



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

April 14, 2021

SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:

Pursuant to the Governor's Executive Order No. 7B, there will be no physical location for this meeting. This meeting will be held electronically.

Members of the public may use the meeting instructions below to attend the meeting by PHONE as it will not be streaming live on the Town's website nor available for viewing on public access television. The meeting will be available for future viewing in the archived meeting section of the Town's website.

Instructions to Attend by Phone

Phone: +1 646 876 9923 US (New York)

Meeting ID: 852 8822 0991

Passcode: 783064

Members of the public may attend the meeting by VIDEO, by sending an email by 4:30pm on April 19, 2021 to maryyoung@westportct.gov and meeting participation details will be emailed to you to enable you to participate by video.

Public Comments will be received during the meeting after persons are recognized by the Subcommittee Chair, Neil Cohn. Public comments prior to the meeting may be sent to PandZ@westportct.gov, but these will not be read aloud at the meeting.

Planning and Zoning Commission

Notice/Agenda

Economic Growth Subcommittee

Tuesday, April 20, 2021 12:00pm

1. Recap by Subcommittee Chairman Neil Cohn on Text Amend. #790, adopted by the Planning and Zoning Commission on March 25, 2021 enabling continued use of Outdoor Fitness Studios by gyms and fitness centers until Dec. 31, 2021 in response to COVID-19.
2. Current Initiatives:
 - a. Review of Draft Text Amendment for Bus Shelters (latest revision dated 4/9/21)
 - b. Potential vote on Draft Text Amendment by Subcommittee members for consideration by the full P&Z Commission and then scheduling a public hearing (*explanatory statement and draft text is attached to this notice*).
3. Moderated "open mic" to receive initiatives for future consideration.

Respectfully Submitted by Mary Young, Planning and Zoning Director, April 14, 2021

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or eflug@westportct.gov at least three (3) business days prior to the scheduled meeting or event to request an accommodation.



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April 9, 2021
DRAFT

TO: Whom it May Concern
FROM: Planning and Zoning Commission
DATE:
RE: **Explanatory Statement for Text Amendment #TBA, New Definition for Bus Shelters in §5-2, modification to Structure definition to exempt Bus Shelters in §5-2, and modification to Front Landscape requirements to allow Bus Shelters within the 30' Front Landscape Area in §35-2.2.1**

Background

A majority present at the 2/10/21 meeting of the Planning and Zoning Commission's Economic Growth Subcommittee recommended staff draft a text amendment to remove zoning obstacles that might inhibit locating new bus shelters. A draft version of a text amendment was reviewed at the 3/18/21 and edits were offered by meeting attendees. *[Insert if applicable]* A majority of the subcommittee members endorsed the revised amendment at their April meeting.

Currently bus shelters are considered a Structure, and as such must conform to setback and coverage requirements when located on Town-owned or private property where they are regulated. Zoning relief is needed to permit Bus Shelters in the Front Setback area as Bus Shelters must locate adjacent to the street to allow for efficient dispatch of passengers, and such a location would otherwise require a variance from the Zoning Board of Appeals.

At the March Economic Growth Subcommittee *the Westport Bus Facilities Working Group* made a presentation available [here](#), describing the need for shelters. Funding mechanisms are being sought and logistics explored to locate bus shelters in Westport. Language is included in the text amendment to permit donor plaques should private funding be offered. Language is also incorporated to expressly permit curated art with the intent that when bus shelter funding and locations are found a group such as the Westport Arts Advisory Committee can select appropriate art to include in or on the shelters perhaps following a local competition as another way to raise awareness of this new amenity in Town.

In recent years, other Town committees voiced their support for enabling bus shelters including but not limited to the Selectman's Downtown Plan Implementation Committee, the Selectman's Green Task Force (now known as Sustainable Westport), and the RTM's Long Range Planning Committee.

[Insert if applicable] A majority at the meeting of the Planning and Zoning Commission on *(Fill in date when it occurs)* agreed to support the proposal and requested staff schedule a

hearing to receive public testimony related to the text amendment.

Proposal

Three changes to the Zoning Regulations are proposed to remove zoning obstacles to enable bus shelters to locate in Westport without the need for variances from the Zoning Board of Appeals including:

1. Adding a definition for Bus Shelters in §5-2 and specifying no commercial signages shall be permitted but donor plaques and art will be permitted;
2. Modifying the Structure definition in §5-2 to exempt Bus Shelters and specifying Bus Shelters shall not count in Coverage nor need to adhere to setback requirements; and
3. Modifying the Front Landscape requirements in §35-2.2 to permit Bus Shelters, like sidewalks and driveways, to locate within the first 30' of a property.

Rationale

§42 of the Zoning Regulations requires any Town-wide benefits associated with a proposed Text Amendment shall be described. Benefits associated with this amendment include:

1. Facilitating a need to provide for bus shelters that provide convenient and safe harbor for residents, commuters, as well as visitors to wait at a bus stop protected from the weather;
2. Addressing the current and growing need to accommodate people traveling from out of town using public transit;
3. Improving efficiency for bus drivers to know when/where people are waiting for service;
4. Improving safety for riders who will no longer need to "flag" the bus driver to stop where bus shelters are provided;
5. Enhancing the image of public transit by providing infrastructure to support it; thereby potentially increasing ridership;
6. Heighten the experiences of those who live, work and visit Westport by sending a clear message that all three groups belong; and
7. Highlighting Westport as a destination thereby attracting more businesses and visitors to town.

CGS §8-2, Regulations, requires the Planning and Zoning Commission consider the current Plan of Conservation and Development when reviewing a text amendment to the zoning regulations. The text amendment may be considered consistent with the 2017 *Plan of Conservation and Development* that includes the following goal in §12.5: "Continue to Support Bus Transit," (Pg. 101), and acknowledges this transit service meets the needs of both residents and non-residents. A survey is cited listing 62% of survey participants indicated Westport needs more and better public transportation services.

Additionally, the amendment may be considered with the 2015 *Downtown Westport Master Plan* that contains the following goal, "M8: Provide amenities for Public Transit Passengers," (Pg. 74).

DRAFT April 9, 2021 Text Amendment #TBA
Language in red highlights changes since 3-10-21 version

Submitted: _____

Received: _____

Public Hearing: Scheduled for: _____

Adopted: _____

Effective date: _____

New language is underlined.

From §5, Definitions

§5-2, Specific Terms

Bus Shelter (New)

A covered structure ~~at a bus stop~~ providing convenience and protection against the weather for people waiting for a bus. Bus shelter locations shall be subject to approval by the Public Works Director in consultation with the Police Department and shall be limited to buses for mass transit. Accessory uses are allowed including seating for individuals (not benches) and trash receptacles. Electricity including use of solar panels and energy storage, is permitted ~~only~~ for cell phone charging, security lighting, security cameras, and digital signage associated with displaying GPS enabled bus arrival information. Commercial signage is prohibited. Donor plaques and curated art are permitted.

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, swimming pools, tennis courts, towers, paddle or platform tennis courts, balconies, open entries, 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)

Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building.

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, platform lifts necessary for ADA compliance and temporary signs as specified in §33-5 are not considered structures. Access stairs required by a public utility and no larger than 50 square feet are not considered structures. Bus Shelters are not considered structures for purposes of coverage and 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.

From §35, Landscaping, Screening and Buffer Areas

§35-2.2. Landscaping Area

§35-2.2.1, Location

The required front setback area, as measured from the property line, except for Bus Shelters, sidewalks, light poles and perpendicular driveways, shall include a minimum thirty (30) footdeep 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.

Raised beds and planters are not acceptable substitutes for trees.