

Memorandum

To: Planning and Zoning Commission

From: Katherine Daniel, AICP, CFM and Deputy P&Z Director

Date: January 12, 2019

Re: Explanatory Statement for Map Amendment #769, Rezoning 347 properties from Residence AA, Residence A and Residence B to New Beach Residential Zone, §13B

Background

The Beach Rezoning Subcommittee was formed in late 2016 and held public subcommittee meetings between January 12, 2016 until May 23, 2018 to gather public input and analyze the common pattern of property owners applying for variances from the Zoning Board of Appeals to claim a hardship that would support relief to existing coverage limitations. The fact that such variances are commonly applied for and as commonly granted resulted in the formation of a subcommittee of members of the Zoning Board of Appeals and the Planning and Zoning Commission to examine whether to modify the zoning regulations in response to this pattern.

The 2017 Plan of Conservation and Development (the Plan) states in Section 10.3 that about half of all properties in Westport are non-conforming as to lot size. The Plan suggests on page 84 that *“Westport should revisit the residential zoning standards and consider:*

- *revisiting town-wide standards for setbacks, coverage, height and other standards which are based on the size of the lot rather than the zone, or*
- *establish a “Beach Residential” district with dimensional standards based on the prevailing lot sizes in the Saugatuck Shores and Compo Beach areas.”*

The subcommittee explored both of these approaches to solving this issue. The first involved modifications to Section 6-3 Non-Conforming Lots to address the limitations on coverage for lots less than one-quarter acre (up to 10,779 square feet of gross lot area) located in Residence A and Residence AA zones across the entire town. The second approach was to develop a new zoning district for parts of town near the beach. During a work session on January 17, 2019 the Planning and Zoning Commission considered both approaches and selected the second approach to proceed on a selective basis. The

Commission felt this was a prudent first step and future steps could be to expanded implementation of the Beach Residential Zone in the future as well as potentially revising the first, more wide reaching approach.

In Residence A zones, the building lot coverage permitted is 15% of the base lot area and the total lot coverage permissible in this zone is 25% of the base lot area. Residence B zones allow 15% building lot coverage and 35% total lot coverage. Residence AA zones allow 25% total coverage. The base Lot Area as defined in the Westport Zoning Regulations is calculated by deducting 80% of any steep slopes or wetlands from the gross lot area. Most lots in this area do not contain wetlands or steep slopes, but most lots are very small. Commonly lots are 5,000 square feet of area in the area surrounding Compo Beach in a zone that requires 21,780 square feet. In the Residence B zone, that contains Compo Mill Cove and Old Mill Rd, lots are much smaller in a zone requiring only 6,000 square feet of lot area.

More extensive detail on the background to the development of the Beach Residential Zone regulations is available in the Explanatory Statement for Text Amendment #767.

Beach Residential Zone standards

The proposed text amendment uses the model found throughout the Westport Zoning Regulations residential zones by using Section 11 Residence AAA as the basis and changing lot area for zones allowing smaller lot sizes. The formula adopted to calculate coverage requirements for building and/or total coverage gradually reduces the coverage allowed as the lot area approached one-quarter acre (10,780 square feet). The formula uses lot areas of up to 4,000 square feet as a maximum lot area to be accorded 30% building coverage and/or 40% total coverage. The formula adds 7% of additional lot area from 4,001 square feet to 10,779 square feet to the building coverage allowable and 17% of the additional lot area to the total coverage allowable. In this way, allowable coverage declines as lot area increases. When lot area reaches 10,780 square feet, coverage requirements are 15% building coverage and 25% total coverage.

Implementation of the new zone requires that the text amendment must be in effect before rezoning can be adopted.

Map Amendment proposal– Two Beach Residential Zones

The proposed map amendment locates the Beach Residential Zone in two different locations. Both locations were among those highlighted as areas of concern at the initial meeting of the Beach Rezoning Subcommittee. The first area encompasses the properties encircled by Soundview Drive, Compo Beach Road and Compo Road South.

The second area includes all the properties on Compo Mill Cove, Old Mill Road, Compo Hill Road, Sherwood Drive, Sterling Drive, Buena Visa Drive and portions of Hillspoint Road (190 to 246 Hillspoint) and portions of Burnham Hill Road (odd numbers 1-17 Burnham Hill Road).

The Planning and Zoning Commission may consider each of these proposed locations independently.

Impact of Proposed Map Amendment

The standards of the Beach Residential Zone, Text Amendment #767 set the minimum lot size so that most lots would be less than twice the minimum lot area. The lot sizes of private property in the areas proposed to be rezoned range from 0.1 acres to 1.09 acres. There is a single privately owned lot that is more than twice the proposed minimum lot area and therefore, potentially subdividable. There is a second large lot that measures 1.25 acres in size, but is owned by the town and is used as a parking lot. For this reason half an acre (21,780 square feet) was selected as the minimum lot area.

On the other hand, prior to application of the Beach Residential Zone, there are several properties currently in the Residence B Zone, which could propose a first cut or a subdivision prior to the upzoning that would occur for properties currently zoned Residence B. Residence B Zoned properties require only 6,000 square feet of lot area among other standards.

One principle the subcommittee agreed upon was that lots containing one-quarter acre (10,780 square feet) of lot area are usually large enough for appropriately scaled development without relief on coverage requirements. The proposed regulation addresses lots that are smaller than 10,780 square feet, one-quarter acre of Lot Area. Of the total 347 properties to be rezoned, six belong to the Town of Westport. Of the remaining 341 privately owned properties, 258 are less than 0.25 acres. This represents 74% of the privately owned properties that may benefit from this map amendment.

The proposed map amendment would establish the standards of the Beach Residential Zone in two areas of Westport as represented by the map entitled Proposed New Beach Residential Zones prepared by K. Daniel 2-7-19.