

PLPZ202000222 – Text Amendment - Accessory Dwelling Units

PURPOSE: The purpose of this amendment is to encourage the variety of housing opportunities particularly for the elderly and those of moderate income looking for affordable rental housing, while at the same time preserving the appearance and general character of the Town’s neighborhoods, through single accessory dwelling units which are incidental and subordinate to existing single family dwellings. The primary changes are to allow for the conversion of existing accessory buildings under 700 square feet to accessory dwelling units, and to allow for conversion of space within existing homes not to exceed 1,200 square feet or 35% of the dwelling, whichever is greater. The definition of “existing structures” is also proposed to be those on the tax rolls for at least 5 years from the date of application.

This is in keeping with Objective 2.3 of the 2019 POCD that reads: Facilitate housing options that encourage seniors to stay in Greenwich (“aging-in-place”) and are designed for enjoyment of all. And also, Objective 2.4: Support housing that is in keeping with the existing built environment, contributes to Town character, and is a more predictable product for both the neighborhood and developer.

Proposed text is in bold and deleted text is denoted via strikethrough.

ACCESSORY HOUSING

6-99. CONVERSION TO ACCESSORY HOUSING. (6/10/94 effective date)

(a) Accessory Housing – General

- (1) Purpose – This section is intended to aid the general welfare of the Town by **providing a variety of housing opportunities particularly for the elderly and those looking for affordable rental housing, while at the same time preserving the appearance and general character of the Town’s neighborhoods, through single accessory dwelling units which are incidental and subordinate to existing single-family dwellings.**
 - (i) ~~benefiting elderly persons by promoting the availability and maintenance of housing;~~
 - (ii) ~~benefiting persons of moderate income by increasing the supply of affordable rental housing in the Town; and~~
 - (iii) ~~helping to preserve older houses that give the Town much of its attractive character.~~
- (2) ~~Conversion – A Dwelling, One Family, constructed within lawful setbacks, or an accessory building thereto constructed within such setbacks as are required for the primary building, located in the RA-4, RA-2, RA-1, R-20, R-12, or R-7 zone, and which was listed with the Tax Assessor as of May 12, 2009, may be converted into a Dwelling, One Family, containing an accessory apartment, or an additional living unit by conversion of an accessory building, subject to, and upon~~

~~compliance with, the standards and procedures set forth below. For the purposes of this Section only, the term “converted unit” shall refer to the new living unit resulting from conversion and the term “primary unit” shall refer to the remaining living unit in the Dwelling, One Family, after conversion. (4/24/2013)~~

- (2) **Conversion of an area within a single-family dwelling or an area within an accessory building, subject to, and upon compliance with, the standards and procedures set forth below may be converted to an accessory dwelling unit. For the purposes of this Section only, the term “converted unit” shall refer to the new living unit resulting from conversion and the term “primary unit” shall refer to the remaining living unit in the Dwelling, One Family, after conversion.**
- (3) Standards, General – Also see subsections (b) (1) and (c) (1) below:
- (A) **The conversion is intended to create an accessory apartment, comprising a room or rooms arranged, designed, used or altered for one family, where said room or rooms contains a kitchen, and a bathroom with bathtub and/or a shower, a toilet and sink, that is clearly incidental and secondary to the primary unit so as to preserve the appearance of the Dwelling/accessory building and the single-family character of the Dwelling/accessory building and of its neighborhood. Accordingly, there shall be no exterior evidence of the accessory use that is visible from the street. ~~and no additional parking space may be created in the front yard.~~**
- (B) **Conversion to an accessory dwelling unit is only eligible in a structure constructed within lawful setbacks in the RA-4, RA-2, RA-1, R-20, R-12, or R-7 zone, which has been listed with the Tax Assessor for 5 full years at the date of application.**
- (C) The floor area of the converted unit **within a single-family dwelling** shall not exceed ~~the lower of 700~~ **1,200** square feet (~~however the Planning and Zoning Commission or designee may approve a floor area of the converted unit of up to 800 square feet upon good cause shown~~), but or 35% of the gross floor area of the original Dwelling, **whichever is less.**
- ~~(C) A converted unit in an accessory building in the RA-1, R-20, R-12 or R-7 zone shall only be permitted on a lot having at least twice the minimum lot size required by the zone and in the RA-4 or RA-2 zone on a lot having at least one and one-half times the required minimum lot size.~~
- ~~D) No other accessory use otherwise allowed on the premises by these regulations will be permitted under any section of these Regulations except a use permitted under Sec. 6-95(a) subsections (2); (3); (7); and (8).~~
- (D) **The floor area of the converted unit within an accessory building shall not exceed 700 square feet (however, upon good demonstrated cause, the Planning and Zoning Commission, or its designee may approve a floor area of the converted accessory building of up to 800 square feet).**

