METROCOG
Connecticut Metropolitan Council of Governments

Zoning Referral Summary Page – September 2020 – Draft

Referral ID	Referral Type	Description	Applicant	Date Received	Public Hearing Date	Staff Finding/Recommendation
Monroe #203	Zoning Text Amendment and Map Change	B-1 District Yard Exception and Zoning Map Change	Town of Monroe Planning and Zoning	September 1st, 2020	October 22nd ,2020	No Regional Impact. Click here for Referral. Click here for Response.
Shelton #161	Zoning Text Amendment	Clarify Standards & Regulations to Section 33.6 "Special Exceptions: Multi-Family Residential Developments	Vista Apartments LLC	August 21st, 2020	TBD	No Regional Impact. Click here for Referral. Click here for Response.
Westport #366	Zoning Text Amendment	Modify Section 5-2 "Special Needs Individuals" and Section 32-27 "Special Needs Housing"	Redniss and Mead	September 3rd, 2020	November 11th, 2020	No Regional Impact. Click here for Referral. Click here for Response.

Westport #367	Zoning Text Amendment	Removal of Section 4-5 "Maximum Allowable Multi-Family Dwelling Units"	Town of Westport Planning and Zoning	September 3rd, 2020	October 8th, 2020	No Regional Impact. Click here for Referral. Click here for Response.

TOWN OF MONROE

PLANNING and ZONING COMMISSION

7 Fan Hill Road
Monroe, CT 06468
Phone: 203-452-2812
www.monroect.org

CGS §8-3b REGIONAL PLANNING REFERRAL NOTICE

September 1, 2020

Via Electronic Transmission – Please Confirm Receipt

RECIPIENTS: Western Connecticut Council of Governments, Via Email: Referral@westcog.org
Connecticut Metropolitan Council of Governments, Via Email: mfulda@ctmetro.org
Naugatuck Valley Council of Governments, Via Email: Referrals@NVCOGCT.org

RE: REFERRAL OF PROPOSED ZONING REGULATIONS TEXT AMENDMENTS

Action

RAA-2020-03, File #1010E – B-1 District Yard Exception
Planning and Zoning Commission proposed Zoning Text Amendment adding a setback yard exception for certain abutting property conditions for property within a Business District 1 (B-1) (see attached).

ZCA-2020-02, File #1015D
Planning and Zoning Commission proposed Zone Boundary Changes – Rezoning of certain B-1 District parcels on Main Street North of intersection with Judd Road and Purdy Hill Road (see attached).

Applicant Planning and Zoning Commission

Affected Property All existing and future B-1 District zoned lands.

- In conformance with Connecticut General Statues §8-3b, this is formal **NOTICE** and referral of the attached proposed **Zoning Regulations Text Amendments**.
- A public hearing for the above matter has been scheduled for **October 22, 2020**.
- Complete details and copies of all related materials associated with the referred matter are on file and available for viewing in the Monroe Planning and Zoning Department office.

Yours Truly,

William Agresta, AICP, MLA
Planning and Zoning Administrator, Commission Clerk

AMENDMENT #1 – ZONING REGULATIONS TEXT AMENDMENT

Regular Text	Existing Text in Current Zoning Regulations to Remain
~~Red Strikeout Text~~	Existing Text in Current Zoning Regulations to be Deleted
Blue Double Underline Text	Amendment / New Text to be Added

AMEND EXISTING §4.2.4, Lot Area and Bulk Dimensional Requirements for Business District 2 as follows:

§4.2.4 Lot Area and Bulk Dimensional Requirements for Business District 2

No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the following minimum standards:

Schedule of Dimensional Requirements

Lot Requirements	**B-2**
Minimum lot area	1 acre
Minimum lot frontage	125 feet
Minimum square*	125 x 125 feet
Minimum front yard	50 feet
Minimum yard	
At residential zone boundary**	30 feet
Rear and side	20 feet
Maximum height	2 ½ stories/35 feet
Building coverage	25%
Minimum floor area	1,400 square feet

*Note: Each lot shall be of such shape that a square one hundred twenty-five (125) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to and on the lot side of the street lot line.
****Except if abutting land owned by the State of Connecticut which is permanently preserved in perpetuity in its natural and open condition for the protection of natural resources and public water supply or permanently protected open space of a solely passive nature**.

DRAFT

AMENDMENT #2 – ZONING MAP ZONE BOUNDARY CHANGES

AMEND OFFICIAL ZONING MAP with the following Zone Boundary Changes:

ZONE BOUNDARY CHANGE PROPERTIES						
PROPERTY	ASSESSOR		PROPERTY OWNER	EXISTING LAND USE	EXISTING ZONE	PROPOSED ZONE
	MAP	LOT				
150 Main Street	19	7	Chucks Corner LLC	Retail Center	B-1	B-2
155 Main Street	19	1	Connex Credit Union Inc.	Retail Bank	B-1	B-2
160 Main Street	19	6	Chuckta S. + Son LLC	Restaurant / Personal Service	B-1	B-2
163 Main Street	18	34	LRAL LLC	Retail Auto Service	B-1 / RF-2	B-2
22 Judd Road	18	33	Gloria Caranica	Single Family Residence	RF-2 / B-1	RF-2
166 Main Street	19	5	Mary E. Cornell	Retail Store	B-1	B-2
171 Main Street	18	35	Smithy Holdings Group LLC	Restaurant	B-1 / RF-2	B-2
172 Main Street	19	4	Monroe Highmart LLC	Retail Gas Station	B-1	B-2
176 Main Street	19	3	PJ 176 Property LLC	Retail Liquor Store	B-1	B-2
178 Main Street	19	2	Soundview Capital Partners LLC	Retail Car Wash	B-1	B-2
179 Main Street	18	36	Sage L. Rega & Gena R. Newman	Retail Center / Restaurant	B-1 / RF-2	B-2
181 Main Street	18	37	Zielinski Futures LLC	Retail / Office	B-1	B-2
188 Main Street	18	43	188 Office Park LLC	Office	B-1 / I-1	B-2
193 Main Street	18	38	193 Main St LLC	Vacant	B-1	B-2
195 Main Street	18	39	Graystone Group LTD Partnership	Single-Family Residence	B-1	B-2
201 Main Street	18	40	Graystone Group LTD Partnership	Single-Family Residence	B-1	B-2
211 Main Street	18	41	Graystone Group LTD Partnership	Vacant	B-1	B-2
19 Old Newtown Road	19	9	Town of Monroe	Open Space	I-1 / B-1	I-1

DRAFT

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT EXISTING ZONE BOUNDARIES FOR NUMEROUS PROPERTIES ON MAIN STREET NORTH OF JUDD ROAD/PURDY HILL ROAD AND PROPERTIES WITHIN 500 FEET.
2. PROJECT AREA IS NOT WITHIN 500 FEET OF A TOWN BOUNDARY.
3. PROJECT AREA IS NOT WITHIN A PUBLIC WATERSHED.

REFERENCE INFORMATION:

1. THIS MAP WAS COMPILED FROM ASSESSORS, TOWN CLERK, & PREVIOUS ZONING MAPS OBTAINED FROM THE TOWN OF MONROE.
2. SOME BASE INFORMATION ACQUIRED FROM GIS DATA PROVIDED BY CONNECTICUT METROPOLITAN COUNCIL OF GOVERNMENTS (METROCOG) AND ON-SITE INVESTIGATIONS. THE INFORMATION SHOWN IS MEANT TO BE SCHEMATIC IN NATURE AND IS NOT INTENDED TO BE UTILIZED AS ACCURATE SURVEY INFORMATION.

