



# WESTPORT CONNECTICUT

PATRICIA H. STRAUSS

TOWN CLERK

December 21, 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 pursuant to Section C10-4 of the Town Code, for the RTM to place an item on an upcoming Representative Town Meeting agenda, involving a request to review and reject the action taken by the Westport Planning & Zoning Commission on December 9, 2010 and noticed December 15, 2010 adopting text amendment #621 Appl. #10-037 to add and to modify various regulation sections regarding residential structures and coverage regulations. The lead petitioner is Valerie Seiling Jacobs. A copy of the petition pages, a copy of the amended text and a copy of the legal notice 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

December 21, 2010

To: Patricia Strauss,  
Town Clerk of the Town of Westport, Connecticut

From: Valerie Seiling Jacobs  
Name of Petitioner

Re: Petition to Review and Reject Planning & Zoning Decision

I/We are resident(s) of and registered voter(s) in Westport, Connecticut.

The following is a Petition, signed in counterparts by 20 or more electors of Westport a/k/a Registered Voters, including the Petitioner(s). I/We and those signatories hereby file this petition on and as of this 21st day of December 2010 with the Town Clerk of Westport, Connecticut.

RECEIVED FOR RECORD  
WESTPORT LAND RECORDS  
2010 DEC 21  
VOL. \_\_\_\_\_ PAGE \_\_\_\_\_  
TOWN CLERK

**PETITION FOR REVIEW AND REJECTION UNDER CHAPTERS 10-4 AND 5-1  
OF  
WESTPORT'S TOWN CHARTER**

The undersigned, each of whom is a registered voter in the Town of Westport hereby petition for review and rejection by the Westport Representative Town Meeting the action of the Westport Planning and Zoning Commission in adopting Amendment #621, Appl. #10-037 for a text amendment to the Westport Zoning Regulations regarding residential structures, coverage regulations, §5-2, to modify the definition of Building to delete deck and add covered porch with floor area above or below, to modify the definition of Coverage, Building to recognize that building coverage in residential zones will be based upon net lot area, to modify the definition of Coverage, Total to recognize that total coverage in residential zones will be based up net lot area. Swimming pools to be added to total coverage, patios, decks and terraces to be added to total coverage when they exceed 2% of the gross lot area, to create a new definition for deck, to modify the definition of Lot Area to be called Gross Lot Area, to create a new definition for Net Lot Area, to create a new definition of Permeable Surface, to create a new definition for porch that includes both covered and uncovered porches, balconies and verandas, to modify the definition of Structure to add light poles and covered porches with Floor Area above or below. Swimming pools, decks, tennis courts and on-grade sports courts shall be deemed structures but not included in building coverage. Further, patios, decks and terraces shall be added to Total Coverage when they exceed 2% of the Gross Lot Area. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a Permeable Surface, to modify the definition of Swimming Pool to consider the coping part of the pool, to modify the definition of Tennis Court so that 100% of a tennis court shall count in total coverage, to modify the definition of Terrace or Patio so they shall count in

total coverage. Patios, decks and terraces shall be added to total coverage when they exceed 2% of gross lot area. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a permeable surface; §6-2.2 Coverage (for non conforming lots) to be modified to now recognize that a building coverage will be added to the AAA and AA zones; §11-2.4.3 to Modify Outdoor Recreational Uses, §11-6, AAA Zone – Coverage to be modified to add a 15% building coverage based upon let lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §12-6 AA Zone – Coverage to be modified to add a 15% building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §13-6 A Zone – Coverage to be modified to base building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §14-6 B Zone – Coverage to be modified to measure building coverage based upon net lot area. Total coverage shall be measured on net lot area; §16-6 MHPD Zone – Coverage to be modified to measure total coverage based upon the total area of each mobile home lot; §45-3.5.3 (Drainage Requirements for Zoning Permits) to be modified to require that all drainage calculations in pursuit of a zoning permit account for all decks, patios and terraces, Summary Schedule of Residence District Provisions to be modified to include a 15% building coverage for AAA and AA zones; Appendix D, the Lot Area coverage Worksheet shall be modified to use the term Net Lot Area and refer to the coverage chart. A Coverage Chart shall be added to the regulations in Appendix D.

**Effective date: 02/14/11**

ALL as set forth in Amendment #621 adopted on December 9, 2010 and noticed on December 15, 2010 at page A16 of the *Westport News*.

**Name (print)**

**Signature**

**Westport Address**

✓ Valerie Seiling Jacobs Valerie S. Jacobs 11 Compo Parkway

✓ Don Sidney B. Kramer Donny B. Kramer 20 Bluewater Hill

✓ A. Frances Pollak A. Frances Pollak 4 Lookout Lane

✓ MARK R. JACOBS Mark R. Jacobs 11 COMPO PARKWAY

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me December 21, 2010 and that it contains 4 signed names of electors, whose names appear on the last completed registry list of this town.

(continued)

Patricia H. Strauss  
Signed (Town Clerk)

total coverage. Patios, decks and terraces shall be added to total coverage when they exceed 2% of gross lot area. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a permeable surface; §6-2.2 Coverage (for non conforming lots) to be modified to now recognize that a building coverage will be added to the AAA and AA zones; §11-2.4.3 to Modify Outdoor Recreational Uses, §11-6, AAA Zone – Coverage to be modified to add a 15% building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §12-6 AA Zone – Coverage to be modified to add a 15% building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §13-6 A Zone – Coverage to be modified to base building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §14-6 B Zone – Coverage to be modified to measure building coverage based upon net lot area. Total coverage shall be measured on net lot area; §16-6 MHPD Zone – Coverage to be modified to measure total coverage based upon the total area of each mobile home lot; §45-3.5.3 (Drainage Requirements for Zoning Permits) to be modified to require that all drainage calculations in pursuit of a zoning permit account for all decks, patios and terraces, Summary Schedule of Residence District Provisions to be modified to include a 15% building coverage for AAA and AA zones; Appendix D, the Lot Area coverage Worksheet shall be modified to use the term Net Lot Area and refer to the coverage chart. A Coverage Chart shall be added to the regulations in Appendix D.  
**Effective date: 02/14/11**

ALL as set forth in Amendment #621 adopted on December 9, 2010 and noticed on December 15, 2010 at page A16 of the *Westport News*.

