



# WESTPORT CONNECTICUT

PATRICIA H. STRAUSS

TOWN CLERK

November 15, 2010

Hadley C. Rose, Moderator  
Representative Town Meeting  
14 St. George Pl  
Westport, CT 06880

RE: Agenda Item Request pursuant to Section C10-4 of the Town Code

Dear Hadley:

Today, a petition was delivered from at least 20 electors of the Town of Westport, for the RTM to place an item on an upcoming Representative Town Meeting agenda, pursuant to Section C10-4 of the Town Code, involving a request to review and reject the action taken by the Westport Planning & Zoning Commission on November 1, 2010 on to add and to modify various sections of Amendments 618 and 619, regarding Inclusionary Housing. The lead petitioner is Michael Calise. A copy of the petition pages and a copy of the amended text are enclosed.

At least 20 electors' names have been verified for acceptance of this petitioned request. Pursuant to Section C10-4 of the Town Code, please consider placing this matter on the agenda of the RTM at a future meeting to be held within 30 days after receipt of the petition.

Sincerely,

A handwritten signature in cursive script that reads "Patricia H. Strauss".

Patricia H. Strauss  
Town Clerk


Cc: Gordon F. Joseloff, First Selectman  
Ira Bloom, Town Attorney  
Gail Kelly, Assistant Town Attorney  
Laurence Bradley, Director, Planning & Zoning  
Matthew Mandell, Chair, RTM Planning & Zoning Committee

November 15, 2010

To: Patricia Strauss, Town Clerk  
of the Town of Westport, Connecticut  
From: Michael Calise  
Re: Petition to Review Planning & Zoning Decisions

I am a resident of and registered voter in Westport, Connecticut. I am also the owner of property at 215 Post Road West which is in the Business Preservation District (BPD). The following is a Petition, signed by 20 or more electors of Westport A/N/A Registered Voters, including myself. I and those signatories hereby file this petition on and as of this 15<sup>th</sup> day of November 2010 with the Town Clerk of Westport, Connecticut.


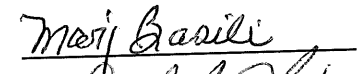
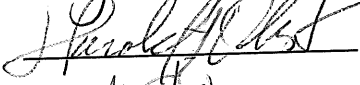
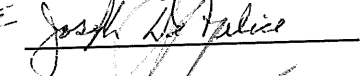


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Patricia Strauss  
Town Clerk

  
Michael Calise

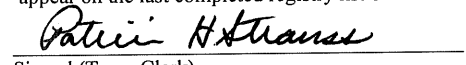
PETITION FOR REVIEW AND REJECTION UNDER CHAPTERS 10-4 AND 5-6 OF WESTPORT'S TOWN CHARTER

The undersigned, each of whom is a registered voter in the Town of Westport Hereby petition for review by the Westport Representative Town Meeting the action of the Westport Planning and Zoning Commission to add Section 11-2.3.16, to modify Section 21-2.2.1, to modify Section 21-8.4, to modify Section 22-2.2.7, to modify Section 22-7, to modify Section 22-8.4, to modify Section 23-2.2.1, to modify Section 23-8.2, to add 24-2.2.7, to modify Section 24-8.2, to modify Section 26-1.3, to modify Section 26-2.2.1 (d), to modify Section 28-2.2.2, to modify Section 28-8.1, to modify Section 29-2.2.4, to modify Section 29A-2.2.4, to modify Section 32-12, to modify Section 32-12.1, to modify section 32-12.2, to modify Section 32-12.3, to add Section 32-12.4, to add Section 32-12.5, to modify Section 32-12.6, to modify Section 32-12.7, to modify Section 32-12.8, to add Section 32-12.9, to add Section 32-12.10, to add Section 32-12.11, to modify Section 32-12.12, to modify Section 32-12.13, to add Section 32-12.15, to add Section 32-12.16, and to modify Section 35-2.2.1 of the Planning & Zoning Regulations of the Town of Westport, Connecticut

ALL as set forth in Amendment #618 adopted on November 1, 2010 and noticed on November 10, 2010 at page A20 of the Westport News.  
AND to add section 39A to the Planning & Zoning Regulations of the Town of Westport, Connecticut as set forth in Amendment #619 also adopted on November 1, 2010 and also noticed on November 10, 2010 at page A20 of the Westport News.

Name (print)	Signature	Westport Address
✓ <u>Michael Calise</u>		<u>8 Sylvan Rd, South</u>
✓ <u>MARI BASILI</u>		<u>37 Whitney Glen Dr.</u>
✓ <u>HAROLD F. PRIST</u>		<u>7 TIMBER LANE</u>
✓ <u>JOSEPH L. DEFELICE</u>		<u>55 GROVE POINT RT.</u>
✓ <u>James Rochonetti</u>		<u>5A Woodside Lane</u>
✓ <u>DANIEL KATZ</u>		<u>271 COMPTON</u>

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me November 15, 2010, and that it contains 6 signed names of electors, whose names appear on the last completed registry list of this town.

  
Signed (Town Clerk)

PETITION TO REVIEW PLANNING & ZONING AMENDMENTS #618 & #619  
(continued)

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Name (print)	Signature	Westport Address
✓ <del>ZORNOV J B &amp; P</del> 53	<del>[Signature]</del>	<del>6 Judy Point Lane 3 Sylvan Rd So.</del>
✓ VOL <del>YVONNE</del> PAGE Dougherty	<del>[Signature]</del>	<del>19 Bridge St.</del>
JOSEPH J. VALIANTE JR.	[Signature]	27 HOGAN TR.
✓ FRANKS DEMACE	[Signature]	36 RR 1 Road Pl
✓ DOMINICK S DeMace	[Signature]	29 Oak St.
✓ David DeMace	[Signature]	3-Bradley Ln apt 204
✓ FLETCHER KOSUT	[Signature]	4 GAULT PARK DR
✓ GREGG R RYDER	[Signature]	44 CHURCH LN
✓ Robert P. Brannigan	[Signature]	4 Loretta Court
✓ Paul T. Arcudi	[Signature]	76 Long Lots Rd.
✓ Richard L Patten SR	[Signature]	2 Virginia Lane
✓ Anthony A J <sup>Joseph</sup> 1220	[Signature]	62 Richmondville Ave
✓ James <sup>Anthony</sup> 1220	[Signature]	7 Carline Ct. West.
✓ Margaret Finneerty	[Signature]	220 Riverside Ave
✓ Sarah Palmer	[Signature]	38 Whitney Glen Dr
✓ SUSAN J. <sup>McClusker</sup> McCusker	[Signature]	5 Indian Hill Rd Westport
✓ Katherine D Jarb	[Signature]	346 South Compo Rd Westport
✓ Shirley M. D'Anto	[Signature]	30 Treadwell Ave Westport
✓ Frederick A. D'Anto	[Signature]	30 Treadwell Ave Westport
✓ Ralph Krueger	[Signature]	26 Hitchcock Rd
✓ JAMES ARTHUR GOUBOUT	[Signature]	38 WHITNEY GLEN
✓ Frederick E Kelly, Jr	[Signature]	68 Woodside Ave