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LABEL	NO	STREET NAME	M/B/L	TAXPAYER	MAILING ADDRESS	CITY	ST	ZIP CODE
1	234	MAIN STREET	018/ 042/ 00	TWO THIRTY FOUR MAIN ST LLC - BERNARD SIPPIN MANAGER	234 MAIN ST	MONROE	CT	06468
2	200	MAIN STREET	019/ 009/ 0A	TWO HUNDRED COMMERCIAL LLC - MARK SIPPIN - MEMBER	234 MAIN ST	MONROE	CT	06468
3	39	OLD NEWTOWN ROAD	019/ 009/ 05	TOWN OF MONROE	7 FAN HILL RD	MONROE	CT	06468
4	188	MAIN STREET	018/ 043/ 00	ONE EIGHTY EIGHT OFFICE PARK LLC - DAVID SIPPIN MEMBER	234 MAIN ST	MONROE	CT	06468
5	178	MAIN STREET	019/ 002/ 00	SOUNDVIEW CAPITAL PARTNERS LLC - JOHN R LULY JR MEMBER	23 RIDGEBROOK RD	GREENWICH	CT	06830
6	176	MAIN STREET	019/ 003/ 00	PJ 176 PROPERTY LLC - PABLO GONZALO QUEZADA TAPIA MEMBER	176 MAIN ST	MONROE	CT	06468
7	172	MAIN STREET	019/ 004/ 00	MONROE HIGHMART LLC - SOUBHI TOMA MEMBER	172 MAIN ST	MONROE	CT	06468
8	166	MAIN STREET	019/ 005/ 00	CORNELL MARY E	122 PORTERS HILL RD	TRUMBULL	CT	06611
9	160-162	MAIN STREET	019/ 006/ 00	CHUCKTA S + SON LLC - STEPHEN CHUCKTA SR + JR MBRS	88 CORAM RD	SHELTON	CT	06484
10	150	MAIN STREET	019/ 007/ 00	CHUCKS CORNER LLC	88 CORAM RD	SHELTON	CT	06484
11	1	OLD NEWTOWN ROAD	019/ 008/ 00	HARTZ RUSSELL + BARBARA	1 OLD NEWTOWN RD	MONROE	CT	06468
12	23	OLD NEWTOWN ROAD	019/ 010/ 00	PEARLSTONE DAVID B + MELISSA M	23 OLD NEWTOWN RD	MONROE	CT	06468
13	35	OLD NEWTOWN ROAD	019/ 011/ 00	WILLS CHARLES J III EST OF + DORIS A	35 OLD NEWTOWN RD	MONROE	CT	06468
14	30	OLD NEWTOWN ROAD	019/ 014/ 00	GOITT MERNA + ET AL	PO BOX 4	MONROE	CT	06468
15	514	PURDY HILL ROAD	019/ 015/ 00	LOVEGREN DOUG S + JAQUELINE	514 PURDY HILL RD	MONROE	CT	06468
16	505	PURDY HILL ROAD	019/ 027/ 00	FLADER MATTHEW B + FLADER JANE BENEDICT	505 PURDY HILL RD	MONROE	CT	06468
17	511	PURDY HILL ROAD	019/ 028/ 00	RODRIGUES JOHN G	511 PURDY HILL RD	MONROE	CT	06468
18	13	MAPLE CIRCLE	012/ 031/ 00	SANTORO FRANCES	13 MAPLE CIR	MONROE	CT	06468
19	7	MAPLE CIRCLE	012/ 030/ 00	KRIZAN EMIL	7 MAPLE CIR	MONROE	CT	06468
20	30	MAPLE TERRACE	012/ 035/ 02	GENTILE DANIELLE SARAH	30 MAPLE TER	MONROE	CT	06468
21	521	PURDY HILL ROAD	012/ 020/ 03	BRAUN ARMANDO H	521 PURDY HILL RD	MONROE	CT	06468
22	515	PURDY HILL ROAD	019/ 029/ 00	MORA JAIME	515 PURDY HILL RD	MONROE	CT	06468
23	525	PURDY HILL ROAD	012/ 020/ 0A	MONROE TOWN OF (OPEN SPACE)	7 FAN HILL RD	MONROE	CT	06468
24	126	MAIN STREET	012/ 013/ 00	SO MAIN ST NEWTOWN ASSO LLC c/o JOSEPH VOLL	6527 MAIN ST	TRUMBULL	CT	06611
25	134	MAIN STREET	012/ 012/ 00	MONROE PARTNERSHIP	134 MAIN ST	MONROE	CT	06468
26	140	MAIN STREET	012/ 011/ 00	THREE CORNERS LLC - % NICOLA FIORE	25 ARROWHEAD DR	MONROE	CT	06468
27	127	MAIN STREET	012/ 009/ 08	POND VIEW LLC - JAY D KEILLOR MEMBER	PO BOX 762	MONROE	CT	06468
28	135	MAIN STREET	012/ 009/ 02	POND VIEW LLC - JAY D KEILLOR MEMBER	PO BOX 762	MONROE	CT	06468
29	145	MAIN STREET	012/ 009/ 01	POND VIEW LLC - JAY D KEILLOR MEMBER	PO BOX 762	MONROE	CT	06468
30	15	JUDD ROAD	012/ 010/ 00	CARANICA GLORIA	22 JUDD RD	MONROE	CT	06468
31	21	JUDD ROAD	018/ 001/ 00	WEBSTER SARAH	21 JUDD RD	MONROE	CT	06468
32	29	JUDD ROAD	018/ 002/ 02	CONNECTICUT STATE OF	79 ELM ST	HARTFORD	CT	06106-5127
33	91	JUDD ROAD	018/ 002/ 00	AQUARION WATER CO OF CONNECTICUT - % TAX DEPT	600 LINDLEY ST	BRIDGEPORT	CT	06606
34	50	JUDD ROAD	018/ 032/ 03	CONNECTICUT STATE OF	79 ELM ST	HARTFORD	CT	06106-5127
35	68	JUDD ROAD	018/ 032/ 00	AQUARION WATER CO OF CONNECTICUT - % TAX DEPT	600 LINDLEY ST	BRIDGEPORT	CT	06606
36	28	JUDD ROAD	018/ 032/ 02	CONNECTICUT STATE OF	79 ELM ST	HARTFORD	CT	06106-5127
37	22	JUDD ROAD	018/ 033/ 00	CARANICA GLORIA	22 JUDD RD	MONROE	CT	06468
38	155	MAIN STREET	019/ 001/ 00	CONNEX CREDIT UNION INC	412 WASHINGTON AVE	NORTH HAVEN	CT	06673
39	163	MAIN STREET	018/ 034/ 00	URAL LLC - LOUIS ANTHONY MEMBER	163 MAIN ST	MONROE	CT	06468
40	171	MAIN STREET	018/ 035/ 00	SMITHY HOLDINGS GROUP LLC c/o MAUREEN HANLEY	21 ANDREWS RD	EASTON	CT	06612
41	179	MAIN STREET	018/ 036/ 00	REGA SAGE L + NEWMAN GENA R - DBA OUT FRONT FARM	179 MAIN ST	MONROE	CT	06468
42	183	MAIN STREET	018/ 037/ 00	ZIELINSKI FUTURES LLC - PETER S ZIELINSKI MGR MBR	9 SURREY LN	TRUMBULL	CT	06611
43	193	MAIN STREET	018/ 038/ 00	193 MAIN ST LLC - LYNNE T. MACCHIARULO MEMBER	628 ROWLAND ROAD	FAIRFIELD	CT	06824
44	195	MAIN STREET	018/ 039/ 00	GRAYSTONE GROUP LTD PRTSHP - KIM H MCCARTHY MGR PTNR	24 COVENTRY LN	TRUMBULL	CT	06611
45	203	MAIN STREET	018/ 040/ 00	GRAYSTONE GROUP LTD PTNSHP - KIM H MCCARTHY MGR PTNR	24 COVENTRY LN	TRUMBULL	CT	06611
46	211	MAIN STREET	018/ 041/ 00	GRAYSTONE GROUP LTD PTNSHP - KIM H MCCARTHY MGR PTNR	24 COVENTRY LN	TRUMBULL	CT	06611

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GENERAL NOTES:

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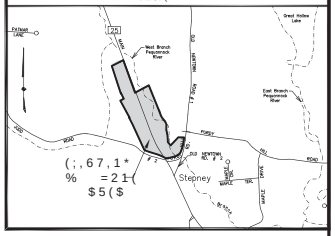