	Name (print)	Signature	Westport Address
5 ✓	<u>JILLIAN KLAFF</u>	<u>Jillian Klaff</u>	<u>16 KEYSER ROAD.</u>
✓	<u>ANTHONY KLAFF</u>	<u>Anthony Klaff</u>	<u>16 KEYSER ROAD</u>
✓	<u>MARION PALCSIK</u>	<u>MARION PALCSIK</u>	<u>19 Harborview Rd</u>
✓	<u>ROBERT PALCSIK</u>	<u>R. Palcsik</u>	<u>19 Harborview Rd</u>

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me December 21, 2010 and that it contains 4 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss  
Signed (Town Clerk)

(continued)

total coverage. Patios, decks and terraces shall be added to total coverage when they exceed 2% of gross lot area. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a permeable surface; §6-2.2 Coverage (for non conforming lots) to be modified to now recognize that a building coverage will be added to the AAA and AA zones; §11-2.4.3 to Modify Outdoor Recreational Uses, §11-6, AAA Zone – Coverage to be modified to add a 15% building coverage based upon let lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §12-6 AA Zone – Coverage to be modified to add a 15% building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §13-6 A Zone – Coverage to be modified to base building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §14-6 B Zone – Coverage to be modified to measure building coverage based upon net lot area. Total coverage shall be measured on net lot area; §16-6 MHPD Zone – Coverage to be modified to measure total coverage based upon the total area of each mobile home lot; §45-3.5.3 (Drainage Requirements for Zoning Permits) to be modified to require that all drainage calculations in pursuit of a zoning permit account for all decks, patios and terraces, Summary Schedule of Residence District Provisions to be modified to include a 15% building coverage for AAA and AA zones; Appendix D, the Lot Area coverage Worksheet shall be modified to use the term Net Lot Area and refer to the coverage chart. A Coverage Chart shall be added to the regulations in Appendix D.

**Effective date: 02/14/11**

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Name (print)	Signature	Westport Address
✓ <u>Joseph P Arandi</u>	<u>Joseph P Arandi</u>	<u>4 Jonathan Ln.</u>
✓ <u>Lew Wirth II</u>	<u>Lew Wirth</u>	<u>7 Woodside Ave</u>
✓ <u>Joseph L. Defelice</u>	<u>JOSEPH L. DEFELICE</u>	<u>55 GROVE PT. RD.</u>
✓ <u>DAVID KALMAN</u>	<u>David Kalman</u>	<u>7 Raphael way</u>

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me December 21, 2010 and that it contains 4 signed names of electors, whose names appear on the last completed registry list of this town.



Patricia H Strauss  
Signed (Town Clerk)

(Continued)

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Effective date: 02/14/11

ALL as set forth in Amendment #621 adopted on December 9, 2010 and noticed on December 15, 2010 at page A16 of the *Westport News*.

Name (print)	Signature	Westport Address
✓ <u>John J Canning</u>		<u>52 Woodside Ave</u>
✓ <u>Nicholas Pizarro, Jr.</u>		<u>3 Blind Brook Rd</u>
_____	_____	_____
_____	_____	_____

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me December 21, 2010 and that it contains 2 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H Strauss  
Signed (Town Clerk)

(continued)

PETITION TO REVIEW AND REJECT  
PLANNING & ZONING AMENDMENT #621  
(Application #10-037)  
(continued)

Name (print)	Signature	Westport Address
✓ <u>JOHN J. LOGAN</u>	<u>[Signature]</u>	<u>9 Compo Parkway</u>
✓ <u>Joseph B. Coogan</u>	<u>[Signature]</u>	<u>5 Compo Pkwy</u>
✓ <u>Mandeem Coogan</u>	<u>Mandeem Coogan</u>	<u>5 Compo Pkwy</u>
✓ <u>BROR FINNARSON</u>	<u>[Signature]</u>	<u>15 Compo Pkwy</u>
- <u>Susan Birk</u>	<u>[Signature]</u>	<u>22 Compo Pkwy</u>
✓ <u>Harold Birk</u>	<u>[Signature]</u>	<u>22 Compo Pkwy</u>
✓ <u>Maryln Loga</u>	<u>[Signature]</u>	<u>9 Compo Pkwy</u>
✓ <u>Chris Sewch</u>	<u>[Signature]</u>	<u>38 Compo Pkwy</u>
✓ <u>Patricia (DRESSLER) DRESSLER</u>	<u>[Signature]</u>	<u>17 Compo Pkwy</u>
✓ <u>Gregory Jacobs</u>	<u>[Signature]</u>	<u>11 Compo Pkwy</u>
✓ <u>Janis Collins</u>	<u>[Signature]</u>	<u>41 Compo Pkwy</u>
✓ <u>Annamae Coogan</u>	<u>[Signature]</u>	<u>6 Ridgwood Lane Westport</u>

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me December 21, 2010 and that it contains 11 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss  
Signed (Town Clerk)

(continued)

PETITION TO REVIEW AND REJECT  
PLANNING & ZONING AMENDMENT #621  
(Application #10-037)  
(continued)

Name (print)	Signature	Westport Address
✓ MARGERIE BROS	<i>Margerie Bros</i>	9 Burr Farms Rd, Westport
✓ Philip Bros	<i>Philip Bros</i>	9 Burr Farms Rd Westport
MEREDITH HAMPTON ✓ Mary Hays	<i>Mary Hays</i>	8 Edgemath Hill Mary Hays
Toni Mickiewicz	<i>Toni Mickiewicz</i>	26 Church St.
Regina Kending Edie Anderson	<i>Edie Anderson</i>	21 Stony Brook Rd Wpt
✓ EDITH Edie Anderson	<i>Edie Anderson</i>	29 Hyde Lane
✓ Elaine Arrow JACQUELINE TAWYA SPRAGUE	<i>Elaine Arrow</i>	5 Aspetuck Lane, Wpt.
✓ Tanya Sprague	<i>Tanya Sprague</i>	146 Imperial Ave #3
✓ Lisa Neufeld	<i>Lisa Neufeld</i>	42 Danbury Ave.
x Lisa Clin	<i>Lisa Clin</i>	17 Fresh Meadows Rd
✓ CAROLE HENRIKSON Carol Hendriksen	<i>Carol Hendriksen</i>	27 Salem Rd. Westport
✓ ANNETTE COPLIT	<i>Anne Coplit</i>	7 WASHINGTON AVE

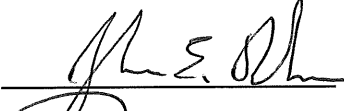


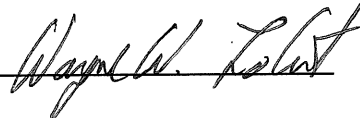
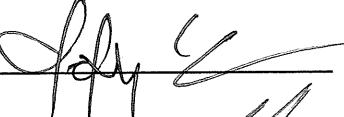

I, Patricia H. Strauss, Town Clerk of the Town of Westport, certify that this petition page was filed with me December 21, 2010 and that it contains 10 signed names of electors, whose names appear on the last completed registry list of this town.

