



Town of Westport
Planning and Zoning Commission
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To be inserted in The Westport News
On: July 30, 2021
Friday

LEGAL NOTICE OF DECISION

Notice is hereby given that at a meeting held on **July 22, 2021**, the Westport Planning and Zoning Commission took the following action:

1. **POSITIVE REPORT: 136 Riverside Avenue aka 170 Riverside Ave.** Appl. #PZ-21-00499 §8-24 Request by the First Selectman on behalf of a request from Redniss and Mead for a report from the Planning and Zoning Commission regarding a 49-year lease by Abilis, a 501-C-3 non-profit agency, to provide Affordable Housing consistent with standards in §8-30g of the Connecticut General Statutes, and to provide Special Needs Housing as described in §32-27 of the Zoning Regulations, on Town-owned property in the Residence A District, PID #C08032000.
2. **ADOPTED: Text Amendment #798:** Appl. #PZ-21-00468 submitted by the Planning and Zoning Commission to clarify recently adopted Text Amendment #791, Accessory Dwelling Units (ADU), by adding a definition to §5-2 for Accessory Dwelling Unit; by adding language in §11-2.4.8 to restore zoning standards for allowable size and height for Accessory Buildings and Structures that are not Accessory Dwelling Units; and to add a new section number §11-2.4.8A to distinguish standards applicable to an Accessory Dwelling Unit.

Effective Date: 8/13/21

A copy of the adopted text amendment is available on-line at www.westportct.gov is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office and is attached.

3. **ADOPTED AS MODIFIED : Text Amendment #794:** Appl. #PZ-21-00243 submitted by Gloria Gouveia of Land Use Consultants, to modify §32-18. Historic Residential Structures, to enable expansion of existing medical office space in Principal Buildings in residential districts that previously obtained variances from the Zoning Board of Appeals for medical use and that meet additional proposed location criteria without restrictions on number of employees or residency requirements is hereby ADOPTED AS MODIFIED.

A copy of the adopted text amendment is available on-line at www.westportct.gov is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office and is attached.

Effective Date: 8/13/21

4. **GRANTED: 251 Main Street:** Special Permit/Site Plan Appl. #PZ-21-00050 submitted by Gloria Gouveia of Land Use Consultants, for property owned by Zijad Sabovic located in the Residence A zone, PID# C10107000, seeking approval pursuant to Text Amendment #794, available for review on-line at www.westportct.gov, on file in the Town Clerk's Office, and the Planning and Zoning Office, that modified §32-18, Historic Residential Structures, to enable an existing medical use to remain that was previously approved by variance by the Zoning Board of Appeals, without restrictions on owner occupancy for property as allowed pursuant to Text Amendment #794

Effective Date: 8/21/21

Dated at Westport, Connecticut this 30th day of July 2021 Danielle Dobin, Chairman, Planning and Zoning Commission.

Text Amendment #798
Submitted: 6/28/21
Received: 7/8/21
Adoption Date: 7/22/21
Effective date: 8/13/21

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

DEFINITIONS

5-2 Specific Terms

Accessory Dwelling Unit A smaller secondary home on the same lot as a primary dwelling which are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.

§11 RESIDENCE AAA DISTRICT

11-2 Permitted Uses

11-2.4 Permitted Accessory Buildings, Structures & Uses

The following buildings, structures and uses are permitted:

11-2.4.1

Docks, landings and boathouses. Such structures shall not accommodate more than two wet slips or moorings and shall be exempt from rear yard setback requirements. No boat shall be occupied or used as a dwelling or dwelling unit.

11-2.4.2

Swimming pools. The setbacks for swimming pools shall be measured from the edge of any deck, pool apron or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property lines. The surface area of a swimming pool as measured from the inside face of the exterior walls shall be used in computing Total Coverage.

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 shall be used in computing total lot coverage. Tennis courts and paddle tennis courts accessory to a dwelling shall not be lighted. Any tennis court or paddle tennis 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.

