

Draft 04/28/2023

**Text Amendment PLPZ 2023 000 _____
Amend in its Entirety Section 6-99 – Accessory Dwelling Units – and Revise Related
Provisions of Sections 6-5, 6-95, 6-96, 6-98 and 6-101**

APPLICATION SUMMARY

At a public meeting of the Planning and Zoning Commission on October 13, 2022, Application PLPZ 2022 00459 was passed unanimously, to implement a moratorium of the existing Section 6-99 until April 15, 2023, to permit a reexamination of the operation of the section and obtain public input into the regulation and the policies underlying it. At a public meeting of the Commission on April 4, 2023, the moratorium was extended until July 15, 2023, to allow for public comment and modification of the proposed amendments to this regulation. Section 6-99 was most recently amended in April 2022.

This proposed Text Amendment is designed to provide greater flexibility under the regulation, and to expand housing opportunities in single family zones in furtherance of the 2019 Plan of Conservation and Development (“POCD”). This modification of the density permitted on certain single-family lots addresses the following concerns:

Expand housing stock in furtherance of POCD Principle 2: Develop housing opportunities for the future

- clearly define accessory dwelling unit (ADU) and Primary Unit (pre-existing or proposed single-family dwelling unit to contain an Internal ADU)
- distinguish between an ADU created by modification of a portion of an existing or newly built Primary Unit (Internal ADU) and an ADU adjacent to or separate from the Primary Unit (External ADU)
- add creation of an ADU by new construction to previously permitted conversion of existing structures, and encourage the adaptive use or respectful expansion of existing structures for both Internal and External ADUs
- allow an ADU as of right in each zone with conditions related to size of lot
- Special Permit applications would still available, subject to full P&Z review and approval consistent with the regulation’s conditions and objectives

Protect single family neighborhoods from crowding and congestion in furtherance of POCD Principle 1: Preserve our community character and sense of purpose (1.3); and POCD Principle 2.4: Support housing that is in keeping with the existing built environment

- limit of one ADU of any sort per property
- restrictions on architectural mass and size, and prohibition on street visibility, to ensure the unmistakable accessory nature of the secondary structure
- require owner to be resident in either ADU or Primary Unit
- require provision of some off-street parking in every case

This amendment proposes the following changes:

- 1) defines an accessory dwelling unit (“ADU”) both to distinguish it from uses that may appear to be similar, and to distinguish an ADU that is constructed as part of an existing primary single-family structure (“Internal ADU”) from an ADU newly constructed or converted in a separate attached or adjacent structure (“External ADU”);
- 2) permits new construction of an ADU in addition to conversions of or within existing conforming structures as permitted under the current regulation; and
- 3) establishes standards and requirements for as of right ADUs while protecting the essential qualities of single-family neighborhoods.

ACCESSORY DWELLING UNITS AMENDMENTS

Section 6-5(a) shall be amended as follows:

As used in this Article:

- () Accessory Dwelling Unit “ADU” shall mean a self-contained single-family dwelling unit permanently affixed to a foundation, comprising one or more rooms arranged, designed, used, or altered for one family, where said room or rooms contain a full kitchen, and a bathroom with bathtub and/or shower, a toilet and sink. An ADU is only permitted on a residential property currently containing or zoned for a single-family dwelling unit and is considered accessory to such unit. Any reference to “ADU” shall be deemed to refer to both Internal and External ADUs unless otherwise stated. ADU shall not count as a standalone unit or be part of a total unit count for zoning purposes.
- () External ADU shall mean an ADU contained in a new or pre-existing building accessory to a Primary Unit as defined in Section 6-5(a).
- () Internal ADU shall mean an ADU contained within the existing or proposed interior of a Primary Unit as defined in Section 6-5 (a).
- () Primary Unit shall mean, for a single-family Dwelling Unit that serves as the primary dwelling on a property and that includes an Internal ADU, that portion of the original or proposed structure not constituting an Internal ADU upon completion of the required modifications or construction.

Sec. 6-13 notes that site plans are required for 2+ units and subject to 6-98. If amended “primary units” would be the applicable units under this section.

Section 6-95(a) would be amended to change the reference in the introductory paragraph from Section 6-98(b)(1) to Section 6-98(a)(1).

Section 6-95(a)(5) would be amended to add, at the end of the section, “or such dwelling units comply with the requirements of Section 6-99.”

Section 6-96(1) would be deleted in its entirety and amended to read: “Separate servants’ quarters having housekeeping facilities unless such quarters satisfy the requirements of Section 6-99 hereof.”

Section 6-98(a)(3) would be amended to add at the beginning of the Section, “Other than creation of an ADU in conformity with Section 6-99 hereof,”.

Section 6-98(a)(4)(A) would be amended to add the following at the end of the Section: “or the construction of an ADU pursuant to Section 6-99, on a lot where one single-family Primary Unit exists.”

