



Town of Westport Planning & Zoning Commission

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WESTPORT

Planning and Zoning Department Request for Comments

Date: March 4, 2026

From: Michelle Perillie, Planning and Zoning Director

RE: **Text Amendment #865 to modify §11-2.4.8A, Accessory Dwelling Unit (ADU) regulations, to remove the coverage exemption for lots up to 1 ½ acres**

- | | | |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | Operations Director- Tom Kiely, FYI | tkiely@westportct.gov |
| <input checked="" type="checkbox"/> | Town Attorney - Attn: Eileen Lavigne | elavigne@westportct.gov |
| <input checked="" type="checkbox"/> | Building Department - Attn: Peter Howard | poward@westportct.gov |
| <input checked="" type="checkbox"/> | Conservation Dept. - Attn: Colin Kelly | ckelly@westportct.gov |
| <input checked="" type="checkbox"/> | Finance Dept. - Attn: Gary Conrad, FYI | gconrad@westportct.gov |
| <input checked="" type="checkbox"/> | Fire Chief - Attn: Chief Nicholas Marsan, FYI | nmarsan@westportct.gov |
| <input checked="" type="checkbox"/> | Fire Marshal - Attn: Terry Dunn | tdunn@westportct.gov |
| <input checked="" type="checkbox"/> | Aspetuck Health District - Attn: Lucienne Bango | lbango@aspetuckhd.org |
| <input checked="" type="checkbox"/> | HDC/ARB/JOINT - Attn: Donna Douglass | ddouglass@westportct.gov |
| <input checked="" type="checkbox"/> | Human Services - Attn: Elaine Daignault, FYI | edaignault@westportct.gov |
| <input checked="" type="checkbox"/> | Parks & Recreation: Attn: Erik Barbieri, FYI | ebarbieri@westportct.gov |
| <input checked="" type="checkbox"/> | Police Dept. - Attn: Staff Corporal Alan D'Amura | adamura@westportct.gov |
| <input checked="" type="checkbox"/> | Police Dept. - Attn: Chief David Farrell, FYI | dfarrell@westportct.gov |
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| <input checked="" type="checkbox"/> | RTM P&Z Committee Chair - Matt Mandell, FYI | mmandell@westportct.gov |
| <input checked="" type="checkbox"/> | Town Attorney - Attn: <input checked="" type="checkbox"/> Nicholas Bamonte, FYI | nbamonte@berchemmoses.com |
| | <input checked="" type="checkbox"/> Ira Bloom | ibloom@berchemmoses.com |

Project Description:

Please find the attached application materials for Text Amendment #865, to modify §11-2.4.8A, Accessory Dwelling Unit (ADU) regulations, to remove the coverage exemption for lots up to 1 ½ acres.

The change also adds language clarifying that for an ADU constructed above a detached garage, the Building Area of the detached garage may exceed the Maximum Building Area set forth above, so long as the ADU does not exceed the Maximum Building Area.

Staff has recently encountered proposals to construct new ADUs on very small lots which does not preserve the neighborhood scale.

Attached herein for your review is:

- Explanatory Statement, dated 2/24/26
- Proposed Text Amend #865, dated 2/24/26

The hearing has been scheduled for Mach 30, 2026. Please return written comments to me at mperillie@westportct.gov.

All application materials are attached herein and are available on the Town's website, via this link: <https://www.westportct.gov/government/departments-a-z/planning-and-zoning-department/p-z-pending-applications-recent-approvals>



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: February 24, 2026
SUBJECT: Explanatory Statement for Text Amendment #865/P&Z Appl. #PZ-26-_____,
Modification to Accessory Dwelling Unit (ADU) Regulation regarding
Coverage Exemption and Building Area

Proposal

The proposed text amendment seeks to modify §11-2.4.8A, Accessory Dwelling Unit (ADU) regulations, to remove the coverage exemption for lots up to 1 ½ acres.

The change also adds language clarifying that for an ADU constructed above a detached garage, the Building Area of the detached garage may exceed the Maximum Building Area set forth above, so long as the ADU does not exceed the Maximum Building Area.

Staff has recently encountered proposals to construct new ADUs on very small lots which does not preserve the neighborhood scale.

