

Memorandum

To: Members, Planning and Zoning Commission

From: Michelle Perillie, AICP CFM, Planning and Zoning Director

Date: November 11, 2024

Re: **Text Amend. #847/PZ-24-00630, to Amend the Definition of Front Lot Line and Street Line in §5-2**

Statutory Timelines

Application Submission Date: 10/29/24

Application Receipt Date: 11/4/24

Public Hearing Opened (*scheduled to Open*): 11/18/24

Decision: No action deadlines for P&Z-Authored Amendment

Summary

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| Have all documents been submitted as required pursuant to §42? | Yes. |
| Has the application received all necessary prior approvals? | Prior approvals are not required. All comments received are listed herein. Outstanding comments when received will be uploaded to the Town's website here alongside the application materials. |
| Other comments? | The Commission should: <ul style="list-style-type: none">• Consider whether the amendment is consistent with the Comprehensive Plan (<i>Zoning Regulations and Zoning Map</i>), and should consider guidance from the 2017 <i>Plan of Conservation and Development</i> as required by CGS §8-2, Regulations;• Determine if there is a need for the amendment and whether there are sufficient benefits to be gained by adopting the amendment as described in §42-3.5 of the Zoning Regulations. |

Description of Application

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| Applicant: | Planning and Zoning Commission |
| Purpose: | To clarify the definition of "Front Setback" in §5, Definitions, by specifying that the Front Setback is measured from the edge of the right-of-way on a |

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| | property closest to the improvements. This will allow for the greatest front yard setback which provides appropriate streetscape. |
| 2017 Plan of Conservation and Development: | From Chapter 10, Guide Residential Development: <i>“Manage residential development and redevelopment to ensure that new construction is appropriate in scale and character for its setting.”</i> Pg. 83 <i>“a. Revisit zoning definitions and regulations related to residential building bulk and location (coverage, setbacks, height, floor area) to ensure that new construction is appropriate in scale and character for its setting.”</i> Pg. 83 |
| Applicable Regulations | §42, Amendment of Zoning Regulations |

Background

The definitions of Street Line and Front Lot Line were authored and adopted by the Planning and Zoning Commission by Text Amendment #298 A and B (effective 8/29/83).

Text Amendment #845/#PZ-24-00465 proposed to modify the definition of Front Setback in an effort to clarify how to measure Setbacks when a right of way is located on a property. Comments from the Engineering Department did not support the proposed text change and subsequently the amendment was withdrawn by the Planning and Zoning Commission to allow refinement of the proposed language.

Interpretation

The Zoning Regulations state that the setbacks are measured from the front Lot Line or Street Line. The Regulations also instruct that any portion of a lot that is located on a street is removed from the lot area. This portion of the lot is not used in coverage calculations or in measuring setbacks. It would be inconsistent and create unnecessary confusion to take out the portion of the lot that is on the street from the lot area but then measure the setbacks from the lot line that is in the middle of a street.

There has been a long-standing practice in your Planning and Zoning Department of measuring front setbacks from the street right of way (ROW) rather than from the property line. This approach seems to align with the instructions given by your Zoning Regulations, which is important for maintaining consistency and clarity in how setbacks are applied.

Proposal

[Text Amendment #847](#) authored on behalf of the Planning and Zoning Commission, proposes to modify the Definitions of Front Lot Line and Street Line found in [§5-2, Specific Terms](#), to clarify where a right-of-way for a street is part of a lot, the Front Lot Line and Street Lines are the boundary of said right-of-way.

The [Explanatory Statement](#) describes if adopted Text Amendment #8457 should eliminate any confusion concerning where to measure the Front Setback on lots where a road right-of-way is located on the lot. *Figures 1 and 2* below are examples of lots with this situation showing measurement of Front Setback from edge of right-of-way, not the property line.

