

PZC Sponsored changes related to changes of Public Act 21-29.

PZC Proposal:

Opt out of Section 6 of Public Act No 21-29 that allows as of right accessory dwelling units on single family zones subject to certain criteria

Public Act 21-29 creates a framework that requires town to approve Accessory Dwelling units (ADU) by right in every residential zone. The criteria in the law does not allow the town to require standards greater than what is currently in the regulations for single family pertaining – specifically related to increase setbacks, ownership requirement, lot coverage, building design, and landscaping screening.

The law does allow for town opt-out of the law provided the town receives a 2/3 vote from both the zoning commission and legislative body.

The PZC is proposing changes to the regulations to make the creation of accessory apartments easier and to meet the spirit of the law.

DRAFT Remove Section 7.1 Accessory and In Law Apartments

Add Section 3.2.3 Accessory Apartments

3.2.3 Purpose

The purpose of this section is to encourage the provision of moderately priced housing by allowing accessory apartments in all single-family residential zones.

3.2.3.1 Criteria for Approval

- A. An application shall be made for a zoning permit (~~or Commission approval~~) for an attached accessory apartment prior to the issuance of a building permit and are subject to the following restrictions and conditions:
1. ~~Either the primary dwelling unit or accessory apartment shall be owner-occupied~~ Or Either the primary dwelling unit or accessory apartment shall be owner-occupied. The Commission may waive this requirement in circumstances where the family situation changed (e.g. death of an owner). Upon resale of the property, the requirement of the house or unit being owner occupied would be in effect.
 2. The usable floor area of the accessory apartment shall ~~not be less~~ be no more than 30 percent of the usable floor area of the primary dwelling unit and/or shall be no more than 1,000 square feet (whichever is smaller). These areas shall be exclusive of garages, porches, or basements.
 3. The accessory apartment shall have no more than two bedrooms.
 4. The accessory apartment shall comply with Section 3.1.2A Residential Area, Density and Dimensional Requirements. Off street parking for one vehicle shall be provided for each bedroom in the accessory unit in addition to the parking required for the additional unit.
 5. When an accessory apartment is attached to a primary dwelling unit, the following shall apply:
 - a. The architectural treatment of the total structure shall be as to portray the character of a single-family dwelling unit.
 6. Residential properties with accessory apartments are not allowed to be used as short-term rental properties. Conversion to a condominium is prohibited.
- B. A detached accessory apartment application shall require the submission of a site plan to the Planning and Zoning Commission, must comply with above criteria A1 – A6, and is subject to the following restrictions and conditions:
1. Shall be located no closer than 30 feet from the property line;

2. Landscaping treatments may be required to provide a visual barrier along the property line to any adjacent residence located within 50 feet.

3.3.3.2 Reaffirmation of owner

All owners of dwelling units with approved accessory apartments shall reaffirm every 4 years to the Planning Department that 1 of the dwelling units is occupied by an owner of the property. This shall be done via a form letter that will be mailed by the Planning Department to the principal dwelling unit address. The Planning Department will generally provide such forms in summer of even-numbered years to all accessory apartment principal units.

3.2.3.3 Conversion of existing In-Law Apartments and Accessory Apartments

- A. Upon expiration of the five-year permit period of a lawful in-law apartment, the apartment would be considered an accessory apartment and subject to these regulations.
- B. Any in-law apartment or accessory apartment that was approved to be larger than 1,000 sf shall be considered a legal non-conforming accessory apartment.

Remove from Section 10.3 Definitions *In-Law Apartments*

Modify Section 3.1 Residential Zone Requirements

(a) 3.1.1 Permitted Uses, Impervious Coverage and Other Provisions

Uses within residential zones shall be governed by Table 3.1.1A. For uses requiring a Special Exception, see Section 8.4 Special Exception Standards and Procedures.

| Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions | | | | | | |
|---|--|-------|---|----|---------------------|-----------------------|
| P = Permitted SE = Special Exception Blank = Not Permitted | Zones RR = Rural Residential AA-30 = Limited Residential A = A-40, A-30, & A-20 Residential MF = Multifamily | | | | Impervious Coverage | Additional Provisions |
| Use | RR | AA-30 | A | MF | | |

(i) Residential

| | | | | | | |
|---|--------------------|--------------------|--------------------|----|-----|--|
| Accessory Apartments | SE P | SE P | SE P | | | See Article 7 Special Regulations. See Section 3.2.3 |
| Agri-Tourism | SE | | SE* | | | *Limited to A-40 zones. See Section 5.9 |
| Assisted Living Facilities | SE | SE | SE | SE | | See Article 7 Special Regulations. |
| Bed and Breakfast (for not more than 6 guests) | SE | | SE | | 10% | Provided that such use is served by public sewer and water facilities. Meals served shall be limited to breakfast. |
| Elderly Housing | SE | SE | SE | | 40% | See Article 7 Special Regulations. |
| Duplex Dwelling | SE | | | | | See Article 7 Special Regulations |
| Household Pets | P | P | P | P | | Excludes kennels |
| Horses and ponies for personal use, to include large domestic animal pets (3 or fewer) | P | P | P | | | See Article 7 Special Regulations. |
| Horses and ponies for personal use, to include large domestic animal pets (more than 3) | SE | SE | SE | | | See Article 7 Special Regulations. |
| In-Law Apartment | P | P | P | | | See Article 7 Special Regulations. A Special Exception is required in the event that any waiver is requested relative to the criteria of 7.1.3.A. |
| Multifamily Dwelling | | | | SE | | Accessory uses to dwellings as determined and approved by the Commission and which are intended and designed for the maintenance or operation of the property and/or the use of its residents are permitted. |

(a) 6.4.3 Minimum Number of Parking Spaces

In all districts, the minimum number of parking spaces shall be provided in accordance with the following schedules:

(i) Table 6.4.3A Minimum Required Parking Spaces – Residential Uses

| Use - Residential | Minimum Required Parking Spaces |
|---|---|
| One and Two-Family Dwellings including Accessory or In-Law Apartments | 2 spaces per primary dwelling unit; 1 space per bedroom in accessory apartment |
| Multi-family Dwellings ⁽¹⁾ | 2 spaces per dwelling unit |
| Multi-family Dwellings / SAMUD-OZ ⁽³⁾ | 1.7 spaces per dwelling unit, however, if shared parking, 1.75 spaces per two-bedroom dwelling unit, 1.25 spaces per one-bedroom dwelling unit, and 1.0 space per studio / efficiency dwelling unit |
| Assisted Living ⁽²⁾ | 1 space per 2 dwelling units |
| Bed and Breakfast | 1 space per guest bedroom |
| Home Occupations, Home Offices | 1 space per 160 square feet, or fraction thereof, of building floor area devoted to such use |
| Elderly Housing | 1 space per living unit plus 1 per employee |
| Independent Living | 1.25 spaces per dwelling unit |
| <p>⁽¹⁾ The Commission reserves the right to require up to 2½ spaces per dwelling unit. In addition to the minimum number of parking spaces required for passenger vehicles, the Commission may require a special area containing at least 1 parking space for every 10 dwelling units for the storage of recreational vehicles, boat trailers, and the like. This area may also be used for the parking of visitors' vehicles.</p> <p>⁽²⁾ The site plan shall demonstrate reserve parking equal to the primary parking in the event that additional parking is needed. (Shared parking facilities may be used to satisfy this requirement.)</p> <p>⁽³⁾ See Section 5.10 Specific requirements for a Sullivan Avenue Mix-Use Development in the GC Zone</p> | |