



Town of Westport
Planning and Zoning Commission
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Hearing: Oct. 2, 2023

Decision: Oct. 2, 2023

October 3, 2023

RE: Text Amendment #835/PZ-23-00480 to Add §32-29, Cottage Cluster Developments

To Whom It May Concern:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on October 2, 2023 it was moved by Ms. Dobin and seconded by Mr. Lebowitz to adopt the following resolution.

RESOLUTION #PZ-23-00480

WHEREAS, THE PLANNING AND ZONING COMMISSION met on Oct. 2, 2023 and made the following findings:

Background

1. The *Westport Affordable Housing Plan (AHP), 2022-2027*, contains goals to increase the number of affordable housing developments in the community.
2. Goals listed in the AHP include (but are not limited to):
 - A. *“Develop location specific plans for Town-owned land to expand rental housing;”* and
 - B. *“Encourage sustainably developed modular construction kits and prefabricated cottages that provide new methods to building multi-family and small houses quickly and efficiently.”* Pg. 41
3. A subcommittee of the Planning and Zoning Commission drafted a Cottage-Cluster text amendment to enable greater density of housing on Town-owned property that would be deed restricted as Affordable Housing as defined in CGS §8-30g.
4. The Zoning Regulation Revision Subcommittee of the Planning and Zoning Commission at their 7/26/23 meeting unanimously voted to recommend the draft text amendment be submitted as a formal application for consideration by the full Planning and Zoning Commission at a future public hearing.

Proposal

5. Text Amendment #835 proposes to add subsection §32-29, Cottage Cluster Development to the Supplemental Use Regulations.

6. The proposed Cottage Cluster regulations include zoning standards for: Site Criteria, Building Area, Setbacks, Height, Coverage, Building Spacing, Parking, Usable Open Space, Landscaping, Cap, Affordability Requirements, and Design Standards.
7. The proposed Site Criteria requires an eligible property shall be:
 - A. Town-owned;
 - B. A minimum 0.75 acres in size; and
 - C. Located in one of the following zoning districts:
 - i. §12, Residence AA district;
 - ii. §13, Residence A district;
 - iii. § 2 3 , Restricted Business District (RBD);
 - iv. § 2 4 , General Business District (GBD);
 - v. §29, Business Center District (BCD); and
 - vi. §29A, Business Center District/Historic (BCD/H).
8. The Affordability Requirements mandate all units shall be occupied by persons or families whose income does not exceed 80% of the state median income. The Cottages located on Town-property are intended to be available as rentals (not condominiums).
9. The Explanatory Statement revised 8/31/23 describes the purpose for Text Amend. #835 is to promote sustainable development practices through smaller, more efficient housing and effective use of residential land, to provide a neighborhood community around a central open space, increase the diversity of housing choices by allowing for a grouping of smaller, single-family dwellings on one lot, and to provide additional below market rate housing within Westport, located on lots owned by the Town of Westport.

Department Comments

10. Comments received from the Department of Energy and Environmental Protection (DEEP) dated 9/21/23 recommend the Cottage Cluster Developments not be proposed in coastal flood hazard areas such that hazards to life and property cannot be minimized in accordance with CGS §22a-92(b)(2)(F).
11. Comments received from the Department of Public Works, dated 9/22/23 state:

"I have reviewed the proposed text amendment #835 and our office has no comments at this time. Any future applications for development will be reviewed for compliance with all applicable regulations on an individual basis."
12. Comments received from the Director of Parks and Recreation dated 9/25/23 state:

"With the addition of residential units there may be increased usage of parks and recreational facilities which may result in the need for additional resources."
13. Comments received from the Conservation Dept. Director dated 9/26/23 offer support for the proposal with several recommendations including:
 - A. *"Requiring Low Impact Development (LID) choices to limit and disconnect stormwater and site runoff from entering wetlands and watercourses. The use of vegetated buffers, rain gardens, alternative stormwater features, pervious pavement/patios, and reduced project footprints help to achieve this purpose. We feel the Cottage Cluster Developments should incorporate these and other LID design features to effectively reduce their overall*

coverage or to create interruptions to stormwater runoff from individual sites; and

- B. Requiring Conservation Department review septic systems beyond 7,500 gallons per day (which also requires approval from CT DEEP Subsurface Sewage Disposal Program) if proposed on (or adjacent to) properties with wetlands and watercourses."*