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me November 15, 2010 and that it contains 22 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss  
Signed (Town Clerk)

**PETITION TO REVIEW PLANNING & ZONING AMENDMENTS #618 & #619**  
(continued)

Name (print)	Signature	Westport Address
✓ <sup>TIMOTHY</sup> <u>TIM ROMANO</u>	<u>Tim Romano</u>	<u>25 Waterside Terrace</u>
✓ <u>THOMAS A. ROMERO</u>	<u>TAR</u>	<u>8 WATERSIDE TERRACE</u>
✓ <u>ANNMARIE ROMANO</u>	<u>Annmarie Romano</u>	<u>25 Waterside Terr</u>
✓ <u>Joseph B. Carpentieri</u>	<u>Joseph B. Carpentieri</u>	<u>14 Waterman Pl.</u>
✓ <u>Rosanne M. Carpentieri</u>	<u>Rosanne M. Carpentieri</u>	<u>14 Waterman Pl.</u>
✓ <u>Catherine L. Calise</u>	<u>C. L. Calise</u>	<u>8 Sylvan Rd. South</u>
✓ <u>Jeffrey S. Arcidiacono</u>	<u>Jeffrey S. Arcidiacono</u>	<u>151 South Campo Rd</u>
✓ <u>Ronald &amp; <sup>STEPHENS</sup> Stephen</u>	<u>Ronald &amp; Stephen</u>	<u>241 Bridge St</u>

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 Patricia H. Strauss  
 TOWN CLERK

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me November 15, 2010, and that it contains 8 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss  
 Signed (Town Clerk)

November 2, 2010

To Whom It May Concern:

**Re: Text Amendment #618, Modifications to §32-12 Two-Family and Multi-Family Dwellings**

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on November 1, 2010 it was moved by Mr. Press and seconded by Mrs. Jinishian to adopt the following resolution.

**RESOLUTION #10-033**

WHEREAS, THE PLANNING AND ZONING COMMISSION met on November 1, 2010 and made the following findings:

1. In March 2007, the Planning and Zoning Commission formally committed to find ways to address the existing shortage of affordable housing units in Town. An Affordable Housing subcommittee of the Planning and Zoning Commission was formed with the goal of continuing to develop regulations to promote affordable housing in Westport.
2. A telephone survey was conducted in April 2007 and 74% of respondents felt that Westport needs a choice of housing types and 60% felt that the most appropriate place to construct new apartments, condos and other multifamily housing would be along the Post Road.
3. Since 2007, the Committee has been working on an amendment to modify §32-12 and potentially expand its application to the GBD and BCD/H and the split-zoned properties to require 20% of the units to be affordable with density, setback and height bonuses. In February 2009, Amendment #591 was submitted as an application with the support of the Planning and Zoning Commission. Prior to the public hearing however, the Commission voted to withdraw it in order to take Commission members concerns into consideration.
4. Amendment #591 referred to non-residential and split zoned properties. This amendment (#618) deals with non-residential properties only.
5. Inclusionary Zoning is defined in the Connecticut General Statute (CGS) §8-2i as follows  
*“any zoning regulation, requirement or condition of development imposed by ordinance, regulation or pursuant to any special permit, special exception or subdivision plan which promotes the development of housing affordable to persons and families of low and moderate income, including, but not limited to, (1) the setting aside of a reasonable number of housing units for long-term retention as affordable housing through deed*

*restrictions or other means; (2) the use of density bonuses; or (3) in lieu of or in addition to such other requirements or conditions, the making of payments into a housing trust fund to be used for constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income.”*

6. The Planning and Zoning Commission is proposing the modification of §32-12, Two-Family and Multi-Family Dwellings, to require 20% of the units to be owned or rented as affordable units, in accordance with §8-30g of the Connecticut General Statutes. Currently, there is no requirement for any affordable housing in accordance with §32-12.
7. The amendment also proposes allowing multi-family development in accordance with §32-12, in the General Business District (GBD), a zoning district that currently allows single family dwelling units only and in the Business Center District/Historic (BCD/H) zone which was omitted due to an oversight when that zone was created. This regulation is for non-residential properties only.
8. Properties eligible for Inclusionary Two-Family and Multi-Family Dwellings include those within the RPOD, RORD #1, #2 and #3, BPD, RBD, BCD, DDD #2, BCD/H and GBD non-residential zoning districts which have frontage on an Arterial street that is equal to at least 15% of the lot perimeter. Eligible properties shall also be served by public water and shall be connected to the public sewer or shall have access to connect to the public sewer.
9. The intent of the proposal is to increase the diversity of housing choices and to provide additional below market rate housing within Westport.
10. This amendment will benefit the Town by creating more housing choices, and more affordable housing opportunities. The amendment will also benefit the Town as it addresses some of the housing goals and strategies established in the 2007 Town Plan of Conservation and Developments. One specific strategy is to *“Consider requiring that any multi-family development provide affordable housing units.”* p. 6-4.
11. Another recommendation that will be addressed is *“The Plan recommends that developments along the Post Road be encouraged to consider incorporating residential uses on commercial properties in order to create mixed-use buildings along the corridor. As residential units are added, this will increase the variety of housing choices in locations with access to shopping and public transportation.”* p. 7-13
12. Amendment #619/Apl. #10-034 is simultaneously proposed by the Planning and Zoning Commission to create a new §39A, Inclusionary Housing Overlay District, which permits development of lots split residential and non-residential with the requirement that 20% of the units to be owned or rented as affordable units, in accordance with §8-30g of the Connecticut General Statutes. The new zoning district would be an overlay, which means that all zoning regulations applying to the underlying district would continue to govern, except as amended by this section. Also a site rezoned to Inclusionary Housing Overlay District will bear its original designation, but with IHZ appended to indicate Inclusionary Housing Overlay District.
13. Concerns were expressed by some residents at the public hearing that the existing commercial development will be replaced by multi-family development and adversely affect the tax base.