Section 6-98(a)(4)(B) would be deleted in its entirety.

Section 6-101(d) would be amended to add at the beginning of that Section the following: “Except as otherwise provided under Section 6-99 hereof,”.

The text of Section 6-99 would be superseded in its entirety as follows:

6-99. ACCESSORY DWELLING UNITS (---/2023 effective date).

(a) Accessory Dwelling Units – General

- (1) Purpose – This Regulation is intended to aid the general welfare of the Town by encouraging homeowners to provide additional housing opportunities, while at the same time preserving the architectural scale and physical characteristics of the Town’s single- family residential neighborhoods, through development of ADUs (as defined in Section 6-5(a)()) that are incidental and secondary in character to existing or proposed single-family dwellings.
- (2) Creation - Only one ADU, either External or Internal, is permitted on a property as an accessory to a single-family Dwelling Unit. The ADU can be created either by new construction or conversion of a portion of a Primary Unit or an existing conforming accessory structure.
- (3) Standards, General
 - (A) An ADU shall be clearly incidental and secondary to the Primary Unit to preserve the residential appearance of the Primary Unit and of the ADU as an accessory use, consistent with the physical site characteristics of single-family neighborhoods. Accordingly, there shall be no exterior evidence of the ADU that is visible from the street, such as two front doors.
 - (B) An ADU shall be constructed within lawful setbacks only on conforming lots in the RA-4, RA-2, RA-1, R-20, R-12, R-7, or R-6 zone.

- (C) Subject to any applicable limitations set forth herein, the maximum permitted floor area of an External ADU or an Internal ADU shall be as follows:
- (i) External ADUs in all residential zones shall be limited to 800 square feet so long as they do not create a nonconformity. However, upon good demonstrated cause [is this defined? It sounds like variance language?], the Planning and Zoning Commission, or its designee may approve a floor area of the proposed External ADU of up to 1,000 square feet.
 - (ii) Internal ADUs in the RA4, RA2, and RA1 Internal ADUs may be the *greater* of 1,200 square feet or 35% of the Primary Unit. In the R20, R12, R7 and R6, Internal ADUs shall be limited to the *lesser* of 1,200 square feet or 35% of the Primary Unit. In no instance shall an Internal ADU create a nonconformity as regards Section 6-205 of these regulations.
- (D) Upon an application for a Special Permit, the Planning and Zoning Commission may authorize an ADU (1) larger than that provided for under Section 6-99(3)(C) above, or (2) on a nonconforming lot, provided the proposal meets the standards of Section 6-17 and this Section 6-99, and upon an express finding that, by virtue of its scale, design, size or location on the site, the proposed ADU is compatible with its zone and, if External, it individually, or in combination with other accessory structures on the same property, maintains the appearance of being subordinate to the Primary Unit.
- (E) There must be at least one off-street parking space on an appropriate solid surface dedicated to the ADU. Should the ADU contain two or more bedrooms, additional parking shall be provided on site in accordance with Section 6-154. (F) The owner of record (the "Owner") must reside in either the ADU or the Primary Unit. An affidavit acknowledging the residency is required from the Owner.
- (G) The Primary Unit and the ADU shall each 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 ADU.
- (I) Attached ground floor garage space in a Primary Unit may be converted to an Internal ADU only if the required off-street parking is provided on the property.
- (J) 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 addition of an ADU associated with the Primary 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 ADU. These endorsements must be submitted to the Planning and Zoning Office.
- (K) A scaled floor plan satisfying the requirements of Sections 6-14 and 6-15 indicating the floor area to be used as an Internal ADU within the Primary Unit shall be submitted. The drawing shall dimensionally indicate the size of the Primary Unit, and the area and the percentage of the gross floor area of the ADU in the Primary Unit.
- (L) Except as may be permitted under Section 6-98(a)(4), an ADU shall not be permitted where it creates or expands an existing nonconformity.
- (M) An ADU shall be permitted in the R-6 zone only where the existing structure is a single-family dwelling. Upon addition of an ADU, any further construction on or

conversion of the ADU or Primary Unit into a two-family structure shall be prohibited. The property may not be diminished in size now or in the future. Tandem parking under Section 155(1)(d) shall be permitted.

- (4) Procedures, General –
- (A) No conversion or construction contemplated by this Section shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued, until the Owner has received approval from the Planning and Zoning Office. 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 or construction 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.
- (5) Duration – Any approval for an ADU issued hereunder shall be subject to automatic revocation upon:
- (A) The failure of the Owner to file timely with the Zoning Enforcement Officer any Affidavit required by this Section; or
- (B) Notwithstanding the filing of such Affidavit, a finding by the Zoning Enforcement Officer that the Primary Unit or ADU does not in fact comply with the occupancy standards or other requirements of this Section.