14. No objections were received from the BOE, Fire Marshal's Office, or Police Department.
15. The P&Z Staff report dated 9/27/23 describes construction of a Cottage Cluster Development will require a three-step approval process of the Planning and Zoning Commission including:
 - A. Adoption this text amendment;
 - B. Recommendation for approval of a Municipal Improvement submitted by the First Selectwoman pursuant to Connecticut General Statutes §8-24; and
 - C. Granting of a Special Permit/Site Plan approval.
16. The staff report describes additional approvals will also be required from other Town boards and agencies prior to construction of any Cottage Cluster Development on Town property.
17. The staff report's analysis suggested the Commission should incorporate recommendations offered by DEEP, the Conservation Director, AND consider adding more site eligibility criteria requiring access to public sanitary sewer and lot frontage on an Arterial road (as listed in the *2017 Plan of Conservation and Development*), consistent with other sections of the zoning regulations that allow residential density greater than single-family.
18. Members of the Planning and Zoning Commission discussed the recommendations and found them to be too limiting as the eligible property list would include only 10 properties.
19. Alternately, during the public hearing, Commission members discussed the merits of the staff recommended criteria and supported the requirement for frontage on an arterial street. The Commission did not support the requirement that lots have access to public sanitary sewer nor that development be prohibited in the 100-year flood zone.
20. These recommendations reduced the list of Town-owned properties eligible for a Cottage Cluster Development from 46 to 18 including:

A. 0 Bridge St.;	J. 0 Kings Highway N. (Canal Green);
B. 124 Compo Rd N.;	K. 109 Myrtle Ave.;
C. 0 Cross Highway;	L. 110 Myrtle Ave.;
D. 0 Greens Farms Rd.;	M. 1 Park St.;
E. 177 Hillspoint Rd.;	N. 515 Post Road E.;
F. 90 Hillspoint Rd.;	O. 655 Post Road E.;
G. 20 Jesup Rd.;	P. 170 Riverside Ave.;
H. 45 Jesup Rd.,	Q. 185 Riverside Ave.;
I. 0 Kings Highway N. (Kings St Cemetery);	R. 300 Sherwood Island Connector
21. Spreadsheets were prepared by P&Z staff describing Eligible Town-Owned Properties based upon both the original Site Criteria and the more limiting Site Criteria P&Z staff recommends should be adopted. These spreadsheets show it is unlikely based upon

existing site improvements that properties other than 655 Post Road East (aka Linxweiler House) will be redeveloped for Cottage Cluster Development.

22. The P&Z Staff report additionally notes if in the future the Commission chooses to expand the list of eligible properties, the Site Criteria can be modified by adopting another text amendment.

Public Participation

23. A press release concerning the amendment was distributed to local media outlets to enhance public participation at the public hearing.
24. A public hearing was held and testimony was received on Oct. 2, 2023.
25. The public hearing was held remotely consistent with State Statutes. The hearing was broadcast live on public access television, was live streamed on the Town's website, and anyone could join the meeting by accessing the meeting link published on the agenda one week prior to the meeting.

NOW THEREFORE, BE IT RESOLVED Text Amendment #835: #PZ-23-00480 submitted on behalf of the Planning and Zoning Commission to adopt new §32-29, Cottage Cluster Developments allowing Cottage Cluster Housing on Town-owned property, subject to Special Permit/Site Plan approval and specific location criteria is **ADOPTED AS MODIFIED** as described below and as attached herein.

MODIFICATIONS

1. The Commission finds it is appropriate to modify the text to require frontage on an arterial street where public transit is likely to be available, as recommended by the P&Z Staff.
2. The Commission also finds it is appropriate to modify the text to provide cross-references in the underlying zoning districts where Cottage Cluster Development will be allowed, as a "housekeeping" item.

REASONS

1. The amendment is consistent with the in accordance with a comprehensive plan (Zoning Regulations and Zoning Map).
2. The amendment is consistent with the *2017 Plan of Conservation and Development* that states:

"Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers." Pg. 88
3. The amendment is consistent with the *Westport Affordable Housing Plan 2022-2027*, that states:
 - *"Encourage sustainably developed modular construction kits and prefabricated cottages are providing new methods to build multifamily and small houses quickly and efficiently." Pg. 41*
 - *"Significant consideration should be given to the creation of pocket neighborhoods (small cottage/small home commons clusters)." Pg. 5*
 - *"Focusing the Commission and staff efforts on constantly reviewing new technology to create sustainable and inexpensive new construction via modular construction and prefab tiny/cottage home building. Advances in housing construction should be leveraged for development*

opportunities on town-owned land and in order to incentivize developers to create aesthetically appropriate cottage communities around existing antique homes to ensure such homes are preserved.” Pg. 6

- *“For example, cottage clusters could be created to expand existing cottage communities at Longshore and on the vacant land adjacent to the Saugatuck senior housing development. Units must be deed restricted.” Pg. 38*

VOTE:

AYES	-5-	{Dobin, Lebowitz, Cammeyer, Cohn, Tesler}
NAYS	-1-	{Zucaro}
ABSTENTIONS	-0-	

The effective date of this amendment is November 1, 2023.