14. Westport is close to exceeding the permitted number of multi-family units allowed in Town. §4-5 of the Westport Zoning Regulations restricts the permitted number of multi-family units to no more than 10% of the total number of dwelling units in Westport as reported in the most recent U.S. Census.
15. The 2000 Census shows there are 8,755 single family dwellings, and 803 multi-family units (or 9.17% of 8,755). Seventy-three (73) additional market rate multi-family units are permitted before the maximum number of multi-family units (876) is exceeded. Currently, under this regulation only ninety-one (91) total multifamily units [(73) market rate and eighteen (18) affordable] could be constructed due to the multifamily cap regulation.
16. A public hearing was held September 30, 2010 and October 7, 2010 to receive testimony on the application.
17. The Planning & Zoning Commission finds that the proposed amendment as modified is consistent with 2007 Plan of Conservation & Development and the Westport Zoning Regulations.
18. Special Permit/Site Plan approval will be required for any future development of the properties under this regulation.
19. Comments were received from the Police and Fire Departments.
20. Support for the amendment was offered by the Greater Bridgeport Regional Planning Agency (GBRPA), the Conservation Department and both the Human Services Department and Human Services Commission.

NOW THEREFORE, BE IT RESOLVED that **Amendment #618**: Appl. #10-033 by the Planning and Zoning Commission for a text amendment to the Westport Zoning Regulations Plan; to add §11-2.3.16, Inclusionary Two-Family and Multifamily Dwellings; to modify §21-2.2.1, Two-family and multi-family dwelling units; to modify §21-8.4 FAR; to modify §22-2.2.7, Two-family and multi-family dwelling units; to modify §22-7, Building Area; to modify §22-8.4 FAR; to modify §23-2.2.1, Two-family and multi-family dwelling units; to modify §23-8.2 FAR; to add 24-2.2.7, Inclusionary two family and multi-family dwelling units; to modify §24-8.2, FAR; to modify §26-1.3, Removal; to modify §26-2.2.1(d), Two-family and multi-family dwelling units; to modify §28-2.2.2, Two-family and multi-family dwelling units; to modify §28-8.1, FAR, to modify §29-2.2.4, Two-family and multi-family dwelling units; to modify §29A-2.2.4, Two family and multi-family dwelling units; to modify §32-12, Two-family and Multi-Family Dwellings; to modify §32-12.1; Lot Area and Shape; to modify §32-12.2, Density; to modify §32-12.3, Setbacks; to add §32-12.4, Height; to add §32-12.5, Coverage; to modify §32-12.6, Building Space; to modify §32-12.7, Floor Area; to modify §32-12.8, Architectural Design; to add §32-12.9, Public Waterfront Access; to add §32-12.10, Signs; to add §32-12.11, Parking; to modify §32-12.12, Landscaping, Screening and Buffer Areas; to modify §32-12.13, Utilities; to add §32-12.15, Affordability Requirement; to add §32-12.16, Traffic Analysis and to modify §35-2.2.1, Landscaping, Screening and Buffers be **ADOPTED AS MODIFIED** as follows and for the following reasons:

1. §32-12, Purpose

The Planning and Zoning Commission finds this section is acceptable as submitted.

2. §32-12.1, Lot Area and Shape

The Planning and Zoning Commission finds this section is acceptable as submitted.

3. §32-12.2, Density

The Planning and Zoning Commission finds this section is acceptable as submitted.

4. §32-12.3, Setbacks

The Planning and Zoning Commission finds this section is acceptable as submitted.

5. §32-12.4, Height

The Planning and Zoning Commission finds this section is acceptable as submitted.

6. §32-12.5, Coverage

The Planning and Zoning Commission finds this section is acceptable as submitted.

7. §32-12.6, Building Spacing

The Planning and Zoning Commission finds this section is acceptable as submitted.

8. Building Area:

The Planning and Zoning Commission finds this section is acceptable as submitted.

9. §32-12.7, Floor Area

The Planning and Zoning Commission finds this section is acceptable as submitted.

10. §32-12.8, Architectural Design

The Planning and Zoning Commission finds this section is acceptable as submitted.

11. §32-12.9, Public Waterfront Access

The Planning and Zoning Commission finds this section is acceptable as submitted.

12. §32-12.10, Signs

The Planning and Zoning Commission finds this section is acceptable as submitted.

13. §32-12.11, Parking

The Planning and Zoning Commission finds this section is acceptable as submitted.

14. §32-12.12, Landscaping, Screening, and Buffer Areas

The Planning and Zoning Commission finds this section is acceptable as submitted.

15. §32-12.13, Utilities

The Planning and Zoning Commission finds this section is acceptable as submitted.

16. §32-12.14, Change of Use

The Planning and Zoning Commission finds this section is acceptable as submitted.

17. §32-12.15, Affordability Requirement and Plan

The Planning and Zoning Commission finds this section is acceptable as submitted.

18. §32-12.16, Traffic

The Planning and Zoning Commission finds this section is acceptable as submitted.



19. §11-2.3, Res. AAA

The Planning and Zoning Commission finds this section is acceptable as submitted.

20. §21-2.2, RPOD

The Planning and Zoning Commission finds this section is acceptable as submitted.

21. §21-8.4, RPOD

The Planning and Zoning Commission finds this section should be modified to leave in the words "Single or". The words were erroneously deleted and should be retained to provide a FAR maximum for properties not developed under the proposed regulation.

22. §22-2.2, RORD

The Planning and Zoning Commission finds this section is acceptable as submitted.

23. §22-2.7, RORD

The Planning and Zoning Commission finds this section is acceptable as submitted.

24. §22-8.4, RORD

The Planning and Zoning Commission finds this section should be modified to leave in the words "Single or". The words were erroneously deleted and should be retained to provide a FAR maximum for properties not developed under the proposed regulation.

25. §23-2.2, RBD

The Planning and Zoning Commission finds this section is acceptable as submitted.

26. §23-8.2, RBD

The Planning and Zoning Commission finds this section should be modified to leave in the words "Single or". The words were erroneously deleted and should be retained to provide a FAR maximum for properties not developed under the proposed regulation.

27. §24-2.2, GBD

The Planning and Zoning Commission finds this section is acceptable as submitted.

28. §24-8.2, GBD

The Planning and Zoning Commission finds this section is acceptable as submitted.

29. §26-1.3, DDD

The Planning and Zoning Commission finds this section is acceptable as submitted.

30. §26-2.2, DDD #2

The Planning and Zoning Commission finds this section is acceptable as submitted.

31. §28-2.2, BPD

The Planning and Zoning Commission finds this section is acceptable as submitted.

