

include notice procedures to the general public of the availability of the affordable unit.

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

32-19 Purpose

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

32-19.1 Application Requirements

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

- (a) photometric plans for the entire area to be lighted including a separate plan for Westport Athletic Special Events and separate plans for practices. These plans shall show all property lines that abut the area to be lighted. The values to be measured are to be the vertical and horizontal foot candles measured at the property line on a ten foot vertical grid at ground level up to the highest elevation of any lighting structure or luminary;
- (b) a design plan for the sound system and sound mitigation that minimizes the impacts on adjacent properties.

32-19.2 Considerations

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

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

32-19.3 Commission Action

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

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

32-19.4 Conditions of Approval

Any Special Permit for a Lighted Athletic Fields on Town Owned Public School Property approved by the Planning and Zoning Commission under this regulation shall be subject to the following.

- (a) The property shall be a minimum 20 acres in size and have a minimum of 200 parking spaces.
- (b) All structures used to light athletic fields shall achieve a minimum 50 foot setback from all residential property boundaries.
- (c) The structures used to light athletic fields shall not exceed 80 feet in height measured from ground elevation at the center of the field to the highest point of the structure including any attached fixture.
- (d) Lighting structures shall be designed to avoid light spillage onto and minimize offensive glare visible from surrounding residential properties. All lighting must be down directed to the greatest extent possible. No measurement of luminance taken at the property line as a result of lighting sources located on the subject property shall exceed 0.3 foot candles as measured in the photometric plan required in §32-19.1a. The 0.3 foot candles may be achieved by using evergreen screening and/or fencing or other types of screening acceptable to the Commission.
- (e) All athletic field lighting must be turned off at the earlier of either a) 30 minutes after the end of any, Westport Athletic Special Event, practice or other activity, or b) 8:00 p.m. No game or event may be scheduled to start later than 7:00 p.m. The lighting control system shall have provisions acceptable to the Commission in order to guarantee these limited use restrictions which must be specified in a special permit application.
- (f) The Commission may, at its discretion, permit a limited number of exceptions to the 0.3 foot candle limitation and the 8:00 p.m. curfew for Westport Athletic Special Events provided that a) the measurement of luminance at the at the property line as a result of lighting sources at the subject property may not exceed 1.0 foot candle as measured in the photometric plan specified in §32-19.1a for Westport Athletic Special Events and b) all athletic field lighting is turned off by 11:00 p.m.
- (g) No athletic field lighting may be used on Saturdays, except as follows: No more than two (2) Saturdays during the calendar year may be used for a Westport Athletic Special Event. Any use of the lights on a Saturday, whether for a game or practice, regardless of the hour, shall be a Westport

Athletic Special Event. On such Saturdays, the lights must be off by 8:00 p.m., with no extensions beyond 8:00 p.m. for weather overtime, travel problems or any other reason. In the event of a Westport Athletic Special Event on a Saturday, 1) there shall be no Westport Athletic Special Event on the preceding Friday night; and 2) the lights for any other games or practices will be turned off on the preceding Friday no later than 7:00 p.m. 2) No athletic field lighting may be used at any time on Sundays. 3) No athletic field lighting may be used between December 1st and September 1st except for Westport Athletic Special Events or games and practices associated with CIAC or FCIAC Playoff or Championship football playoffs for the Staples High School football team. 4) Athletic field lighting for practices associated with CIAC or FCIAC Playoff or Championship football games for the Staples High School football team shall not be used past 8:00 p.m.

- (h) There shall be no more than 8 lighted Westport Athletic Special Events at any particular facility during any 12 month period that begins September 1st of each year. No later than August 15th for the fall season and February 15th for the spring and summer seasons of each year a list of upcoming Westport Athletic Special Events shall be submitted to the to the Planning and Zoning Dept. CIAC or FCIAC Playoff or Championship football playoffs for the Staples High School football team are in addition to the approved number of permitted Westport Athletic Special Events.
- (i) There shall be no more than 2 properties with permanent or temporary lighted athletic fields constructed after the effective date of this amendment (10-5-11).
- (j) There shall be no more than 1 permanent or 2 temporary lighted athletic field(s) per property but not a combination of permanent and temporary lights.
- (k) The use of gas or diesel power generators, except as emergency backup, shall be prohibited except if specifically approved by the Planning and Zoning Commission as temporary athletic field lighting pursuant to §32-19A.
- (l) The applicant shall provide information about sound and noise as part of any special permit application. Any application shall demonstrate that noise and sound effects on surrounding residential properties shall be to the minimum extent possible. If deemed necessary by the Commission sound attenuation measures shall be installed. When athletic field lighting is in use, a public address system may only be used for Staples High School varsity games. There shall be no amplified music for any Westport Athletic Special Event after halftime. There shall be no amplified sound during practices.
- (m) Any additional requirements or restrictions the Commission determines at its discretion are necessary to insure that adjacent properties are not significantly adversely impacted by the proposed special permit.