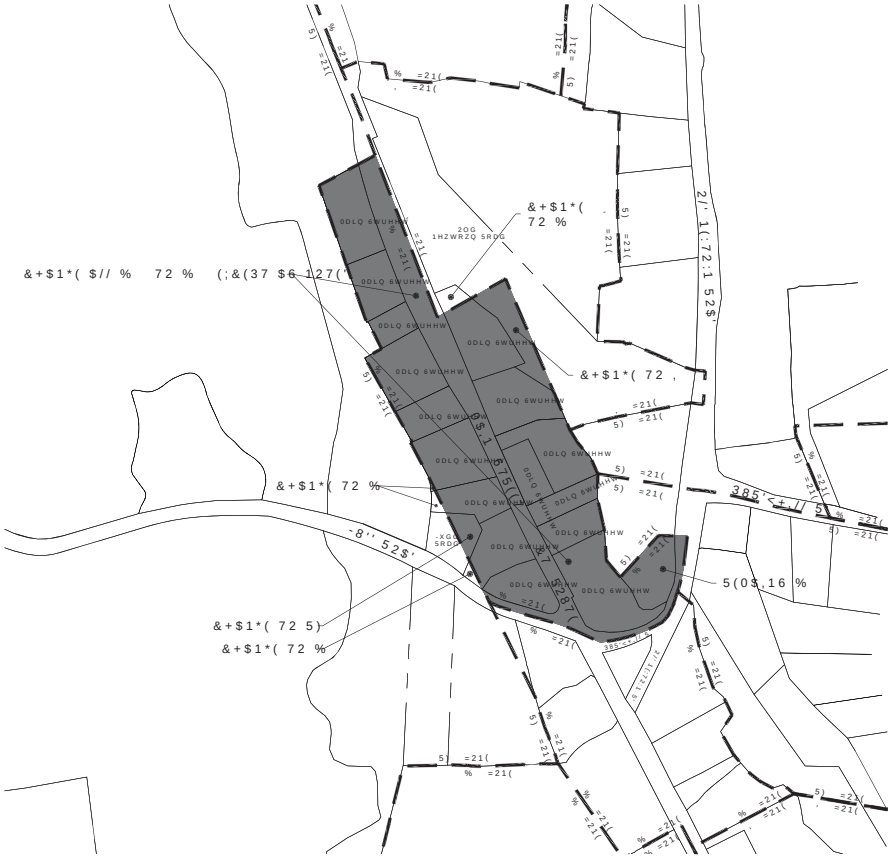

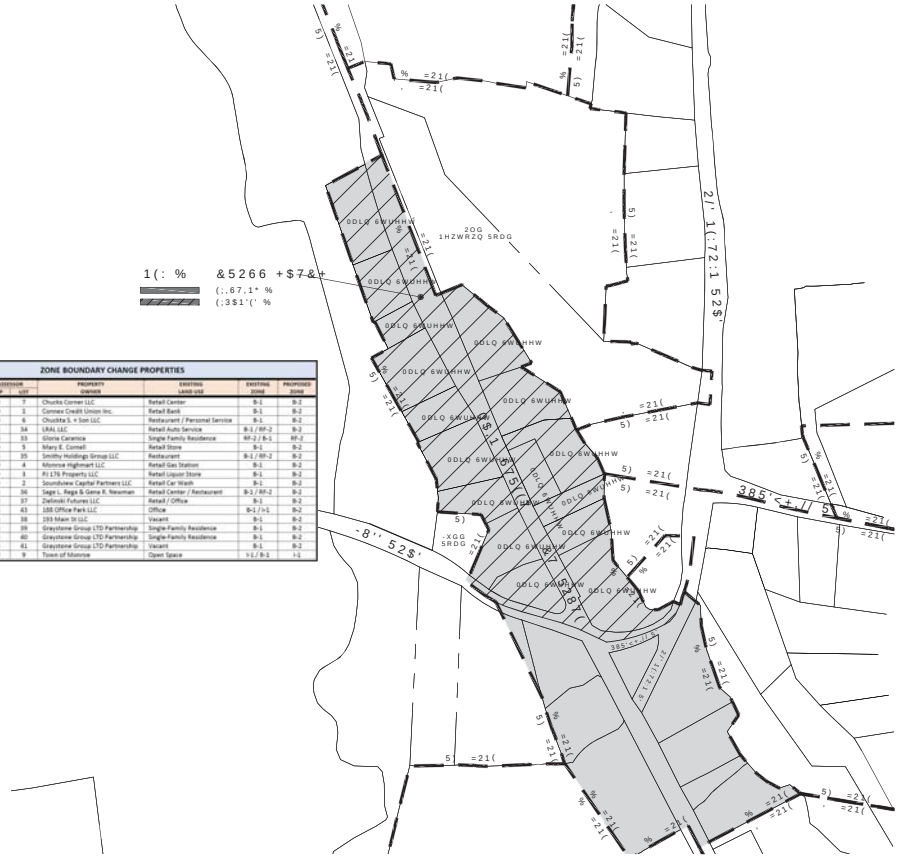

ZONE BOUNDARY CHANGE PROPERTIES

PROPERTY	ASSESSOR MAP	ASSESSOR LOT	PROPERTY OWNER	EXISTING LAND USE	EXISTING ZONE	PROPOSED ZONE
150 Main Street	18	7	Chucks Corner LLC	Retail Center	B-1	B-2
155 Main Street	19	1	Connex Credit Union Inc.	Retail Bank	B-1	B-2
160 Main Street	19	6	Chuckita S. + Son LLC	Restaurant / Personal Service	B-1	B-2
163 Main Street	18	34	LAAL LLC	Retail Auto Service	B-1 / RP-2	B-2
22 Judd Road	18	33	Gloria Caranica	Single Family Residence	RP-2 / B-1	RP-2
166 Main Street	19	5	Mary E. Cornell	Retail Store	B-1	B-2
171 Main Street	18	35	Smithy Holdings Group LLC	Restaurant	B-1 / RP-2	B-2
172 Main Street	19	4	Alfonrose Highmart LLC	Retail Gas Station	B-1	B-2
176 Main Street	19	3	Fi 176 Property LLC	Retail Liquor Store	B-1	B-2
178 Main Street	19	2	Soundview Capital Partners LLC	Retail Car Wash	B-1	B-2
179 Main Street	18	36	Sage L. Rega & Gene R. Newman	Retail Center / Restaurant	B-1 / RP-2	B-2
181 Main Street	18	37	Zielinski Futures LLC	Retail / Office	B-1	B-2
188 Main Street	18	43	188 Office Park LLC	Office	B-1 / I-1	B-2
193 Main Street	18	38	193 Main St LLC	Vacant	B-1	B-2
195 Main Street	18	39	Graystone Group LTD Partnership	Single-Family Residence	B-1	B-2
201 Main Street	18	40	Graystone Group LTD Partnership	Single-Family Residence	B-1	B-2
211 Main Street	18	41	Graystone Group LTD Partnership	Vacant	B-1	B-2
19 Old Newtown Road	19	9	Town of Monroe	Open Space	I-1 / B-1	I-1

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September 3, 2020

Mr. William W. Porter, Chairman
Planning and Zoning Commission
Town of Monroe
Monroe Town Hall
7 Fan Hill Road
Monroe, CT 06468

Re: **Zoning Text Amendment for B-1 District Yard Exception and Zoning Map Change**

Dear Mr. Porter:

We are in receipt of the above referenced referral dated September 1st, 2020.

The Connecticut Metropolitan Council of Governments has reviewed the zoning text amendment for the B-1 District Yard Exception referral and Zoning Map Change that is being proposed by the Monroe Planning and Zoning Office. According to the proposed amendments, the applicant is seeking to include and revise language that allows for a setback yard exception in this zone for certain abutting properties conditions within this B-1 District. Furthermore, the town also proposes a zoning map change that allows for rezoning of certain B-1 parcels along Main Street to a B-2 zone.

Based on our review of the proposed text amendments we have determined the revision of the setback yard exception and the zoning map change is not **is not** regionally significant.

If you have any questions, please do not hesitate to contact me at 203-366-5405.

Sincerely,

Matt Fulda
Executive Director

cc: Mr. Will Agresta, Municipal Planning & Zoning Administrator
Georgia Contois, Planning and Zoning Secretary

DRAFT

City of Shelton
Planning and Zoning
54 Hill Street
Shelton, Connecticut 06484

Alexander Rossetti
Planning & Zoning Administrator
Phone: 203-924-1555, ext. 1380
Email: a.rossetti@ cityofshelton.org

August 21, 2020

Matt Fulda
Metro COG
1000 Lafayette Blvd.
Bridgeport, CT 06604

Re: Referral Notification of Shelton Zoning Application #20-15 for Text Amendment to the City Zoning Regulations, Section 33.6 – Special Exceptions: Multi-Family Residential Developments

Mr. Fulda,

The purpose of this letter is to serve as an official referral notification regarding a text amendment to the Shelton Zoning Regulations for Application #20-15. This text change amendment intends to clarify the standards and regulations for multi-family developments.

A letter describing the amendments is attached. Please contact us if you have any questions or need additional material regarding this application.

Please confirm the receipt of this notification and the description. Thank you for your cooperation in this matter.

Sincerely,

Alexander Rossetti
Planning and Zoning Administrator

Vista Apartments LLC

July 9, 2020

Text Amendment of Section 33.6

In order to clarify the requirements set forth in Section 33.6, which pertain to special exception applications in residential zones, a text amendment is offered.

Currently, line 3 of Schedule A allows for properties in R-2, R-3, R-4, R-5, and CA-3 zones to have between 4 to 12 multifamily residential units with a special exception. Section 33.6 "Multi-Family Residential Development" details the requirements for these applications where the properties are in R-2 and R-3 zones.

Confusion may arise for an applicant with property in R-4, R-5, or CA-3 zones looking to develop multi-family housing under Schedule A permitted use line 2A. These applications also require a special exception, however they are governed by the standards of Schedule B, and NOT section 33.6.

In order to clarify the intent of Section 33.6 the beginning of the regulation should add the following text in bold red.

33.6 Multi-Family Residential Development: **In any residence R-2 and R-3 district,** applications for multi-family residential developments consisting of one or more dwelling units plus customary accessory recreational, maintenance and similar facilities incidental to and in support of such residential developments shall conform to the following additional standards:

METROCOG
Connecticut Metropolitan Council of Governments

September 14, 2020

Ms. Virginia M. Harger, Chairman
Planning and Zoning Commission
City of Shelton
54 Hill Street
Shelton, CT 06484

Re: Section 33.6 - "Special Exceptions: Multi-Family Residential Developments"

Dear Ms. Harger:

We are in receipt of the above referenced referral dated February 11, 2020.