32. §28-8.1, BPD

The Planning and Zoning Commission finds this section should be modified to leave in the words "Single or". The words were erroneously deleted and should be retained to provide a FAR maximum for properties not developed under the proposed regulation.

33. §29-2.2, BCD

The Planning and Zoning Commission finds this section is acceptable as submitted.

34. §29A-2.2, BCD/H

The Planning and Zoning Commission finds this section is acceptable as submitted.

35. §35-2.2.1,

The Planning and Zoning Commission finds this section should be modified to add the following language: "For multi-family developments under §32-12 and §39A, the minimum required front landscape area may be reduced to twenty (20) feet in depth".

**REASONS**

- A. The Planning and Zoning Commission finds the amendment is consistent with Westport Zoning Regulations.
- B. The Planning and Zoning Commission finds the amendment is consistent with the 2007 Town Plan of Conservation and Development.
- C. The amendment will provide opportunities to create affordable housing units, as defined in CGS §8-30g, in Westport where there is an existing shortage.
- D. The amendment will provide opportunities to increase the diversity in housing types in Westport.

**The effective date of this amendment is: 12/3/10.**

**VOTE:**

AYES	-6-	{Corwin, Lowenstein, Press, Lathrop, Jinishian, Curry}
NAYS	-1-	{Walsh}
ABSTENTIONS	-0-	

Very truly yours,

Ron Corwin  
Chairman,  
Planning & Zoning Commission

cc: Town Attorney's Office

Attached: Adopted Amendment #618

**Amendment #618**

Submitted: 7/27/10

Revised: 9/14/10

Received: 8/31/10

Public Hearing: Scheduled for 9/30/10

Adopted: 11/1/10

Effective date: 12/3/10

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Language to be deleted is ~~struck-out~~; language to be added is underlined.

**THE FOLLOWING IS FROM §32, SUPPLEMENTARY USE REGULATIONS**

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

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

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

**32-12.1 Lot Area and Shape**

32-12.1.1 No minimum lot area or shape. Any lot using this regulation must provide frontage on an arterial street that is equal to at least fifteen percent (15%) of the perimeter of the lot.

32-12.1.2 Any lot created by subdivision or lot merger not in existence at the time this regulation was created must have a Regularity Factor of at least 0.55.

32-12.1.3 Primary access to the development must be from a non-residential portion of the lot.

~~[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 Maximum - The maximum allowable density shall not exceed 20 bedrooms per gross acre. An additional maximum density of 6 bedrooms per gross acre is permitted for affordable units that are exempt from this calculation. The maximum number of units per acre shall not exceed eighteen (18) inclusive of affordable units.

~~32-12.2.2 [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 Bedrooms - For the purpose of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom.

### **32-12.3 Setbacks**

No principal or accessory building or structure [~~in a multi-family, Single Use Development, as defined herein,~~] shall extend closer than [~~:(a) 30~~] twenty (20) feet from any [~~street~~] front lot 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. ]~~

Side and rear setbacks are governed by the underlying district.

### **32-12.4 Height**

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

32-12.4.1 For buildings within the GBD, RPOD, RORD, RBD, BCD and DDD #2 zoning districts, of which at least one-third (1/3) of the floor area is residential, a height of three (3) stories and thirty-five (35) feet is allowed.

32-12.4.2 For a building in which less than one-third (1/3) of the floor area is residential use, the height is restricted to that which is permitted in the underlying zone.

### **32-12.5 Coverage**

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

32-12.5.1 The Planning and Zoning Commission may exempt an additional minimal amount of coverage associated with open porches, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience or will further the intent to preserve and/or enhance the historic character and appearance of the area, and at the discretion of the Commission at the time of Special Permit approval on sites that include at least 20% affordable housing.

32-12.5.2 The total coverage shall not exceed seventy percent (70%) of the area of the lot.

32-12.5.3 In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

### **[32-12.4] 32-12.6 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than ten (10) feet. [~~one-half the sum of the heights of such adjacent buildings.~~]

### **[32-12.5] 32-12.7 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:~~

~~(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. ]~~

32-12.7.1 Unit Size: The total interior floor area of a unit shall exclude garage parking spaces, common storage area, common stairs, common halls, common foyers and

other similar spaces used in common. The average unit size shall not exceed 1,250 square feet .

[32-12.5.3]

#### 32-12.7.2 Floor Area Ratio (FAR)

32-12.7.2.1 No lot which contains buildings or structures [in any Single or Multiple Use Development,] which consists of [contains] two-family or multi-family dwellings, shall exceed an FAR of [0.35] 0.5, except in the BCD and BCD/H zone. [In any Multiple Use Development containing two-family or multi-family dwellings,] Any incremental increase in floor area above the maximum allowable FAR in the underlying zone [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. Floor area used for affordable housing units shall be exempt from the FAR calculation not to exceed an additional 0.25 FAR.

32-12.7.2.2 At least 40% of the floor area of the property shall be non-residential use.

32-12.7.2.3 In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

#### [32-12.6-] 32-12.8 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be made compatible with the historic structures located on the property and on any adjacent lot, if they are listed on the most recent Westport Historic Resource Inventory. The design should reflect both the characteristic scale and building traditions of those historic structures so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district.

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

[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. ]

#### 32-12.9 Public Waterfront Access

Public Waterfront Access (see Definitions) shall be provided on all sites adjacent to the Saugatuck River.

#### 32-12.10 Signs

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

#### 32-12.11 Parking

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

**32-12.11.1 Underground Parking**

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

**[32-12.7] 32-12.12 Landscaping, Screening and Buffer Areas**

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

**32-12.12.1** Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level, except for required street lights. The glare from light sources shall be shielded from roads and abutting properties. Lighting must be provide in accordance with §44-5.5 of the Regulations.

**[32-12.7.1] 32-12.12.2 Refuse Areas:** Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.

**[32-12.7.2] 32-12.12.3 Mail boxes:** Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

**[32-12.7.3 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] 32-12.13 Utilities**

**[32-12.8.1] 32-12.13.1** All utilities and conduits [within the site for a multi-family Single Use Development, ] shall be underground.

**[32-12.8.2] 32-12.13.2** No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

**[32-12.8.3] 32-12.13.3** All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer. Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

**[32-12.9] 32-12.14 Change of Use**

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

**32-12.15 Affordability Requirement and Plan**

**32-12.15.1** In conjunction with residential units proposed as part of this regulation, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g. An affordability plan must be submitted at the time of application in accordance with same. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD).