Figure 1 – 5 Cooper Lane

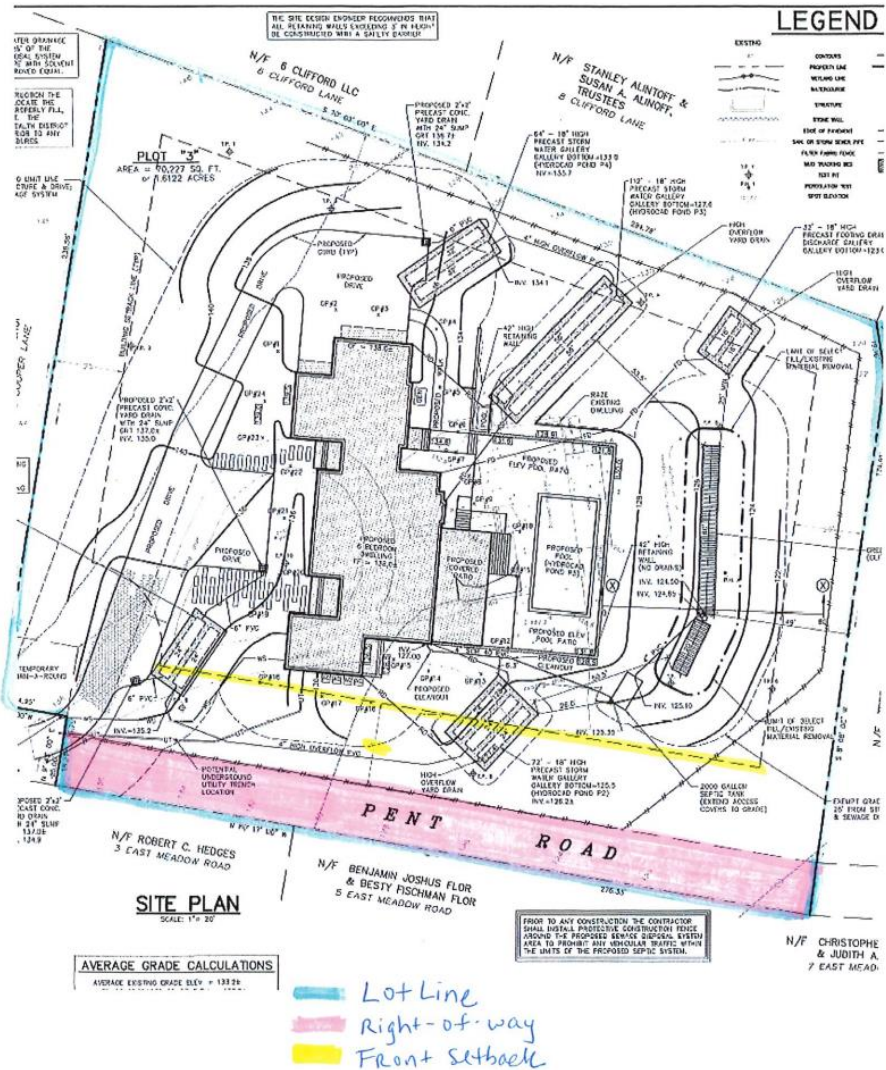
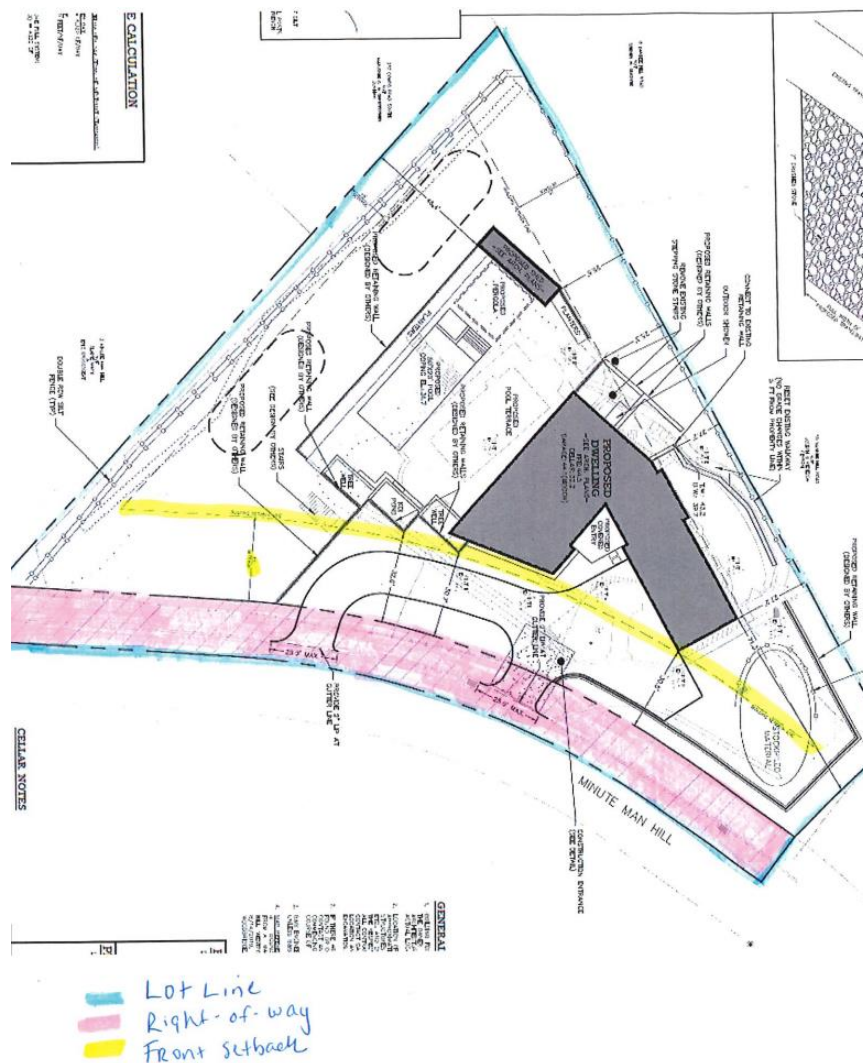