The Connecticut Metropolitan Council of Governments has reviewed the submitted referral for clarification of Section 33.6 being proposed by Vista Apartments LLC. According to the amendment, the current regulations of Schedule A line 3 permits properties in the R-2,R-3,R-4, R-5, and CA-3 zones to allow 4 to 12 multifamily residential units with special exception. Section 33.6 only details the requirements for applications where the properties are in R-2 or R-3 zones. Applicants with property in R-4, R-5, and CA-3 zones seeking to develop a multifamily residence under Schedule A is permitted to use line 2A. These applications require a special exception, but are governed by the standards of Schedule B, not section 33.6. So in order to clarify and reduce confusion of the zoning regulations language has been added to section 33.6 to clarify that Schedule A applies to the R-2 and R-3 districts and other residences with special exception should not abide by the criteria in Section 33.6.

Based on our review of the proposed referral we have determined that the clarification of text to Section 33.6 Multi-family Residential Development is **not regionally** significant.

If you have any questions, please do not hesitate to contact me at 203-366-5405.

Sincerely,

Matt Fulda
Executive Director

cc: Mr. Josh O'Neill, City Planner, City of Shelton
Mr. Alexander Rossetti, Planning & Zoning Administrator, City of Shelton

DRAFT

Town of Westport
Planning & Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
(203) 341-1030 Facsimile (203) 454-6145
www.westportct.gov

June 26, 2020

Via E-Mail to: pcarleton@ctmetro.org
Patrick Carleton, Regional Planner
CT Metropolitan Council of Governments
1 Riverside Road
Sandy Hook, CT 06482

RE: Text Amendment #781 to modify §5-2, Special Needs Individuals and §32-27, Special Needs Housing contained in the Westport Zoning Regulations

Dear Mr. Carleton:

In accordance with the §8-3b of the Connecticut General Statutes, we are notifying you of receipt of a text amendment on November 11, 2019 that if adopted could potentially affect properties located within 500 feet of the municipal boundary line.

The public hearing is not yet scheduled but could occur at the end of July so your prompt reply is appreciated. Please return written comments to PandZ@westportct.gov.

The following materials prepared by the applicant Rick Redniss are attached:

- Text Amendment #781, revised 6/17/20;
- Text Amendment #781 Explanatory Statement, revised 6/17/20; and
- List of 121 Town-owned properties that would be eligible for the benefits of the amendment if adopted.

Do not hesitate to contact me at 203 341-1078 if you have any questions.

Sincerely,

Mary Young,
Planning and Zoning Director

cc: Matt Fulda

Att.

REDNISS & MEAD
LAND SURVEYING | CIVIL ENGINEERING | PLANNING & ZONING CONSULTING | PERMITTING

June 17, 2020

Planning and Zoning Commission
c/o Mary Young, AICP, Director of Planning & Zoning
Town of Westport
110 Myrtle Ave, Room 203
Westport CT 06880

RE: Proposed Text Change (Special Needs)
***Amending sections* §5 & §32-27**

Dear Ms. Young,

As discussed, attached, please find the updated Text Change and Explanatory Statement to broaden the applicability to include all Town owned land. This will facilitate a more complete discussion of the potential applicability, while maintaining the ability of the PZC to further limit the scope, should they so choose.

We look forward to presenting the application to the Planning and Zoning Commission. If you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,

Richard W. Redniss, AICP

Enclosures
cc:

22 First Street | Stamford, CT 06905 | Tel: 203.327.0500 | Fax: 203.357.1118 | www.rednissmead.com

Revised - June 17, 2020
May 28, 2020

Note:

- **Proposed new language is shown underlined. Language to be removed is shown [~~in brackets~~].**

Proposed Text Change

TO AMEND

- **§5 "DEFINITIONS", by modifying "Special Needs Individuals"**
- **§32-27.1 "Special Needs Housing", by modifying §32-27.1 "Location"**

§5 DEFINITIONS

Special Needs Individuals:

Persons that are blind, physically disabled, autistic, and/or have intellectual disabilities pursuant to Sections 1-1f, [~~and/or~~] 1-1g, and/or 17a-215f of the Connecticut General Statutes

32-27.1 Location

Special Needs Housing shall be located [~~within an existing building in the Residence A District~~] on Town owned property.

REDNISS & MEAD

Revised June 17, 2020
May 28, 2020

Explanatory Statement

Special Needs Text Change
Proposed Text Change to Amend
§5 & §32-27

Purpose/Benefits

During the processing of Text Change #778 the members of the public and the Planning and Zoning Commission expressed the desire to allow this opportunity on all Town owned land.

To help address the need for Special Needs Housing as a diverse housing option and the desire of the Town and Public, we are proposing to amend:

- §5 to include individuals with Autism as part of the Special Needs Individual Definition.
- §32-27.1 to broaden the applicability to all Town owned Properties in all Zones.

Broadening the potential applicability of the regulation will facilitate a more comprehensive discussion of eligible properties, while maintaining the ability for the Commission to further limit the scope if they so choose.

The changes serve to address several goals and strategies highlighted in the Westport Plan of Conservation and Development, including:

1. 10.1 Overview ("Westport's wide variety of housing types from modest homes and historic structures to grand manor homes is one of its strongest features."), p. 79.
2. 10.4. Monitor Changing Housing Needs, p.85
   - Seek ways to address changing housing needs while maintaining the character and integrity of Westport.
   - Consider ways of integrating affordable and workforce housing in future projects.
   - Support and encourage non-profit organizations that help address housing needs in ways that maintain the character and integrity of Westport.
3. 10.5. Continue to Address Housing Needs, p. 88
   - Continue to address housing needs in Westport (affordable, aged, special needs, ADA).
   - Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers.

Summary of Proposed Text Changes

§5 Definitions "Special Needs Individual"

Special Needs Individuals:

This will update the Special Needs Individuals definition to include individuals with Autism and reference the Connecticut General Statue 17a-215f.

§32-27 Special Needs Housing

32-27.1

This section outlines the permitted location for qualified 501c3 nonprofit organizations to provide special needs services in residential settings on Town owned land.

d}Áv KÁv WŒ}‰ Œš] • r d}Áv }(t •š‰}Œš

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REDNISS & MEAD

Sec. 17a-215f. Autism spectrum disorder definitions. Notwithstanding the provisions of section 10-76ii, “autism spectrum disorder” has the same meaning as is set forth in the most recent edition of the American Psychiatric Association's “Diagnostic and Statistical Manual of Mental Disorders”.

State Statues

https://www.cga.ct.gov/current/pub/chap_001.htm#sec_1-1f

https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-3e

Sec. 1-1f. "Blind", "physically disabled", defined. For purposes of sections 3-10e, 4a-60, subdivision (12) of section 38a-816 and sections 46a-58, 46a-60, 46a-64, 46a-70 to 46a-73, inclusive, 46a-75, 46a-76 and 52-175a:

(a) An individual is blind if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees;

(b) An individual is physically disabled if he has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device.

(P.A. 73-279, S. 1; P.A. 74-346; P.A. 75-346; P.A. 79-631, S. 41, 111; P.A. 80-259, S. 2.)

History: P.A. 74-346 added Subsec. (b) defining "physically disabled"; P.A. 75-346 clarified definition of "physically disabled"; P.A. 79-631 deleted reference to Sec. 53-34a, substituting Sec. 53-34 (later transferred to Sec. 46a-58); P.A. 80-259 added reference to Sec. 38-61(12).

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Sec. 1-1g. "Intellectual disability" defined. (a) Except as otherwise provided by statute, "intellectual disability" means a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before eighteen years of age.

(b) As used in subsection (a) of this section, "significant limitation in intellectual functioning" means an intelligence quotient more than two standard deviations below the mean as measured by tests of general intellectual functioning that are individualized, standardized and clinically and culturally appropriate to the individual; and "adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the

individual's age and cultural group as measured by tests that are individualized, standardized and clinically and culturally appropriate to the individual.

(P.A. 78-148, S. 1; P.A. 80-259, S. 3; P.A. 82-51, S. 1; P.A. 83-587, S. 1, 96; P.A. 99-122, S. 5; P.A. 05-288, S. 1; P.A. 11-16, S. 1; 11-129, S. 2; P.A. 12-136, S. 1; 12-143, S. 4; P.A. 15-54, S. 1.)

