



DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Mark Wujtewicz, Planner

DATE: January 10, 2023

TITLE: Proposed Accessory Dwelling Unit Regulations

At the Planning and Zoning Commission meeting on October 13, 2022, the Commission reviewed and discussed proposed language presented in a draft dated August 31, 2022 with revision date December 13, 2022. That discussion included several points for further consideration in crafting language that addresses the effects and impact of the ability for property owners to construct Accessory Dwelling Units.

Accompanying this memo is the latest revision to the proposed language incorporating the changes that the Commission had discussed. In addition to the proposed language, there was also discussion regarding the method of calculating the floor area of the principal dwelling in order to determine the maximum floor area of the ADU. As a result of those discussions along with Staff input, it was determined that the Gross Floor Area of the Principal Dwelling would be used to calculate the maximum Gross Floor Area of the ADU. Upon further investigation by staff it was determined that the Gross Floor Area of a building as defined in the Zoning Regulations is *"The total floor area contained within the building as measured to the external face of the external walls."* This includes the cumulative area of all floors, deemed livable and non-livable. Non-livable area within a dwelling as determined by the Town of Waterford Assessor records would include such areas as garages, attics, crawl spaces, porches, decks, etc. The area of these non-livable portions of the principal dwelling are included in the overall Gross Floor Area as identified on the Town of Waterford Assessor Field Card. While the Commission made the determination to use Gross Floor Area of the Principal Dwelling in determining the size of an ADU, it was also the consensus of the Commission to include only livable area of the principal dwelling in calculating the maximum floor area of the ADU. Examples of current Assessor Field Cards are provided with this memo for reference. The Assessor Field Cards calculate "Living Area" separate from "Gross Area". It is recommended that all reference to "Gross Floor Area" in the proposed language be changed to "Living Area" as shown on the latest Town of Waterford Assessor Field Cards in order to accurately reflect the Commissions desire to utilize only the living area of the principal building.

Further review of the potential language changes also identified other impacted sections of the Zoning Regulations. Sections in the Zoning Regulations that specifically use the term “Accessory Apartments” will be amended to reflect the updated term of “Accessory Dwelling Units”.

Existing Section 3.39 will be repealed. This section is being replaced by the language proposed for Section 3.36. In addition, there are currently sections in the Zoning Regulations that refer to the former use of Accessory Dwelling Units as specially permitted uses in accordance with the repealed section 3.39 of the Zoning Regulations. These sections of the regulations will be removed with Section renumbering implemented as appropriate.

DRAFT Section 3.36 Accessory Dwelling Units (ADUs) August 31, 2022

Rev. October 11, 2022

November 15, 2022

December 13, 2022 rev.1

January 10, 2023

AMEND ADU definition in Section 1: An Accessory Dwelling Unit means a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations.

AMEND: Section 3.9.11: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 4.1.7: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 5.1.7: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these regulations.

Section 6.1.8: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these regulations.

Section 6A.4.6: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these regulations.

Section 7.1.9: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these regulations.

Section 7A.2.7: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these regulations.

Section 8.1.17: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these regulations.

Section 10.2.16: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these regulations.

Section 17.1.11: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these regulations.

REMOVE: Section 3.39: This section will be repealed and replaced by the amendments proposed for Section 3.36

Sections 3.9.12, 4.2.8, 5.2.11, 6.2.11, 17.2.3: These sections refer to the former Accessory Dwelling Units use that is now proposed within the amended Section 3.36.

3.36 ACCESSORY DWELLING UNITS (ADUs):

- a. ADUs shall be permitted in all districts where single family homes are permitted, in accordance with the standards contained herein, and in compliance with all applicable state, local, health, building and housing codes.

ADUs may be within a single family home or may be detached units.

3.36.1 Standards

3.36.1.1 No more than one attached and one detached ADU shall be permitted on a single parcel of land.

3.36.1.2 The ADU shall have a smaller ~~gross-floor~~living area than the principal building (single family home) existing on the same parcel and shall meet the minimum floor area requirements of the current Building Code. For the purpose of these regulations, the size of the living area shall be the Living Area of the structure as shown on the latest Town of Waterford Assessor Field Card.

3.36.1.3 ADUs are permitted to be serviced by the same water and sewer/septic system serving the principal building, provided the service meets current Public Health Code requirements.

3.36.1.4 All new construction whether attached to or detached from the principal building, shall meet all percent coverage and required minimum setbacks applicable to principal structures for the zoning district in which the ADU is to be located. For buildings located in a FEMA designated flood hazard area as defined under Section 25.3.3 of these Regulations, the plans and application submission shall reflect compliance with the requirements of Section 25.3.