- (n) All special permit applications under this section shall provide guidelines for controlling, air horns, bull horns and similar devices.
- (o) The lighted fields shall only be used for Westport team athletic practices and games (except for required league reciprocity) as sponsored or sanctioned by the Board of Education or the Westport Parks and Recreation Department Community athletic events are allowed (e.g. youth football, lacrosse, field hockey, soccer). Fairs, concerts, “battle of the bands” or other musical event are not allowed, but nothing shall prohibit school bands from performing during games or at halftime.
- (p) Prior to the issuance of a Zoning Certificate of Compliance the applicant shall submit a final engineer’s certification of luminance measurements at the property line.

32-19A Temporary Athletic Field Lighting for Practice on Town Owned Public School Property.

32-19A Purpose

The purpose of this regulation is to encourage expanded use of Town owned public school athletic fields while not causing unreasonable adverse impacts to surrounding residential neighborhoods. Temporary Athletic Field Lighting for Practice on Town Owned Public School Property may be permitted on properties that have a minimum of 20 acres and a minimum of 200 parking spaces. For the purpose of this section “Temporary” means for the part of the year (i.e., 3 months). The amount of lighting required shall achieve safe conditions for athletes and coaching staff. Temporary Athletic Field Lighting for Practice on Town Owned Public School property are subject to Site Plan approval in accordance with §43 & §44, herein, and subject to the following conditions:

32-19A.1 Application Requirements

An application for Site Plan shall be submitted as required under §43 & §44 of the regulations.

32-19A.2 Considerations

When considering Temporary Athletic Field Lighting for Practice on Town Owned Public School Property, the Planning and Zoning Commission shall consider and determine in each case the following:

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

32-19A.3 Requirements

Any Site Plan for a Temporary Athletic Field Lighting for Practice on Town Owned Public School Property approved by the P&Z Commission under this regulation shall be subject to the following.

- a) The property shall be a minimum 20 acres in size and have a minimum of 200 parking spaces.
- b) All structures used to temporarily light athletic fields shall achieve a minimum 50 foot setback from all residential property boundaries.
- c) The temporary structures used to light athletic fields shall not exceed 50 feet in height measured from ground elevation at the center of the field to the highest point of the structure including any attached fixture.
- d) The placement of temporary portable lighting shall avoid light spillage onto and minimize offensive glare visible from surrounding residential properties. All lighting must be down directed and shielded to the greatest extent possible.
- e) Temporary lighting approved under this section shall be for athletic practice only and shall not be used for Westport Athletic Special Events or any other purpose.
- f) All temporary athletic field lighting for practice must be turned off at the earlier of either a) 30 minutes after the end of practice or b) 8:00 pm.
- g) No temporary athletic field lighting may be used between December 1st and September 1st. Lights may only be used Monday through Friday, including school holidays.
- h) The applicant shall provide information about sound and noise as part of any Site Plan application. There shall be no use of a public address system or amplified music.
- i) There shall be no more than 2 properties with permanent or temporary lighted athletic fields constructed after the effective date of this amendment (10/5/11).
- j) There shall be no more than 1 permanent or 2 temporary lighted athletic field(s) per property but not a combination of permanent and temporary lights.
- k) Any additional requirements or restrictions the Commission determines at its discretion are necessary to insure that adjacent properties are not significantly adversely impacted by the proposed site plan.
- l) All site plan applications under this section shall provide guidelines for controlling, air horns, bull horns and similar devices.
- m) The temporary lighted fields shall only be used for Westport team athletic practices as sponsored or sanctioned by the Board of Education or the Westport Parks and Recreation Department. Use of temporary Athletic

Field Lighting for fairs, bands, concerts or other musical events shall be prohibited.

32-19A.4 Annual Permit

Any Site Plan for a Temporary Athletic Field Lighting on Town Owned Public School Property approved under this section shall be subject to an annual Zoning Permit issued by the P&Z Dept.

