code.
- (c) The structure or accessory structure is:
 - (i) Listed on the Westport Historic Resources Inventory; and
 - (ii) Has been determined to be historic by the HDC Administrator after consultation with the Historic District Commission or its designee.
- (d) The structure or accessory structure has been determined eligible for consideration under this Section by the Historic District Commission or its designee after consideration of including but not limited to the following standards:
 - (i) The structure is fifty or more years old.

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(ii) The property is associated with events or persons important to the history and development of the Town of Westport, State of Connecticut or the Nation.

(iii) The property is associated with a famous person.

(iv) The structure was designed by a significant architect.

(v) The structure is indicative of a significant architectural style or period.

(vi) The structure contributes contextual significance to the historic or cultural value of the property

32-18.2.2 Alteration, Historic Structure

Any Regulated Activity in the Westport Historic Districts & Properties Handbook, or any relocation, demolition, restoration or reconstruction of the historic structure or historic accessory structure.

32-18.2.3 Scale

The relationship of a structure as a whole to its neighboring structures, street and landscape. For the purposes of this regulation, neighboring structures are understood to be those located on properties within 250 feet of the subject property.

32-18.3 Application Requirements

An application for Site Plan and Special Permit/HRS shall be submitted as required under Section 44 of the regulations. In addition to Section 44, the applicant must submit the following:

- (a) Information sufficient to demonstrate that the structure or accessory structure meets any one of the criteria set forth in Section 32-18.2 (a) through (d) hereof.
- (b) Any proposed plans for alteration to the historic structure or historic accessory structure or its use.
- (c) All applications shall be accompanied by a perpetual preservation easement pursuant to Connecticut General Statutes, Section 47-42 a-c, enforceable by both the Planning and Zoning Commission and the Historic District Commission, which shall provide, among other things, for the right of the holder of the easement to do all things necessary to preserve the structural and historic integrity of the historic structure or historic accessory structure and to charge the expense thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair.
- (d) All applications shall be referred to the Historic District Commission and the Architectural Review Board for a combined recommendation from a joint meeting. Their guidelines for review will be the most recent Secretary of the Interior's

Standards for the Treatment of Historic Properties, Standards for Rehabilitation.

32-18.4 Considerations

When considering a Special Permit/HRS application, the Planning and Zoning Commission shall consider and determine in each case whether:

- (a) The preservation of the historic structure or historic accessory structure is in the public interest and will promote the general health and welfare of the residents of the Town.
- (b) The proposal will permit the preservation and exterior historic integrity of the historic structure or historic accessory structure.
- (c) The historic structure or historic accessory structure will require height, setback, coverage parking, and/or landscaping incentives, provided that the number of existing parking spaces shall not be reduced, and, in the case of historic structures containing existing special permit uses and/or historic accessory structures, use incentives to allow for its preservation, retention of its historic scale and/or its location on the property.
- (d) The proposal will be contextually consistent with the architectural design, scale and massing of the subject structure as well as with its immediate surroundings. Scale is the primary consideration in determining whether a historic structure or historic accessory structure is compatible with its setting.
- (e) The proposal will not adversely affect public safety.
- (f) The proposal will be consistent with the current Town Plan of Conservation and Development and other Westport zoning regulations.
- (g) The proposal will be consistent with the Special Permit standards in Section 44-6.

32-18.5 Commission Action

After the required public hearing is held and findings are made, the Commission may, at its sole discretion:

- (a) Allow an area or dimensional requirement (height, setback, coverage) and/or a parking or landscaping requirement (number, size or dimension) to be reduced or exceeded, provided that the number of existing parking spaces shall not be reduced.
- (b) Allow customary home occupations and accessory apartments in a historic accessory structure under such conditions as set forth in Section 32-18.8 hereof.

- (c) Allow limited office uses in one historic accessory structure containing an existing special permit use under such conditions as set forth in Sections 32-18.8 and 32-18.9 herein.