Benefits

- **Preservation of Neighborhood Scale and Character:**
Removing the coverage exemption on smaller lots helps ensure that ADUs remain subordinate to the principal dwelling and do not visually or functionally dominate the site. This is particularly important in established neighborhoods with smaller lot sizes, where excessive building coverage can alter neighborhood character.
- **Consistency and Predictability in Application of Regulations:**
Eliminating the exemption creates clearer, more uniform standards across lot sizes, improving predictability for applicants and staff and reducing the need for interpretations or case-by-case determinations.
- **Mitigation of Overdevelopment on Constrained Lots:**
Very small lots often have limited buildable area due to setbacks, existing structures, wetlands, or other constraints. Applying building coverage limits to ADUs on these lots helps prevent overdevelopment and ensures adequate open space, light, and air.
- **Alignment with Infrastructure Capacity:**
Increased building coverage on small lots may intensify demand on parking,

drainage, and other site infrastructure. Applying coverage limits helps ensure that ADU development remains proportional to site capacity.

- **Reduction in Visual Bulk and Massing Impacts:**
When combined with prior amendments addressing height, separation, and roof form, the proposed change further mitigates cumulative massing impacts that can result from detached ADUs, especially on undersized parcels.
- **Clarification of Garage-Based ADU Standards:**
Explicitly allowing a detached garage to exceed the maximum building area when an ADU is located above it—while maintaining the maximum building area for the ADU itself—provides flexibility for functional garage design without increasing residential density or intensity beyond what is intended.
- **Protection Against Unintended Regulatory Outcomes:**
The amendment addresses regulatory gaps that have allowed proposals to technically comply with dimensional standards while producing outcomes inconsistent with the overall intent of the ADU regulations.

The 2017 Plan of Conservation and Development promotes housing diversity in Chapter 4, *“Maintain and Enhance Community Character”* which states:

“Maintain the preponderance of single-family home, increase housing diversity as to size of units and promote housing affordability.” Pg. 85

Background

- In 2021, the Planning and Zoning Commission adopted Text Amendment #791, pursuant to Res. #PZ-21-00164, which modified §11-2.4, *Permitted Accessory Building, Structures and Uses*, to allow Accessory Dwelling Units (ADUs) in detached structures with associated zoning standards subject to obtaining an administrative zoning permit. The amendment removed existing limitations on accessory buildings and structures exceeding 300 SF in size, exceeding one-story in height and no more than two water use fixtures to encourage ADU’s. The amendment also modified §11-2.4.12A, Accessory Apartment contained in the principal building, to increase allowable floor area from 800 SF to 1,500 SF or 25%, whichever is less, and to remove the requirement for Annual Certification.
- Text Amendment #798 modified §11-2.4.8A later in 2021 for clarification purposes by adding a definition for Accessory Dwelling Unit, modified §11-2.4.8 to restore zoning standards for allowable size and height for Accessory Buildings and Structures that are not Accessory Dwelling Units. The changes included the addition of language that states an accessory building or structure shall not exceed 300 square feet of gross floor area and shall not exceed one (1) story and a height of sixteen (16) feet; except for barns identified in §11-2.4.7. Lastly, the amendment added a new section number §11-2.4.8A to distinguish standards applicable to an Accessory Dwelling Unit.

- In July 2022, a Request for Interpretation was discussed by the Planning and Zoning Commission regarding Building Height for an ADU. This was preceded by the Planning and Zoning staff receiving a Zoning Permit application for an Accessory Dwelling Unit with a roof slope greater than 6:12 having a height of 26 feet. The applicant also proposed dormers on both sides of the accessory structure, ultimately creating a flat roof. The Commission weighed in on the importance of defining a dormer as it pertains to this section of the regulations, how big the dormer could be and what roof slope would be best for the dormer.
- In 2023, the Planning and Zoning Commission adopted Text Amendment #825, pursuant to Res. #PZ-23-00184, which modified §11-2.4.8A(a), to increase the building area from 650 SF to 850 SF for lots under an acre and a half; modified §11-2.4.8A(c), to clarify that only the main roof line must comply to the maximum roof heights for both types of slopes; replaced language following §11-2.4.8Ac, clarified under what circumstances a Special Permit must be sought from the Planning and Zoning Commission.
- Text Amendment #853 was adopted in June 2025, introducing a minimum 10-foot separation between the accessory dwelling unit (ADU) and the principal structure—excluding a covered pedestrian connection— which serves to mitigate visual bulk and reduce massing impacts on the lot, thereby enhancing spatial articulation and preserving neighborhood scale.

