

Submitted by A2 STAFF on 9/25/24 AS BACKGROUND



Town of Westport  
Planning and Zoning Commission  
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Hearing: Sept. 9, 2024

Decision: Sept. 9, 2024

September 10, 2024

RE: Text Amendment #844/PZ-24-00434 to Modify §42, Amendments

To Whom It May Concern:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on Sept. 9, 2024 it was moved by Mr. Bolton and seconded by Mr. Lebowitz to adopt the following resolution.

**RESOLUTION #PZ-24-00434**

WHEREAS, THE PLANNING AND ZONING COMMISSION met on Sept. 9, 2024, and made the following findings:

**Background**

1. The Planning and Zoning Commission in 2018 formed the *Communications Subcommittee* to explore ways to enhance public awareness of pending Planning and Zoning applications including but not limited to Text Amendments for which no personal notice is provided. The subcommittee's Mission statement was, "*To recommend changes and improvements to increase transparency and to create better public access to P&Z notices and hearings.*"
2. Several process changes were subsequently implemented as recommended by the Subcommittee described in the report dated 8/15/24 prepared by P&Z Staff for Text Amendment #844.
3. A resident recently recommended the Commission make another change to clarify the process for amendments and modify §42 of the Zoning Regulations to better describe the "neighbor notice" requirements when an applicant is seeking to change the Official Building Zone Map versus change the Zoning and Subdivision Regulations.

4. The Town Attorney's Office recommended if modifying §42, add language requiring submission of digital copies of application materials, consistent with procedures recently adopted by the courts.

#### Proposal

5. Text Amendment #844, authored on behalf of the P&Z Commission, proposes to reformat §42, Amendments, to better distinguish between the requirements for a zone change to the Official Building Zone Map versus a text change to the Zoning and Subdivision Regulations. The proposed reformatting is intended to clarify a Notice Mailing to property owners within 500' of the subject property is a requirement only for a zone change to the Official Building Zone Map; not a text change.
6. The Explanatory Statement dated 7/30/24 for Text Amendment #844 describes if adopted the amendment should eliminate any confusion concerning what is required when submitting a change to the Official Building Zone Map versus a text change to the Zoning and Subdivision Regulations.
7. The amendment further proposes to add requirements for submission of a digital copy of all application materials, in addition to one (1) hard copy, so it may be posted to the Town's website following submission to help enhance public access to and awareness of a pending application, and to enable the Town Attorney's Office to submit documents when defending land use decision appealed to court.

#### Department Comments

8. A referral was sent to solicit comments from other departments and agencies. No comments nor objections were received.
9. The only comment came from the Town Attorney, dated 8/1/24 that stated:  
*"The Town Attorney's Office supports these amendments. They offer important clarifications between map and text changes. The digital requirements is also essential."*

#### Public Participation

10. A press release concerning the amendment was distributed to local media outlets to enhance public participation at the public hearing.
11. As Text Amendment #844 was authored on behalf of the Commission persons on the *Notice of Registry* were informed pursuant to CGS §8-7d.
12. A public hearing was held and testimony was received on 9/9/24.
13. 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 #844: #PZ-24-00434 submitted on behalf of the Planning and Zoning Commission to modify §42, Amendments, to clarify the requirements for a zone change to the Official Building Zone Map versus a text change to the Zoning and Subdivision Regulations, and to require a digital application submission when submitting an amendment, is ADOPTED for the following reasons:

**REASONS**

1. The amendment is consistent with the comprehensive plan (Zoning Regulations and Zoning Map).
2. The amendment is consistent with the 2017 *Plan of Conservation and Development* that promotes improving the zoning regulations for the benefit of future users. From Chapt. 17, *Implementation*:
 

*“A key next step in the implementation of the POCD is for the Planning and Zoning Commission to undertake a comprehensive review of the Zoning Regulations and the Subdivision Regulations, making whatever revisions are necessary to:*

  - *Make the regulations more user-friendly (such as using graphics);*
  - *Implement Plan recommendations, and*
  - *Promote consistency between the Plan and the Regulations.” Pg. 154*
3. Anticipated benefits resulting from Text Amendment #844 may include:
  - Providing clarity and consistency to ensure all amendments are evaluated on a consistent basis;
  - Improving decision making by providing well-defined requirements ensuring proposals can be evaluated in comparison to established criteria; and
  - Enabling efficient process management by reducing time and resources expended to affirm there does not exist any personal notice requirements to property owners who may (or may not) be affected by text amendments.