*Patricia H. Strauss*  
Signed (Town Clerk)

(continued)

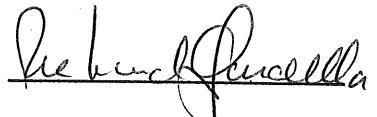
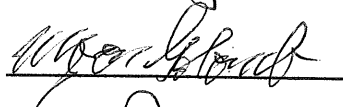
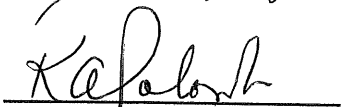

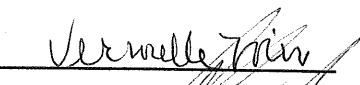



PETITION TO REVIEW AND REJECT  
PLANNING & ZONING AMENDMENT #621  
(Application #10-037)  
(continued)

Name (print)	Signature	Westport Address
<u>Schw E. Backus</u>		<u>23 Danversport Ave</u>
<u>DANIEL KATZ</u>		<u>271 Lompo South</u>
<u>Sara J Palmer</u>	<u>35 Whitney Glen Dr</u>	<u>Sara J Palmer</u>
<u>Margherita (Marilyn) Basile</u>	<u>Margherita M. Basile</u>	<u>37 Whitney Glen Dr,</u>
<u>JAMES A. Godbout</u>	<u>James A. Godbout</u>	<u>38 WHITNEY Glen</u>
<u>Catherine L. Calise</u>		<u>8 Sylvan Rd. South</u>
<u>WAYNE W. Lolurto</u>		<u>2 OWENAKE PARK</u>
<u>Kathy B. Lolurto</u>	<u>Kathy B. Lolurto</u>	<u>2 Owenake Park.</u>
<u>Joseph Carpentieri</u>	<u>Joseph Carpentieri</u>	<u>14 Wabunan Pl.</u>
<u>TIM ROMANO</u>	<u>Tim Romano</u>	<u>25 Waterside Terr.</u>
<u>Jeff Arcidia</u>		<u>151 - South campo</u>
<u>Tom Holstetter</u>		<u>15 Bridge St. Westport, CT</u>

(continued)

**PETITION TO REVIEW AND REJECT  
PLANNING & ZONING AMENDMENT #621  
(Application #10-037)  
(continued)**

Name (print)	Signature	Westport Address
<u>Richard Cardella</u>		<u>7 Blind Brook Rd So.</u>
<u>Myra Golomb</u>		<u>3 Blind Brook Rd So.</u>
<u>Katherine Golomb</u>		<u>3 Blind Brook Rd S.</u>
<u>Christine O'Sullivan</u> <small>CHRISTINE O'SULLIVAN</small>		<u>13 Hermita.</u>
<u>VERMELLE MIRO</u>		<u>31 Spice Rd</u>
<u>GEORGE BENEDETTO</u>		<u>302 BANLEY CA</u>
<u> </u>	<u> </u>	<u> </u>
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(continued)

**PETITION TO REVIEW AND REJECT  
PLANNING & ZONING AMENDMENT #621  
(Application #10-037)  
(continued)**

Name (print)	Signature	Westport Address
<u>MARYANN MIRKOV</u>	<u>Maya Mirkov</u>	<u>40 Crescent Park Rd</u>
<u>MICHAEL CALISE</u>	<u>Michael Calise</u>	<u>8 Sylvan Rd South</u>
_____	_____	_____
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_____	_____	_____

(Continued)



**Amendment #621**

Submitted: 8/6/10

Received 9/14/10

Public Hearing: 9/23, 9/30, 10/7 & 10/14, 2010

Adopted: 12/9/10

Effective date: 2/14/11

Deleted language is ~~[struck out and in brackets]~~; New language is underlined.

§5 DEFINITIONS 5-2 Specific Terms

**TERM**

**DEFINITION**

**Balcony:**      See Porch

**Building:**      A Structure having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the building which is affixed to a lot or lots for the housing or enclosure of persons, animals or chattels, and shall include each of the independent units into which it is divided by common walls.

A building which is connected to a Principal Building by a carport or garage, or by a porch, breezeway or passageway with a common wall of less than 8 feet in length, shall be deemed to be an Accessory Building.

Any structure, such as a ~~[deck or]~~ Covered Deck or covered Porch with Floor Area above or below, attached to a building shall be deemed to be part of the building.

A building which is connected to a Principal Building by a fully enclosed above ground passageway with a common wall of 8 feet or more in length, and having a finished floor, walls and ceiling shall be deemed to be part of the principal building.

The following shall be excluded from the definition of building:

- Decks, Patios, Terraces, Porches
- Swimming Pools, Sports Courts
- Temporary Portable Structures

**TERM**

**DEFINITION**

**Coverage, Building:**

The percentage of a development site in a Non-Residence Zoning District, or the percentage of the Net Lot Area of a lot in a Residence Zoning District, occupied or intended to be occupied by all buildings and structures. Building coverage shall include the building area. (See Appendix D)~~[No more than 20% of the land covered by waterbodies, water courses, wetlands, and land of severe topography having slopes of twenty-five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable building coverage.]~~