- (E) **The owner of record must reside in either the accessory dwelling unit or the primary dwelling. An affidavit acknowledging the residency is required from property owner.**
 - (F) **The accessory dwelling unit shall be accessible from the primary dwelling by an operable door.**
 - (G) **The primary dwelling unit and the accessory dwelling unit shall comply with Connecticut State building, health, and fire prevention codes.**
 - (H) **No additional driveway (curb cut) shall be created for the primary purpose of serving the accessory dwelling unit.**
 - (I) **There must be at least one off-street parking space on an appropriate solid surface, dedicated to the accessory dwelling unit.**
 - ~~(E) No ground floor garage space in a Dwelling or in an accessory building may be converted to living space to accommodate an accessory apartment.~~
 - (J) **Attached ground floor garage space in a Dwelling may be converted to living space to accommodate an accessory apartment only if there is the required, non-tandem, off-street parking provided on the property.**
 - (K) **If the property is not on Town sewers, the property owner or his designee must obtain the Health Department endorsement that the septic system is adequate to accommodate the accessory unit. If the property is on Town sewers, the owner or designee must obtain DPW Sewer Division endorsement that the sewer connection is adequate to accommodate the accessory unit. These endorsements must be submitted to the Planning and Zoning Office.**
 - (L) **A scaled floor plan indicating the floor area to be converted with in the Primary Unit shall be submitted. The drawing shall dimensionally indicate the size of the unit, area and the percentage of the gross floor area of the primary unit.**
- (4) Procedures, General – Also see subsection (c) (2) below.
- (A) No conversion contemplated by this Section shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued, until the owner of the building to be converted has received approval from the Planning and Zoning Commission or designee. Applicant shall first submit to the Town Planner or designee the required supporting data, including an Affidavit in the form prescribed by the Planning and Zoning Commission containing the certifications required by this Section. Any proposed conversion inconsistent with any of the standards of this Section or Section 15 shall be referred to the Planning and Zoning Commission for a formal site plan review.
 - (B) The owner shall file with the Zoning Enforcement Officer on or before July 1 of each year an Affidavit in the form prescribed by the Planning and Zoning Commission certifying that the primary and converted units are in compliance with the occupancy standards and the other requirements of this Section. (5/4/2005)
- (5) Duration – Any approval for a dwelling conversion issued hereunder shall be subject to automatic revocation upon:

- (A) The failure of the Owner of the converted building to file timely with the Zoning Enforcement Officer the annual Affidavit required by this Section; or
 - (B) Notwithstanding the filing of such Affidavit, a finding by the Zoning Enforcement Officer that the units do not in fact comply with said occupancy standards or other requirements.
- (b) Elderly Accessory Apartment
- (1) Additional Standards – Either the primary or converted unit shall be occupied by the owner and one of the units shall be occupied by a person 62 years of age or older.
- (c) Affordable Accessory Apartment
- (1) Additional Standards – The primary unit shall only be occupied by the owner and the converted unit shall be rented as affordable housing pursuant to the standards of this Section. The Town Planner ~~after consultation with the Town of Greenwich Community Development Office~~ shall annually publish a notice of (i) the maximum rents that may be charged for converted unit (including common charges, if any, and heat and utility costs, which may be by a reasonable estimate, and excluding telephone and cable television) and (ii) the maximum allowed tenant income, 80% of the area median income adjusted for family size as determined by the United States Department of Housing and Urban Development for the Stamford Statistical Metropolitan Area (SMSA).

The owner at the time that any new tenant takes occupancy shall sign and file with the Planning and Zoning Commission an Affidavit in the form prescribed by the Commission certifying that (i) the primary unit is occupied by the owner; (ii) the Affidavit or annexed lease accurately sets forth the rent to be charged and paid and such rent does not exceed the maximum allowable rent published by the Town Planner; and (iii) the tenant has certified under penalty of false statement either in the lease or otherwise to the owner that tenant's family income does not exceed the maximum allowed tenant income. It shall not be a violation of this Section that a tenant's income exceeds 80% of the area median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the Stamford Statistical Metropolitan Area, after initial occupancy provided that the tenant meets all requirements at the time of initial occupancy.

- (2) Additional Procedures –
 - (A) No conversion contemplated by this subsection (c) shall occur, nor shall any associated ~~Building~~ **Zoning** Permit or Certificate of Occupancy be issued, until the owner of the building to be so converted has received approval from the Planning and Zoning Commission or designee under subsection (a) (4) above and has recorded a Declaration of Deed Restriction in the form prescribed by the Planning and Zoning Commission in the Greenwich Land Records.
 - (B) The Affidavits in Sec. (a) (4) (A) and (B) shall specifically contain a certification that (i) the primary unit continues to be owner-occupied, and

(ii) the rent does not exceed the maximum allowable rent in effect as of January 1 of that year as published by the Town Planner.

- (d) Conversion of an Elderly Accessory Apartment to an Affordable Accessory Apartment – When the owner of a dwelling with an elderly accessory apartment wishes to change its status to an affordable accessory apartment or the apartment is for any reason no longer in compliance with the occupancy standards and requirements in this Section for such use, the owner of such dwelling may register it as a dwelling with an affordable accessory apartment upon compliance with all the standards and requirements therefore in this Section, review and approval by the Planning and Zoning Commission or designee and the recording of a Declaration of Restrictions.
- (e) Conversion of an Affordable Accessory Apartment to an Elderly Accessory Apartment – When the owner of a dwelling with an affordable accessory apartment wishes to change its status to an elderly accessory apartment or the apartment is for any reason no longer in compliance with the occupancy standards and requirements in this Section for such use, the owner of such dwelling may register it as a dwelling with an elderly accessory apartment upon compliance with all the standards and requirements therefore in this Section and upon review and approval by the Planning and Zoning Commission or designee. The Planning and Zoning Commission or designee shall then record a Release of the Declaration of Restrictions on the Land Records.
- (f) Removal of Accessory Apartment – When an owner wishes to eliminate the accessory apartment (and, in the case of an affordable accessory apartment, release the Declaration of Restrictions on the Land Records) proof of the removal of the second kitchen and the restoration to its status before the conversion shall be submitted to the satisfaction of the Zoning Enforcement Officer. The Planning and Zoning Commission or designee shall record a Release of any Declaration of Restrictions on the Land Records after inspection and confirmation by the Zoning Enforcement Officer.