



**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](http://www.westportct.gov)

To be inserted  
in The Norwalk Hour  
On: July 13, 2021  
Tuesday

## LEGAL NOTICE OF DECISION

Notice is hereby given that at a meeting held on **July 8, 2021**, the Westport Planning and Zoning Commission took the following action:

1. **DENIED: Text Amendment #793:** Appl. #PZ-21-00226 submitted by Peter Romano/LANDTECH to amend §5, Definitions, to modify the Swimming Pool definition to exclude swimming pools of a certain size from Total Coverage calculations on lots that are non-conforming to Total Coverage; to amend §5, Definitions, to create a new definition for Sports Courts; to modify §11-2.4 Accessory Uses permitted in a Residence AAA district, to modify language for Swimming Pools to exclude them from Total Coverage calculations on lots that are non-conforming to Total Coverage; and add language documenting Sports Courts are permitted as an Accessory Use to a Dwelling.
2. **GRANTED: 17 Burr Farms Road:** Special Permit/Site Plan Appl. #PZ-21-00369 submitted by B&B Engineering LLC for property owned by Brian and Tami Sunshine, to authorize non-exempt front-yard landscaping activities pursuant to §32-8, Excavation and Filling of Land listed in the Westport Zoning Regulations, for property located in the Residence AA District, PID #F10051000.
3. **ADOPTED AS MODIFIED:** Text Amendment #796: Appl. #PZ-21-00393 submitted by Urstadt Biddle Properties, Inc. c/o Attorneys John Knuff and Amy Souchuns to modify Westport Zoning Regulations §6, Non-Conforming Uses, Buildings and Lots, to create a new subsection §6-6.3, Non-Conforming Medical Redevelopment, that includes new zoning standards to be applied distinct from those otherwise applicable related to Building Height; Building Coverage; Floor Area (FAR); Parking and Loading; Landscaping; Fire Lanes; and Setbacks. The text amendment will benefit only 1460 Post Road East as the eligibility criteria requires lots be: (A) Not less than 2.5 acres nor more than 3.0 acres; (B) Located in a split zone comprised of General Business District (GBD) and Residence A; and (C) Where a building is located entirely in the GBD portion of the lot; and (D) where the building is intended for redevelopment primarily as medical offices.

**Effective Date: 7/15/21.**

A copy of the adopted text amendment is available on-line at [www.westportct.gov](http://www.westportct.gov) is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office.

4. **GRANTED: 1460 Post Road East:** Special Permit/ Site Plan Appl. #PZ-21-00394 submitted by Urstadt Biddle Properties, Inc. c/o Attorneys John Knuff and Amy Souchuns, for property owned by Urstadt Biddle Properties, Inc. located in both the General Business District, and Residence A District, PID #H09019000. The application is to redevelop property to accommodate an intended new medical office tenant (and retain the existing medical marijuana dispensary) using regulations adopted pursuant to Text Amendment #796 available for review on-line at [www.westportct.gov](http://www.westportct.gov), on file in the Westport Town Clerk's Office, and is on file in the Westport Planning and Zoning Office. Proposed building activities include constructing an entrance addition, adding an elevator, adding building mechanicals, and adding an emergency generator. Proposed site work includes modifications to the parking lot, completing landscaping improvements, and completing drainage improvements.  
**Effective Date: 7/22/21.**

The above items were granted/approved/denied with modifications, which are on file with the Planning and Zoning Office in Town Hall at 110 Myrtle Avenue and available on-line at [www.westportct.gov](http://www.westportct.gov)

A copy of the Legal Notice of Decision is available on-line at [www.westportct.gov](http://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 #7I, 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 13<sup>th</sup> day of July 2021 Danielle Dobin, Chairman, Planning and Zoning Commission.

Revised: 6/8/21  
Public Hearing: 7/8/21  
Adopted: 7/8/21  
Effective date: 7/15/21

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## PROPOSED TEXT AMENDMENT

Urstadt Biddle Properties, Inc.  
May 28, 2021

[Revised 6.8.21 to modify title and description in subsection 6-6.3(c)]

*Note: All language is new; no deletions are proposed.  
Bold Language represents modifications by the P&Z Commission*

### 6-6 Redevelopment of Split Zoned Properties

#### 6-6.3 Non-Conforming Medical Redevelopment

Notwithstanding the above, on lots (a) not less than 2.5 acres nor more than 3.0 acres, (b) located in a split zone comprised of the General Business District (GBD) & Residence A districts, (c) where a building is located entirely in the GBD zoned portion of the lot, and (d) where the building is intended for redevelopment primarily as medical offices; a nonconforming building and its uses may be allowed full or partial redevelopment **subject to Special Permit/Site Plan approval from the Planning and Zoning Commission**, in the nonresidential portion of the lot, provided the redevelopment will achieve superior architectural design, will improve access for disabled individuals, will enhance existing landscaping and buffering, and shall result in no increase of height, building coverage, or floor area, except as provided below and subject to the standards herein.

##### 6-6.3.1 Height

Rooftop mechanical equipment necessary for compliance with the building, health or other applicable code shall be permitted and shall be concealed from all sides.

##### 6-6.3.2 Coverage

Building coverage shall not exceed **40% 37%** for the area of the lot located in the GBD. In no event shall additional building coverage be located in the Residence A portion of the lot, nor shall total coverage in the Residence A portion of the lot exceed 80%.

##### 6-6.3.3 Floor Area

Notwithstanding the provisions of § 24-8.1, no building shall exceed 50,000SF of gross interior floor area, which may be utilized by a single user or by multiple users. FAR shall not exceed **.55 0.51** for the area of the lot located in the GBD. In no event shall additional floor area be located in the Residence A portion of the lot.

#### 6-6.3.4 Parking and Loading

Off-street parking shall be provided in accordance with §34-5 of the Supplementary Regulations. Existing parking spaces shall not be required to comply with the Design Standards for Off-Street Parking and Loading unless proposed to be modified as part of the redevelopment plan.

Notwithstanding §34-10, no loading spaces shall be required.

#### 6-6.3.5 Landscaping

Where the existing lot is non-conforming with respect to the landscape buffers and parking lot landscaping and further modifications are necessary to improve building access, notwithstanding the provisions of §34-3, 35-2.2, 35-2.4 and 35-4, screening, landscaped buffer areas or parking lot landscaping shall be provided to the greatest extent possible without reducing required parking.

#### 6-6.3.6 Fire Lanes

When the existing lot is non-conforming with respect to the fire lane requirements established by § 34-11.3, appropriate emergency access shall be provided to the satisfaction of the Fire Marshal.

#### **6-6.3.7 Grading**

**Notwithstanding the grading limitations contained in § 34-11.5, grading for driveways may exceed 3% when necessary to match existing conditions on non-conforming access driveways.**

#### 6-6.3.7 Setbacks

No building setback shall be required from a Residential District Boundary Line.