**Coverage, Total:**

The percentage of a development site in a Non-Residence Zoning District, or the percentage of the Net Lot Area of a lot in a Residence Zoning District, occupied or intended to be occupied by all buildings, structures, parking areas, driveways, swimming pools, tennis courts and similar improvements. [Patios and terraces, as defined herein, shall be excluded except if the terrace or patio is 3 feet or more above the adjacent grade at any point, such as with a retaining wall. Parking on unpaved surfaces provided by places of worship, in excess of the minimum number of parking spaces required by §34-5 of these regulations, shall be excluded. Total coverage shall include one hundred percent (100%) of the building area [and] parking areas, driveways, and similar improvements, but only fifty percent (50%) of a tennis court. No more than 20% of the land covered by water bodies, water courses, wetlands, and land of severe topography having slopes of twenty-five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable total coverage. Calculations shall be made on forms approved by the Planning and Zoning Commission.] The provisions with respect to Total Coverage shall not apply to the following:

- Parking on unpaved surfaces provided by religious institutions, in excess of the minimum number of parking spaces required by §34-5 of these regulations, shall be excluded if approved by the P&Z Commission. Total coverage shall include one hundred percent (100%) of the building area [and] parking areas, driveways, and similar improvements;
- One third (1/3 or 33%) of Patios, Terraces and Decks that are constructed of a permeable surface;
- All Patios, Terraces and Decks on the lot which cover up to two (2) percent of the Net Lot Area or 500 square feet whichever is less.

(See Lot Area, Net and Appendix D).

**Deck:**

A flat floored, roofless area attached to a building and elevated from the ground. Deck floors must be permeable. The area under the deck must be of a Permeable Surface. The provisions with respect to Total Coverage shall not apply to the following:

- One third (1/3 or 33%) of Patios, Terraces and Decks that are constructed of a Permeable Surface, if approved by P&Z in consultation with DPW & Conservation. 66% of these areas will count in coverage;

**TERM**

**DEFINITION**

- Patios, Terraces and Decks which cover up to two (2) percent of the Net Lot Area or 500 square feet whichever is less.

**Gross lot area:**

**see Lot Area, Gross**

**Lot Area, Gross**

Lot area in square feet based on a Class A-2 survey of the lot lines, not including the area of the accessway for a rear lot per §31-2.2.4, herein. Gross lot area shall be measured up to the Mean High Water Line (MHW) in areas of tidal influence. [The horizontal area contained within the property lines of the lot as calculated below. In determining compliance with minimum lot area and shape requirements land subject to easements for underground utilities may be included but land subject to easements for above ground utilities which forbid buildings or structures within the area of the easement or, where no such easement exists, the minimum area recommended by a utility company for public safety shall not be included. No part of any public or private street nor any easement which grants exclusive surface use of the property to other than the owner (except drainage easements) shall be included in the lot area. In determining compliance with minimum lot area requirements, net lot area shall be utilized land of severe topography having slopes of twenty-five percent (25%) or greater, and land covered by waterbodies, water courses and/or wetlands may be used to satisfy no more than twenty percent (20%) of the minimum lot area requirements.] Calculations shall be made on forms approved by the Planning and Zoning Commission (See §31-2.2.4 and Appendix D – Lot Area Worksheet)

**TERM**

**DEFINITION**

**Lot Area, Net:**

Lot Area, Gross minus the following:

- above-ground utility easements;
- public or private streets or roads; other exclusive surface easements, which grant exclusive use of the property to other than the owner (except drainage easements) and;
- 80% of the land area on the lot which is covered by water-bodies, water courses, wetlands and land of severe topography having slopes of twenty-five per cent (25%) or greater.

Underground utility easements shall count towards Lot Area, Net

Calculations shall be made on forms approved by the Planning and Zoning Commission (See §31- 2.2.4 and Appendix D).

**Net Lot Area**

See Lot Area, Net

**Permeable Surface**

Ground cover material and associated substrate, other than natural soil or vegetation that effectively allows for water to penetrate through it into the ground below. The determination of effectiveness shall be based upon a) a soils investigation, b) system and substrate design and c) verification of the installation as approved by the Town Engineer.

**Porch**

1. A covered (roofed) or uncovered unenclosed, unheated & uninsulated space attached to the outside of a building.
2. A platform projecting from the wall of an upper floor of a building and enclosed by a railing (balcony.)

**Structure:**

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



**TERM**

**DEFINITION**

Any structure, such as a ~~[deck or]~~ Deck, Porch or Covered porch with Floor Area above or below, attached to a building shall be deemed to be part of the building.

Swimming pools, decks, tennis courts and on grade sports courts are deemed to be structures and shall be included in Total Coverage but not Building Coverage, except as noted in the exceptions section in Total Coverage.

Ground-mounted mechanical units, such as air conditioning compressors, shall not be deemed structures for purposes of coverage, for permitted uses, (as distinct from special permit uses) in residence districts. ~~[Patios or terraces shall not be deemed structures for purposes of coverage but shall adhere to all required setbacks. If the patio/terrace is 3 feet or more above adjacent grade at any point, such as with a retaining wall, it will be included in total coverage. (See patio or terrace definition).]~~ Handicapped ramps are not considered structures, are excluded from all coverage calculations, and may be located in the setbacks if uncovered. Temporary portable structures shall not be counted in all coverage calculations and may be located in the setbacks.

An arbor or pergola is considered a structure if it has any type of roof or covering or a deck or patio floor or is over 8 feet in height. See Appendix D, Coverage Chart to determine type of coverage for each structure.

***Swimming Pool:***

Swimming pool as defined by the State Building Code, shall be deemed a structure. The coping around the pool shall be considered a portion of the pool and shall be computed in Total Coverage.

***Tennis Sports Courts:***

A specially prepared level playing surface which may have either a full or partial enclosure surround or fence protecting a playing area ~~for the game of tennis.~~ A tennis Sports court shall be deemed a structure. ~~[but only 50% of]~~ its surface area shall be used in computing Total Coverage. Examples include but are not limited to: Tennis Courts, Basketball Courts, Hockey Rinks, etc. A raised elevated Paddle Tennis Court shall be considered a structure and counted in Building Coverage and Total Coverage.