History: P.A. 80-259 added reference to Sec. 38-61(12); P.A. 82-51 clarified terms used in the statutory definition in new Subsec. (b) and updated list of applicable sections in prior provisions, now Subsec. (a); P.A. 83-587 made a technical amendment; P.A. 99-122 amended Subsec. (a) to make definition applicable to Secs. 53a-59a, 53a-60b, 53a-60c and 53a-61a; (Revisor's note: In 2005, a reference to Sec. "45a-668" was changed editorially by the Revisors to Sec. "45a-669" since Sec. 45a-668 was repealed by P.A. 04-54); P.A. 05-288 made a technical change in Subsec. (b), effective July 13, 2005; P.A. 11-16 amended Subsec. (a) by making definition applicable to Secs. 17a-210b, 17a-580, 46a-11a to 46a-11g, 46a-64b, 46b-84, 53a-46a, 53a-320 and 54-56d and by removing references to Secs. 17a-274 and 17a-281, added new Subsec. (b) defining "intellectual disability" and setting forth sections to which the definition applies and redesignated existing Subsec. (b) as Subsec. (c), effective May 24, 2011; P.A. 11-129 deleted references to Secs. 46a-11a to 46a-11g in Subsec. (a), transferred various section references from Subsec. (a) to Subsec. (b) and added section references in Subsec. (b); P.A. 12-136 amended Subsec. (a) by redefining "mental retardation" and amended Subsec. (c) by deleting definitions of "general intellectual functioning", "significantly subaverage" and "developmental period", adding definition of "significant limitation in intellectual functioning" and redefining "adaptive behavior"; P.A. 12-143 amended Subsec. (b) to delete reference to Sec. 2c-2b and to make a technical change, effective July 1, 2012; P.A. 15-54 amended Subsec. (a) by replacing reference to Secs. 17a-210b and 38a-816 with "Except as otherwise provided by statute", replacing "mental retardation" with "intellectual disability" and adding "existing concurrently with", deleted former Subsec. (b) re meaning of intellectual disability for purposes of listed sections and redesignated existing Subsec. (c) as Subsec. (b), effective June 19, 2015.

Interpreting section to allow consideration of all intelligence tests that meet the statutory criteria best furthers legislature's intent to clarify and narrow definition of mental retardation to ensure that persons with borderline normal intelligence are not classified as mentally retarded, to prevent inappropriate commitment of such persons to mental retardation facilities and to assure that limited administrative resources are devoted to those most in need. 277 C. 594.

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Sec. 8-3e. Regulation of community residences for persons with intellectual disability, child-care residential facilities, community residences for persons receiving mental health or addiction services and hospice facilities. (a) No zoning regulation shall treat the following in a manner different from any single family residence: (1) Any community residence that houses six or fewer persons with intellectual disability and necessary staff persons and that is licensed under the provisions of section 17a-227, (2) any child-care residential facility that houses six or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under sections 17a-145 to 17a-151, inclusive, (3) any community residence that houses six or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health under the provisions of section 19a-491, if a license is required, or (4) any residence that provides licensed hospice care and services to six or fewer persons, provided such residence is (A) managed by an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; (B) located in a city with a population of more than one hundred thousand and within a zone that allows development on one or more acres; (C) served by public sewer and water; and (D) constructed in accordance with applicable building codes for occupancy by six or fewer persons who are not capable of self-preservation.

(b) Any resident of a municipality in which such a community residence or child-care residential facility is located may, with the approval of the legislative body of such municipality, petition (1) the Commissioner of Developmental Services to revoke the license of such community residence on the grounds that such community residence is not in compliance with the provisions of any statute or regulation concerning the operation of such residences, (2) the Commissioner of Children and Families to revoke the license of such child-care residential facility on the grounds that such child-care residential facility is not in compliance with the provision of any general statute or regulation concerning the operation of such child-care residential facility, or (3) the Commissioner of Mental Health and Addiction Services to withdraw funding from such community residence on the grounds that such community residence is not in compliance with the provisions of any general statute or regulation adopted thereunder concerning the operation of a community residence.

(P.A. 79-353; P.A. 84-341, S. 6, 8; P.A. 89-375, S. 4, 5; P.A. 01-161, S. 1, 4; P.A. 05-280, S. 56; P.A. 07-73, S. 2(b); P.A. 11-129, S. 20; P.A. 13-247, S. 68; P.A. 16-66, S. 37.)

History: P.A. 83-341 added Subsec. (b) concerning petitions for revocation of license; P.A. 89-375 substituted "necessary" for "two" in referring to staff persons; P.A. 01-161 applied provisions to child-care residential facilities and made technical changes, effective July 1, 2001; P.A. 05-280 amended Subsec. (a) by adding Subdiv. (3) re zoning regulations pertaining to any community residence that houses six or fewer persons receiving mental health or addiction services and by making technical changes and amended Subsec. (b) by adding Subdiv. (3) re the ability of a resident of a municipality to petition the Commissioner of Mental Health and Addiction Services to withdraw funding from a community residence not operating in compliance with the provisions of a governing statute or regulation, effective July 1, 2005; pursuant to P.A. 07-73 "Commissioner of Mental Retardation" was changed editorially by the Revisors to "Commissioner of Developmental Services", effective October 1, 2007; pursuant to P.A. 11-129, "mentally retarded persons" was changed editorially by the Revisors to "persons with intellectual disability" in Subsec. (a); P.A. 13-247 amended Subsec. (a) to add Subdiv. (4) re hospice facilities; P.A. 16-66 amended Subsec. (a)(4) to replace "inpatient" with "licensed", to replace "facility" with "residence", to add Subpara. (D) re constructed in accordance with building codes for occupancy by six or fewer persons not capable of self-preservation and to make conforming changes.

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September 3, 2020

Ms. Danielle Dobin, Chairperson
Planning and Zoning Commission
Westport Town Hall
110 Myrtle Avenue Road
Westport, Connecticut 06880

Re: **Text Amendment #781 to modify Section 5-2, Special Needs Individuals and Section 32-27, Special Needs Housing**

Dear Ms. Dobin:

We are in receipt of the above referenced referral dated September 3rd, 2020.

The Connecticut Metropolitan Council of Governments has reviewed the proposed text amendments to modify definitions and language of sections §5 and §32-27.1 pertaining to "Special Needs Individuals" and "Special Needs Housing" of the Westport Zoning Regulations proposed by Redniss & Mead. According to the proposed amendments, the applicant is seeking to include language to further identify and broaden the definition of individuals labeled as "special needs" in accordance with Connecticut General Statutes. Additionally, this amendment seeks to broaden the applicability for locations where Special Needs Housing is permitted to included town owned properties. By doing so, the town is able to allow the applicability of the regulation to facilitate and a more comprehensive discussion of properties within the municipality, while also maintaining the decision to limit the scope. Furthermore, this amendment serves in addressing several goals identified within the Town of Westport's Plan of Conservation and Development referencing housing needs and types, namely sections 10.4 and 10.5.

Based on our review of the proposed amendments we have determined that the modification and inclusion of new language to sections §5 and §32-27.1 "Special Needs Individuals and "Special Needs Housing" within the Town's Zoning Regulations **is not** regionally significant.

If you have any questions, please do not hesitate to contact me at 203-366-5405.

Sincerely,

Matt Fulda
Executive Director

cc: Ms. Mary Young, Planning & Zoning Director, Town of Westport
Ms. Michelle Perillie, Planning & Zoning, Town of Westport

DRAFT

Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145

September 3, 2020

Via E-mail mfulda@ctmetro.org

Matthew Fulda, Executive Director
MetroCOG
1000 Lafayette Boulevard
Bridgeport, CT 06604

RE: Notice Concerning the Filing of Text Amendment of Text Amendment #785/PZ 20-0614 (Remove §4-5, Maximum Allowable Multi-family Dwelling Units in the Westport Zoning Regulations and References)

Dear Mr. Fulda:

Please find the attached application materials for Text Amendment #785 authored by Planning and Zoning Commission, proposing to remove §4-5, Maximum Allowable Multi-family Dwelling Units, and references found in §19B-8.9, Application Requirements, Residential-Rental Housing Opportunity /Workforce Zone (R-RHOW) and §32-15B.18, Exemptions, Age Restricted Housing (ARH).

The following material are attached:

- Text Amendment #785, dated 9/3/20
- Text Amendment #780 Explanatory Statement, dated 9/3/20

The Planning and Zoning Commission's public hearing is scheduled for **October 8, 2020**. Please return written comments to me at mperillie@westportct.gov.

Sincerely,
Michelle Perillie
Michelle Perillie AICP CFM
Planner

Attachments

Text Amendment #785/#PZ-20-_____

Submitted: _____

Received: _____

Public Hearing: _____

Adopted: _____

Effective date: _____

Deleted language is [~~struck out and in brackets~~]; New language is <u>underlined</u>.