32-12.15.2 Affordable housing units cannot be clustered, but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units shall be comparable. No affordable unit shall be smaller than 75% of a market rate unit containing the same number of bedrooms.

### **32-12.16 Traffic Analysis**

A Traffic Analysis in accordance with §44-2.5 shall be required.

**[The changes to Section 11, Res. AAA zone, are required in order to permit this use in the residential portion of a split zoned lot only.]**

**THE FOLLOWING IS FROM §11, Res. AAA**

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

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

- 11-2.3.1 Elderly housing.
- 11-2.3.2 Hospitals and other medical institutions.
- 11-2.3.3 Excavation and filling of land.
- 11-2.3.4 Home Caterers.
- 11-2.3.5 Group Home for Elderly.
- 11-2.3.6 Group Home for Youth.
- 11-2.3.7 Residential Facility for School Based Education Program
- 11-2.3.8 Conversion of School Buildings to Housing
- 11-2.3.9 Related accessory buildings, structures and uses.
- 11-2.3.10 Managed Residential Communities
- 11-2.3.11 Affordable and Middle Income Housing on Town-Owned Property
- 11-2.3.12 Historic Residential Structures
- 11-2.3.13 Supportive Housing
- 11-2.3.14 Lighted athletic fields on town owned public school property
- 11-2.3.15 Home Occupation, Level 2, as defined in §5-2, Home Based Business.
- 11-2.3.16 Inclusionary Two-Family and Multifamily Dwellings

**THE FOLLOWING IS FROM §21, RESTRICTED PROFESSIONAL OFFICE DISTRICT (RPOD)**

### **21-2.2 Special Permit Uses**

The following uses are permitted only in a principal building existing on the premises at the time the RPOD boundary is established and subject to Special Permit and Site Plan approval in accordance with § 43, herein. This provision shall not be deemed to prevent new construction and use of a principal building on a lot vacant at the time that each RPOD boundary is established, provided that such new construction or reconstruction shall strictly adhere to the purposes of this district.

- 21-2.2.1 Inclusionary two-family and multi-family dwelling units, subject to the provisions of §32-12, herein.
- 21-2.2.2 Professional offices where professional services are rendered rather than goods offered for sale on the premises, including, but not limited to: doctors, dentists, other medical professionals, healthcare professionals, lawyers, real estate agents, insurance agents, mortgage brokers, engineers, architects, designers, writers and artists.

21-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.

#### **21-8.4 FAR (See Definitions)**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the RPOD zone; except for two-family or multi-family dwellings. 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]~~ as described in §32-12. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

### **THE FOLLOWING IS FROM §22, RESTRICTED OFFICE-RETAIL DISTRICT (RORD)**

#### **22-2.2 Special Permit Uses**

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

- 22-2.2.1 Business, professional (excluding medical offices and clinics, healthcare professionals and other similar uses), insurance, real estate or other offices.
- 22-2.2.2 Stores and shops where goods are sold and services are rendered primarily at retail in RORD #1 and #2 only.
- 22-2.2.3 Off-street parking lots, decks and garages.
- 22-2.2.4 Grocery Stores and delicatessens in RORD#2, only.
- 22-2.2.5 Restaurants in RORD #2, only.
- 22-2.2.6 Commercial marinas, docks, landings and boathouses in RORD #2, only. No boat shall be occupied or used as a dwelling or dwelling unit.
- 22-2.2.7 Inclusionary two-family and multi-family dwelling units subject to the provisions of §32-12, herein.
- 22-2.2.8 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 22-2.2.9 Private Occupational Schools.
- 22-2.2.10 Indoor and Outdoor Commercial Recreation and Entertainment Uses.

#### **22-7 Building Area (See Definitions)**

No building shall have more than two thousand, five hundred (2,500) square feet of building area.  
~~[No one building shall contain more than eight (8) dwelling units.]~~

#### **22-8.4 FAR (See Definitions)**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the RORD zone; except for two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed a FAR ~~[of 0.35]~~ as described in §32-12. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.



## **THE FOLLOWING IS FROM §23, RESTRICTED BUSINESS DISTRICT (RBD)**

### **23-2.2 Special Permit Uses**

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

- 23-2.2.1 Inclusionary two family and multi-family dwelling units subject to the provisions of §32-12, herein.
- 23-2.2.2 Fast food restaurants, not exceeding 2000 square feet of Gross Floor Area; provided that no lot shall be used for a fast food restaurant if such lot is located within 500 feet from another lot used for a fast food restaurant, and that no Fast Food Restaurant shall be located within 500 feet of another Fast Food Restaurant on the same lot.
- 23-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 23-2.2.4 Private Occupational Schools.

### **23-8.2 FAR (See Definitions)**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor (FAR) of 0.25 on the area of the lot that lies within the RBD zone; except for two-family or multi-family dwellings. 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~~] as described in §32-12. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

## **THE FOLLOWING IS FROM §24, GENERAL BUSINESS DISTRICT (GBD)**

### **24-2.2 Special Permit Uses**

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

- 24-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 24-2.2.2 Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.
- 24-2.2.3 Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.
- 24-2.2.4 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 24-2.2.5 Private Occupational Schools.
- 24-2.2.6 Bank drive-in within 500 feet of another bank drive-in as permitted by §24-2.3.3.
- 24-2.2.7 Inclusionary two family and multi-family dwelling units subject to the provisions of §32-12, herein.

### **24-8 Floor Area**

#### **24-8.1 Maximum**

No one building shall exceed 10,000 square feet of gross interior floor area and no group of stores or shopping center shall exceed 50,000 square feet of gross interior floor area.

#### **24-8.2 FAR (see definitions)**

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the General Business District (GBD) Zone. Floor area used for parking and loading spaces shall be excluded from the FAR.

No buildings or structures in any Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR as described in §32-12. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

### **THE FOLLOWING IS FROM §26, DESIGN DEVELOPMENT DISTRICT (DDD)**

#### **26-1 Purpose**

The purpose of the Design Development District (DDD), is to allow for the compatible design of commercial, office, and industrial development.

#### **26-1.1 Establishment of District**

Design Development Districts, proposed after November 1, 1975 may no longer be established in the Town of Westport.

#### **26-1.2 Designation**

Whenever any such Design Development District is established, its designation shall be accompanied by another designation of Residence A, AA or AAA. Such designation shall indicate the class of zoning standards under which residential lots may be established in a Design Development District and shall correspond to the zoning classification of residential areas in the vicinity of such districts.

