



Town of Westport
Planning and Zoning Commission
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To be published in the Norwalk Hour on Thursday, December 28, 2023, and Thursday, January 4, 2024

LEGAL NOTICE OF HEARING

Notice is hereby given that the Westport Planning and Zoning Commission will hold a Remote Public Hearing on Monday, January 8, 2024, at 7:00 P.M.

The public may attend using the link to be published on the agenda prior to the meeting. The meeting agenda will be available at www.westportct.gov on the "[Meeting List and Calendar](#)" web page one week prior to the meeting.

- 1. Text Amendment #833:** #PZ-23-00464 submitted Atty. Eric Bernheim to modify §26-1.3 of the Zoning Regulations to allow for new Special Permits in any Design Development District or DDD zone, to modify the list of uses permitted in the DDD No. 3 in §26-2.2.2 to both create a cap on the amount of Floor Area permitted for Medical Offices and Professional Healthcare Offices on a given lot, and to eliminate the use for inclusionary two-family and multi-family dwelling units. The amendment also proposes to add new §34-11.12.1 to authorize the Planning and Zoning Commission to approve a valet parking plan when granting Special Permit approvals in the DDD No. 3, if the Commission determines the actual parking need is less than the minimum required spaces. A copy of the text amendment is available on-line at www.westportct.gov on the Planning & Zoning Office web page under "P&Z Pending Applications & Recent Approvals." A copy may also be viewed at Town Hall, 110 Myrtle Ave., in the Town Clerk's Office and Planning & Zoning Office.
- 2. Map Amendment #834:** #PZ-23-00475 submitted by Atty. Eric Bernheim as part of a 3-part proposal to benefit 55-57 Greens Farms Road, to rezone property from Design Development District or DDD #4 to DDD#3, Parcel ID #D0605000. A copy of the map amendment is available on-line at www.westportct.gov on the Planning & Zoning Office web page under "P&Z Pending Applications & Recent Approvals." A copy may also be viewed at Town Hall, 110 Myrtle Ave., in the Town Clerk's Office and Planning & Zoning Office.
- 3. 55-57 Greens Farms Road:** Special Permit/Site Plan Appl. #PZ-23-00462 submitted by Atty. Eric Bernheim, to convert 62,918 SF of Office space to Medical use, and request approval of a valet parking plan in lieu of constructing additional physical parking spaces, and a waiver to stipulated judgement removing condition, *no medical use,* for a property in the Design Development District or DDD #4, PID #D0605000.

EXHIBIT A**Text Amendment #833/PZ-23-00464**Submitted: 8/9/23Received: 9/11/23Revised and Reformatted: 11/29/23

Public Hearing: _____

Adopted: _____

Effective date: _____

Proposed Text Change, Submitted by FLB Law

Note: Proposed new language is shown **highlighted and underlined**.

Proposed deletions are shown in red, bracketed and struck through **highlighted, bracketed and struck through**.

FROM §26, Design Development District (DDD)**26-1 Purpose**

The purpose of the Design Development District (DDD) is to allow for the compatible design of commercial, office, and industrial development.

26-1.1 Establishment of District

Design Development Districts, proposed after November 1, 1975 may no longer be established in the Town of Westport.

26-1.2 Designation

Whenever any such Design Development District is established, its designation shall be accompanied by another designation of Residence A, AA or AAA. Such designation shall indicate the class of zoning standards under which residential lots may be established in a Design Development District and shall correspond to the zoning classification of residential areas in the vicinity of such districts.

26-1.3 Removal

After August 11, 1980, no Change of Zone or Special Permit application under the provision of this section shall be granted within the Town of Westport, except for; a) the development of Inclusionary two-family and multi-family dwelling units in the Design Development District #2 which is permitted subject to the provisions in §32-12 and b) applications **to amend** for Special Permits **approved prior to the effective date of this amendment in a Design Development District #4**, provided that such **amendments** **special permit** shall not increase Total Coverage by more than 10% of Total Coverage existing on the lot effective date of this amendment (4-14-2014), and further provided that Building Coverage shall not exceed 10% of net lot area.

The specific sections affected are §26-1.1 through §26-12, inclusive.

26-2 Exception - Active

Existing Design Development Districts (DDD) 2, 3, and 4 in effect prior to November 1, 1975, shall comply with the following standards and requirements:

26-2.1 District Area

The boundaries of existing Design Development Districts (DDD) Nos. 2, 3, and 4, in effect prior to November 1, 1975, may be modified from time to time; except that no such district shall be less than four (4) acres in area for DDD No. 2, three (3) acres for DDD No. 3, and ten (10) acres in area for DDD No. 4.

26-2.2 Permitted Uses

The following uses are permitted in the respective district (DDD) subject to Special Permit and Site Plan approval in accordance with §43, herein.

26-2.2.1 DDD No. 2

- a. Any use permitted in a Business District.
- b. Any use permitted in a Residence AAA District.
- c. Warehouses in conjunction with commercial and research uses, and motels.
- d. Inclusionary two-family and multi-family dwelling units subject to the provisions of §32-12, herein.

