



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
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www.westportct.gov

LEGAL NOTICE OF DECISION

Notice is hereby given that at a meeting held on **July 23, 2020** the Westport Planning and Zoning Commission took the following action:

1. **Text Amendment #783:** Appl: #PZ-20-00462 submitted by the Planning and Zoning Commission, is **ADOPTED AS MODIFIED** to add a new Section 32-20A, Continuation of Temporary Outdoor Dining in Response to COVID-19, that extends until March 31, 2021 all the same provisions currently enabling Outdoor Activities for Restaurants pursuant to Executive Order No. 7MM issued by Governor Lamont. The amendment was modified to add language identifying the regulation will remain in effect until March 31, 2021 unless Executive Order No. 7 MM is repealed should it be necessary to contain the spread of COVID-19 and was amended to add language emphasizing that all Temporary Outdoor Dining shall be in strict compliance with all Federal, State, and Local COVID-19 guidelines and requirements. A copy of the adopted text amendment is available on-line at www.westportct.gov is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached herein.
Effective Date: 9/9/20
2. **Text Amendment #784:** Appl: #PZ-20-00463 submitted by the Planning and Zoning Commission, is **ADOPTED AS MODIFIED**, to add new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that authorizes, subject to certain conditions, temporary use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses). The amendment was modified to add language requiring use of sound attenuation measure for some Fitness Businesses, and identifying the regulations will remain in effect until March 31, 2021 unless Fitness Businesses are closed by Governor Lamont or his designee should it be necessary to contain the spread of COVID-19. A copy of the adopted text amendment is available on-line at www.westportct.gov is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached herein.
Effective Date: 8/1/20

3. **GRANTED: 259 Saugatuck Avenue & 1 Charmer's Landing:** Special Permit/Site Plan Appl. #PZ-20-00334 submitted by LandTech c/o Peter Romano for property owned by 259 Saugatuck Av., LLC/Charmers Landing Property, LLC, for excavation and fill activities associated with single family residence and associated site improvements, located in the Residence A zone, PID#B04027000/B04028000.

4. **GRANTED: 220 Post Road West:** Special Permit/ Site Plan Appl. #PZ-20-00457 submitted by Silverman Westport Realty Associates, LLC c/o William J. Fitzpatrick, Esq., for property owned by Silverman Westport Realty Associates, LLC, located in the General Business District, PID#B08071000 for a School, as defined in Sec. 5-2 of the Westport Zoning Regulations, to allow Pierrepont School to utilize 4,625 +/- SF of space for approximately 48 students in grades 7-12 in an existing building, and application of an "other" use parking standard pursuant to Sec. 34-5, to provide social distancing for teachers and students that cannot be accommodated at the existing Pierrepont School across the street at 1 Sylvan Road North.

A copy of the Legal Notice of Decision is available on-line at www.westportct.gov, on the Planning and Zoning Department "Pending Applications and Recent Approvals" page. Due to the closing of Town Hall to the public during the COVID-19 emergency, and pursuant to the Governor's Executive Order #71, the Legal Notice of Decision cannot be viewed at the Westport Town Clerk's Office or the Westport Planning and Zoning Office at this time.

Dated at Westport, Connecticut this 27TH day of July, 2020 Danielle Dobin, Chairman, Planning and Zoning Commission

Text Amendment #783

Submitted: 7/13/20

Received: 7/16/20

Public Hearing: Scheduled for: 7/23/20

Adopted as Modified: 7/23/20

Effective date: 9/8/20

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

FROM §32, SUPPLEMENTARY USE REGULATIONS

32-20A, CONTINUATION OF TEMPORARY OUTDOOR DINING
IN RESPONSE TO COVID-19

Continuation of Temporary Outdoor Dining in Response to COVID-19 - Any restaurant operating with an approved temporary outdoor dining permit issued pursuant to CT Governor Lamont's Executive Order 7MM as of the effective date of this amendment may continue to operate and use the area approved and as shown in that permit, until March 31, 2021, or until Executive Order No. 7MM is repealed to contain the spread of COVID-19. The use shall at all times continue to be used in accordance with all Executive Orders currently in place or as revised in the future. Notwithstanding anything to the contrary contained herein, any and all Outdoor Activities shall be in strict conformance with all federal, stated, and local COVID-19 guidelines and requirements.

Such extension shall not be interpreted to create any nonconforming right and further provided that the operation of the Temporary Outdoor dining between the suspension of the State's declared state of emergency and March 31, 2021 shall be deemed to be a complete and total waiver of nonconforming rights under any local, state or federal authority.