11-2.4.4

Detached private garages shall not exceed one story and a height of 16 feet unless they also contain an accessory unit that meets the requirements of Section 11-2.4.8A below, in which case, the garage shall be subject to the height limitations set forth in Section 11-2.4.8c below.

11-2.4.5

The leasing of rooms by the principal owner (owner occupant) to not more than four (4) persons or the taking in of not more than four (4) boarders in a principal building in which the principal owner is a domiciliary subject to the approval of a Zoning Permit. This provision shall not permit the operation of a guest house or tourist home for transient use.

11-2.4.6

Home Office, as defined in 5-2, Home Based Business. A Principal Building, Accessory Building, Two-Family Dwelling Unit or Multi-Family Dwelling Unit may be permitted a Home Office. Pursuant to §33-6 one free standing sign or wall sign not to exceed two (2) square feet in area nor six (6) feet in height, identifying the name and address of the occupant of a Dwelling and/or Home Office. A Zoning Permit is not required for this use. Such occupation shall be incidental and clearly a secondary use of the principal residence.

11-2.4.6A

Home Occupation, Level 1, as defined in §5-2, Home Based Business, subject to a Zoning Permit, and the following conditions:

- a. Resident Occupant - Only one Home Occupation, Level 1 shall be conducted on any premises. Such occupation shall be conducted by one or more residents of the premises.
- b. Location - A Home Occupation, Level 1 shall be located within the Principal Building on the lot, unless approved in an Accessory Building pursuant to §32-18, Historic Residential Structures. Such occupation shall be incidental and clearly a secondary use of the principal residence.
- c. Floor Area – The total interior floor area devoted to a Home Occupation, Level 1 shall not exceed 25% of the floor area of the Principal Building, excluding cellars and basements, and including waiting rooms, file rooms and similar spaces devoted to uses which are supplementary to such occupations. In the case of a Two-Family building, the floor area of the Principal Building shall be interpreted as the floor area of the individual dwelling unit.
- d. Visitors – There shall be no more than ten (10) patron, client, or associate visits a day.
- e. Students or Pupils - No more than four (4) students or pupils at any one time shall be permitted.
- f. Employees – There shall be no more than one (1) non-resident on-site employee or contractor.
- g. Display - No display shall be visible from the outside.

- h. Signs - Pursuant to §33-6 one free standing sign or wall sign not to exceed two (2) square feet in area nor six (6) feet in height, identifying the name and address of the occupant of a Dwelling and/or a Home Occupation, Level 1 is permitted.
- i. Parking - 2 off-street parking spaces are required in addition to the 2 parking spaces required for a single family residence. No parking spaces shall be located within the minimum required front setback.
- j. Prohibition - The use of any Multiple Family Dwelling Unit for any Home Occupation, Level 1, shall be prohibited.
- k. Limitation - Either one (1) Home Occupation Level 1 or Level 2 is permitted per lot.

11-2.4.7

Barns that are designed, arranged and intended to be occupied and used solely for the storage of farm products and equipment, for feed, and/or for the housing of farm animals, or horses. Such barns shall not exceed 1,200 square feet of gross floor area; shall not exceed two stories and a height of twenty-four (24) feet and shall not include any bathroom facilities (toilet, tub or shower), kitchen facilities and/or central heating systems including electric baseboard.

11-2.4.8

Other buildings, structures and uses not listed above, accessory to a permitted principal use, provided that:

- a. The accessory building or structure shall not exceed 300 square feet of gross floor area.
- b. The accessory building or structure shall not exceed one (1) story and a height of sixteen (16) feet; except for barns identified in §11-2.4.7 above.
- c. Ground mounted solar panels shall not exceed 16 feet in height and shall be fully screened from any adjacent property line and street line at all times.
- d. Ground mounted satellite dishes or disc type antenna shall not exceed 16 feet in height and shall be fully screened from any adjacent property line and street line at all times. Roof top satellite dishes and roof top disc type antenna are prohibited except for disc type antennas less than two feet in diameter.
- e. Permanent and temporary light poles for lighted athletic fields on town owned public school property shall be permitted up to a height of 80 feet for permanent and 50 feet for temporary lights provided that all requirements of §32-19 or §32-19A are in compliance.