***Terrace or Patio:***

An improved or graded area located on the ground with no structural/supports other than subsurface base material and retaining walls. The concrete or other paved areas around a swimming pool which is the pool apron is considered a terrace/patio. ~~[A patio or terrace shall be flush to the ground with no air spaces beneath.]~~ A terrace or patio shall be computed in [not be deemed a structure for

**TERM**

**DEFINITION**

~~purposes of] T[total C]e]verage [except if the terrace or patio is 3 feet or more above the adjacent grade at any point, such as with a retaining wall.] Terraces and patios shall always adhere to all required setbacks except as otherwise provided in section 24A of these Regulations and shall require a Zoning Permit.~~

The provisions with respect to Total Coverage shall not apply to the following:

- One third (1/3 or 33%) of Patios, Terraces and Decks that are constructed of a Permeable Surface, if approved by P&Z in consultation with DPW & Conservation. 66% of these areas will count in coverage;
- Patios, Terraces and Decks which cover up to two (2) percent of the Net Lot Area or 500 square feet whichever is less.

**Walkway:** An improved pedestrian sidewalk, path, or trail at least three (3) feet in width and a maximum of five (5) feet in width.

§6-2.2 Coverage

If an existing building or structure does not conform to the building coverage requirements in a residential zone A, B, AA, AAA or any non-residential zone ~~[or the total coverage requirements in a residential zone AA or AAA]~~ it shall not be expanded or extended

§11-2.4.3 Outdoor recreational uses, ~~[paddle tennis courts and tennis courts except that only 50% of the surface area of the tennis court]~~ Sports Courts, (except an elevated paddle tennis court that is included in Building and Total Coverage) shall be used in computing total lot coverage. ~~[Tennis courts and paddle tennis]~~ Sports Courts [accessory to a dwelling] shall not be lighted. Any ~~[tennis court or paddle tennis]~~ Sports Court located closer than 50 feet from a side or rear property line shall be screened along said property line in accordance with §35-2.4 (Buffer Strip), herein

§11-6 Coverage AAA Zone

The Building Coverage shall not exceed fifteen percent (15 %) of the Net Lot Area. The T[total C]e]verage shall not exceed twenty-five percent (25%) of the Net Lot A[rea [of the lot]. A patio, deck or terrace may increase Total Coverage up to twenty-seven (27%). [Total coverage shall include 50% of the surface area of tennis courts.]

§12-6 Coverage AA Zone

The Building Coverage shall not exceed fifteen percent (15 %) of the Net Lot Area. The T[total C]e]verage shall not exceed twenty-five percent (25%) of the Net Lot A[rea [of the lot]. A patio, deck or terrace may increase Total Coverage up to twenty-seven (27%). [Total coverage shall include 50% of the surface area of tennis courts.]

§13-6 Coverage A Zone

The B[~~b~~]uilding C[~~e~~]verage shall not exceed fifteen per cent (15%) of the Net L[~~H~~]ot A[~~a~~]rea. Total C[~~e~~]verage shall not exceed thirty-five per cent (25%) of the Net Lot A[~~a~~]rea [of the lot]. A patio, deck or terrace may increase Total Coverage up to twenty-seven (27%). [Total coverage shall include 50% of the surface area of tennis courts.]

§14-6 Coverage B Zone

The B[~~b~~]uilding C[~~e~~]verage shall not exceed fifteen per cent (15%) of the Net L[~~H~~]ot A[~~a~~]rea. Total C[~~e~~]verage shall not exceed thirty-five per cent (35%) of the Net Lot A[~~a~~]rea [of the lot]. A patio, deck or terrace may increase Total Coverage up to thirty-seven (37%).

§16-6 Coverage MHPD Zone

The building coverage shall not exceed 20% of the total of each mobile home lot. The total coverage shall not exceed 50% of the total of each mobile home lot [of the Mobile Home Park District.]

Where MHRUs are proposed, total coverage and building coverage shall not exceed the criteria set forth in §16-6 above, or the existing total coverage and existing building coverage on the Park District site, whichever is greater.

§45-3.5.3 {Drainage Requirements for Zoning Permits}

If new any construction, including the construction of any deck, patio or terrace regardless of a Permeable Surface or Total Coverage exclusion on a property, increases the Total Coverage by at least 100 square feet an on-site drainage system for water retention will be required, unless deemed unnecessary by the Town Engineer. In cases where total coverage will both be removed and added, total coverage for new construction shall be determined based on the total coverage after the proposed removal of any building(s), structure(s), driveway(s), or any portion thereof, and then adding the total coverage associated with new construction.

Example:	Existing Total Coverage =	5,000 SF
	- Coverage to be removed =	1,000 SF
	<hr/>	
	Coverage post removal =	4,000 SF
	+Coverage for new construction =	2,000 SF
	<hr/>	
	Proposed Total Coverage =	6,000 SF

Drainage to be provided for total coverage associated with new construction = 2,000 SF

- a Where construction on a property increases the total coverage due to new construction by 100 square feet, but less then 850 square feet, the Zoning Enforcement Officer may issue an administrative approval for an on-site drainage system, subject to approval by the Town Engineer.
- b Where construction on a property increases the total coverage due to new construction by 850 square feet or greater, a site plan and drainage calculations, prepared by a Licensed Civil Engineer, must be submitted to the Zoning Enforcement Officer, and is subject to approval by the Town Engineer.

**LOT AREA COVERAGE WORKSHEET**

<b>[BASE] NET LOT AREA CALCULATION</b> (All entries in square feet--do <b>not</b> write in shaded areas)			
1.	GROSS LOT AREA		=
2.	Above-Ground Utility Easements		+
3.	Streets and Roads		+
4.	Other Exclusive Surface Easements		+
5.	TOTAL EASEMENTS AND ROADS (Sum of lines 2, 3 and 4)		=
6.	Wetland area		+
7.	Steep Slopes of 25% or greater		+
8.	TOTAL WETLAND AND STEEP SLOPES (Sum of lines 6 & 7)	=	
9.	Wetlands/Slopes reduction	0.80 x line 8	=
10.	<b>[BASE] NET LOT AREA</b> Lines 1, minus line 5 and line 9)		=
<b>MAXIMUM LOT AREA COVERAGE CALCULATION</b>			
11.	<b>[BASE] NET LOT AREA</b> (Copied from line 10, above)		
12.	Square feet of Total Coverage( <u>see Coverage Table</u> )		
13.	Line 12 divided by line 11 for a percentage		
14.	Square feet of Building Coverage <u>(see Coverage Table)</u>		
15.	Line 14 divided by line 11 for a percentage		
<b>IF LINE 13 and LINE 15 ARE EQUAL TO OR LESS THAN THE PERCENTAGE FOR MAXIMUM PERMITTED BUILDING AND/OR TOTAL COVERAGE WITHIN THE ZONING DISTRICT, THE COVERAGE COMPLIES</b>			

