



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 #866 to modify Zoning Regulations relating to Building Height to Remove Number of Stories in Residential and Multifamily Development**

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Project Description:

Please find the attached application materials for Text Amendment #866, to modify sections of the Zoning Regulations relating to Building Height to remove number of stories in the Residential and Multifamily Developments submitted by the Planning and Zoning Commission.

This text amendment proposes to remove references to the maximum permitted number of stories in various residential zoning districts and to regulate building scale solely by maximum building height in feet, as measured pursuant to the Building Height definition in §5 of the Zoning Regulations.

Attached herein for your review is:

- Explanatory Statement, dated 3/4/26
- Proposed Text Amend #866, dated 3/4/26

The hearing has been scheduled for April 20, 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>

Memorandum

To: Members, Planning and Zoning Commission

From: Michelle Perillie, AICP CFM, Deputy P&Z Director

Date: March 4, 2026

Re: Explanatory Statement for Text Amendment #866 changes to Building Height

Proposal

This text amendment proposes to remove references to the maximum permitted **number of stories** in various residential zoning districts and to regulate building scale solely by **maximum building height in feet**, as measured pursuant to the Building Height definition in §5 of the Zoning Regulations.

1. Removal of Regulation on Number of Stories:

- The zoning regulations will no longer specify a maximum number of stories for buildings in residential zones and multifamily developments. This means buildings can potentially have more or fewer stories than previously allowed, depending on other height restrictions.

Purpose of the Amendment

The purpose of this amendment is to:

1. Eliminate Conflicting Standards

The current regulations impose both a maximum height (in feet) and a maximum number of stories. In practice, these dual standards can conflict, particularly where modern construction techniques, elevated first floors in flood zones, pitched roofs, or varying ceiling heights are proposed. Regulating by height alone provides a single, objective, and measurable standard.

2. Improve Clarity and Administrative Efficiency

Height in feet is a precise and consistently measurable metric. The definition of “story” can create interpretive challenges, particularly with:

- Split-level designs
- Finished lower levels
- Sloping lots
- Floodplain compliance and elevated structures
- Dormered or pitched roof designs

Removing story limitations reduces ambiguity and streamlines zoning review and enforcement.

3. Maintain Neighborhood Scale and Character

The amendment does **not** increase maximum permitted building heights. All existing height limits in feet remain unchanged. As such, overall building mass and visual impact will continue to be controlled through:

- Maximum height in feet
- Building coverage limitations
- Setback requirements
- Dormer limitations

4. Address Floodplain and Resiliency Conditions

In certain areas—particularly south of the railroad tracks and within Special Flood Hazard Areas—structures must elevate finished floors to meet Base Flood Elevation requirements. Strict story limitations may unintentionally restrict compliant designs. Regulating by height in feet allows continued flood resiliency while preserving overall scale.

5. Encourage Architectural Flexibility Without Increasing Intensity

The amendment allows flexibility in interior configuration (for example, usable attic space or varied ceiling heights) without increasing the total permitted building height or expanding development intensity.

Districts Affected

The amendment applies to residential districts where both height (in feet) and number of stories are currently regulated, including but not limited to:

- Residence AAA
- Residence AA
- Residence A
- Residence B
- Residence C
- Open Space Residential District (OSRD)
- Affordable Housing and Overlay Districts
- Mobile Home Park District
- Municipal Housing Zone
- Inclusionary and Adaptive Reuse Provisions

In each case, the proposed change removes the separate limitation on the number of stories while retaining the maximum height in feet.

Impact of the Amendment

- No increase in maximum permitted building height
- No increase in permitted density
- No change to setbacks, coverage, or lot size requirements
- Simplified and clearer regulatory framework
- Greater consistency in zoning interpretation

Conclusion

This amendment modernizes the residential height regulations by eliminating redundant and potentially conflicting story limitations while preserving existing height caps in feet. The change improves clarity, supports resiliency efforts, and maintains neighborhood character without increasing development intensity.

The current regulation on Building Height is onerous to both applicants and staff. Exorbitant costs are paid by residents so their consultants can confirm the Building Height complies with the zoning regulations.