**VOTE:**

AYES	-6-	[Lebowitz, Cohn, Zucaro, Calise, Bolton Wistreich]
NAYS	-0-	
ABSTENTIONS	-0-	

The effective date of this amendment is: September 25, 2024

Very truly yours,

A handwritten signature in blue ink that reads "Paul Lebowitz / My". The signature is written in a cursive style.

Paul Lebowitz, Chairman  
Planning & Zoning Commission

Attached: Adopted Text Amendment #844

cc: Ira Bloom, Town Attorney  
Peter Gelderman, Town Attorney's Office  
Matt Mandell, RTM P&Z Committee Chairman  
Jeff Wieser, RTM Moderator

**Text Amendment #844, submitted on behalf of the P&Z Commission**

Submitted: 7/30/24, Rev. 8/15/24

Received: 9/3/24

Public Hearing: 9/9/24

Adopted: 9/9/24

Effective date: 9/25/24

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**Proposed Text Change**

Note: Proposed new language is shown in **red, highlighted, and underlined**.  
Proposed deletions are shown in **[bracketed, struck through and highlighted]**

***FROM CHAPT. 42, AMENDMENT OF ZONING REGULATIONS***

**42-1, Authority**

The Planning and Zoning Commission may, on its own motion from time to time, adopt, amend or repeal the provisions and boundaries established by these regulations. However, no change in the regulations, restrictions, or boundaries shall become effective until after notice and public hearing is held by the Commission, at which time parties-in-interest and citizens shall have an opportunity to be heard. All amendments shall be considered in accordance with and subject to the Connecticut General Statutes, as amended.

**42-2, General**

Any person, firm or corporation desiring an amendment or change in the Zoning Regulations and/or Official Building Zone Map of the Town of Westport, may submit an application proposing such amendment or change to the Planning and Zoning Commission. Before the Commission shall consider any such application the following requirements shall be met and the following information submitted.

**42-3, Application for Change of Zone**

All proceedings to change the zoning boundaries or the zoning text of these regulations, including any change in punctuation or wording, shall be instituted by application in writing to, and in a form prescribed by, the Commission. Applications shall be signed by the applicant and shall be considered in accordance with the procedures adopted by the Commission, as amended, from time to time.



### 42-3.1 Zoning Boundary Changes

The application shall describe the existing and proposed zone boundaries of the property and shall give a metes and bounds description of the property or identification by Assessor's Map and Lot Number of the lots, or parts thereof to be included in the [amendment or] change, as required below.

#### 42-3.1.1 Existing Land Use Map

One (1) hard copy and one digital copy of a map shall be submitted with the application showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing land uses in the standard color key of the Commission, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map shall also show the above required information for the area included in and within two hundred fifty (250) feet of area affected by the application. The Existing Land Use and Existing Conditions may be combined on one map. The Standard Color Key of the Commission is as follows:

- Yellow - residential
- Red - commercial
- Blue - light and dark - water and institutional
- Green - open space
- Brown - multi-family residential
- Purple – industrial

#### 42-3.1.2 Existing Conditions Map

One (1) hard copy and one digital copy of a map shall be submitted with the application showing all existing streets, existing buildings and structures, existing waterbodies and watercourses, the existing contours at a contour interval not to exceed two (2) feet, and any existing wetlands boundary lines, flood boundary lines and/or mean high water lines, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map shall also show the above required information for the area included in and within two hundred fifty (250) feet of the area affected by the application. The Existing Land Use and Existing Conditions may be combined on one map.

#### 42-3.1.3 Proposed Zoning Map

In addition to the above maps one (1) hard copy and one digital copy of a separate zoning map shall be submitted with the application showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map or accompanying list shall also show both the names and addresses of property owners within two hundred fifty (250) feet of the area affected by the application, as indicated in the current records of the Westport Assessor's Office.