32-18.6 Conditions of Approval

Any Special Permit/HRS approved by the Planning and Zoning Commission under this regulation shall be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

- (a) A copy of this document is available at the Planning and Zoning department and online at: CT Trust for Historic Preservation.
- (b) Prior to issuance of a Zoning Permit, the applicant shall grant a perpetual preservation easement pursuant to Connecticut General Statutes, Section 47-42 a-c, enforceable by both the Planning and Zoning Commission and the Historic District Commission, which shall provide, among other things, for the right of the holder of the easement to do all things necessary to preserve the structural and historic integrity of the historic structure or historic accessory structure and to charge the expense thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair.
- (c) Any Special Permit/HRS granted under this regulation shall prescribe the specific conditions to be observed and exterior architectural elements (See Westport Historic Districts & Properties Handbook) which are to be maintained for the subject structure.

32-18.7 Alterations, Historic Structure

Once a Special Permit/HRS has been granted, the historic structure or historic accessory structure shall not be altered unless such alteration is reviewed by the HDC Administrator to evaluate whether HDC review is needed and is reviewed by the Planning and Zoning Commission or their designee to determine if approval is required from the Planning & Zoning Commission.

- 32-18.7.1 Any significant maintenance requirements to a historic structure or historic accessory structure covered by this regulation required to preserve its structural and historic integrity shall be completed by the owner within a reasonable period or within eighteen months of notification by the Zoning Enforcement Officer.
- 32-18.7.2 Emergency repairs may be made by the owner as a result of fire, flooding, or other similar type of damage. The Zoning Enforcement Officer shall be notified in writing not later than 72 hours after the repair or stabilization process is initiated. A plan for permanent repair must be submitted for review to the Planning and Zoning Office. This will include review by the

HDC Administrator. The subject structure must be returned to its previous exterior appearance within eighteen months.

32-18.8 Change of Use

Any change in use of any historic structure or historic accessory structure which has an approved Special Permit/HRS under this regulation may only be authorized by application to, and approval by, the Planning and Zoning Commission. Said application shall contain all relevant information pertaining to the previously approved use and proposed change of use for the historic structure or historic accessory structure. The Planning and Zoning Commission shall determine if the proposed change in use is appropriate and in keeping with the intent of the original Special Permit/HRS granted for the subject structure according to the standards referenced in Section 32-18.4 hereof.

32-18.9 Permitted Uses of Historic Accessory Structure

32-18.9.1 Customary Home Occupations: Special Permit and Site Plan approval in accordance with Section 43 herein is required for the use of an historic accessory structure for a Customary Home Occupation. All conditions associated with Section 11-2.4.6, Customary Home Occupations, are required to be met except as modified herein:

- (a) Location: the home occupation shall be incidental and clearly a secondary use of the residential use of the property.
- (b) Floor Area: the total interior floor area devoted to a home occupation in an historic accessory structure shall be the larger of the following, including waiting rooms, file rooms and similar spaces devoted to uses which are supplementary to such home occupation:
 - (i) The size of the accessory building, as of the effective date this regulation or
 - (ii) Up to 600 square feet including additions to the original accessory building (excluding cellars and basements).

32-18.9.2 Accessory Apartments: one historic accessory structure or portion thereof may be converted to allow the incorporation of one (1) additional dwelling unit on the premises subject to Special Permit and Site Plan Approval in accordance with §43 herein, and all conditions associated with Section 11-2.4.12 Accessory Apartments except as modified herein:

- (a) Qualifications: no accessory apartment exists in the main dwelling unit nor does any other historic accessory structure contain a dwelling unit.
- (b) Eligibility: No age restriction.