#### **26-1.3 Removal**

After August 11, 1980, no Change of Zone or Special Permit application under the provision of this section shall be granted within the Town of Westport, except for the development of inclusionary two-family and multi-family dwelling units in the DDD#2 which is permitted subject to the provisions in §32-12. The specific sections affected are §26-1.1 through §26-1.2, inclusive.

#### **26-2 Exception - Active**

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

#### **26-2.1 District Area**

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

#### **26-2.2 Permitted Uses**

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

##### **26-2.2.1 DDD No. 2**

- (a) Any use permitted in a Business District.
- (b) Any use permitted in a Residence AAA District.
- (c) Warehouses in conjunction with commercial and research uses, and motels.

- (d) Inclusionary two-family and multi-family dwelling units subject to the provisions of §32-12, herein.

## **THE FOLLOWING IS FROM §28, BUSINESS PRESERVATION DISTRICT (BPD)**

### **28-2.2 Special Permit Uses**

The following additional uses are permitted only in a principal building existing on the premises at the time the BPD boundary is established and subject to Special Permit and Site Plan Approval in accordance with §43, herein. This provision shall not be deemed to prevent new construction and use of a principal building on a lot, provided that such new construction or reconstruction shall strictly adhere to the purpose of this district.

- 28-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 28-2.2.2 Inclusionary two-family and multi-family dwelling units, subject to the provisions of §32-12, herein.
- 28-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 28-2.2.4 Bank drive-in within 500 feet of another bank drive-in as permitted by §28-2.3.6.
- 28-2.2.5 Indoor and Outdoor Commercial Recreation and Entertainment Uses.

### **28-8.1 FAR**

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the BPD zone; except for two-family or multi-family dwellings. 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~~] as described in §32-12. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

## **THE FOLLOWING IS FROM §29, BUSINESS CENTER DISTRICT (BCD)**

### **29-2.2 Special Permit Uses**

- 29-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 29-2.2.2 Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.
- 29-2.2.3 Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.
- 29-2.2.4 Inclusionary two-family and multi-family dwelling units, subject to the provisions of §32-12, herein. No existing dwelling unit above the first floor can be changed to a non-residential use.
- 29-2.2.5 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 29-2.2.6 Bank drive-in within 500 feet of another bank drive-in as permitted by §29-2.3.3.

**THE FOLLOWING IS FROM §29A, BUSINESS CENTER DISTRICT/HISTORIC (BCD/H)**

**29A-2.2 Special Permit Uses**

- 29A-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 29A-2.2.2 Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.
- 29A-2.2.3 Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.
- 29A-2.2.4 Inclusionary two-family and multi-family dwelling units, subject to the provisions of §32-12, herein. No existing dwelling unit above the first floor can be changed to a non-residential use.
- 29A-2.2.5 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 29A-2.2.6 Exterior reconstruction, alteration, or addition to any existing structure or a new construction requires a special permit with a combined recommendation from a joint meeting of the Historic District Commission and the Architectural Review Board. Ordinary maintenance and repair for which no building permit is required shall be exempted from this requirement provided there is no change to the exterior appearance of the building.
- 29A-2.2.7 Bank drive-in within 500 feet of another Drive-in Bank as permitted by §29A-2.3.3.

**THE FOLLOWING IS FROM §35, LANDSCAPING, SCREENING AND BUFFERS**

35-2.2.1 The required front setback area, as measured from the property line, except for sidewalks and perpendicular driveways, shall include a minimum thirty (30) foot deep front landscape area along all streets, as shown on the attached "*Landscape Design Standards*." Such landscape area shall be retained and is to be used for no other purposes.

- (a) In cases where the edge of pavement or curb within a street right-of-way does not coincide with the front lot line, the applicant shall, in addition, landscape the area between the front lot line and the edge of the street pavement or sidewalk in such a manner as will not obstruct vehicle sight lines.
- (b) In a BCD Zone the minimum required front landscape area shall be reduced to twenty (20) feet in depth along streets other than the Post Road.
- (c) For multi-family developments under §32-12 and §39A, the minimum required front landscape area may be reduced to twenty (20) feet in depth. §See 32-12.11 and §39A-14.

Hearing: Sept. 30, 2010 & Oct. 7, 2010  
Decision: November 1, 2010

November 2, 2010

To Whom It May Concern:

**Re: Text Amendment #619, §39A, Inclusionary Housing Overlay District**

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on November 1, 2010 it was moved by Mr. Lathrop and seconded by Ms. Curry to adopt the following resolution.

**RESOLUTION #10-034**

WHEREAS, THE PLANNING AND ZONING COMMISSION met on November 1, 2010 and made the following findings:

1. In March 2007, the Planning and Zoning Commission formally committed to find ways to address the existing shortage of affordable housing units in Town. An Affordable Housing subcommittee of the Planning and Zoning Commission was formed with the goal of continuing to develop regulations to promote affordable housing in Westport.
2. A telephone survey was conducted in April 2007 and 74% of respondents felt that Westport needs a choice of housing types and 60% felt that the most appropriate place to construct new apartments, condos and other multifamily housing would be along the Post Road.
3. Since 2007, the Committee has been working on an amendment to modify §32-12 and potentially expand its application to the GBD and BCD/H and the split-zoned properties to require 20% of the units to be affordable with density, setback and height bonuses. In February 2009, Amendment #591 was submitted as an application with the support of the Planning and Zoning Commission. Prior to the public hearing however, the Commission voted to withdraw it in order to take Commission members concerns into consideration.
4. Amendment #591 referred to non-residential and split zoned properties. This amendment (#619) deals with split zoned properties only.
5. Inclusionary Zoning is defined in the Connecticut General Statute (CGS) §8-2i as follows *“any zoning regulation, requirement or condition of development imposed by ordinance, regulation or pursuant to any special permit, special exception or subdivision plan which promotes the development of housing affordable to persons and families of low and moderate income, including, but not limited to, (1) the setting aside of a reasonable number of housing units for long-term retention as affordable housing through deed restrictions or other means; (2) the use of density bonuses; or (3) in lieu of or in addition*

*to such other requirements or conditions, the making of payments into a housing trust fund to be used for constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income.”*

