

Proposed Amendments to Section 3.3.2 Accessory Apartments
(Existing Text to be deleted is in *italics*. Proposed Text to be added is in **bold**.)
9-11-20, Revised and Adopted by the Zoning Commission 10-14-20
Effective Date 11-15-20

Section 3.3.2 ACCESSORY APARTMENT

~~(To be deleted) 3.3.2 Accessory Apartment:~~

~~An accessory apartment is a dwelling unit accessory and subordinate to a single detached dwelling for one (1) family. Such apartment shall conform to the following standards and is an additional use for which an APPLICATION for a ZONING PERMIT and a CERTIFICATE OF ZONING COMPLIANCE are required:~~

- ~~a. The single detached dwelling to which the apartment is accessory shall be located on a lot of 40,000 square feet or more, and either such dwelling or the apartment shall be occupied by an owner of the premises.~~
- ~~b. The apartment shall be located within, or in an addition to, the single detached dwelling and shall be provided with a kitchen and complete bathroom separate from such dwelling as well as with two means of egress including a separate outside door. The apartment shall be provided with two (2) off-street parking spaces in addition to the parking spaces required for the dwelling.~~
- ~~c. The single detached dwelling shall have no less than the minimum floor area as specified in Par. 4.6, and the accessory apartment shall have an additional minimum floor area of not less than 500 square feet but not greater than 60% of the floor area of the dwelling to which it is accessory. No accessory apartment shall be located in a basement or cellar unless such basement or cellar constitutes a story as defined in Par. 1.7.~~
- ~~d. The single detached dwelling and accessory apartment combination shall have a design that maintains the appearance of the premises as a single detached dwelling use. Outside doors for the apartment shall not be provided so that there are two (2) doors on the front facade of the dwelling unless the apartment is established by alteration of or addition to an existing dwelling having two (2) doors on the front facade, in which case one of the two (2) existing doors may be used for the apartment.~~
- ~~e. The APPLICATION for a ZONING PERMIT shall be accompanied by i) an affidavit of ownership signed by the owner of the premises and affirming intent that either such dwelling or apartment is to be occupied by an owner of the premises as the principal place of residence, ii) a certification from the Director of Health of the Town of Southbury that the water supply and sewage disposal systems serving the premises, either existing or any proposed construction or modification thereof, conform to current State Sanitary Code requirements and are adequate to serve both the single detached dwelling for one (1) family and the accessory apartment and iii) competent sketches, architectural drawings and/or photographs to show interior and exterior building plans including any alterations.~~
- ~~f. Issuance of a CERTIFICATE OF ZONING COMPLIANCE for an accessory apartment is conditioned upon requirement that i) in January of each odd numbered calendar year, the owner of the premises shall file with the Zoning Enforcement Officer a new affidavit of ownership of the premises and occupancy of either the dwelling or apartment by an owner as filed with the original APPLICATION for a ZONING PERMIT and ii) the CERTIFICATE OF ZONING COMPLIANCE automatically terminates when there is any change in ownership of the premises, provided however, that a new CERTIFICATE OF ZONING COMPLIANCE may be issued upon receipt of such affidavit from the new owner~~

(To Add) Section 3.3.2 – Accessory Dwelling Units

An Accessory Dwelling Unit, or ADU, is defined as an incidental and subordinate dwelling unit located on the same parcel of land as a principal single-family dwelling. An Accessory Dwelling Unit (ADU) may be permitted subject to issuance of a zoning permit by the Zoning Enforcement Officer and in accordance with the following standards:

Standard	Interior ADU	Attached ADU	Detached ADU
Definition	Located within the principal single-family dwelling in existing converted space	Located in an addition to the principal single-family dwelling	Located in a stand-alone building from the principal single-family dwelling either in an entirely separate building or within a detached building along with another use such as a detached garage or barn.
Maximum Floor Area	800 s.f. (the floor area of the ADU cannot exceed 50% of the floor area of the principal single-family dwelling)	800 s.f. (the floor area of the ADU cannot exceed 50% of the floor area of the principal single-family dwelling plus the addition)	1,200 s.f. (the floor area of the Detached ADU cannot exceed the floor area of the principal single-family dwelling)
Minimum Floor Area	200 s.f.	200 s.f.	200 s.f.
Maximum Number of Bedrooms	Two	Two	Two
Minimum Number of total off-street parking spaces for both the primary residence and the ADU. (garage parking can be included).	Four	Four	Four
Number of ADUs per property	One	One	One

Additional Standards:

- a. The owner of the dwelling must occupy either the primary dwelling or the ADU.
- b. The ADU cannot be located on a lot which is part of a common interest community.
- c. Annual certification shall be provided to the Zoning Enforcement Officer certifying the ADU is being used in compliance with these regulations.
- d. No additional curb cuts may be created to serve an ADU.

- e. Additional documentation to be submitted with an application for a zoning permit:**
- i. an affidavit signed by the owner of the premises and affirming intent that either the primary dwelling or the ADU is to be occupied by an owner of the premises as the principal place of residence;**
 - ii. certification from the Health District that the water supply and sewage disposal systems serving the premises, either existing or any proposed construction or modification thereof, conform to current State Sanitary Code requirements and are adequate to serve both the primary dwelling and the ADU;**
 - iii. competent sketches, architectural drawings and/or photographs with dimensions and floor areas showing interior and exterior building plans including any alterations.**