# WESTPORT CONNECTICUT



PLANNING & ZONING  
TOWN HALL, 110 MYRTLE AVENUE  
WESTPORT, CONNECTICUT 06880  
(203) 341-1030 • (203) 341-1079  
(203) 454-6145 - fax

Hearing: September 23, 30, and October 7 & 14, 2010  
Work Sessions: November 1 and December 9, 2010  
Decision: December 9 2010

December 13, 2010

To Whom It May Concern:

**RE: Text Amendment #621: Appl. #10-037 by the Planning and Zoning Commission for an amendment to the Westport Zoning Regulations to modify the regulations regarding Building and Total Coverage for Residential Structures**

This is to certify that at a meeting of the Westport Planning and Zoning Commission held 12/9/10 it was moved by Mrs. Lowenstein and seconded by Mr. Lathrop to adopt the following resolution.

### RESOLUTION #10-037

WHEREAS, THE PLANNING AND ZONING COMMISSION met on 12/9/10 and made the following findings:

1. Text Amendment #621 is proposed by the Planning and Zoning Commission for the purposes of revising the coverage regulations to close some gaps in our current regulations and to provide a rational basis for regulating development within the Town of Westport. Coverage regulations specify how much a particular property may be covered with buildings, structures, parking spaces or impervious surfaces. The proposed changes will help to reduce the overall coverage allowed in the town; to aid in the control of storm water and to improve water quality flowing into our rivers, streams and Long Island Sound; and to rationalize Building Coverage and Total Coverage. Further this amendment will provide incentives that encourage the use of permeable materials and elements of architectural diversity.
2. In 2006, the Planning & Zoning Commission responding to two major issues – the increasing number of very large houses in Westport and its potential negative impact on the environment and the character of the Town. The Commission engaged Planimetrics, a land use consulting firm, to assist it in developing new Residential Structure Zoning Regulations.

3. This latest effort has focused primarily on the residential coverage regulations. The Planning & Zoning Commission has also made previous efforts in the past to change residential structure regulations with only very limited changes being adopted.
4. The regulation as proposed as originally submitted makes the following changes to the Zoning Regulations:

§5-2 Definitions

The following definitions are proposed to be modified in §5-2:-

- a) Create a cross reference definition of Balcony with Porch.
- b) Modify the definition Building to delete deck and add covered deck or porch without Floor Area above or below is not considered part of the building. Also to add a list of items that are exempt from the definition of building including: Decks, Patios, Terraces, Porches, Swimming Pools, Sports Courts, and Temporary Portable Structures.
- c) Modify the definition of Coverage, Building to eliminate the need for wording about what is excluded as these words can now be found in the definition of Net Lot Area.
- d) Modify the definition of Coverage, Total to eliminate the need for wording about what is excluded as these words can now be found in the definition of Net Lot Area. Swimming pools shall be added to Total Coverage instead of Building Coverage. Further, patios, decks and terraces shall be added to Total Coverage only when they exceed 2% of the Net Lot Area or 500 SF whichever is greater. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a Permeable Surface. There shall be a new list of coverage exemptions similar to the list of height exemptions found in the definition of building height.
- e) Create a new definition for a Deck that is different than a porch. Also, include a provision for patios, decks and terraces to be added to Total Coverage only when they exceed 2% of the Net Lot Area or 500 SF whichever is greater and that allows a patio, terrace or deck to be 1/3 larger if it is made of a Permeable Surface.
- f) Create a cross reference definition for Gross Lot Area.
- g) Modify the definition of Lot Area to now be called Gross Lot Area. Gross Lot Area shall include the entire area of the lot as shown on an A-2 Survey for areas that

are upland of Mean High Water (MHW).

- h) Create a new the definition for Net Lot Area that shall be equal to Gross Lot Area minus all above ground easements and minus 80% of steep slopes and wetlands.
- i) Create a cross reference definition for Net Lot Area.
- j) Create a new the definition for Permeable Surface which shall mean any surface which allows water to penetrate through it. This definition shall specify that Permeable Surface materials are subject to review by P&Z staff in consultation with DPW and Conservation.
- k) Create a new definition for Porch that includes both covered and uncovered porches, balconies and verandas. Porches are to be unenclosed, uninsulated and unheated space.
- l) Modify the definition Structure to add light poles and covered porches with Floor Area above or below. Swimming pools, decks, tennis courts and on-grade sports courts shall be deemed structures but not included in building coverage. Further, patios, decks and terraces shall be added to Total Coverage when they exceed 2% of the Net Lot Area or 500 SF whichever is greater. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a Permeable Surface. Handicapped Ramps shall be excluded from coverage and allowed in the setbacks if uncovered. Temporary Portable Structures shall be excluded from Total Coverage and may be permitted in setbacks.
- m) Modify the definition of Swimming Pool to consider the coping part of the pool and to specify that pools will count in Total Coverage.
- n) Modify the definition of Tennis Court to be called Sports Courts and to specify that that 100% of a Sports Court shall count in Total Coverage.
- o) Modify the definition of Terrace or Patio so they shall count in Total Coverage. Patios, decks and terraces shall be added to Total Coverage when they exceed 2% of the Net Lot Area or 500 SF whichever is greater. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a Permeable Surface.

- p) Modify the definition of Walkway to indicate a maximum width of 5 feet.

§6-2.2 Coverage {for non conforming lots}

This section shall be modified to now recognize that a Building Coverage will be added to the AAA and AA Zones.

§11-6 AAA Zone - Coverage

This section shall be modified to add a 15% Building Coverage based upon Net Lot Area. Total Coverage shall be measured on Net Lot Area. Patios, decks and terraces may increase Total Coverage up to 27%. The 50% exemption language for Tennis Courts shall be eliminated.

§12-6 AA Zone - Coverage

This section shall be modified to add a 15% Building Coverage based upon Net Lot Area. Total Coverage shall be measured on Net Lot Area. Patios, decks and terraces may increase Total Coverage up to 27%. The 50% exemption language for Tennis Courts shall be eliminated.