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- (c) Floor Area: the total floor area of the historic accessory structure used for a dwelling unit shall be the larger of the following:
 - (i) The size of the historic accessory structure as of the effective date of this regulation.
 - (ii) Up to 800 square feet, including additions to the original historic accessory structure.
 - (iii) Up to 1,000 square feet, including additions to the original historic structure, if the unit is designated affordable in compliance with the affordability standards of Connecticut General Statutes Section 8-30(g) and is deed restricted on the Westport Land Records for 40 years as an affordable unit. (See 32-18.10)
- 32-18.9.3 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 or has inspected and performed necessary preservation maintenance or in possession of a special permit use for the subject property. Thereafter, the principal owner shall submit such notarized affidavit to the Planning and Zoning Office by January 31st of each year as a requirement for the continuance of the Special Permit/HRS.
- 32-18.9.4 Limited Offices:
One historic accessory structure or portion thereof containing an existing special permit use may be converted to limited office space subject to Special Permit and Site Plan Approval in accordance with Secs. 43 & 44, except as modified herein; provided that the following requirements are met:
- (a) Location: The existing Special Permit site (lot):
 - (1) must have frontage on a collector or arterial street,
 - (2) must adjoin a commercial zoning district, and
 - (3) must be within 500 feet of a municipal (Town-owned) public parking lot.
 - (b) Office Uses: The allowable office uses shall be limited to business, professional or other administrative offices accessory to and directly associated with the existing Special Permit Use. Healthcare offices, medical offices, banks and retail uses shall be excluded.
 - (c) Floor Area: The floor area devoted to limited office uses shall not exceed either 5,100 square feet, 60% of the total existing floor area within the accessory historic structure or 20% of the total existing floor area on the site, whichever is less.

32-18.10 Affordable Accessory Apartment in Historic Accessory Structure Requirement

- 32-18.10.1 The income of the occupant(s) of any Affordable Accessory structure shall not exceed 80% of the state median 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 8-30(g). The rental charge for this unit shall not exceed 30% of the renters' income.
- 32-18.10.2 In conjunction with an application for approval of a Special Permit for an affordable accessory apartment in an historic accessory structure, the applicant shall submit an Affordability Plan, in accordance with CGS Section 8-30(g) which shall describe how the regulations regarding affordability will be administered. The plan shall include provisions for administration of and compliance with the income of the occupant of the affordable unit and the rent charged. It shall also include procedures for verification and yearly confirmation to the Planning and Zoning Department of the unit occupancy income in compliance with the affordability requirements and an explanatory statement that will be provided to the occupant of the affordability unit of the restrictions on income and rent for the unit. In addition, it must include notice procedures to the general public of the availability of the affordable unit.

32-19 Lighted Athletic Fields on Town Owned Public School Property

32-19 Purpose

The purpose of this regulation is to encourage expanded use of Town owned public school athletic fields while not causing unreasonable adverse impacts to surrounding residential neighborhoods. Lighted Athletic Fields on Town Owned Property may be permitted on properties that have a minimum of 20 acres and a minimum of 200 parking spaces. The amount of lighting required shall achieve safe conditions for athletes, coaching staff and spectators. Lighted Athletic Fields on Town Owned Property are subject to a Special Permit and Site Plan approval in accordance with §43 & §44, herein, and subject to the following conditions:

32-19.1 Application Requirements

An application for Site Plan and Special Permit shall be submitted as required under §43 & §44 of the regulations. In addition the applicant must submit the following:

- (a) photometric plans for the entire area to be lighted including a separate plan for Westport athletic special events and a separate plans for practices. These plans shall show all property lines that abut the area to be lighted. The values to be measured are to be the vertical and horizontal foot candles measured at the property line on

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a ten foot vertical grid at ground level up to the highest elevation of any lighting structure or luminary.

- (b) a design plan for the sound system and sound mitigation that minimizes the impacts on adjacent properties.

32-19.2 Considerations

When considering Lighted Athletic Fields on Town Owned Property, the Planning and Zoning Commission shall consider and determine in each case the following:

- (a) the impact that such approval shall have on the general health and welfare of the residents of the Town,
- (b) the effects of light and noise that this approval will have upon surrounding residential neighborhoods,
- (c) the proposal will not adversely affect public safety.
- (d) the proposal will be consistent with the current Town Plan of Conservation and Development and the Westport zoning regulations.
- (e) the proposal will be consistent with the Special Permit standards in Section 44-6.