6. The Planning and Zoning Commission is proposing to create a new §39A, Inclusionary Housing Overlay District, which permits development of lots split residential and non-residential with the requirement that 20% of the units to be owned or rented as affordable units, in accordance with §8-30g of the Connecticut General Statutes. The new zoning district would be an overlay, which means that all zoning regulations applying to the underlying district would continue to govern, except as amended by original designation, but with IHZ appended to indicate Inclusionary Housing Overlay District.
7. Eligible properties are split zoned Res. AA, A or B and GBD, RPOD, RORD #1, #2 and #3, BPD, RBD, BCD, BCD/H or DDD #2 Non-Residential zoning districts and must have frontage that is equal to at least 15% of the lot perimeter. Eligible properties shall also be served by public water and shall be connected to the public sewer or shall have access to connect to the public sewer.
8. The intent of the proposal is to increase the diversity of housing choices and to provide additional below market rate housing within Westport.
9. This amendment will benefit the Town by creating more housing choices, and more affordable housing opportunities. The amendment will also benefit the Town as it addresses some of the housing goals and strategies established in the 2007 Town Plan of Conservation and Developments. One specific strategy is to “*Consider requiring that any multi-family development provide affordable housing units.*” p. 6-4.
10. Another recommendation that will be addressed is “*The Plan recommends that developments along the Post Road be encouraged to consider incorporating residential uses on commercial properties in order to create mixed-use buildings along the corridor. As residential units are added, this will increase the variety of housing choices in locations with access to shopping and public transportation.*” p. 7-13
11. Amendment #618/Apl. #10-033 is simultaneously proposed by the Planning and Zoning Commission to provide inclusionary zoning by modifying the existing section §32-12, Two-Family and Multi-Family Dwellings, to require 20% of the market rate units to be owned or rented as affordable units, in accordance with §8-30g of the Connecticut General Statutes. In addition, the GBD and BCD/H zones are proposed to be modified to allow development under §32-12. Currently, there is no requirement for any affordable housing approved as part of a multi-family development in accordance with §32-12.
12. Concerns were expressed by some residents at the public hearing that the existing commercial development will be replaced by multi-family development and adversely affect the tax base.
13. Westport is close to exceeding the permitted number of multi-family units allowed in Town. §4-5 of the Westport Zoning Regulations restricts the permitted number of multi-family units to no more than 10% of the total number of dwelling units in Westport as reported in the most recent U.S. Census.
14. The 2000 Census shows there are 8,755 single family dwellings, and 803 multi-family units (or 9.17% of 8,755). Seventy-three (73) additional market rate multi-family units are permitted before the maximum number of multi-family units (876) is exceeded.

Currently, under this regulation only ninety-one (91) total multifamily units [(73) market rate and eighteen (18) affordable] could be constructed due to the multifamily cap regulation.

15. A public hearing was held September 30, 2010 and October 7, 2010 to receive testimony on the application.
16. The Planning & Zoning Commission finds that the proposed amendment as modified is consistent with 2007 Plan of Conservation & Development and the Westport Zoning Regulations.
17. Rezoning and Special Permit/Site Plan approval will be required for any future development of the properties under the IHZ regulations.
18. Comments were received from the Police and Fire Departments.
19. Support for the amendment was offered by the Greater Bridgeport Regional Planning Agency (GBRPA), the Conservation Department and both the Human Services Department and Human Services Commission.

*NOW THEREFORE, BE IT RESOLVED that **Amendment #619:** Appl. #10-034 by the Planning and Zoning Commission for a text amendment to the Westport Zoning Regulations to add a new §39A, Inclusionary Housing Overlay District be **ADOPTED** as follows and for the following reasons:*

1. §39A-1, Purpose

The Planning and Zoning Commission finds this section is acceptable as submitted.

2. §39A-2, Standards of Eligibility

The Planning and Zoning Commission finds this section is acceptable as submitted.

3. §39A-3, Designation/Uses Permitted

The Planning and Zoning Commission finds this section is acceptable as submitted.

4. §39A-4, Lot Area and Shape

The Planning and Zoning Commission finds this section is acceptable as submitted.

5. §39A-5, Density

The Planning and Zoning Commission finds this section is acceptable as submitted.

6. §39A-6, Setbacks

The Planning and Zoning Commission finds this section is acceptable as submitted.

7. §39A-7, Height

The Planning and Zoning Commission finds this section is acceptable as submitted.

8. §39A-8, Coverage

The Planning and Zoning Commission finds this section is acceptable as submitted.

9. §39A-9, Building Spacing

The Planning and Zoning Commission finds this section is acceptable as submitted.

10. §39A-10, Floor Area

The Planning and Zoning Commission finds this section is acceptable as submitted.

11. §39A-11, Architectural Design

The Planning and Zoning Commission finds this section is acceptable as submitted.

12. §39A-12, Public Waterfront Access

The Planning and Zoning Commission finds this section is acceptable as submitted.

13. §39A-13, Signs

The Planning and Zoning Commission finds this section is acceptable as submitted.

14. §39A-14, Parking

The Planning and Zoning Commission finds this section is acceptable as submitted.

15. §39A-15, Landscaping, Screening, and Buffer Areas

The Planning and Zoning Commission finds this section is acceptable as submitted.

16. §39A-16, Utilities

The Planning and Zoning Commission finds this section is acceptable as submitted.

17. §39A-17, Change of Use

The Planning and Zoning Commission finds this section is acceptable as submitted.

18. §39A-18, Affordability Requirement and Plan

The Planning and Zoning Commission finds this section is acceptable as submitted.

19. §39A-19, Traffic

The Planning and Zoning Commission finds this section is acceptable as submitted.

**REASONS**

- A. The Planning and Zoning Commission finds the amendment is consistent with Westport Zoning Regulations.
- B. The Planning and Zoning Commission finds the amendment is consistent with the 2007 Town Plan of Conservation and Development.
- C. The amendment will provide opportunities to create affordable housing units, as defined in CGS §8-30g, in Westport where there is an existing shortage.
- D. The amendment will provide opportunities to increase the diversity in housing types in Westport.

**The effective date of this amendment is: 12/3/10.**

**VOTE:**

AYES	-6-	{Corwin, Lowenstein, Press, Lathrop, Jinishian, Curry}
NAYS	-1-	{Walsh}
ABSTENTIONS	-0-	



Amend. #619, Res. #10-034

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Very truly yours,

Ron Corwin  
Chairman,  
Planning & Zoning Commission

cc: Town Attorney's Office

**Attached: Adopted Amendment #619**

**Amendment #619**

Submitted: 7/27/10

Revised: 8/3/10

Received: 8/31/10

Public Hearing: Scheduled for 9/30/10

Adopted: 11/1/10

Effective date: 12/3/10

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Language to be deleted is [~~struck-out~~]; language to be added is underlined.

## **§39A INCLUSIONARY HOUSING OVERLAY DISTRICT**

### **39A-1 Purpose**

The purpose of the Inclusionary Housing Overlay District is to increase the diversity of housing choices and to provide additional below market rate housing within Westport, located on lots that are split zoned Res. AA, A or B and GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H or DDD #2 Non-Residential zoning districts. In order to implement this purpose, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g.