§13-6 A Zone - Coverage

This section shall be modified to measure Building Coverage based upon Net Lot Area. Total Coverage shall be measured on Net Lot Area. Patios, decks and terraces may increase Total Coverage up to 27%. The 50% exemption language for Tennis Courts shall be eliminated.

§14-6 B Zone - Coverage

This section shall be modified to measure Building Coverage based upon Net Lot Area. Total Coverage shall be measured on Net Lot Area. Patios, decks and terraces may increase Total Coverage up to 37%.

§16-6 MHPD Zone - Coverage

This section shall be modified to measure Total Coverage based upon the total area of each mobile home lot not the entire area of the Mobile Home Park District.

§45-3.5.3 {Drainage Requirements for Zoning Permits}

This section shall be modified to require that all drainage calculations in pursuit of a Zoning Permit account for all decks, patios and terraces regardless of a Permeable Surface or Total Coverage exclusion.



Summary Schedule of Residence District Provisions

This chart shall be modified to include a 15% Building Coverage for the AAA and AA Zones

Appendix D

The Lot Area Coverage Worksheet shall be modified use the term Net Lot Area and refer to the Coverage Chart.

A new Coverage Summary Chart will be added to Appendix D which will indicate where different types of structures and non structures (i.e., sidewalks, etc.) will be in Building Coverage, Total Coverage or not included in coverage.

5. In addition to the changes the listed above the Planning & Zoning Commission agreed to following additional changes that were recommended during the course of the hearing:

§5-2 Definitions

**Permeable Surface:** Ground cover material and associated substrate, other than natural soil or vegetation that effectively allows for water to penetrate through it into the ground below. The determination of effectiveness shall be based upon a) a soils investigation, b) system and substrate design and c) verification of the installation as approved by the Town Engineer.

11-2.4.3 Outdoor recreational uses, ~~[paddle tennis courts and tennis courts except that only 50% of the surface area of the tennis court]~~ Sports Courts, except an elevated paddle tennis court that is included in Building and Total Coverage) shall be used in computing total lot coverage. ~~[Tennis courts and paddle tennis]~~ Sports Courts ~~[accessory to a dwelling]~~ shall not be lighted. Any ~~[tennis court or paddle tennis]~~ Sports Court located closer than 50 feet from a side or rear property line shall be screened along said property line in accordance with §35-2.4 (Buffer Strip), herein.

6. The Commission received comments and hear testimony from the both the Town Engineer and the Conservation Director with respect to this application and both endorsed and supported the objectives that the Commission is trying to achieve.
7. A hearing was held to allow members of the public the opportunity to offer testimony on the amendment There was significant public testimony on this amendment. The Commission head testimony from many citizens who questioned the value of different elements of the proposed amendment and its potential impact on their properties. The Commission also heard from some who spoke in favor of the proposal.
8. The Commission finds there are benefits associated with the amendment, including:
  - Beginning to provide some control for the potential maximum build out of residential structures in Westport;

- Reducing coverage, which will have a positive impact on storm water runoff and water quality;
  - Rationalizing what is considered to be included into Building Coverage and Total Coverage;
  - Creating incentives for the use of Permeable Materials and as first step toward incorporating LID principles into the Zoning Regulations;
  - Creating incentives for improved aesthetics and architectural diversity
9. A hearing was held to allow members of the public the opportunity to offer testimony on the amendment.

NOW THEREFORE, BE IT RESOLVED that **Amendment #621: Appl. #10-037** by the **Planning and Zoning Commission** for a text amendment to the **Westport Zoning Regulations** regarding residential structures, coverage regulations, §5-2, to modify the definition of **Building** to delete deck and add covered porch with floor area above or below, to modify the definition of **Coverage, Building** to recognize that building coverage in residential zones will be based upon net lot area, to modify the definition of **Coverage, Total** to recognize that total coverage in residential zones will be based up net lot area. **Swimming pools** to be added to total coverage, **patios, decks and terraces** to be added to total coverage when they exceed 2% of the gross lot area, to create a new definition for **deck**, to modify the definition of **Lot Area** to be called **Gross Lot Area**, to create a new definition for **Net Lot Area**, to create a new definition of **Permeable Surface**, to create a new definition for **porch** that includes both covered and uncovered porches, balconies and verandas, to modify the definition of **Structure** to add light poles and covered porches with **Floor Area** above or below. **Swimming pools, decks, tennis courts and on-grade sports courts** shall be deemed structures but not included in building coverage. Further, **patios, decks and terraces** shall be added to **Total Coverage** when they exceed 2% of the **Gross Lot Area**. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a **Permeable Surface**, to modify the definition of **Swimming Pool** to consider the coping part of the pool, to modify the definition of **Tennis Court** so that 100% of a tennis court shall count in total coverage, to modify the definition of **Terrace or Patio** so they shall count in total coverage. **Patios, decks and terraces** shall be added to total coverage when they exceed 2% of gross lot area. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a permeable surface; §6-2.2 **Coverage** (for non conforming lots) to be modified to now recognize that a building coverage will be added to the **AAA and AA zones**; §11-2.4.3 to **Modify Outdoor Recreational Uses, §11-6, AAA Zone – Coverage** to be modified to add a 15% building coverage based upon let lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §12-6 **AA Zone – Coverage** to be modified to add a 15% building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §13-6 **A Zone – Coverage** to be modified to base building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §14-6 **B Zone – Coverage** to be modified to measure building coverage based upon net lot area. Total coverage shall be measured on net lot area; §16-6 **MHPD Zone – Coverage** to be modified to measure total coverage based upon the total area of each mobile home lot;

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**§45-3.5.3 (Drainage Requirements for Zoning Permits) to be modified to require that all drainage calculations in pursuit of a zoning permit account for all decks, patios and terraces, Summary Schedule of Residence District Provisions to be modified to include a 15% building coverage for AAA and AA zones; Appendix D, the Lot Area coverage Worksheet shall be modified to use the term Net Lot Area and refer to the coverage chart. A Coverage Chart shall be added to the regulations in Appendix D be ADOPTED as amended for the following reasons:**

