

**Text Amendment Application
to Amend §32-20, §5-2, and §31-9 of the Westport Zoning Regulations**

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EXPLANATORY STATEMENT

SEP 25 2024

WESTPORT P. & Z. C.

Proposal:

We are proposing to modify the Westport Zoning Regulations (the “Regulations”) to allow Retail Food Establishments existing as of September 1, 2024 in all residential zones in the Town of Westport, to serve alcohol to be consumed for on-premises consumption in Retail Food Establishments, and to update the Outdoor Eating Area definitions to permit the long standing outdoor dining associated with Retail Food Establishments that have been in operation in Residential zones for decades. As most of the Outdoor Eating Areas in town have service stations located within the Outdoor Eating Areas, we are proposing a slight modification allowing for this change to benefit all operators across the Town, including this target site. The specific proposed text changes can be found in Exhibit A attached hereto, and are summarized as follows:

1. An amendment to Section 32-20 of the Regulations to: (i) allow Outdoor Eating Areas for any Retail Food Establishment existing or operating in a residential zone prior to September 1, 2024, and (ii) to exempt those Retail Food Establishments existing or operating prior to September 1, 2024 from the 50-foot setback requirement.
2. An amendment to Section 5-2 of the Regulations, specifically the definition of “Food Establishment Retail,” to include any business capable of meeting the existing definition and operating in a residential zone under a zoning permit issue by the Westport P&Z Department on or before September 1, 2024. We are also proposing an update to the Outdoor Eating Area definition to include the right to utilize portable food carts and service stations within the Outdoor Eating Areas.
3. An amendment to Section 31-9 of the Regulations to expand the sale of alcoholic liquor to Retail Food Establishments existing in a residential zone prior to September 1, 2024.

Background/Benefit/Analysis

Retail Food Establishments, as defined by §5-2 of the Regulations are small markets and eateries providing food items, often take and go, and may provide up to ten (10) interior seats to consume food and beverages on-site. These establishments, particularly those that serve neighborhoods, have become increasingly popular since the shutdown and work-from-home culture that ensued as they provide convenient access to their goods while creating a strong sense of community and connection with one’s neighbors. Unlike chain establishments, neighborhood Retail

Food Establishments are often embedded within residential zones and primarily serve the needs of the local community.

Historically, Westport had many neighborhood cafes, markets and restaurants supporting their various local neighborhoods. Currently, there are only three such places remaining in town. The proposed text amendments will support those three remaining establishments but will be applicable to all residential districts. Those three establishments which will benefit from the proposed text amendments are:

1. Old Mill Grocery & Deli by Romanacci (formerly known as *Elvira's*) – 222 Hillspoint Road, Westport, CT;
2. The Porch at Christie's – 161 Cross Highway, Westport, CT; and
3. The Country Store – 332 Wilton Road, Westport, CT.

If approved, the proposed text amendments will provide an additional avenue for revenue for the above referenced establishments. The vision and impetus behind these proposed text amendments is for these establishments to serve as a place where neighbors can enjoy a casual glass of wine, or a beer, with their food, unwind, and socialize with their friends. The proposed text amendments are also consistent with the Town of Westport's 2017 Plan of Conservation and Development ("POCD"). Below are some excerpts from the POCD which support the adoption of these proposed text amendments:

1. The POCD provides as a stated goal to: ***"Maintain and enhance the character of Westport in order to retain a sense of community, beauty and history."*** (POCD, 4.1 Maintain and enhance Community Character).
2. ***"A key charm of Westport is the variety of commercial styles in the town including Saugatuck, the Westport Center area, the Post Road as well as the scattered and well-scaled o ice parks and even tiny commercial uses embedded in some of the residential areas. The Plan welcomes this variety and believes is an important element of Westport's unique strength."*** (POCD, 9.1 Guide Business and Economic Development).
3. ***"Maintaining residential character is a fundamental philosophy of the Plan..."*** (POCD, 10.2 Maintain Residential Character).
4. ***"The POCD seeks to maintain the essence of what has made Westport a unique and desirable place to live while accommodating desirable changes after careful reflection."*** (POCD, 1.3 Philosophy of this Plan).

5. The POCD adds that the community should ***"Encourage events to continue to strengthen town-wide and neighborhood sense of community."*** (POCD, 4.7.A.3 Encourage Community Events).

While Westport has many beautiful locations, public facilities, and distinguished activities and events, it is often the small places, the ones where neighbors meet or "run into each other," that are the most important in creating a sense of community and place. The POCD specifically references these places as contributing to Westport's unique strength. By adopting the proposed text amendments, this Commission will help continue to enhance the character of Westport and ensure the future success and viability of these cherished establishments.