The amendment may be considered consistent with the 2017 Plan of Conservation and Development that encourages zoning standards to be maintained, improved, strengthened where needed, and enforced. (Pg 5-1)

Changes to Remove Number of Stories from Res District and Multifamily Text Amendment #866

Submitted: 3/4/26

Received: 3/16/26

Public Hearing: 4/20/26

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 5, NON CONFORMING USES, BUILDINGS & LOTS

Building Height or Height:

The vertical distance measured in feet from the average existing level of the ground surrounding the building or addition thereto and within ten (10) feet thereof up to the midpoint height of a pitched roof or up to the level of the highest main ridge or peak of any other type of structure, or the total number of stories in a building including basements and/or half stories **for non-residential developments**. In cases of buildings with more than one pitched roof and/or dormer, all pitched roofs and/or dormers must comply with allowable building height. The number of points necessary for an "average" computation shall be based on appropriate contour intervals or spot elevations as required by the Planning and Zoning Commission. The existing level shall mean the actual or proposed elevations whichever is lower of the property at the time of application.

(Also see §**32-7** for satellite dishes and antennas prohibition). The provisions with respect to height shall apply to roof- top mechanical equipment but shall not apply to the following:

- Solar panels on a pitched-roofed building provided the highest point of the panels are located no higher than the roof ridge line;
- Solar panels on a flat-roofed building which do not extend more than 5-feet above the roofline of a flat-roofed building, provided that the panels are set back at least 6-feet from the edge of the roof on all elevations;
- Roof parapets and turrets 3 feet or less in height;
- Roof guards, as defined in the Building Code, and rooftop railings not to exceed the minimum height in the Building Code; provided that such railings or roof guards are not solid or opaque;
- Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
 - The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and
 - The structure shall fit within a 10' x 10' square; and
 - The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.
- Church spires and belfries, pole type TV antennas and chimneys.

(See Attic, Cellar, and Crawl Space)

Dormers are permitted for residential properties and mixed use developments 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. All dormers should not have a cumulative footprint that exceeds 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.

FROM CHAPTER 6, NON CONFORMING USES, BUILDINGS & LOTS

6-3.3 Height

The maximum height of the principal building located on a lot with a gross lot area as defined in APPENDIX D less than the required minimum gross lot area for that zone in a residential zone south of the railroad shall be as follows:

Lot Size Max.	Maximum Stories	Maximum Feet Building Height)
0-5,999	2	26'*
6,000-10,889	2	26'*
10,890-21,779	2	26'*
21,780-43,559	2½	30'*
43,560 or more	3	40'

* Building Height for principal buildings may be increased by up to an additional five feet; (Maximum of 31') for existing or new structure located within the Special Flood Hazard Area specifically, when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basement or cellar below BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in the one shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height as measured to average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation up to a maximum of five feet. Wet flood proofed enclosed spaces below the first floor with a head room of five feet or less shall not be considered a story. (See §5-2 Definition of Crawl Space).

FROM CHAPTER 11, RESIDENCE AAA DISTRICT

11-2.4.4

Detached private garages shall not exceed one story and a height of 16 feet unless they also contain an accessory unit that meets the requirements of Section 11-2.4.8A below, in which case, the garage shall be subject to the height limitations set forth in Section 11-2.4.8c below. Refer to section 5, Definition of Building Height.

11-2.4.8

Other buildings, structures and uses accessory to a permitted principal use, provided that:

- The accessory building or structure shall not exceed 300 square feet of gross floor area.
- The accessory building or structure shall not exceed one (1) story and a height of sixteen (16) feet; except for barns identified in §11-2.4.7 above. Refer to section 5, Definition of Building Height.

11-2.4.7

Barns that are designed, arranged and intended to be occupied and used solely for the storage of farm products and equipment, for feed, and/or for the housing of farm animals, or horses. Such barns shall not exceed 1,200 square feet of gross floor area; shall not exceed ~~two stories and~~ a height of twenty-four (24) feet and shall not include any bathroom facilities (toilet, tub or shower), kitchen facilities and/or central heating systems including electric baseboard. **Refer to section 5, Definition of Building Height.**

Barns existing as of April 24, 2023, may be converted into an Accessory Dwelling Unit (ADU) with bathroom(s), and kitchen facilities subject to the standards listed in §11-2.4.8A. (825, 05/22/2023)

11-5 Height (See §32-18 HRS, also)

No principal building or other structure shall exceed ~~three (3) stories and~~ a height of forty (40) feet. No accessory building or structure shall exceed ~~one story and~~ a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8. **Refer to section 5, Definition of Building Height.**

FROM CHAPTER 12, RESIDENCE AA DISTRICT

12-5 Height (See §32-18 HRS, also)

No principal building or other structure shall exceed ~~three (3) stories and~~ a height of forty (40) feet. No accessory building or structure shall exceed ~~one story and~~ a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8. **Refer to section 5, Definition of Building Height.**