Very truly yours,


Danielle Dobin, Chairman
Planning & Zoning Commission

Attached: Adopted Text Amendment #835, as modified

cc: Jen Tooker, First Selectwoman
Ira Bloom, Town Attorney
Peter Ratkiewich, Public Works Director
Eileen Daignault, Human Services Director
Matt Mandell, RTM P&Z Committee Chairman
Jeff Wieser, RTM Moderator

Text Amend #835/#PZ-23-00480

Submitted: 8/22/23

Received: 9/11/23

Revised: 8/25/23, 8/29/23

Public Hearing: 10/2/23

Adopted as Modified: 10/2/23

Effective Date: 11/1/23

Proposed Text Change, Submitted by the Planning and Zoning Commission

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

§12 RESIDENCE AA DISTRICT

12-2 Permitted Uses

Any use permitted in a Residence AAA District, subject to the same approvals and conditions as specified in §11-2 of these regulations.

12-2.1 Special Permit Uses Subject to Special Conditions

The following additional uses are permitted subject to the conditions provided for in §32 and Special Permit & Site Plan approval in accordance with §43, herein.

12-2.1.1

Cottage Cluster Developments

§13 RESIDENCE A DISTRICT

13-2 Permitted Uses

Any use permitted in a Residence AAA District, subject to the same approvals and conditions as specified in §11-2 of these regulations.

13-2.1 Special Permit Uses Subject to Special Conditions

The following additional uses are permitted subject to the conditions provided for in §32 and Special Permit & Site Plan approval in accordance with §43, herein. (778, 06/03/2020)

13-2.1.1

Small Home Developments.

13-2.1.2

Special Needs Housing (778, 06/03/2020)

13-2.1.3

Cottage Cluster Developments

§23 RESTRICTED BUSINESS DISTRICT (RBD)

23-2 Permitted Uses

In a Restricted Business District, no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses.

23-2.2 Special Permit Uses

The following uses are permitted in principal buildings subject to Special Permit and Site Plan approval in accordance with §43, herein.

23-2.2.1

Inclusionary two family and multi-family dwelling units subject to the provisions of §32-12, herein.

23-2.2.2

Indoor & Outdoor Commercial Recreational and Entertainment Uses.

23-2.2.3

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

23-2.2.4

Private Occupational Schools.

23-2.2.5

Cottage Cluster Developments

§24 GENERAL BUSINESS DISTRICT (GBD)

24-2 Permitted Uses

In a General Business District no land, building or structure shall be used, and no building shall be hereafter erected, altered or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

24-2.2 Special Permit Uses

The following additional uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein.

24-2.2.1

Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.

24-2.2.2

Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.

24-2.2.3

Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.

24-2.2.4

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

24-2.2.5

Private Occupational Schools.

24-2.2.6

Bank drive-in within 500 feet of another bank drive-in as permitted by §24-2.3.3.

24-2.2.7

Inclusionary two family and multi-family dwelling units subject to the provisions of §32-12, herein.

24-2.2.8

Retail boat sales including accessory boat repairs and storage in conformance with §32-22.

24-2.2.9

Automobile Dealership, New and Used as defined in Section 5-2 in operation as of July 9, 2020. (776, 07/09/2020)

- a. The hours of operation of said game room shall not exceed those of the principle use, but in no case shall the hours of operation extend beyond 11:00 P.M. except in establishments with liquor licenses for on-premises consumption.

24-2.2.10

Cottage Cluster Developments

§29 BUSINESS CENTER DISTRICT (BCD)

29-2 Permitted Uses

In a Business Center District, no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

29-2.2 Special Permit Uses

29-2.2.1

Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 a.m. to 8:00 p.m.

29-2.2.2

Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.

29-2.2.3

Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.

29-2.2.4

Inclusionary two-family and multi-family dwelling units, subject to the provisions of §32-12, herein. No existing dwelling unit above the first floor can be changed to a non-residential use.

29-2.2.5

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

29-2.2.6

Bank drive-in within 500 feet of another bank drive-in as permitted by §29-2.3.3.

29-2.2.7

Cottage Cluster Developments

§29A BUSINESS CENTER DISTRICT / HISTORIC (BCD/H)

29A-2 Permitted Uses

In a Business Center District/Historic, no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

29A-2.2 Special Permit Uses

29A-2.2.1

Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.

29A-2.2.2

Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.

29A-2.2.3

Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.

29A-2.2.4

Inclusionary two-family and multi-family dwelling units, subject to the provisions of §32-12, herein. No existing dwelling unit above the first floor can be changed to a non-residential use.