Changes to ADU Regulations: Text Amendment #865

Submitted: 2/24/26

Received: 3/2/26

Public Hearing: _____

Adopted: _____

Effective date: _____

**Note: Proposed new language is shown in red, highlighted, and underlined.
Proposed deletions are shown in [bracketed, struck through and highlighted]**

FROM CHAPTER 11, RESIDENCE AAA DISTRICT

11-2.4.8A, Accessory Dwelling Unit (ADU), See also §5-2, Definitions

An Accessory Dwelling Unit is permitted subject to issuance of a Zoning Permit, and compliance with the following standards:

- a. The Building Area of an Accessory Dwelling Unit shall not exceed the following:

Lot Size	Maximum Building Area of an Accessory Dwelling Unit
Lots up to and including 1½ acres (0-65,340 sq. ft.)	850 sq. ft. [, provided, however, that for the purposes of calculating Building and Total Coverage: the first 350 sq. ft. of any such accessory building or structure shall not be counted. The maximum footprint inclusive of 350 sq. ft. bonus is 850 sq. ft.]
Lots over 1½ acres (65,341 sq. ft. or greater)	1,000 sq. ft.

*** If an ADU is constructed above a detached garage, the Building Area of the detached garage may exceed the Maximum Building Area set forth above, so long as the ADU does not exceed the Maximum Building Area and complies with the Height set forth in §11-2.4.8A(c).**

- b. The Accessory Dwelling Unit may only have a single interior kitchen.

c. The maximum height for an Accessory Dwelling Unit shall be measured to the highest point of the roof, excluding dormers as permitted in §11-2.4.8A (i) and a cupola as permitted in §11-2.4.8A (h). The Accessory Dwelling Unit may not exceed the following height limitations:

Roof Type	Maximum Roof Height for an Accessory Dwelling Unit
Main Roof with a slope of 6:12 or greater	Twenty-six (26) feet
Main Roof with a slope of less than 6:12	Sixteen (16) feet

*For the purposes of this section only, the definition of Dormer is a roofed structure, often containing a window that projects vertically beyond the plane of a pitched roof.

Dormers are commonly used to increase the usable space and to create window openings in a roof plane.

Existing accessory buildings and structures, inclusive of barns, exceeding the standards listed in the tables above may be converted into an Accessory Dwelling Unit subject to Special Permit approval from the Planning and Zoning Commission.

d. Subject to Section 11-2.4.8A.(a) and (b) above, the accessory building or structure shall meet all setback, coverage, grading, drainage, and other requirements applicable to the property.

e. If the property is not on Town sewers, the property owner or their designee must obtain the Westport-Weston Health District approval for the septic system. State approval of the proposed septic systems may also be required pursuant to state statute.

f. If the property is on Town sewers, proof of the sewer hookup must be submitted to the P&Z Office by the property owner or their designee.

g. There are at least three (3) off-street parking spaces on the lot and proof of adequate parking must be submitted to the Planning and Zoning Office by the property owner or his designee.

h. Cupolas shall be permitted on accessory buildings provided that: (i) the cupola shall not be higher than 5 feet above the ridge line or highest point of the roof; and (ii) the cupola shall not exceed 5% of the footprint of the roof area of the building on which it is located, or 25 square feet, whichever is less. The cupola cannot be used for human habitation.

i. Dormers shall be exempt from maximum height on ADU's provided they are setback from the face of the building at least 1 foot and from the side of the building at least 2 feet. The dormer shall not exceed 60% of the footprint of the floor below and shall have a roof pitch of at least 3:12. The dormer is not permitted to exceed the height of the existing building ridge line and must not be technically or visually coplanar.

j. The provisions listed above may be modified for applications approved pursuant to §32-18. (Historic Residential Structures).

k. Only one accessory dwelling unit shall be permitted per lot.

l. Any accessory dwelling unit located in the Special Flood Hazard Area must be compliant with the floodplain regulations in §31-11. No additional building height is permitted for an existing or new structure located within the Special Flood Hazard Area when proposed to be floodplain compliant.