FROM CHAPTER 13, RESIDENCE A DISTRICT

13-5 Height (See §32-18 HRS, also)

No principal building or other structure located north of the railroad tracks shall exceed ~~two and one-half stories (2-1/2) and~~ a height of thirty-five (35) feet. No principal building or structure located south of the railroad tracks shall exceed two (2) stories and a height of twenty-six (26) feet. No accessory building or structure shall exceed ~~one story and a~~ height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8. **Refer to section 5, Definition of Building Height.**

FROM CHAPTER 14, RESIDENCE B DISTRICT

14-5 Height

No principal building or other structure located north of the railroad tracks shall ~~exceed two and one-half (2-1/2) stories and~~ a height of thirty-five (35) feet. No principal building or other structure located south of the railroad tracks shall exceed ~~two (2) stories and~~ a height of twenty-six (26) feet.

No accessory [building](#) or structure shall exceed one story and a height of sixteen (16) feet. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 16, MOBILE HOME PARK DISTRICT (MHPD)

16-5 Height

No [building](#) or other [structure](#) shall exceed ~~one story and~~ a [height](#) of sixteen (16) feet, except [MHRUs](#), which shall not exceed ~~two (2) habitable stories and one (1) non-habitable story~~ and a height of twenty-five (25) feet. On MHRU sites where not less than 80% of the units affordable to [families](#) earning not more than 80% of the State Median Income, a height of ~~three (3) stories and~~ thirty-five (35) feet may be allowed adjacent to Non-Residential and MHPD zones and for MHRU buildings thirty (30) feet away from any single-family residence zone. In addition, New Mobile Home Replacement Units (MHRUs) not existing MHRUs may be replaced with ~~three (3) stories and~~ a permitted height of 35 feet if approved by the P& Z Commission, otherwise height shall be limited to ~~two and one-half (2.5) stories and~~ twenty-five (25) feet. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 17, OPEN SPACE RESIDENTIAL DISTRICT (OSRD)

17-6 Height

No [principal building](#) or other [structure](#) shall exceed ~~two (2) stories and~~ a [height](#) of thirty (30) feet, except that a pitched roof [building](#) may extend up to thirty-five (35) feet in height. No accessory building or structure shall exceed ~~one story and~~ a height of sixteen (16) feet. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 18, RESIDENCE C DISTRICT

18-6 Height

No [principal building](#) or other [structure](#) shall exceed ~~two and one-half (2-1/2) stories and~~ a [height](#) of thirty (30) feet. No accessory [building](#) or structure shall exceed ~~one story and~~ a height of sixteen (16) feet. On [lots](#) of two acres or more, no principal building or other structure shall exceed ~~three (3) stories and~~ a height of thirty-five (35') feet unless the Planning and Zoning Commission approves additional height up to forty (40) feet in conjunction with reduced [building coverage](#) and/or to accommodate sloping sites or floodplain conditions. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 19, AFFORDABLE HOUSING ZONE (R-AHZ)

19-11 Height

[Building height](#) shall not exceed ~~two and one-half (2 ½) stories and~~ a height of thirty (30) feet. Accessory [buildings](#) shall not exceed sixteen (16) feet ~~and one (1) story~~ in height. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 19A, RESIDENTIAL AFFORDABLE HOUSING ZONE/WORKFORCE (R-AHZ/W)

19A-5 Height

Building height shall not exceed ~~two and one-half (2½) stories and~~ thirty (30) feet unless in conjunction with reduced building coverage requirements below (see §19A-6), where height shall not ~~exceed three (3) stories and~~ thirty-five (35) feet. Accessory buildings shall not exceed sixteen (16) feet ~~and one (1) story~~ in height. **Refer to section 5, Definition of Building Height.**

FROM CHAPTER 19B, RESIDENTIAL -RENTAL HOUSING OPPORTUNITY/WORKFORCE (R-RHOW)

19B-3 Site Requirements:

- a. No parcel of land shall be rezoned to R-RHOW unless it satisfies the following:
- b. has a minimum lot size of 1.5 acres;
- c. has a minimum of 400 feet of frontage on the north side of the Boston Post Road;
- d. is within 400 feet of the intersection of Morningside Drive and the Boston Post Road;
- e. is within 650 feet of the intersection of Turkey Hill Road and the Boston Post Road; has access to existing public water and public sewer; ~~and:~~

~~f. Does not exceed four stories of livable floor area, not including below grade living area.~~

19B-4 Bulk, area, dimensional, and open space requirements:

