

## **Town of Waterford Existing Zoning Regulation 3.39 to be repealed**

### **3.39 ACCESSORY DWELLING UNIT (Effective 6/30/13)**

Accessory dwelling units shall be permitted in R-20, R-40, RU-120, and OS zoning districts in accordance with the standards contained herein, subject to the issuance of a Special Permit in conformance with Section 23 of these Regulations.

The purpose of the accessory dwelling unit is to allow flexibility in the design and construction of accessory housing on a lot and expand housing choices within the town to accomplish the housing goals of the approved plan of preservation, conservation and development.

#### **3.39.1 Submission Requirements**

In addition to the requirements of Sections 22 & 23, the Special Permit Application shall be provided in sufficient detail to determine compliance with the standards of Section 3.39.2 and shall include at a minimum, the following information:

- 3.39.1.1 Required application form, completed, signed, and dated accompanied by a fee(s), in accordance with Chapter 16.08 of the Waterford Code of Ordinance (see Section 26.6).
- 3.39.1.2 A copy of the deed for the subject parcel.
- 3.39.1.3 A sworn, notarized statement from the owner that they will reside in at least one of the dwelling units as a full time occupant, or they will not rent on a temporary basis the premises of the said unit at the subject premises as a condition of maintaining the validity of the accessory dwelling unit. This statement shall be placed on the Land Evidence Records against the name of the owner and shall only be released upon removal of the accessory dwelling unit or replacement with a similar statement executed by a subsequent owner. Failure to comply with the owner occupancy requirements herein shall be deemed a violation of these regulations.
- 3.39.1.4 Floor plans and building elevations, drawn to scale, indicating the interior and exterior use and appearance of the accessory dwelling unit. Exterior elevations shall indicate the type and color of siding existing and proposed, and other similar features including but not limited to windows, doors, shutters, trim, roof material, porches and decks
- 3.39.1.5 The commission may, when it is determined that the proposed accessory dwelling unit is in close proximity to the main building, require the submission of elevations that depict the locational relationship of each structure and size and style of the main building in relation to the size, scale, style and materials of the proposed accessory dwelling unit.

The plan shall include a calculation of floor area for the existing home and accessory dwelling unit with respect to compliance with Section 3.39.2.7.

- 3.39.1.6 Site plan drawn to scale in accordance with Section 22.

#### **3.39.2 Design Standards:**

- 3.39.2.1 The accessory dwelling unit shall be a permanent structure constructed on a concrete slab, crawl space, or basement, and shall be architecturally integrated with the main building on the lot and shall maintain the architectural style and be compatible with the appearance of the main building. The commission may waive this requirement if the applicant demonstrates the proposed architectural styles and colors are historically compatible, located and applied.

- 3.39.2.2 The accessory dwelling unit must be detached from the main building and there may be only one accessory dwelling unit permitted for each one family dwelling. Once a property is granted an approval for an accessory dwelling unit pursuant to this section, the property is thereafter prohibited from receiving approval for a new accessory apartment under Section 3.36 of these Regulations, unless the accessory dwelling unit was never constructed and the property owner abandons the approval granted under this section. The presence of a preexisting accessory apartment on a property that applies for the approval of an accessory dwelling unit pursuant to this section shall be taken into account by the Commission in determining whether the application complies with the Special Permit criteria in Section 23 of these Regulations.
- 3.39.2.3 All construction shall meet lot percent coverage, required minimum setback to the property lines, requirements applicable to main building for the zoning district in which the accessory dwelling unit is to be located.
- 3.39.2.4 The maximum height of an accessory dwelling unit shall be limited to 20 feet.
- 3.39.2.5 If the accessory dwelling unit is located within 100 feet of the main building, then the accessory dwelling unit shall be situated in a manner that complements the main buildings architectural mass and scale. Building walls between the main building and accessory dwelling unit shall relate to each other so the vertical planes are parallel.
- 3.39.2.6 The accessory dwelling unit shall be separated a minimum of 30 feet from the main building as measured from the building wall or projection from each, whichever is most restrictive.
- 3.39.2.7 The lot size shall be a minimum of 120,000 sf in the R-20 and R-40 Zoning District and 2 times the minimum lot size within the RU-120 and OS Zoning District; and
- a) Shall meet the minimum buildable area and minimum buildable square requirement in Section 3.34.3 for each dwelling unit and shall demonstrate compliance with the CT Public Health Code; and
  - b) No exceptions shall be permitted for the development of an accessory dwelling unit on lots that do not meet the minimum lot size requirements in this section.
  - c) Shall have its own water supply well.
- 3.39.2.8 The accessory dwelling unit shall be located behind the main building's front building wall.
- 3.39.2.9 The accessory dwelling unit shall clearly be the secondary and subordinate use. The minimum floor area for the accessory dwelling unit shall be 850 square feet in accordance with Section 3.5. The gross floor area for the accessory dwelling unit shall not exceed 1800 sf or 25% of the floor area of the main building on the property, whichever is less. Each accessory dwelling unit shall be designed to meet the minimum floor area requirements of the current Building Code.
- 3.39.2.10 Off-street parking shall include parking for two vehicles for each dwelling unit and shall be provided for the accessory dwelling unit in accordance with Section 20.3.a. Access from the public right-of-way shall serve both the main building and the accessory dwelling unit, and shall not be distinguishable as separate facilities.
- 3.39.2.11 Parking for the accessory dwelling unit shall be developed to conceal the parking areas from the main building and from the street. Plantings and buffer screening shall be used to create the separation and shown on the site plan.

3.39.2.12 Any accessory dwelling unit shall comply with all applicable state, local, health, building, and housing codes. In particular, for lots served by on-site septic systems, the design for the septic system to serve the accessory dwelling unit shall be approved by the Ledge Light Health District or its successor.