§4 ESTABLISHMENT OF ZONING DISTRICTS AND MAP

~~§4-5, Maximum Allowable Multi-Family Dwelling Units~~

~~The total number of multi-family dwelling units in all zoning districts throughout the Town of Westport shall not exceed 10% of the total number of single-family dwellings within the Town of Westport as reported in the most recent official U.S. Census of Housing Data for the Town of Westport.~~

~~The following shall be exempt from this requirement:~~

1. ~~Multi-family affordable housing units defined as assisted housing, which means housing which will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing and any housing occupied by persons receiving rental assistance under Chapter 319 of Section 1437F of Title 42 of the United States Code, or currently financed by Connecticut Housing Finance Authority mortgages or subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income. Median income means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development.~~

2. ~~The first two-hundred (200) multi-family units approved under §32-15B, Age-Restricted Housing, per §32-15B.18, Exemptions and/or dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities. (778, 06/03/2020)~~

§19B RESIDENTIAL-RENTAL HOUSING OPPORTUNITY / WORKFORCE ZONE (R-RHOW)

§19B-8 Application Requirements:

~~19B-8.9 An application for site plan approval submitted pursuant to §19B shall not be subject to the multi-family housing restrictions of §4-5, or any other regulatory restriction on, or prohibition of, multi-family housing.~~

§32 SUPPLEMENTARY USE REGULATIONS

§32-15B Age Restricted Housing (ARH)

~~32-15B.18 Exemptions~~

~~The first two-hundred (200) units approved for seniors under this regulation shall be exempt from §4-5, Maximum Allowable Multi-Family Dwellings. The exemption shall be effective from the date of approval and it will be on a first come-first serve basis. Such approval shall become null and void if a zoning permit is not secured within one (1) year. If the approval becomes void, the exemption from the §4-5, Maximum Allowable Multi-Family Dwellings, is also void and the project must repeat the approval process.~~

September 3, 2020

Town of Westport
Planning & Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
(203) 341-1030 Facsimile (203) 454-6145
www.westportct.gov

MEMORANDUM

TO: **Whom it May Concern**

FROM: Michelle Perillie, Planner AICP CFM

DATE: MAY 29, 2019, REVISED SEPTEMBER 3, 2020

SUBJECT: §4-5, Maximum Allowable Multi-Family Dwellings, Zoning History

The following is a chronology of the adoption of §4-5, Maximum Allowable Multi-Family Dwellings:

8/29/83 Adoption by the Planning and Zoning Commission of Amendment #298A (Appl. #83-565-A), submitted by the Planning and Zoning Commission, to adopt various provisions of the regulations including the adoption of §4-5, Maximum Allowable Multi-Family Dwellings. The amendment became effective on 8/29/83. The resolution stated the amendment was adopted for the following reasons:

1. To plug loopholes, tighten certain standards, eliminate conflicts and clear-up ambiguities in the regulations;
2. To make such revisions as are necessary to satisfy the requirements of State Statutes relative to historic factors, energy conservation and Coastal Area Management;
3. To further reduce adverse impacts from commercial development;
4. To provide additional safeguards and standards for uses in residential areas;
5. To reduce adverse impacts on environmentally sensitive lands;
6. To prevent the overcrowding of land; and
7. To promote the public health, safety and general welfare of the community.

6/21/91 Adoption by the Planning and Zoning Commission of Amendment #406 (Appl. #91-45), submitted by the Planning and Zoning Commission which substitutes "most recent" for date of 1980. The amendment became effective on 6/21/91.

6/28/07 Adoption by the Planning and Zoning Commission of Text Amendment #570 (Appl. 07-025) submitted by the Planning and Zoning Commission which exempts any existing and proposed multi-family affordable housing from the cap. The amendment became effective on 8/3/07.

9/1/16 Adoption by the Planning and Zoning Commission of Text Amendments #714 and #715 which proposed a new Article §19B, Residential-Rental Housing Opportunity/ Workforce Zone District (R-RHOW) as provided by Section 8-30g of the Connecticut General Statutes and located this new zoning district at 1177 Post Road East. The text amendment was adopted including language with exempts all dwelling units proposed within this zone from inclusion in the multifamily dwelling units subject to §4-5.

10/20/16 Adoption by the Planning and Zoning Commission of Text Amendment #721 (Appl. #16-033) submitted by the Planning and Zoning Commission which modified to the section to exempt the first 200 senior units from the multi-family housing cap. The amendment became effective on 11/20/16.

10/12/17 Adoption by the Planning and Zoning Commission of Text Amendment #739 (#17-050) submitted by Redniss and Mead which modified to the section to exempt dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities. The amendment became effective on 11/12/17.

Memorandum

To: Mary Young, Planning and Zoning Director

From: Michelle Perillie, AICP/CFM; Planner

Date: September 8, 2005, *revised August 28, 2020*

Re: **Maximum Allowable Multi-Family Dwellings under §4-5**

---

§4-5, Maximum Allowable Multi-Family Dwellings, of the Zoning Regulations states,

> *"The total number of multi-family dwelling units in all zoning districts throughout the Town of Westport shall not exceed 10% of the total number of single-family dwellings within the Town of Westport as reported in the most recent official U.S. Census of Housing Data* for the Town of Westport.*
>
> *The following shall be exempt from this requirement:*
>
> *Multi-family affordable housing units defined as assisted housing, which means housing which will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing and any housing occupied by persons receiving rental assistance under Chapter 319 of Section 1437F of Title 42 of the United States Code, or currently financed by Connecticut Housing Finance Authority mortgages or subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income. Median income means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development."*

The 2018 American Community Survey of the US Census reported that there are ***9,289*** single-family, detached dwelling units in Westport. Therefore ***929*** multi-family units are now permitted in Town.*

At the 6/28/07 work session, the Planning and Zoning Commission approved Amend #570 which amended §4-5 of the Westport Zoning Regulations to exempt the dwelling units that are affordable in accordance with §8-30g of the CT General Statutes.

Amendment #619 creating the Inclusionary Housing Overlay District, which became effective on 12/3/10, requires that 20% of all residential units in a qualifying development be deed restricted as affordable in accordance with §8-30g of the CT General Statutes and that those deed restricted units are exempt from the multi-family cap. Four projects have been approved under these regulations to date located at 1135 Post Road East (12 residential units of which 2 are affordable), 785 Post Road East (14 residential units of which 3 are affordable) and 793 Post Road East (28 residential units of which 6 are affordable). The project being developed at 1141 Post Road East was formerly among the Inclusionary Housing projects listed above. Subsequently, the Planning and Zoning Commission approved an Assisted Living project (#18-007) at this location with two existing off-site single-family homes to be deed restricted as affordable units. This project will not include multi-family dwelling units.

During the 9/1/16 work session, the Planning and Zoning Commission approved Amendments #714 and #715 which proposed a new Article §19B entitled "Residential-Rental Housing Opportunity/Workforce Zone District," (R-RHOW) as provided by Section 8-30g of the Connecticut General Statutes, "Affordable Housing Land Use Appeals Procedure." and located this new zone district at 1177 Post Road East. The text amendment was adopted including language with exempts all dwelling units proposed within this zone from inclusion in the multifamily dwelling units subject

to the multi-family cap (Westport Zoning Regulation §4-5).

During the October 19, 2017 work session, the Planning and Zoning Commission approved Amendments #740 and #741 which proposed a new zoning district entitled "Business Center Retail Residential" (BCRR) and located this zoning district at 33 Elm Street. The Planning and Zoning Commission approved the Site Plan in Resolution #17-065 in a work session held March 15, 2018 to approve a mixed use building to contain four one-bedroom apartments, one of which is an affordable rental at 80% of State Median Income.

The Planning & Zoning staff research has determined that there are 1,220 approved multi-family dwelling units in town. Of these, 286 units are affordable and meet §8-30g of the CT General Statutes, and 65 additional market rate units have been approved in the R-RHOW zoning district and are therefore, not included in the calculation of the cap. The remaining 869 multifamily units count toward the cap.

