



**Town of Westport
Planning and Zoning Commission**

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TO: To Whom it May Concern
FROM: Michelle Perillie, P&Z Director, for the Planning and Zoning Commission
DATE: November 6, 2024
SUBJECT: **DRAFT Explanatory Statement for Text Amendment # _____, to modify §40, Dedicated Open Space and Recreation District (DOSRD)**

Rationale

Modifications to §40, Dedicated Open Space and Recreation District (DOSRD) are proposed in support of implementing goals from both the [2017 Plan of Conservation and Development](#) and [Town of Westport Affordable Housing Plan, 2022-2027](#).

Both plans promote creating opportunities to address the growing regional demand for below-market rate housing. Both plans recommend planning in a thoughtful manner, rather than reacting to developers' proposals, regarding what strategies to employ to meet the demand. Consideration of using Town assets in an efficient way to address the need is also discussed. Adaptively re-using existing buildings at Baron's South has been identified as a strategy to achieve some of the residential housing goals. Specifically making internal changes to accommodate more dwelling units while simultaneously preserving the buildings' facades many of which represent a chapter in Westport's architectural history.

Residential uses are not currently permitted in the DOSRD; however residential uses exist at 60 Compo Rd. S. in the DOSRD. Construction of some of the buildings at Baron's South pre-date zoning. Many of these buildings have been included on the Historic Resources Inventory (HRI), by the Historic District Commission; the most notable at 68 Compo Rd. S. aka Golden Shadows. The existing residential uses at Baron's South became pre-existing non-conforming when the property was rezoned by the Planning and Zoning Commission pursuant to Map Amendment #687 in 2015 from Residence A/General Business District/Restricted Professional Office District to DOSRD.

The amendment proposes changes to §40, DOSRD, the underlying zoning designation of the Town-owned property at 60 Compo Rd. S., aka Baron's South, where existing residential building are located, some of which are already being rented at or below-market rates, but none of which are deed-restricted as affordable housing pursuant to CGS §8-30g. Changes include adding a new §40-3.4 to permit subject to Special Permit/Site Plan approval, two-family and multi-family use of existing buildings at a density commensurate with what is allowed in residential districts (12 units per acre) pursuant to §39A, Inclusionary Housing Zone (IHZ), as well as requirements for deed-restricting 100% of all dwelling units as affordable housing as defined in CGS §8-30g.

Consistency with the Comprehensive Plan

The amendment if adopted may be considered consistent with the Comprehensive Plan (Zoning Regulations and Zoning Map), and consistent with goals for residential housing listed in the 2017 *Plan of Conservation and Development* including:

Chapter 10, (*Guide Residential Development*) includes the following policies and goals:

- *“As with prior Plans, it is a central goal of this Plan to maintain the single-family residential character and density of Westport’s existing neighborhoods. The overall character and ambience of existing neighborhoods is responsible for the recognized quality of life in Westport.” Pg. 79*
- *“Maintaining residential character is a fundamental philosophy of the Plan and this has three components:*
 - *Maintaining the overall residential density of an area (units / acre) within a range that is reflective of the built form of the neighborhood or otherwise appropriate for the location,*
 - *Protecting residential neighborhoods from encroachment by inappropriate uses;*
 - *Managing residential development and redevelopment and other activities on residential properties to ensure they are appropriate for the site and/or given the impacts on neighbors.” Pg. 80*
- *“To protect residential neighborhoods from inappropriate uses:*
 - *Residential neighborhoods will continue to be protected from the intrusion of commercial activities.*
 - *Boundaries between residential neighborhoods and non-residential zoning districts will remain clear.*
 - *Transitions from residential neighborhoods to non-residential zoning districts will be logical and have appropriate buffering, as necessary.*
 - *Special Permit requests in residential zones will be carefully reviewed to ensure that they appropriate and suitable for that location.” Pg. 80*
- *“Goals for managing development include:*
 1. *Maintain the residential density pattern within a range that is reflective of the built form of the neighborhood or otherwise appropriate for the location.*
 2. *Protect residential neighborhoods from encroachment from inappropriate uses.*
 3. *Manage residential development and redevelopment to ensure that new construction is appropriate in scale and character for its setting.” Pg. 83*
- *“Consider ways of integrating affordable and workforce housing in future projects.” Pg. 85*
- *“The demand for affordable housing in Westport outstrips the supply. As a result, the Planning and Zoning Commission will continue to seek ways to address the need for ‘below market rate’ housing.” Pg. 87*
- *“Continue to address housing needs in Westport (affordable, aged, special needs, ADA).” Pg. 88*
- *“Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers.” Pg. 88*

Consistency with the Town of Westport 5-Year, Affordable Housing Plan

The amendment if adopted may be considered consistent with goals of the [Town of Westport Affordable Housing Plan, 2022-2027](#) that recommend drafting zoning regulations to promote more deed-restricted affordable housing on Town property.

“Deed restrict existing town-owned rental properties.” Pg. 41

“Develop location specific plans for Town-owned land to expand existing rental housing. Pg. 41

Background on DOSRD

§40, Dedicated Open Space and Recreation District (DOSRD), was created in 2004 by the Planning and Zoning Commission. Three sub-districts exist within the DOSRD (#1, #2, and #3). Six (6) Town-owned properties are zoned DOSRD, including two designated DOSRD #1; one designated DOSRD #2; and three designated DOSRD #3. 60 Compo Rd. South, aka Barons South, is zoned DOSRD #2. See attached DOSRD history, rev. 9/28/21 for more information.

Background on Proposed Amendment

The [Zoning Regulation Revision Subcommittee](#) of the Planning and Zoning Commission was created at the Commission’s Annual Meeting in February 2020. Michael Cammeyer, P&Z Secretary, currently serves as Committee Chair. Additional members include Paul Lebowitz, and Michael Calise. The Subcommittee’s Mission Statement and Objectives are as follows:

Mission Statement:

Zoning Regulation Review Subcommittee will focus on specific language in regulations which are causing either undue hardship or prohibit the P&Z in achieving our goals as specified in the 2017 POCD.

Objectives:

These reviews will include but are not limited to the following list:

- *Sign regulations*
- *Coverage regulations as pertaining to solar panels on both residential and public buildings including schools and other town properties. (POCD 2017 commitment)*
- *Building overhang coverage*
 - *Exploration of expansion of permitted uses in the commercial districts (i.e. Downtown, West Side and Saugatuck)*

At the 9/13/23 Subcommittee meeting, members discussed potentially rezoning a portion of the Town-owned property at 60 Compo Rd. S., aka Barons South, to encompass the area where detached residential buildings are located (some of which are offered for rental housing), and draft regulations to allow existing and future residential uses as a permitted use in the DOSRD. An alternative path, deemed to be a preferred path, was also discussed involving only drafting regulations permitting residential use at a higher density, while retaining the current DOSRD #2, zoning designation. P&Z Staff was directed to prepare draft regulations to modify §40, DOSRD.

Attached

§40, Dedicated Open Space and Recreation District (DOSRD) zoning history, rev. 9/28/21