32-19.3 Commission Action

After the required public hearing is held and findings are made, the Commission may, at its sole discretion:

- (a) approve the application as proposed or introduce additional requirements or conditions to insure that surrounding residential areas are not unreasonable adversely impacted as a result of the application
- (b) deny any application that would cause unreasonable adverse impacts to surrounding residential areas.

32-19.4 Conditions of Approval

Any Special Permit for a lighted athletic field on town owned public school property approved by the Planning and Zoning Commission under this regulation shall be subject to the following.

- (a) The property shall be a minimum 20 acres in size and have a minimum of 200 parking spaces.
- (b) All structures used to light athletic fields shall achieve a minimum 50 foot setback from all residential property boundaries.
- (c) The structures used to light athletic fields shall not exceed 80 feet in height measured from ground elevation at the center of the field to the highest point of the structure including any attached fixture.

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- (d) Lighting structures shall be designed to avoid light spillage onto and minimize offensive glare visible from surrounding residential properties. All lighting must be down directed to the greatest extent possible. No measurement of luminance taken at the property line as a result of lighting sources located on the subject property shall exceed 0.3 foot candles as measured in the photometric plan required in Section 32-19.1a. The 0.3 foot candles may be achieved by using evergreen screening and/or fencing or other types of screening acceptable to the Commission.
- (e) All athletic field lighting must be turned off at the earlier of either
 - a) 30 minutes after the end of any event, practice or other activity,
 - or b) 8:00 pm. No game or event may be scheduled to start later than 7:30 PM. The lighting control system shall have provisions acceptable to the Commission in order to guarantee these limited use restrictions which must be specified in a special permit application.
- (f) The Commission may, at its discretion, permit a limited number of exceptions to the 0.3 foot candle limitation and the 8:00 pm curfew for Westport athletic special events provided that
 - a) the measurement of luminance at the at the property line as a result of lighting sources at the subject property may not exceed 1.0 foot candle as measured in the photometric plan specified in Section 32-19.1a for Westport athletic special events and
 - b) all athletic field lighting is turned off by 11:00 pm.
- (g) No athletic field lighting may be used at any time on either Saturdays or Sundays. No athletic field lighting may be used between December 1st and September 1st except for permitted spectator events.
- (h) There shall be no more than 12 lighted Westport athletic special events at any particular facility during any 12 month period that begins September 1st of each year. No later than August 15th of each year a list of special events for the upcoming 12 month period shall be submitted to the Planning & Zoning Department. The Commission may, at its discretion, further limit the number of or prohibit lighted special events and impose additional requirements or restrictions on lighted special events as it deems necessary.
- (i) There shall be no more than 2 such lighted athletic fields constructed after the effective date of this amendment (08-30-2009)
- (j) There shall be no more than 1 lighted athletic field per property.
- (k) The use of gas or diesel power generators, except as emergency backup, shall be prohibited.
- (l) The applicant shall provide information about sound and noise as part of any special permit application. Any application shall

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demonstrate that noise and sound effects on surrounding residential properties shall be to the minimum extent possible. If deemed necessary by the Commission sound attenuation measures shall be installed. A public address system shall only be used for varsity Westport athletic special events. There shall be no amplified music for any event after 9:00 PM.

- (m) Any additional requirements or restrictions the Commission determines at its discretion are necessary to insure that adjacent properties are not significantly adversely impacted by the proposed special permit.
- (n) All special permit applications under this section shall provide guidelines for controlling, air horns, bull horns and similar devices.
- (o) The lighted fields shall only be used for Westport team athletic practices and games (except for required league reciprocity).
- (p) Prior to the issuance of a Zoning Certificate of Compliance the applicant shall submit a final engineer's certification of luminance measurements at the property line.