The following are the multifamily units which are exempt from the cap:

3 Bradley Lane, 19 Indian Hill, 86 Saugatuck Ave	4 affordable + 16 market rate units
5 Canal Park (Canal Park)	50 affordable senior units
20 Cross Street	3 affordable + 7 market rate units
35 Elm Street	1 affordable + 3 market rate units
Hales Court	78 affordable units
201 Main Street	3 affordable + 11 market rate units
59 Post Road East (Bedford Square)	5 affordable + 21 market rate units
785 Post Road East	3 affordable + 11 market rate units
793 Post Road East	6 affordable + 22 market rate units
1135 Post Road East	2 affordable + 10 market rate units
1177 Post Road East	29 affordable + 65 market rate units exempt from cap
1480 Post Road East	7 affordable + 25 market rate units
1655 Post Road East (Hidden Brook)	35 affordable units
1655 Post Road East (Sasco Creek)	37 affordable + 15 market rate units
20 Ketchum St/518 Riverside Ave	3 affordable + 14 market rate units
553, 570 & 580 Riverside Ave/9 Ketchum St.	5 affordable + 22 market rate units
10 West End Avenue	6 affordable units
54 Wilton Road	2 affordable + 10 market rate units
41 Richmondville Avenue	7 affordable + 26 market rate units
	TOTAL: 286 affordable units and 65 market rate units exempt

Therefore, if you subtract the 869 approved affordable and market rate units from the 929 allowable, **60** additional market rate multi-family dwellings can be approved before the cap is reached.**

** As of the 2010, the American Community Survey of the US Census will be reporting the number of single-family detached dwellings. Data from the Westport Tax Assessor has been used to confirm the 2014-2018 ACS 5-year estimate.*

**As of 8/28/20, two §8-30g multi-family projects have been overturned by the court however the final resolution has not been determined so have not been added to this list. (*57,79 & 85 Post Road West/1, 19 & 37 Lincoln Street - 81units with 25 affordable and 122 Wilton Roads, 19 units with 6 affordable).*

Attached: Approved Multifamily Dwelling Units Spreadsheet, dated 8/28/20

Approved Multifamily Dwelling Units

ADDRESS	MAP	LOT	ZONE	# of UNITS	# of Afford Units	APPROVALS
3 Bradley Lane (19 Indian Hill & 86 Saugatuck Ave)	B6	139, 131, 119	R-AHZ/W	20	4	P&Z Res. #07-051 (4 of which will remain in 19 Indian Hill which were pre-1959 apts approved per Res. #93-014 in 4/15/93)
35 Bridge Street (Saugatuck School)	C06	109	A	36		P&Z Res. #89-005
Canal Street/Kings Highway North (Canal Park)	C11	061	A	50	50	P&Z
24 Compo Road North	D09	145	A	4		(3) pre-1930 apts and (1) pre-1959 apt
16 Crooked Mile Road	B16	053	AA	3		#07-027 - Pre-1959 (2)
10-12 Cross Highway	C12	92	A	5		P&Z Res. #91-120
14 Cross Highway	C12	91	A	4		P&Z Res.#91-108
8 Cross Street	C09	71	RORD#1	8		ZBA Variance #1081 - 1/8/59
20 Cross Street	C09	69	RORD#1	10	3	P&Z Res #98-016 (deed restricted affordable)
22 Davenport Avenue	B05	78	B	3		(2) pre-1959 apts - ZBA Variance #626 5/5/55
28 Davenport Avenue	B05	75	B	4		(4) pre-59 apartments - Res. #09-019
7 Dr. Gillette Circle	B05	42	B	3		ZBA variance #1558 9/7/62 and #3303 11/3/82
11 Dr. Gillette Circle	B05	44	B	3		ZBA variance #1558 9/7/62 and #3303 11/3/82
35 Elm Street	C10	157	BCRR	4	1	P&Z Res 17-065 3/15/17
13-15 Evergreen Avenue	D10	14	A	3		(3) pre-1930 apts - Ltr from P&Z staff dated 10/18/84
26 Franklin Street	B06	103	RORD#2	4		ZP #27928
0 Hales Court	D06	20	MHZ	78	78	P&Z Res. #08-104
5 Hiawatha Lane	B05	67	B	4		(3) pre-1959 apts - P&Z Res. #92-17 5/19/92
131 Hillspoint Road (Edgewater Commons)	E06	19	A	25		P&Z Res. #83-66
35 Kings Highway North	B09	69	AA	3		(3) pre-1959 apts - P&Z Res. #90-067 7/9/90
74 Kings Highway South	B07	2	A	3		(3) pre-1959 apts - P&Z Res. #97-101 10/21/97
1-17 Ludlow Road	C09	6	RORD#1	16		P&Z Res. #86-67-1 - 8/15/86
19 Ludlow Road (aka 130 Post Road West)	C09	5	RORD #1	8		P&Z Res. #05-041
7 Main Street	C09	134	BCD	12		P&Z Res. #05-056
90 Main Street	C10	147	BCD	8		P&Z Res. #86-47
201 Main Street	C10	91	RBD	14	3	P&Z Res. #17-033
345 Main Street (Coffee N)	C11	93	GBD	4		ZP #23017 4/26/90
79 Myrtle Avenue	D10	5	A	5		(4) pre-1959 apts - P&Z Res. #92-142 - 10/15/92
2-14 Post Road East (above Klaff's)	C09	131	BCD	10		ZP #15989 7/6/77
59 Post Road East (Bedford Square)	C09 C10	140 144		26	5	P&Z Res. #13-023 8/15/13
266 Post Road East	D09	130	BPD	2		P&Z Res. #03-025
281 (301) Post Road East (Playhouse "20")	D10	94	A	20		P&Z Res. #80-11 & ZBA variance #393
785 Post Road East	E09	191	IHZ	14	3	P&Z Res. #16-036
793 Post Road East	E09	193	IHZ	28	6	P&Z Res. #17-039a
1135 Post Road East	G09	27	IHZ	12	2	P&Z Res. #14-053
1177 Post Road East	G09	29	R-RHOW	94	29	P&Z Res. #16-011
1275 Post Road East (Harvest Commons)	G09	70	PRD	82		P&Z Res. #79-299
1400 Post Road East (Regents Park)	H09	20	PRD	81		P&Z Res. #82-23

Approved Multifamily Dwelling Units

ADDRESS	MAP	LOT	ZONE	# of UNITS	# of Afford Units	APPROVALS
1480 Post Road East	H09	16	GBD/A	32	7	P&Z Res. #19-028
1630 Post Road East (Lansdowne)	H08	75	PRD	90		P&Z Res. #80-10-3
1655 Post Road East (Hidden Brook)	H09	151	MHP	35	35	P&Z Res. #98-074
1655 Post Road East (Sasco Creek)	H09	151	MHP	52	37	P&Z #12-03 9(54 total units but 2 are not in multifamily bldg)
5-23 Post Road West	C09	118	GBD	9		ZP #25053 - 1/11/94
408 Post Road West (Terra Nova)	B07	41	PRD	54		P&Z Res. #02-105
16 Redcoat Road	B14	66	AAA	3		(2) pre-1959 apts and main unit - ZP #41259
41 Richmondville Avenue	C12	46	A/B	33	7	P&Z Res. #PZ-20-00132 6/25/20
44 Richmondville Avenue	C12	164	A	3		Pre-1930 (2) - Letter 4/8/04
54 Richmondville Avenue	C12	163	A	3		(3) pre-1930 apts - Ltr from P&Z staff dated 3/17/92
124 Riverside Avenue (The Convent)	C08	35	A	4		P&Z Res dated 5/16/68
222 Riverside Avenue	C08	31	RORD #3	15		P&Z Res. #05-009
20 Ketchum St/518 Riverside Avenue	B6	44,83,84,85	GBD/S	27	5	P&Z Res. #07-018
553, 570 & 580 Riverside Ave/9 Ketchum St.	B6	44, 84	GBD/S	17	3	P&Z Res. #19-049
1 St. John Place	C10	116	A	3		ZP #18548 - 4/28/83
82 Saugatuck Avenue	B06	120	GBD	3		(2) pre-1959 apts - Ltr from P&Z staff dated 4/2/92
83 Saugatuck Avenue	B06	107	RORD#2	3		ZBA Variance #4146 dated 1986
90 Saugatuck Avenue	B06	118	B	3		ZBA Variance #5697 dated 2000
98 Saugatuck Avenue	B06	116	B	3		(2) pre-1959 apts - ZBA variance #4853 1/25/94
105 Saugatuck Avenue	B06	113	RORD#2	6		ZBA variance #3069 - 7/25/79
218 Saugatuck Avenue	B05	15	AA	3		(2) pre-1959 apts - P&Z Res. #97-046 8/5/97
220 Saugatuck Avenue (Indian River Green)	B05	13	DDD#2	20		P&Z Res. #85-113 - 8/8/85
10 West End Avenue	B05	23	B	6	6	(3) pre-1930 units already and 3 new approved (6 total) per Res. #06-027
17 Whitney Glen Lane (Whitney Glen)	D09	158	A	62		P&Z Res. #83-77-3
5 Wilcox Lane	D08	35	A	3		(2) pre-1930 apts - Stipulation 10/4/01
10 Wild Rose Road	C11	165	A	3		(2) pre-1930 apts - Ltr from P&Z staff dated 3/25/85
54 Wilton Road	C10	073	GBD/R	12	2	12 Condominiums, P&Z Resolution #18-002, modified at 4/25/19 P&Z meeting
			TOTAL	**1220**	**286**	

List revised 2/15/19 based on review of department records : 28 Davenport Ave (3 units changed to 4), 35 Kings Hwy North (4 units changed to 3), 7 Main Street (11 units changed to 12), 90 Main Strret (7 units changed to 8), 73 Myrtle Avenue (5 units removed), 79 Myrtle Avenue (4 units changed to 5), 266 Post Rd East (3 units changed to 2), 40 Railroad Place (5 units removed), 16 Redcoat Road (5 changed to 3), 54 Richmondville Avenue (4 changed to 3), 260 Riverside Avenue (8 units removed), 24 Ludlow Road (modified # from 7 to 2 so removed from list as not mulit-family) and 59-73 Post Road West (8 units removed). List revised on 6/5/19 to update 54 Wilton Road pursuant to modified resolution #18-002 that reduced proposed density. List revised on 10/23/19 to update 553, 570 & 580 Riverside Ave/9 Ketchum St. pursuant to resolution #19-049 that reduced proposed density. List revised on 8/27/20 to update 41 Richmondville Avenue pursuant to PZ-20-00132.