### **39A-2 Standards For Eligibility**

In order to qualify for the Inclusionary Housing Overlay District designation, the lot must be split zoned Res. AA, A or B and GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H or DDD #2 Non-Residential zoning districts.

### **39A-3 Designation/Uses Permitted**

A site rezoned by the Planning and Zoning Commission to Inclusionary Housing Overlay District shall continue to bear its original district designation, but with the initials IHZ appended to indicate an Inclusionary Housing Overlay District designation. All zoning regulations applying to the underlying district shall continue to govern the Inclusionary Zoning District, except as amended by this Section. Designation as an Inclusionary Housing Overlay District or the removal of such designation shall be considered a change of zone. All developments shall require Special Permit and Site Plan review by the Planning and Zoning Commission.

39A-3.1 All non-residential uses must be in the non-residential zoned portion of the lot.

### **39A-4 Lot Area and Shape**

39A-4.1 No minimum lot area or shape. Any lot using this regulation must provide frontage on an arterial street that is equal to at least fifteen (15%) of the perimeter of the lot.

39A-4.2 Any lot created by subdivision or lot merger not in existence at the time this regulation was created must have a Regularity Factor of at least 0.55.

39-A-4.3 Primary access to the development must be from the non-residential portion of the lot.

### **39A-5 Density**

39A-5.1 Maximum - The maximum allowable density shall not exceed twenty (20) bedrooms per gross acre. An additional maximum density of six (6) bedrooms per gross acre is permitted for affordable units that are exempt from this calculation.

The maximum number of units per acre shall not exceed eighteen (18) in the non-residentially zoned portion of the lot and twelve (12) in the residentially zoned portion of the lot, inclusive of affordable units.

39A-5.2 Bedrooms - For the purpose of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom.

### **39A-6 Setbacks**

No principal or accessory building or structure shall extend closer than twenty (20) feet from any front lot line. Side and rear setbacks are governed by the underlying district. There will be no setbacks from a residential zone line that splits a property.

### **39A-7 Height**

39A-7.1 In order to retain the historic streetscape in the BPD and BCD/H zones, the height is restricted to that which is permitted in the underlying non-residential zoning district.

39A-7.2 For buildings within the GBD, RPOD, RORD, RBD, BCD and DDD #2 zoning districts, of which at least one-third (1/3) of the floor area is residential, a height of three (3) stories and thirty-five (35) feet is allowed.

39A-7.3 For a building in which less than one-third (1/3) of the floor area is residential use, the height is restricted to that which is permitted in the underlying zone. The Res. AA, A and B portion of the property is limited to 2 ½ stories and a height of thirty-five (35) feet.

### **39A-8 Coverage**

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

39A-8.1 The Planning and Zoning Commission may exempt an additional minimal amount of coverage associated with open porches, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience or will further the intent to preserve and/or enhance the historic character and appearance of the area, and at the discretion of the Commission at the time of Special Permit approval on sites that include at least 20% affordable housing.

39A-8.2 The total coverage shall not exceed seventy percent (70%) of the area of the lot.

39A-8.3 In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

### **39A-9 Building Spacing**

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than ten (10) feet.

### **39A-10 Floor Area**

39A-10.1 Total Maximum: No one floor shall exceed an area of 2,500 square feet in the residentially zoned portion of the lot.

39A-10.2 Unit Size: The total interior floor area of a unit shall exclude garage parking spaces, common storage area, common stairs, common halls, common foyers and other similar spaces used in common. The average unit size shall not exceed 1,250 square feet.

#### **39A-10.3 Floor Area Ratio (FAR)**

39A-10.3.1 No lot which contains buildings or structures which consists of two-family or multi-family dwellings, shall exceed an FAR of 0.5, except in the BCD and BCD/H zone. Any incremental increase in floor area above the maximum allowable FAR in the underlying zone, shall be used for dwelling(s) units only. Floor area used for parking and loading shall be excluded from the FAR. Floor area used for affordable housing units shall be exempt from the FAR calculation not to exceed an additional 0.25 FAR.

39A-10.3.2 At least 40% of the floor area in the non-residentially zoned portion of the property shall be non-residential use.

39A-10.3.3 In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

### **39A-11 Architectural Design**

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be made compatible with the historic structures located on the property and on any adjacent lot, if they are listed on the most recent Westport Historic Resource Inventory. The design should reflect both the characteristic scale and building traditions of those historic structures so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district.

#### **39A-11.1 Buildings in Residential Districts**

Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance.

- (a) Buildings shall have a pitched roof design and shall have staggered or off-set unit facades of not less than five (5) feet in depth over a minimum length of twenty (20) feet.
- (b) Buildings designed to achieve small scale and residential appearance shall be encouraged.
- (c) Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
- (d) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
- (e) Where applicable, developments shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined here as those registered in either the Connecticut or U.S. Registers of Historic structures or the Westport Historic Resources Inventory listed or deemed eligible for listing

on the National Register of Historic Places, State Register of Historic Places, Westport Historic Resources Inventory, or are at least 50 years of age.

### **39A-11.2 Buildings in Non-Residential Districts**

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

### **39A-12 Public Waterfront Access**

Public Waterfront Access (see Definitions) shall be provided on all sites adjacent to the Saugatuck River.

### **39A-13 Signs**

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

### **39A-14 Parking**

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

#### **39A-14.1 Underground Parking**

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

### **39A-15 Landscaping, Screening and Buffer Areas**

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

#### **39A-15.1 Lighting**

Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level, except for required street lights. The glare from light sources shall be shielded from roads and abutting properties. Lighting must be provide in accordance with §44-5.5 of the Regulations.

#### **39A-15.2 Refuse Areas**

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

#### **39A-15.3 Mail boxes**

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

### **39A-16 Utilities**

39A-16.1 All utilities and conduits shall be underground.

39A-16.2 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.

39A-16.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer. Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

### **39A-17 Change of Use**

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

### **39A-18 Affordability Requirement and Plan**

39A-18.1 In conjunction with residential units proposed as part of this regulation, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g. An affordability plan must be submitted at the time of application in accordance with same. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD).

39A-18.2 Affordable housing units cannot be clustered, but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units shall be comparable. No affordable unit shall be smaller than 75% of a market rate unit containing the same number of bedrooms.

### **39A-19 Traffic Analysis**

A Traffic Analysis in accordance with §44-2.5 shall be required.