29A-2.2.5

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

29A-2.2.6

Exterior reconstruction, alteration, or addition to any existing structure or a new construction requires a special permit with a combined recommendation from a joint meeting of the Historic District Commission and the Architectural Review Board. Ordinary maintenance and repair for which no building permit is required shall be exempted from this requirement provided there is no change to the exterior appearance of the building. This paragraph does not apply to buildings within the Village District Overlay. See §29A-9A Village District Overlay Site Plan Review.

29A-2.2.7

Bank drive-in within 500 ft. of another Drive-in Bank as permitted by §29A-2.3.3.

29A-2.2.8

Cottage Cluster Developments

§32 SUPPLEMENTARY USE REGULATIONS

32-29 Cottage Cluster Developments

The purpose of this section is to promote sustainable development practices through smaller, more efficient housing and effective use of residential land, increase the diversity of housing choices by allowing for a grouping of smaller, single-family dwellings on one lot, and to provide additional below market rate housing within Westport, located on lots owned by the Town of Westport. Further this section will provide centrally located and functional common open space that fosters a sense of community and openness within the cottage development.

Cottage Cluster developments are subject to a Special Permit & Site Plan approval in accordance with §43, herein and the following additional standards and safeguards.

32-29.1 Site Criteria

Sites for a potential Cottage Cluster development of single-family dwellings shall meet the following locational and size criteria:

- a. The site shall be owned by the Town of Westport;
- b. The site shall be zoned Res. AA, Res. A, GBD, RBD, BCD, or BCD/H non-residential zoning districts.
- c. The site shall have at least 50 feet of street frontage on an Arterial Street as listed in the 2017 Plan of Conservation and Development;
- d. The gross lot area shall be a minimum of three quarters (0.75) acres in size;

32-29.2 Building Area

The Building Area of the dwelling units shall not exceed an average of 850 square feet.

32-29.3 Setbacks

At the discretion of the Planning and Zoning Commission, no principal or accessory building, structure or use shall extend closer than fifteen (15) feet from any residential lot line and ten (10) feet from any non-residential lot line or road right-of-way.

39-24.4 Height

Principal buildings shall not exceed 2 stories and 26 feet in height. All building roofs must be pitched with a minimum slope of six to twelve (6:12).

32-29.5 Coverage

Building coverage shall not exceed 50% of the lot area. Total coverage shall not exceed 70% of the lot area.

32-29.6 Building Spacing

All principal buildings shall be at least 10 feet distance from one another.

39-24.7 Parking

Off-street parking shall be in the discretion of the Planning & Zoning Commission based on the applicant's demonstration of site-specific factors that justify a lower standard, such as unit size, opportunities for transit service or anticipated number of residents.

Off-street parking is permitted in the setback along any non-residential lot line or road right-of-way.

32-24.8 Usable Open Space

At least 200 square feet of usable open space shall be provided on the site for each dwelling unit and shall be of a passive recreation nature suited to the needs of the residents.

Common open space shall be located with cottages abutting on at least two (2) sides and abutting a minimum of fifty percent (50%) of the cottages in the cluster.

39-29.9 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations provided that such buffers may include retaining walls; however, the minimum required front landscape area may be reduced to ten (10) feet in depth. Sidewalks shall be provided in accordance with §35-2.2.4 of the Supplementary Regulations.

39-29.10 CAP

No more than five (5) Cottage Cluster developments shall be permitted in Westport.

32-29.11 Affordability Requirement

All proposed units shall be affordable to households whose income does not exceed 80% of the State Median Income as provided by CT General Statutes §8-30g, and an affordability plan shall be required prior to the issuance of a Zoning Certificate of Compliance.

32-29.12 Design Standards

32-29.13.1 Cottages located adjacent to a street shall provide a covered entry feature with minimum dimensions of six (6) feet by six (6) feet facing the street.

32-29.13.2 Cottage facades facing the common open space or common pathway shall feature a roofed porch at least eighty (80) square feet in size with a minimum dimension of eight (8) feet on any side.

32-29.13.3 Cottages and accessory buildings within a particular cluster shall be designed within the same “family” of architectural styles. Examples include:

- a. Similar building/roof form and pitch.
- b. Similar siding materials.
- c. Similar porch detailing.
- d. Similar window trim.

32-29.13.4 A diversity of cottages can be achieved within a “family” of styles by:

- a. Alternating porch styles (such as roof forms).
- b. Alternating siding details on facades and/or roof gables.
- c. Different siding color.

32-29.13 Septic System Review

The Conservation Department shall review any proposed septic systems beyond 7,500 gallons per day (which also requires approval from CT DEEP Subsurface Sewage Disposal Program) if proposed on, or adjacent to, properties with wetlands and watercourses