#### 42-3.1.4 Map Sources

The above listed maps shall be drawn to a scale of one hundred (100) feet or two hundred (200) feet to the inch and may be based on the Town's Geographic Information System (GIS) and may show any other information considered pertinent by the applicant.



#### 42-3.1.5 Conceptual Site Plan

Applications for a Change of Zone to General Business District/Saugatuck (GBD/S) shall be accompanied by one (1) copy of a conceptual site plan, drawn to scale, showing building locations (footprint), driveways, parking areas and other improvements related to site development (See §24A). An electronic version of the plan in PDF format shall also be submitted.

#### 42-3.2 Notice Mailing

A list of names and addresses of all property owners located in and within 500 feet of the proposed zone change line shall be submitted along with Certificates of mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.

#### 42-3.3 Zoning Text Changes

The application shall precisely set forth the existing provisions, the specific provisions to be changed and the provisions to be substituted, deleted or added to the regulations. Deletions shall be bracketed and stricken out, "[---]" and additions shall be underlined. One (1) copy of the proposed text shall be submitted.

#### 42-3.4 Fees

All applications shall be accompanied by a fee, pursuant to an adopted Fee Schedule, to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.

#### 42-3.5 Explanatory Statement

All applications shall be accompanied by one (1) copy of a statement explaining the need for the proposed amendment and identifying any benefits to the Town.

#### 42-4, Completeness, Date of Submission and Date of Receipt

An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by §42-3, Application. The planning staff shall note on the application the date of submission to the Commission.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of submission to the Commission, of a complete application or thirty-five (35) days after such submission, whichever is sooner.

#### 42-4, Zoning Text Changes

42-4.1 All proceedings to change the zoning text of these regulations, including any change in punctuation or wording, shall be instituted by application in writing to, and in a form prescribed by, the Commission. Applications shall be signed by the applicant and shall be considered in accordance with the procedures adopted by the Commission, as amended, from time to time.

42-4.2 The application shall precisely set forth the existing provisions in full context of the remainder of the chapter, the specific provisions to be changed, and the provisions to be



substituted, deleted or added to the regulations. Deletions shall be bracketed and stricken out, "[--]" and additions shall be underlined. One (1) digital copy and one hard copy of the proposed text shall be submitted.

#### **42-5, Fees**

All applications shall be accompanied by a fee, pursuant to an adopted Fee Schedule, to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.

#### **42-6, Explanatory Statement**

All applications shall be accompanied by one (1) copy of a statement explaining the need for the proposed amendment and identifying any benefits to the Town.

#### **42-7, Completeness, Date of Submission and Date of Receipt**

An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by §42-3, Application. The planning staff shall note on the application the date of submission to the Commission.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of submission to the Commission, of a complete application or thirty-five (35) days after such submission, whichever is sooner.

#### **42-~~6~~8, Regional and Municipal Referral**

Any proposed change of zone or regulation affecting the use of a zone within five hundred (500) feet of the Town Line shall be referred to the Regional Planning Agency and adjoining municipality in accordance with the Connecticut General Statutes.

#### **42-~~6~~9, Public Hearings**

Within sixty-five (65) days after the date of receipt of a complete application, the Commission shall hold a public hearing on said application. Notice of a public hearing shall be published in accordance with the Connecticut General Statutes.

#### **42-~~6.1~~10 Additional Information**

The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these regulations.



#### **42-[7]11, Commission Action**

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Within sixty-five (65) days after completion of the public hearing, the Commission shall adopt or deny the change of zone or amendment to the regulations. Whenever the Commission adopts any change of zone or amendment to the regulations, it shall state upon its records the reason why such change was made.

#### **42-[8]12, Extension of Time**

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The applicant may consent in writing to an extension of the time periods in accordance with the Connecticut General Statutes.

#### **42-[9]13, Effective Date**

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Zoning regulations, zoning district boundaries and any amendments or changes thereto, shall become effective at such time as may be fixed by the Commission, pursuant to the Connecticut General Statutes, provided that both a copy of such regulation, boundary or change shall be filed with the Town Clerk and notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the Town before such effective date.