11-2.4.8A

- a. The Building Area of an Accessory Dwelling Unit ~~the accessory building or structure~~ shall not exceed the following:

Lot Size	Maximum Building Area of <u>an Accessory Dwelling Unit</u> Accessory Building or Structure
Lots up to and including 65,340 sq. ft.	650 sq. ft., provided, however, that for the purposes of calculating Building and Total

	Coverage:- the first 350 sq. ft. of any such accessory building or structure shall not be counted. The maximum footprint inclusive of 350 sq. ft. bonus is 650 sq. ft.
Lots over 65,340 sq. ft.	1,000 sq. ft.

- b. The ~~Accessory Dwelling Unit accessory building or structure~~ may only have a single interior kitchen.
- c. The ~~Accessory Dwelling Unit accessory building or structure~~ shall not exceed the following height limitations:

Roof Type	Maximum Height (measured to the highest point of the roof, excluding a cupola as permitted below)
Any Roof with a slope [of at least 6:12]	Twenty-six (26) feet
Any Roof with a slope [of less than 6:12]	Sixteen (16) feet

Existing non-conforming accessory structures are permitted to be converted into an Accessory Dwelling Unit with Special Permit approval.

- d. Subject to Section 11-2.4.8A.(a) and (b) above, the accessory building or structure shall meet all setback, coverage, grading, drainage, and other requirements applicable to the property.
- e. If the property is not on Town sewers, the property owner or their designee must obtain the Westport-Weston Health District approval for the septic system. State approval of the proposed septic systems may also be required pursuant to state statute.
- f. If the property is on Town sewers, proof of the sewer hookup must be submitted to the P&Z Office by the property owner or their designee.
- g. There are at least three (3) off-street parking spaces on the lot and proof of adequate parking must be submitted to the Planning and Zoning Office by the property owner or his designee.
- h. Cupolas shall be permitted on accessory buildings provided that: (i) the cupola shall not be higher than 5 feet above the ridge line or highest point of the roof; and (ii) the cupola shall not exceed 5% of the footprint of the roof area of the building on which it is located, or 25 square feet, whichever is less. The cupola cannot be used for human habitation.
- i. Cellars, basements and crawl spaces shall be permitted in accessory buildings but must be unfinished and may not be used as living space. Stairs which access a cellar or basement from outside the building do not count in building coverage-
- j. The provisions listed above may be modified for applications approved pursuant to §32-18. (Historic Residential Structures).
- k. Only one accessory dwelling unit shall be permitted per lot.

1. Any accessory dwelling unit located in the Special Flood Hazard Area must be compliant with the floodplain regulations in §31-11. No additional building height is permitted for an existing or new structure located within the [Special Flood Hazard Area](#) when proposed to be floodplain compliant.

Text Amendment #794, Submitted by Gloria Gouveia, Land Use Consultants

Dated: 1/27/21

Revised: 5/15/21, 6/9/21 & 7/7/21

Public Hearing: 7/22/21

Adopted: 7/22/21

Effective date: 8/13/21

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

P&Z Staff Suggestions as of 7/14/21 in **RED**

The following §32-18.4 Subsection c. represents the first change to the Zoning Regulations. New subsection "c" adds uses approved by the Zoning Board of Appeals in addition to those uses approved by the Planning & Zoning Commission.

FROM §32-18, Historic Residential Structures

32-18.4 Considerations

When considering a Special Permit/HRS application, the P&Z Commission shall consider and determine in each case whether:

- a. The preservation of the historic structure or historic accessory structure is in the public interest and will promote the general health and welfare of the residents of the Town.
- b. The proposal will permit the preservation and exterior historic integrity of the historic structure or historic accessory structure.
- c. The historic structure or historic accessory structure will require height, setback, coverage parking, landscaping and/or lot area and shape incentives, provided that the number of existing parking spaces shall not be reduced, and, in the case of historic structures containing existing special permit uses or medical uses approved by the Zoning Board of Appeals, and/or historic accessory structures, use incentives to allow for its preservation, retention of its historic scale and/or its location on the property.
- d. The proposal will be contextually consistent with the architectural design, scale and massing of the subject structure as well as with its immediate surroundings. Scale is the primary consideration in determining whether a historic structure or historic accessory structure is compatible with its setting.
- e. The proposal will not adversely affect public safety.
- f. The proposal will be consistent with the current Town Plan of Conservation and Development and other Westport zoning regulations.

