



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
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Hearing: November 18, 2024

Decision: November 18, 2024

November 19, 2024

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

To Whom It May Concern:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on November 18, 2024 it was moved by Mr. Lebowitz and seconded by Mr. Bolton to adopt the following resolution.

RESOLUTION #PZ-24-00630

WHEREAS, THE PLANNING AND ZONING COMMISSION met on November 18, 2024 and made the following findings:

Background

1. 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).
2. 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.
3. 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 the Zoning Regulations, which is important for maintaining consistency and clarity in how setbacks are applied.
4. Text Amendment #845, authored on behalf of the P&Z Commission, proposed to modify the Definition of Front Setback and was reviewed by the Planning and Zoning Commission at a public hearing on September 9, 2024 but was eventually withdrawn to enable additional information to be received requested after the public hearing closed.

Proposal

5. 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.
6. The Explanatory Statement describes if adopted Text Amendment #847 should eliminate any confusion concerning where to measure the Front Setback on lots where a road right-of-way is located on the lot.
7. The amendment further proposes for the greatest front yard setback which provides appropriate streetscape.

Department Comments

8. A referral was sent to solicit comments from other departments and agencies. No comments nor objections were received.
9. 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."*
10. Comments from the Town Attorney's office dated 11/11/24 support the amendment.

Public Participation

11. A press release concerning the amendment was distributed to local media outlets to enhance public participation at the public hearing.
12. As Text Amendment #847 was authored on behalf of the Commission persons on the *Notice of Registry* were informed pursuant to CGS §8-7d.
13. A public hearing was held and testimony was received on 11/18/24.
14. 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 #847: #PZ-24-00630 submitted by the Planning and Zoning Commission, to modify Sec. 5-2 of the Zoning Regulations for Front Lot Line and Street Line by specifying that when a right-of-way for a street is part of a lot, the Front Lot Line and Street Line is the boundary of said right-of-way, 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 Chapter 10, Guide Residential Development, is to,
 - *“Manage residential development and redevelopment to ensure that new construction is appropriate in scale and character for its setting.” Pg. 83*
 - *“a. Revisit zoning definitions and regulations related to residential building bulk and location (cover- age, setbacks, height, floor area) to ensure that new construction is appropriate in scale and character for its setting.” Pg. 83*
3. Anticipated benefits resulting from Text Amendment #847 may include:
 - A. Clarity and consistency in how the zoning regulations are administered; and
 - B. Ensuring for the greatest front yard setback which provides appropriate streetscape.

VOTE:

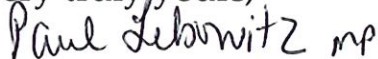
AYES -6- {Lebowitz, Cohn, Cammeyer, Wistrieck, Bolton, Calise}

NAYS -6-

ABSTENTIONS -6-

The effective date of this amendment is December 12, 2024.

Very truly yours,



Paul Lebowitz, Chairman

Planning & Zoning Commission

Attached: Adopted Text Amendment #847

- cc: Jen Tooker, First Selectwoman
Ira Bloom, Town Attorney
Matt Mandell, RTM P&Z Committee Chairman
Jeff Wieser, RTM Moderator

Text Amendment #847

Submitted: 10/29/24

Received: 11/4/24

Public Hearing: 11/8/24

Adopted: 11/18/24

Effective date: 12/12/24

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 CHAPTER 5, DEFINITIONS

5-2 Specific Terms

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these regulations, shall be defined as follows:

Lot Line, Front:

The property line(s) dividing the lot from the right of way of a street or streets. In the case of a rear lot, the front lot line shall be considered the line or lines most nearly parallel to and closest to a street or streets providing lot frontage. **Where a right-of-way for a street is part of a lot, the Front Lot Line is the boundary of said right-of-way.**

Street Lines:

A dividing property line between the street and lot. **Where a right-of-way for a street is part of a lot, the Street Line is the boundary of said right-of-way.**