26-2.2.2 DDD No. 3

- a. Any use permitted in a Business District, **provided, however, the Floor Area of Medical offices and Professional Healthcare offices shall not exceed 65,000 square feet on any Lot.**
- b. Any use permitted in **Design District No. 2** **a Residence AAA District.**

26-2.2.3 DOD No. 4

- a. Research laboratories and uses devoted to scientific research and development and any investigative activity of a scientific or technical nature not otherwise prohibited herein.
- b. General business offices which house the administrative functions of a business and do not dispense a service directly to the public, i.e., corporate headquarters.
- c. Any use permitted in a Residence AAA District.

26-2.2.4 Accessory Uses in DOD Nos. 2, 3 and 4

- a. Uses customarily accessory to a permitted principal use, including the manufacturing, processing or assembly of goods which is clearly incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.
- b. All display or storage of goods, merchandise or supplies shall be located within a building.
- c. Within a DDD #2 only, one attached or detached dwelling unit, provided the density does not exceed 20 bedrooms per acre.
- d. Within a DDD #4 only, one dwelling unit per principal building to be occupied

by a resident gatekeeper, caretaker or maintenance person.

- e. Commercial Wireless telecommunication service facilities, in conformance with §32-16.

26-2.3 Lot Area and Shape

Commercial buildings shall have a minimum lot area of one (1) acre (43,560 square feet). Residential buildings shall conform to the minimum lot size designated for a single-family dwelling in the applicable Residence District.

26-2.4 Setbacks (See §31-4 through §31-8. also.)

No principal or accessory building, structure or use shall extend closer than fifty (50) feet from any front lot line, or Residential District Boundary Line and thirty (30) feet from any other side or rear lot line.

26-2.5 Building Spacing

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

26-2.6 Height

No building or other structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

26-2.7 Coverage

The building coverage shall not exceed ten percent (10%) of the net area of the lot which lies within the DDD.

26-2.8 Building Area

No mandatory requirements.

26-2.9 Floor Area

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.15 on the area of the lot which lies within the Design Development District (ODD) zone. Floor area used for parking and loading shall be excluded from the FAR.

26-2.10 Architectural Design

The architectural design, scale and mass of building and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevation shall harmonize and be compatible with the neighborhood, so as to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.(813, 03/27/2023)

26-2.11 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

26-2.12 Parking and Loading

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations and the following condition:

26-2.12.1

An unobstructed view of at least two hundred fifty (250) feet along the major traffic artery shall be provided for entering and exiting traffic on all driveway openings.

26-2.13 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulation.

FROM §34, Off-Street Parking and Loading

34-11 Design Requirements

The general layout and traffic circulation of parking and loading areas shall be designed so as to avoid unsafe conditions, traffic congestion in the streets upon which the area has access and to provide for the safety and adequacy of access for vehicles and pedestrians using the area according to the following standards:

§34-11.12, Reserved Future Spaces

If in the judgment of the P&Z Commission, the actual demand or need for off-street parking spaces for a specific use is less than the minimum required number of parking spaces for said use, the Commission may reserve up to fifty percent (50%) of the required spaces for future parking needs. Cumulative applications for Reserved Future parking up to 20% of the requirements require Site plan approval. Cumulative applications for Reserved Future Parking which seek relief of greater than 20% up to the maximum of 50% shall require Site Plan and Special Permit approval. Such reserved spaces shall be standard sized, small-car sized up to twenty percent (20%) as described in §34-9, or a loading space as defined in §5-2 and shown in the site plan and labeled "Future Parking", but landscaped for the present. The Commission may require the future construction of said reserved spaces, or portion thereof, within three (3) months of written notice to do so based on a change in parking demand, a change of use or a change in traffic safety circumstances.

§34-11.12.1

If in the judgment of the P&Z Commission, the actual demand or need for off-street parking spaces for a specific use is less than the minimum required number of parking spaces for said use, for properties located within the Design Development District No. 3, the Planning and Zoning Commission may, by Special Permit, approve a valet parking plan as a contingency in the event parking is deemed to be insufficient in the future, detailing the location of valet parking services on site to accommodate the reduction in required number of onsite spaces. The valet parking plan shall demonstrate that at least 75% of the required parking on site can be satisfied with traditional self-park spaces and a site plan showing the location of proposed valet parking shall be sufficient to satisfy the requirements hereunder. If a Change of Use requires additional off street parking pursuant to Section 34-5 of the Regulations, the Planning and Zoning Commission may make a finding that the valet parking plan does not need to be implemented immediately if the applicant provides evidence

satisfactory to the Planning and Zoning Commission that there is sufficient existing parking available on site for the proposed Change of Use even if such self-parking on site does not satisfy the additional parking required by the Change of Use.

The valet parking plan shall be included with the Special Permit application for review by the Planning and Zoning Commission. The Planning & Zoning Commission may make any Special Permit approved hereunder conditioned on periodic inspections by the Planning & Zoning Department staff to ensure that sufficient parking exists. If it is determined by the Planning and Zoning Commission, that parking is insufficient for the approved use, then the Planning and Zoning Commission may require that the valet parking plan be implemented within a reasonable period of time.