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of an application:

- a. Minimum lot area 1.5 acres
- b. Minimum lot width 400 feet
- c. Minimum front setback 30 feet
- d. Minimum side setback 15 feet
- e. Minimum rear setback 30 feet
- f. Maximum building height 60 feet ~~or 4 stories~~ **Refer to section 5, Definition of Building Height.**
- g. Maximum impervious coverage: 80% of gross lot area

FROM CHAPTER 19C, SAUGATUCK VILLAGE DISTRICT

19C-5 BUILDING HEIGHT AND STORIES

The maximum building height of a principal building in an SV District, measured in compliance with the "Building Height" definition in §5 of the Westport Zoning Regulations, shall be fifty-two (52) feet, excluding ornamental chimneys and rooftop mechanicals, not to exceed eight (8) additional feet, including dunnage. ~~No building shall exceed four (4) stories, as defined in "Story"~~

§5, of these Regulations. If parking is located below a building, it shall be deemed a cellar as defined in these Regulations. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 20, MUNICIPAL HOUSING ZONE (MHZ)

20-5 Height

[Building height](#) shall not exceed [two \(2\) stories and](#) a height of twenty-six feet (26).

Accessory [buildings](#) shall not exceed sixteen (16) feet [and one \(1\) story](#) in height. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 32-12 INCLUSIONARY TWO-FAMILY AND MULTI-FAMILY DWELLINGS

32-12.4.1

For [buildings](#) within the GBD, RPOD, RORD, RBD, BCD and DDD #2 zoning districts, of which at least one-third (1/3) of the [floor area](#) is residential, a [height](#) of [three \(3\) stories and](#) thirty-five (35) feet is allowed. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 32-17 AFFORDABLE AND MIDDLE INCOME HOUSING ON TOWN-OWNED PROPERTY

32-17.6 Height

The [height](#) of an existing municipal [building](#) shall not be increased in the course of conversion except for necessary mechanical units, elevator shafts, skylights, solar panels and other similar features which shall not extend more than 4 feet above the height of the existing building. No new accessory building or [structure](#) shall exceed a height of either 12 feet to the top of a flat roof or 16 feet to the peak. Additions to a building cannot exceed the height of the existing building.

The height of new buildings shall not exceed [2 stories and](#) 26 feet in height. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 32-26 ADAPTIVE REUSE AND REDEVELOPMENT OF NONRESIDENTIAL BUILDINGS TO HOUSING

32-26.7 Height and Stories

To encourage compatibility with Historic Structures proposed to remain, redeveloped buildings may be allowed the same height [and stories](#) as the existing Historic Structures. Detached garage structures shall not exceed [1 story and](#) 23 feet. [Refer to section 5, Definition of Building Height.](#)

FROM CHAPTER 39A INCLUSIONARY HOUSING OVERLAY DISTRICT (IHZ)

39A-7 Height

39A-7.1

In order to retain the historic streetscape in the BPD and BCD/H zones, the [height](#) is restricted to that which is permitted in the underlying non-residential zoning district.

39A-7.2

For [buildings](#) within the GBD, RPOD, RORD, RBD, BCD and DDD #2 zoning districts, of which at least one-third (1/3) of the [floor area](#) is residential, a [height](#) of ~~three (3) stories and~~ thirty-five (35) feet is allowed. [Refer to section 5, Definition of Building Height.](#)

39A-7.3

For a [building](#) in which less than one-third (1/3) of the [floor area](#) is residential use, the [height](#) is restricted to that which is permitted in the underlying zone. The Res AA, A & B portion of the property is limited to ~~2 ½ stories and~~ a height of thirty-five (35) feet. [Refer to section 5, Definition of Building Height.](#)

39A-7.4

ALFCIL Facilities shall not be subject to sections [39A-7.1](#), 7.2, or 7.3 above but shall be limited to a [height](#) of thirty-five (35) feet. The Planning and Zoning Commission may allow up to forty-two (42) feet in height, provided that an additional two (2) feet of [building setback](#) for the side and [rear lot lines](#) is provided for every one (1) foot of additional height above thirty-five (35) feet, the front [street](#) setback is a minimum of forty (40) feet, and the third level is dormered to appear like a 2 ½ [story](#) building.

39A-7.5

At the discretion of the Planning and Zoning Commission an additional five (5') feet of height may be allowed to accommodate ADA compliant access to ~~second stories and~~ rooftops. [Refer to section 5, Definition of Building Height.](#) Nonconforming building height may remain and accommodate new building façade materials.