32-20 Special Requirements for Outdoor Eating Areas

Outdoor Eating Areas as defined in §5 shall be permitted in all Non Residential Zones, except RPOD, DDD and CPD subject to the following requirements:

1. **Required Departmental Approvals:** All Outdoor Eating Area applications shall be approved, as applicable, by the Westport-Weston Health District, the Police Department and the Fire Marshall's office as applicable prior to the issuance of a zoning permit.
2. **Design/Use of Area:** Outdoor Eating Areas may use umbrellas, tents, canopies or fixed awnings and may be located on a patio or deck. On vegetated landscaped surfaces only umbrellas may be used. Such a structure may have rigid supports and fabric or soft (non rigid) sides. Such areas may be heated. These areas may not be considered in the future as permanent building additions. There shall be no music in any Outdoor Eating Area. after 9:00 p.m. except if approved by Special Permit. The hours of operation shall be limited to 6:30a.m. to 11:00p.m. on Sundays through Thursdays and 6:30 a.m. to 12:00 midnight on Fridays and Saturdays except if approved by Special Permit to operate as late as 2:00 a.m.
3. **Size/Parking Requirements:** Outdoor Eating Areas shall not require additional parking if the area does not exceed twenty (20) percent of the interior patron Floor Area of a Restaurant, Café or Tavern or twenty (20) percent of the Floor Area of a Retail Food Establishment or 500 square feet which ever is less. Parking shall be required for the portion of an Outdoor Eating Area that is in excess of the above measurements in accordance with the parking requirements for patron area of a Restaurant. The measurement of all Outdoor Eating Areas shall be the area encompassed by the tent, canopy, awning, patio deck or landscaped area used as an Outdoor Eating Area as shown on a site plan, whichever is larger.
4. **Seasonal Use:** The Outdoor Eating Areas may be used all year round, however if such area is covered by a tent, canopy or fixed awning and will not be used on a continuous basis all elements of the tents, canopies or fixed awnings shall be removed from the area during the period when the Outdoor Eating Area is not in use.
5. **Setback and Coverage Requirements:** Outdoor Eating Areas shall not be permitted within 50 feet of any Residential Zoning District Boundary Line unless separated from the Residential Zone by a public street or a water body or approved by the P&Z Commission by a site plan and Special Permit application. Outdoor Eating Areas and any associated patios are permitted on private property in front, side and rear setback areas and front landscape areas, except for patron bars which must comply with setbacks, and

09/06/11 §32-8.6 / #626 To add the word 'either' & to specify that either a disturbance of 5,000 SF or an excavation/fill change of 1,000 cubic yards requires a Special Permit.

09/06/11 §32-8.6.4 / #626 To modify the requirement for mailing of notices to be consistent with §44-1.2.

AMENDMENT #640, Adopted 7/21/11, effective 10/5/11

10/05/11 §11-2.1.7 / #640 To add Temporary Lighted athletic fields on town owned public school property subject to Site Plan approval by the P&Z Commission pursuant to the provisions of §32-19A as applicable.

10/05/11 §11-2.3.14 / #640 To add the word "permanent".

10/05/11 §11-2.4.8 / #640 To add the word "permanent and temporary" and to specify the height of temporary lights to 50 feet also to reference §32-19A.

10/05/11 §11-5 / #640 To add the words "permanent and temporary".

10/05/11 §11-6 / #640 To add the words "temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage".

10/05/11 §12-5 / #640 To add the words "permanent and temporary".

10/05/11 §12-6 / #640 To add the words "temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage".

10/05/11 §13-5 / #640 To add the words "permanent and temporary".

10/05/11 §13-6 / #640 To add the words "temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage".

Effective Date	Section / Amendment #	Amendment Description <i>from 3-15-91 to Current</i>
10/05/11	§32-19 / #640	To add the word "permanent".
10/05/11	§32-19.4(i) / #640	To add the words "permanent or temporary".
10/05/11	§32-19.4(j) / #640	To add the words "1 permanent or 2 temporary" also to add the words "but not a combination of permanent and temporary lights".
10/05/11	§32-19.4(k) / #640	To add "except if specifically approved by the P&Z Commission as temporary athletic field lighting pursuant to §32-19A.
10/05/11	§32-19.4(k) / #640	To add "except if specifically approved by the P&Z Commission as temporary athletic field lighting pursuant to §32-19A.
10/05/11	§32-19A / #640	To add new section for the Purpose of Temporary Athletic Field Lighting for Practice on Town Owned Public School Property.
10/05/11	§32-19A.1 / #640	To add new section - Application Requirements.
10/05/11	§32-19A.2 / #640	To add new section - Considerations.
10/05/11	§32-19A.2 / #640	To add new section - Requirements.
10/05/11	§32-19A.2 / #640	To add new section - Considerations.
AMENDMENT #638, Adopted 10/13/11, effective 11/14/11		
11/14/11	§30-1 / #638	To allow office use, primarily above the first floor.
11/14/11	§30-2.2 (e) / #638	To delete the words "on the ground floor; and on the upper floors not to exceed 10% of the sum of the gross floor area of all buildings existing on the effective date of the HDD".