Prepared by P&Z staff on September 13, 2005, revised August 28, 2020

Town of Westport
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
www.westportct.gov

TO: To Whom It May Concern

FROM: PLANNING AND ZONING COMMISSION

DATE: September 3, 2020

SUBJECT: **Explanatory Statement for Text Amendment #785, Removal of §4-5, Maximum Allowable Multi-Family Dwellings, §19B-8.9, Residential-Rental Housing Opportunity /Workforce Zone (R-RHOW) and §32-15B.18, Age Restricted Housing**

Text Amendment Background

Section 4-5, Maximum Allowable Multi-Family Dwellings, was adopted as part of a larger group of amendments by the Planning and Zoning Commission with Amendment #298A (Appl. #83-565-A), which became effective on 8/29/83. The larger group of amendments were adopted for the following reasons:

1. To plug loopholes, tighten certain standards, eliminate conflicts and clear-up ambiguities in the regulations;
2. To make such revisions as are necessary to satisfy the requirements of State Statutes relative to historic factors, energy conservation and Coastal Area Management;
3. To further reduce adverse impacts from commercial development;
4. To provide additional safeguards and standards for uses in residential areas;
5. To reduce adverse impacts on environmentally sensitive lands;
6. To prevent the overcrowding of land; and
7. To promote the public health, safety and general welfare of the community.

The original regulation read as follows,

> ***4-5 Maximum Allowable Multi-Family Dwellings***
>
> *The total number of multi-family dwelling units in all zoning districts throughout the Town of Westport shall not exceed 10% of the total number of single-family dwellings within the Town of Westport as reported in the 1980 official U.S. Census of Housing Data for the Town of Westport.*

Four amendments were approved by the Planning and Zoning Commission subsequent to its' adoption. In 1991, §4-5 was modified by Amendment #406 to substitute 1980 Census Data for "most recent" Census Data.

A major change to the regulation occurred in 2007 when Amendment #570 was adopted. This amendment exempted any existing and proposed multi-family affordable housing from the requirements of §4-5. The Resolution states "*the intended result of the amendment is to remove any obstacles that could prevent the creation of affordable dwelling units while simultaneously allowing for the residential housing inventory to remain predominantly low density single-family homes.*" This currently results in 296 dwelling units which are not included.

During the 9/1/16 work session, the Planning and Zoning Commission approved Amendments #714 and #715 which proposed a new Article §19B, Residential-Rental Housing Opportunity/Workforce Zone District (R-RHOW) as provided by Section 8-30g of the Connecticut General Statutes and located this new zoning district at 1177 Post Road East. The text amendment was adopted including language with exempts all dwelling units proposed within this zone from inclusion in the multifamily dwelling units subject to §4-5.

In 2016, the section was again modified by Text Amendment #721 (Appl. #16-033), this time to exempt the first 200 senior units from the multi-family housing cap. This currently results in 86 senior dwelling units which are not included.

Lastly, Amendment #739, adopted 10/12/17, modified to the section to exempt dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities.

The 2018 American Community Survey of the US Census reported that there are ***9,289*** single-family, detached dwelling units in Westport. Therefore ***929*** multi-family units are now permitted in Town.

The Planning & Zoning staff research has determined that there are 1,220 approved multi-family dwelling units in town. Of these, 286 units are affordable and meet §8-30g of the CT General Statutes, and 65 additional market rate units have been approved in the R-RHOW zoning district and are therefore, not included in the calculation of the cap. The remaining 869 multifamily units count toward the cap. Therefore, if you subtract the 869 approved affordable and market rate units from the 929 allowable, **60 additional market rate multi-family dwellings can be approved before the cap is reached.** *See attach Multifamily Cap Memo and Spreadsheet, dated 8/28/20.*

Two developments were approved by the court but have not been added to this list. (*57,79 & 85 Post Road West/1, 19 & 37 Lincoln Street - 81units with 25 affordable and 122 Wilton Roads, 19 units with 6 affordable)*. **<u>The addition of these market rate units to the calculation will exceed the 10% allowable multi-family units.</u>**

Subcommittee Background

The Affordable Housing Subcommittee of the Planning and Zoning Commission was created at the Annual Meeting held in January 2018 by P&Z Member Danielle Dobin who offered to serve as Committee Chair. Additional members include Michael Cammeyer, Chip Stephens, Jon Olefson and Neil Cohn. The Subcommittee created the following Mission Statement and Committee Objectives:

Mission Statement:

To encourage the pro-active development and preservation of affordable housing choices for the present and future residents of Westport, including the development of affordable housing for families.

Objectives:

- *Work to spark a town-wide community conversation*
- *Engage the public in this debate with the goal of creating various affordable housing development strategies, specifically looking at public/private partnership as to how to achieve our next two to three certificates of compliance.*

During the 6/9/20 Subcommittee meeting, there was consensus that an amendment to remove §4-5 should be brought to the Planning and Zoning Commission. The Planning and Zoning Commission discussed the proposed amendment at their 6/11/20 work session and there was a sense of the meeting that the amendment should be submitted on behalf of the Commission.

Proposal

The amendment proposes deleting §4-5, Maximum Allowable Multi-Family Dwellings, in its' entirety as well as any references to the section including:

1. *§19B-8.9, Application Requirements, Residential-Rental Housing Opportunity /Workforce Zone (R-RHOW).*
2. *§32-15B.18, Exemptions, Age Restricted Housing (ARH).*

Benefits

Without any text change to §4-5, the only non-single family home development that will be permitted in the future shall be the development of affordable units. All other types of development, including townhomes, apartments and condominiums, will no longer be permitted.

The amendments are supported by the *2017 Plan of Conservation and Development* that cites increasing housing diversity to be an important goal:

Chapter 10, Guide Residential Development, states:

§10.1 Overview-Maintain the preponderance of single-family homes, increase housing diversity as to size of units and promote housing affordability; Pg. 79

§10.4, Monitor Changing Housing Needs; Pg. 85

§10.5, Continue to Address Housing Needs. Pg. 86

Recommendations to achieve these goals include:

- *"Seek ways to address changing housing needs while maintaining the character and integrity of Westport." Pg. 85*
- *"Consider ways of integrating affordable and workforce housing in future projects." Pg. 85*
- *"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*

Attachments:
Proposed Text Amendment, dated 9/3/20
History of §4-5, dated 9/3/20
Multifamily Cap Memo and Spreadsheet, dated 8/28/20

September 9, 2020

Ms. Danielle Dobin, Chairperson
Planning and Zoning Commission
Westport Town Hall
110 Myrtle Avenue Road
Westport, Connecticut 06880

Re: **Text Amendment #785 to remove Section §4-5, Maximum Allowable Multi-Family Dwelling Units in the Westport Zoning Regulations and References**

Dear Ms. Dobin:

We are in receipt of the above referenced referral dated September 3rd, 2020.

The Connecticut Metropolitan Council of Governments has reviewed the proposed text amendments to remove the section §4-5 "Maximum Allowable Multi-Family Dwelling Units" and all subsequent references within the Westport Zoning Regulations proposed by the Westport PZC. According to the proposed amendments, the applicant is seeking to remove this section in order to allow for an increase in affordable housing developments to be built within the Town. This amendment would prohibit all other development types to be built such as townhomes, apartments, and condominiums. Furthermore, by removing this section it allows for the town to continue to meet the goals identified within the Town of Westport's Plan of Conservation and Development pertaining to the municipal housing stock. The POCD includes goals and objectives highlighted in sections 10.4 and 10.5 referencing maintenance of its preponderance of single-family homes by increasing the housing diversity for size of units and promotion of housing affordability, monitoring the changing housing needs of the town by seeking ways that are appropriate for the community.

Based on our review of the proposed amendments we have determined that the removal of this section §4-7 "Maximum Allowable Multi-Family Dwelling Units" and all subsequent refences to it within the Town's Zoning Regulations **is not** regionally significant.

If you have any questions, please do not hesitate to contact me at 203-366-5405.

Sincerely,

Matt Fulda
Executive Director

cc: Ms. Mary Young, Planning & Zoning Director, Town of Westport
Ms. Michelle Perillie, Planning & Zoning, Town of Westport

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