Text Amendment #784

Submitted: 7/13/20

Received: 7/16/20

Public Hearing: Scheduled for: 7/23/20

Adopted: 7/23/20

Effective date: 8/1/20

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

FROM §32, SUPPLEMENTARY USE REGULATIONS

32-28, TEMPORARY PROVISIONS FOR FITNESS BUSINESSES

IN RESPONSE TO COVID-19

32-28.1 Purpose/Conflict with Existing Regulations.

In order to prevent the potential transmission of COVID-19 at fitness studios, gyms and sports centers (“Fitness Businesses”), located in the Town of Westport that are not otherwise eligible for authorization to operate outdoors pursuant to Governor Lamont’s Executive Order #7MM, this Section shall supersede any conflicting provision of the Westport Zoning Regulations for the duration of this Section.

32-28.2 Expiration.

This Section shall remain in effect until March 31, 2021 or until otherwise modified or rescinded by the Planning and Zoning Commission, or if Fitness Businesses are closed by the Governor or his designee to contain the spread of COVID-19.

32-28.3 Outdoor Studio Operation.

Any Fitness Business seeking to conduct operations outdoors (Outside Studio Operations) pursuant to this section, must comply with the following requirements:

32-28.3.1 Each Fitness Business may operate a single Outdoor Studio Operation only; and

32-28.3.2 The Outdoor Studio Operation shall be located in the onsite private parking lot or other onsite, private outdoor location, as approved in writing by the property owner before the commencement of operations; and

32-28.3.3 Clear and obvious visual barriers shall be erected to demarcate the Outdoor Studio Operation area within any parking area.

- 32-28.3.4 Prior to occupancy, each outdoor fitness site shall be inspected and must be approved by the Municipal Designee as the Authority Having Jurisdiction (AHJ) or their designee to demonstrate compliance to all sector rules for COVID-19 compliance; and
- 32-28.3.5 The hours of operation are from 5am – 8pm daily.
- 32-28.3.6 Sound Mitigation. Headphones shall be used by participants during all times by those Fitness Businesses providing Cardio Dance, Cycling, or Zumba classes in an Outside Studio.
- 32-28.4 Any Outdoor Studio Operation must comply with all legal and safety requirements applicable to tents over a certain size or utilizing electricity as set forth in the State of CT Building and Fire Codes.
- 32-28.5 Minimum Parking Lifted to Facilitate Outdoor Studio Operation.

Any Zoning Regulation requiring a minimum number of parking spaces or prohibiting Outdoor Studio Operation from taking place in parking lots serving the Fitness Businesses is suspended to the extent required to permit such Outdoor Studio Operation alone or in conjunction with any other authorized activity, including any activity required to enable the response to the COVID-19 pandemic.

32-28.6 Setbacks.

The Outdoor Studio Operation may be located within the side or rear setback.

32-28.7 Application/Self-Certification Process.

Fitness Businesses shall self-certify that the Outdoor Studio Operation meets all of the requirements set forth in Section 32-28.3 above by completing the form attached here as Exhibit A and submitting it to the Planning and Zoning Department following endorsement by the Fire Marshal or his designee following his/her inspection. Any Zoning Regulation relating to applications for Outdoor Studio Operation is suspended to the extent that it requires any of the following documents: plans stamped by a licensed engineer, landscape architect, or architect; site survey; parking plan; traffic study or plan; sign plan; soil erosion and sediment control plan; photometric lighting plan; or stormwater management plan; provided that the applicant has submitted, with their self-certification form, at a minimum, a drawing or illustration, roughly to scale or dimensioned and depicting with reasonable accuracy the outdoor area that is proposed to be used along with evidence of the property owner's written permission for such use, and evidence that the Fitness Business has obtained their COVID-19 self-certification from the Department of Economic and Community Development (DECD).

32-28.8 Approval and Conditions.

Notwithstanding any contrary Zoning Regulation, any Outdoor Studio Operation pursuant to this regulation is subject to review by the Director of the Planning & Zoning Commission, in the event that there are environmental or stormwater issues arising from the Outdoor Studio Operation.

32-28.9 Sidewalks, Non-Vehicular Rights of Way and Municipal Roadways

No Outdoor Studio Operation may occur on any public sidewalk, public non-vehicular right of way or municipal or state roadway.

32-28.10 No Nonconformity Rights Bestowed.

Any Zoning Regulation that would provide nonconforming use or structure rights to any Outdoor Studio Operation or structure permitted pursuant to this Section is suspended.