g. The proposal will be consistent with §44-6, Special Permit standards.
New text adds to subsection "c" to include "principal" buildings as historic structures where limited medical office use approved by the Zoning Board of Appeals may be expanded by the Commission.

32-18.5 Commission Action

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

- a. Allow an area or dimensional requirement (height, setback, coverage) and/or a parking or landscaping requirement (number, size or dimension) to be reduced or exceeded, provided that the number of existing parking spaces shall not be reduced.
- b. Allow Home Occupations, Level 1 and Home Occupations, Level 2, and Accessory apartments in a historic accessory structure under such conditions as set forth in §32-18.8 thereof.
- c. Allow limited office uses in one historic accessory structure containing an existing special permit use [~~under such conditions as set forth in as set forth in §32-18.8 and §32-18.9, §32-18.10 herein~~] and allow expansion of medical use in one historic principal structure containing a medical use approved by the Zoning Board of Appeals under such conditions as set forth in §32-18.8, §32-18.9, §32-18.10, and 32-18.11, herein.

New Section 32-18.9.4 provides standards for ZBA approved medical office space in a "principal" historic residence.

32-18.9.4 Limited Offices – Principal Structures

One principal historic residence or portion thereof containing an existing medical office use approved by the Zoning Board of Appeals may be converted to limited medical office space subject to Special Permit and Site Plan Approval in accordance with §43 & §44, except as modified herein, provided that the following requirements are met:

- a. Location: The site of the existing ZBA approved use:
 - i. must have frontage on a collector or arterial street,
 - ii. must adjoin a commercial zoning district, and/or
 - iii. must be within 500 feet of a municipal (Town-owned) public parking lot.
- b. Office Uses: The allowable medical office uses shall be limited to those uses authorized by ZBA variance.

- c. Floor Area: The floor area devoted to the medical office shall not exceed the floor area approved by the ZBA unless otherwise authorized by the Commission but shall not exceed 50% of the total floor area of the building so it remains an accessory use.
- d. Fire Code: Limited Office Use spaces in all residential occupancies shall comply with the requirements for Business Occupancies as required by the Connecticut State Fire Safety Code in effect at the time of application.
- e. Parking: 2 spaces in addition to the requirement for the Dwelling Unit plus additional parking shall be provided as determined by the P&Z Commission.
- f. Signage: One free-standing sign or wall sign not to exceed two (2) square feet in area nor six (6) feet in height, identifying the name and address of the occupant of a Dwelling and/or a Home Occupation.

32-18.9.5 Limited Offices – Accessory Structures

One historic accessory structure or portion thereof containing an existing special permit use may be converted to limited office space subject to Special Permit and Site Plan Approval in accordance with §43 & §44, except as modified herein; provided that the following requirements are ...

New Section 32-18.11 provides standards for allowing expansion of ZBA approved medical use in a "principal" historic residence.

32-18.11 Permitted Use of Historic Principal Structure

One principal historic residence or portion thereof containing an existing medical office use approved by the Zoning Board of Appeals (ZBA) may be expanded subject to Special Permit and Site Plan Approval in accordance with §43 & §44, except as modified herein, provided that the following requirements are met:

- a. Location: The site of the existing ZBA approved use:
 - i. must have frontage on a collector or arterial street,
 - ii. must adjoin a commercial zoning district, and/or
 - iii. must be within 500 feet of a municipal (Town-owned) public parking lot.
- b. Floor Area: The floor area devoted to the medical office shall not exceed the floor area approved by the ZBA unless otherwise authorized by the Commission but shall not exceed 50% of the total floor area of the building so it remains an accessory use.