Figure 2 – 5 Minuteman Hill



Analysis/Considerations

[Comments from the Engineering Department](#) dated 11/6/24 support the proposal. The comments state, “The proposed changes to the definitions of “Lot Line, Front” and “Street Lines” adequately clarify the existing interpretation of these definitions and would reinforce the existing and historical practice of measuring setbacks from rights-of-way where they exist on private property. As such, our office would recommend the adoption of this Text Amendment.”

[Comments from the Town Attorney’s](#) office dated 11/11/24 support the amendment.

The Planning and Zoning Commission acting in their legislative capacity has the authority to author and subsequently adopt, deny, or modify an amendment. The Commission may approve changes to one section without obligation to approve another. If the Planning and Zoning Commission adopts the amendment an effective date must be established subsequent to the publication of the legal notice of decision.

The Commission should consider if the text amendment is consistent with the standards in §42 of the Zoning Regulations that require an applicant identify the need for the amendment and any benefits to the Town that may come if adopted. As stated herein, the amendment is intended to the Text Amendment should eliminate any confusion concerning from what point a Front Setback will be measured when the road right of way is located on the lot.

The benefits resulting from Text Amendment #847 if adopted may include:

- Clarity and consistency in how the zoning regulations are administered; and
- Ensuring for the greatest front yard setback which provides appropriate streetscape.

C.G.S. §8-2, *Regulations*, requires consideration by the Planning and Zoning Commission that regulations shall be made in accordance with a comprehensive plan (Zoning Regulations and Zoning Map) and in adopting such regulations the Commission shall consider the Plan of Conservation and Development. The amendment appears to be consistent with the comprehensive plan. Adopting the amendment may also be considered consistent with implementation goals listed in the *2017 Plan of Conservation and Development* that promote improving the regulations for the benefit of future users.

Public Participation

The application will be reviewed at a remote public hearing of the Planning and Zoning Commission. The Town of Westport provides access to public hearings in real-time, by live stream on the Town’s website, and by broadcast television on Optimum Govt. Access Channel 79. Additionally, anyone can join the remote meeting by accessing the meeting link published on the agenda one week prior to the meeting. Meeting agendas are available at www.westportct.gov on the *“Meeting List and Calendar”* web page. A press release concerning the amendment was prepared to enhance public participation consistent with guidelines established in 2018 by the *Planning and Zoning Commission’s Communication Subcommittee*. Additionally, as Text Amendment #847 was authored on behalf of the Commission persons on the Notice of Registry were informed pursuant to CGS §8-7d.

Department Comments

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| Board of Education: | Comments dated 11/4/24 indicate <i>“No comment from WPS.”</i> |
| Building Dept.: | Referral sent. |
| Conservation Director: | Comments dated 11/12/24 conclude with, <i>“The Conservation Department supports this amendment. We see it as a way to clarify a policy that the Planning and Zoning Staff has put into practice in the past. This will hopefully lead to positive interactions with staff and the public going forward when interpreting the Regulations.”</i> |

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| Fire Marshal's Office: | Comments dated 11/5/24 indicate <i>"The FD has no comments on this text amendment."</i> |
| Police Dept.: | Comments dated 11/5/24 indicate, <i>"WPD has no comments for Text Amend #847, #PZ-24-00630."</i> |
| Public Works Dept.: | Comments dated 11/6/24 indicate, <i>"The proposed changes to the definitions of "Lot Line, Front" and "Street Lines" adequately clarify the existing interpretation of these definitions and would reinforce the existing and historical practice of measuring setbacks from rights-of-way where they exist on private property. As such, our office would recommend the adoption of this Text Amendment."</i> |
| Town Attorney's Office: | Comments dated 11/11/24 indicate, <i>"No comments from legal. Consistent with prior correspondence."</i> 11/11/24 |
| WestCOG: | Comments dated 11/7/24 states, <i>"The opinion of WestCOG staff is that the proposal is of local interest and with minimal intermunicipal impact. Therefore, it is not being forwarded to adjacent municipalities and the regional staff is making no comment."</i> |
| MetroCOG: | Referral sent. |
| CT DEEP: | Referral sent. |