1. The Planning and Zoning Commission finds the amendment is consistent with the 2007 Town Plan of Conservation and Development as it addresses the need to better manage residential development, promote environmentally sensitive design and encourage architectural diversity.
2. The Planning and Zoning Commission finds the amendment is consistent with the 2007 Town Plan of Conservation and Development that includes specific recommendations to:
  - A. *"The underlying philosophy of this Plan is to:*
    1. *Conserve and protect natural resources.*
    2. *Protect the predominantly single-family residential focus and small-town feeling of Westport.*
    3. *Provide additional housing opportunities for Westport residents.*
    4. *Restrict commercial development to existing commercial zones.*
    5. *Promote needed traffic and drainage improvements.*
    6. *Encourage the protection of historical properties.*
    7. *Protect waterfront areas from adverse development.*
    8. *Actively pursue the acquisition of open space; ensure that land is retained for future needs."* Pg vi
  - B. *"It is a central goal of this Plan and of prior plans to maintain the low density single family residential character of Westport's neighborhoods. The overall character and ambience of existing neighborhoods is responsible for the recognized quality of life in Westport. In order to achieve this goal, regulations protecting residential districts and zoning standards must be maintained, improved, strengthened where needed, and enforced. Westport must strive to maintain a balance between its established neighborhoods and the need to revitalize, modernize and allow for the diverse economics of its citizenry."* Pg 5-1
  - C. *"In addition, the zoning regulations in place in Westport allowed such development to occur. When the regulations were adopted more than a half century ago, nobody anticipated that future homeowners would attempt to maximize every dimensional standard in what was intended to be a flexible "building envelope".* Pg 5-3
  - D. *"Westport's zoning regulations need to be amended to ensure that housing units being built are in scale and proportion with the lot size and the neighborhood"* Pg 5-3
  - E. "Manage Housing "Rebuilds"

1. *“Adopt a building coverage limitation for all zones.*
  2. *Consider reducing allowable building heights and eliminating the regulation of building height based on stories.*
  3. *Consider using building sections when measuring building height.*
  4. *Consider limiting building height adjacent to side setbacks to reduce the impact on neighboring properties.*
  5. *Consider adjusting what elements are considered in building coverage and total coverage.” Pg 5-6*
3. The Planning and Zoning Commission finds the amendment will benefit the Town of Westport by reducing coverage, which will have a positive impact on storm water runoff and water quality.

**Effective date: February 14, 2011**

**VOTE:**

AYES	-5-	Corwin, Lowenstein, Lathrop, Jinishian, Curry
NAYS	-1-	Press
ABSTENTIONS	-0-	

Very truly yours,



Ron Corwin  
Chairman, Planning & Zoning Commission

Att. Adopted Text Amendment #621

cc: Peter Ratkiewich, Town Engineer  
 Alicia Mozian, Conservation Director  
 Paul Friia, Tax Assessor  
 Steve Smith, Building Official  
 Ira Bloom, Town Attorney  
 Matt Mandell, RTM P&Z Committee  
 Hadley Rose, RTM Moderator

**LEGAL NOTICES**

**LEGAL NOTICES**

**LEGAL NOTICE OF DECISION**

Notice is hereby given that at a meeting held on December 9, 2010, the Westport Planning and Zoning Commission took the following action:

**1. APPROVED: 1700 Post Road East, Appl. #10-047** by Goodwill Industries of Western Connecticut, Inc., c/o John Fallon, Esq. for property owned by Richard E. Voigt for a Site Plan approval for construction of a new retail store, Goodwill, in a GBD zone, PID #109008000.

**2. ADOPTED: Amendment #621, Appl. #10-037** by the Planning and Zoning Commission for a text amendment to the Westport Zoning Regulations regarding residential structures, coverage regulations, §5-2, to modify the definition of Building to delete deck and add covered porch with floor area above or below, to modify the definition of Coverage, Building to recognize that building coverage in residential zones will be based upon net lot area, to modify the definition of Coverage, Total to recognize that total coverage in residential zones will be based upon net lot area. Swimming pools to be added to total coverage, patios, decks and terraces to be added to total coverage when they exceed 2% of the gross lot area, to create a new definition for deck, to modify the definition of Lot Area to be called Gross Lot Area, to create a new definition for Net Lot Area, to create a new definition of Permeable Surface, to create a new definition for porch that includes both covered and uncovered porches, balconies and verandas, to modify the definition of Structure to add light poles and covered porches with Floor Area above or below. Swimming pools, decks, tennis courts and on-grade sports courts shall be deemed structures but not included in building coverage. Further, patios, decks and terraces shall be added to Total Coverage when they exceed 2% of the Gross Lot Area. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a Permeable Surface, to modify the definition of Swimming Pool to consider the coping part of the pool, to modify the definition of Tennis Court so that 100% of a tennis court shall count in total coverage, to modify the definition of Terrace or Patio so they shall count in total coverage. Patios, decks and terraces shall be added to total coverage when they exceed 2% of gross lot area. There shall also be a provision that allows a patio, terrace or deck to be 1/3 larger if it is made of a permeable surface; §6-2.2 Coverage (for non conforming lots) to be modified to now recognize that a building coverage will be added to the AAA and AA zones; §11-2.4.3 to Modify Outdoor Recreational Uses, §11-6, AAA Zone - Coverage to be modified to add a 15% building coverage based upon lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §12-6 AA Zone - Coverage to be modified to add a 15% building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §13-6 A Zone - Coverage to be modified to base building coverage based upon net lot area. Total coverage shall be measured on net lot area. The 50% exemption language for tennis courts shall be eliminated; §14-6 B Zone - Coverage to be modified to measure building coverage based upon net lot area. Total coverage shall be measured on net lot area; §16-6 MHPD Zone - Coverage to be modified to measure total coverage based upon the total area of each mobile home lot; §45-3.5.3 (Drainage Requirements for Zoning Permits) to be modified to require that all drainage calculations in pursuit of a zoning permit account for all decks, patios and terraces; Summary Schedule of Residence District Provisions to be modified to include a 15% building coverage for AAA and AA zones; Appendix D, the Lot Area coverage Worksheet shall be modified to use the term Net Lot Area and refer to the coverage chart. A Coverage Chart shall be added to the regulations in Appendix D.

The above items were approved/granted/adopted with conditions, which are on file with the Planning and Zoning Office in Town Hall at 110 Myrtle Avenue.

Dated at Westport, Connecticut this 15th day of December, 2010  
Ron Corwin, Chairman, Planning and Zoning Commission