



**Town of Westport**  
Planning & Zoning Commission  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
Tel: 203-341-1030 Fax: 203-454-6145

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## MEMORANDUM

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**TO:** Planning & Zoning Staff  
**FROM:** Katherine Daniel, Deputy P&Z Director  
**DATE:** 03-20-15, 03-30-16, *05-15-18 (#2 See Italics under Requirements)* 10-25-18  
**SUBJECT:** Non-Conversion Agreement, Procedures

### Background:

The Planning and Zoning Commission adopted Amendment #678 that became effective on 11-17-14.

This amendment includes language, applicable to properties located in the Special Flood Hazard Area, which exempts floor area below the Base Flood Elevation (BFE) from being considered a Story provided, that a Non-Conversion Agreement is filed on the Land Records.

The Non-Conversion Agreement explicitly states the use of the area below the BFE is for parking of vehicles, limited storage, and/or access to the building and will not be used for human habitation.

### Requirements:

#### Prior to the issuance of a Zoning Permit:

1. Applicant must complete the attached Non-Conversion Agreement, but **DO NOT NOTARIZE YET.**
2. Bring the completed Non-Conversion Form to P&Z Office Room 203;  
*P&Z Zoning Official must review for correctness and review conditions with Applicant then endorse it and return form to Applicant to be notarized.*
3. After #2 has been completed Applicant must have form Notarized then also Record it on Town Records and return recorded form to P&Z.
4. Zoning Official will place a copy in Non-Conversion Agreements Binder & List, Issue Zoning Permit and attach Form to it. Admin. Staff will type updated Binder List periodically.
5. **Advise Applicant that on an annual basis**, the P&Z Flood Plain Manager will complete the required inspections to verify the; terms of the Non-Conversion Agreement are maintained by the property owners.

# NONCONVERSION AGREEMENT FOR CERTAIN STRUCTURES IN THE FLOODPLAIN

Property Address: \_\_\_\_\_

PID#: \_\_\_\_\_ Flood Zone: \_\_\_\_\_

Whereas, \_\_\_\_\_ is the ("*Owner (s)*") of property

located at \_\_\_\_\_ Westport, CT which is located

within the flood plain (the "Property"); and

Whereas, the Owner(s) has requested a zoning permit to construct, improve, or repair a building(s) on the Property; and

Whereas, the building(s) will have the lowest finished floor elevated above the base flood elevation, as that term is defined in the Westport Zoning Regulations (the "Base Flood Elevation"); and

Whereas, the design and construction of the building will comply with the current building code and the flood plain regulations as set forth in Section 31-11 of the Westport Zoning Regulations ("Flood Plain Regulations") and the appropriate National Flood Insurance Rate Map, and

Whereas, as a condition of the issuance of a zoning permit and as a condition of the issuance of a zoning certificate of compliance, the Owner(s) must agree not to alter the building(s) at a later date in such a manner as to violate the building code or the Flood Plain Regulations.

Now, therefore, in consideration of the foregoing, the undersigned Owner(s) of the Property hereby agrees to the following conditions:

1. That the enclosed area below the lowest finished floor shall be used solely for the parking of vehicles, for limited storage, or for access to the building and will never be used for human habitation.
2. That all interior walls, ceilings, and floors below the Base Flood Elevation shall be "unfinished living space," as defined in the Westport Zoning Regulations.
3. That mechanical, electrical or plumbing devices that service the building(s) shall not be installed below the Base Flood Elevation, as specified in the Westport Zoning Regulations.
4. That the openings in the walls of the enclosed area below the lowest finished floor shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater.
5. That any variation in construction beyond what is permitted shall constitute a violation of this Agreement and Section 31-11 of the Westport Zoning Regulations and shall result in the revocation of the permit.
6. That the Owner(s) and subsequent owner(s) agree to allow a representative of the Town of Westport, CT onto the Property and into the building(s) at least once each year to verify compliance with this Agreement.
7. That this Agreement shall be binding upon the heirs, successors and assigns of the Property Owner(s) and shall be recorded on the land records of the Town of Westport before work is done.

Property Address: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Property Owner: \_\_\_\_\_

*( two (2) Witnesses are required below )*

Signature of Witness #1: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Witness #1: \_\_\_\_\_

Signature of Witness #2: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Witness #2: \_\_\_\_\_

*( if there is more than one owner complete below )*

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Property Owner: \_\_\_\_\_

*( two (2) Witnesses are required below )*

Signature of Witness #1: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Witness #1: \_\_\_\_\_

Signature of Witness #2: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Witness #2: \_\_\_\_\_

Subscribed and sworn to before me, a **Notary Public**, in and for the County of \_\_\_\_\_

and State of Connecticut, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

**Notary Public** \_\_\_\_\_ my commission expires \_\_\_\_\_

**COMPLETE FORM ABOVE THIS LINE ONLY - THEN BRING TO P&Z OFFICE FOR REVIEW**

Bring Form to **Planning and Zoning Dept.** Room 203 for Review Westport, CT on Date: \_\_\_\_\_

Endorsed by: **Zoning Official's Name:** \_\_\_\_\_

**DO NOT Record this document until AFTER you bring it to P&Z to be endorsed above.**

Submit to **Town of Westport, Town Clerk Room 105, to be Recorded;** \_\_\_\_\_