- a. All new construction for attached ADU's shall meet the height requirements as defined in these regulations applicable to principal structures for the zoning district in which the ADU is located.
- b. The maximum height as defined in these regulations of a newly constructed detached ADU shall not exceed the height of the existing principal building or 20 feet whichever is greater.
- c. Buildings located in a FEMA designated flood zone AE, VE or both shall have the height measured from the Base Flood Elevation (BFE) plus Two (2) feet as shown on the latest version FIRM (Flood Insurance Rate Map)

3.36.1.5 Detached accessory buildings in existence prior to the effective date of these regulations may be permitted to be used as an ADU in accordance with the following:

a. For buildings located in a FEMA designated flood hazard area as defined under Section 25.3.3 of these Regulations, the plans and application submission shall reflect compliance with the requirements of Section 25.3.

~~a~~b. All new construction on a detached accessory building that conforms to all the applicable requirements for accessory buildings shall comply with all requirements of these regulations, except that the height as defined in these regulations shall not exceed the height of the existing principal building or 20 feet, whichever is less.

~~b~~c. For nonconforming detached accessory buildings, no increase in the area, any dimension or bulk of that portion of the structure which is nonconforming shall be permitted and all new construction shall comply with all requirements of these regulations, except that the height as defined in these regulations may be increased so as to not exceed the height of the principal building or 20 feet, whichever is less.

3.36.1.6 At least one parking space shall be provided for any ADU. Parking space surfaces shall be asphalt, concrete, pavers, turfstone, gravel, shells, or similar durable surface.

3.36.1.7 The ~~gross floor~~living area for an ADU shall not exceed fifty per cent of the ~~gross floor~~living area of the principal dwelling, or 1,500 square feet, whichever is less.

3.36.1.8 Where a residential property exceeds 5 acres, a detached ADU may be permitted that exceeds the ~~gross floor~~living area standard in 3.36.1.7 as follows:

Lot Size	ADU Gross floor Living area permitted as a percentage of the gross floor living area of the primary dwelling unit
5-10 Acres	50% or 1,800 sq ft whichever is greater
10+ Acres	50% or 2,000 sq ft whichever is greater

a Where a detached ADU is constructed in accordance with Section 3.36.1.8 and the living area of the newly constructed ADU exceeds the living area of the principal dwelling, for the purpose of these regulations the ADU shall be considered the principal dwelling and the principal dwelling shall be considered the ADU.

3.36.1.9 The exterior for any new structure or addition shall be designed to reflect and incorporate the architectural style and design of the principal structure.

3.36.2 Permit Submission Standards:

3.36.2.1 All applications for ADU's shall be made on an application form provided by the ~~Planning and Zoning Commission~~Zoning Enforcement Officer for a Zoning Compliance Permit and shall be accompanied by two sets of plans drawn to scale in compliance with the standards contained in Section 26.3 of the Zoning Regulations.

3.36.2.2 Two sets of floor plans and building elevation, drawn to scale, indicating the interior and exterior use and appearance of the building. Exterior elevations drawings, if required, shall reflect and incorporate the architectural style and design of the principal structure.

3.36.2.3 ADU's may be approved by Zoning Compliance Permit.

3.36.2.4 ADUs which require expansion of an existing structure or construction of a new structure are subject to design review by the Design Review Board (DRB). The DRB shall make a recommendation to the Zoning Official concerning design compliance in accordance with Section 3.36.1.9.

Building Information

Building 1 : Section 1

Year Built: 1993
Living Area: 3,136
Replacement Cost: \$499,393
Building Percent Good: 87

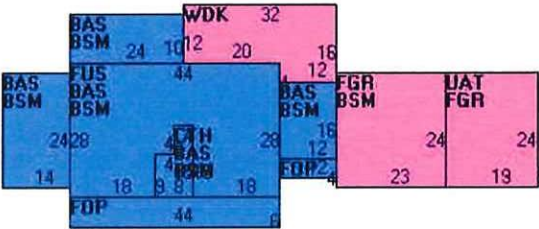
Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Grade:	B
Stories	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Arch Shingles
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC %	100
Total Bedrooms:	3
Full Bthrms:	3
Half Baths:	2
Extra Fixtures	3
Total Rooms:	9
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	1
Fireplace(s)	0
Extra Opening(s)	0
Gas Fireplace(s)	1
% Attic Fin	0
LF Dormer	0
Foundation	Poured Conc
Bsmt Gar(s)	0
Bsmt %	100

Building Photo



(<https://images.vgsi.com/photos/WaterfordCTPhotos/A00016418.jpg>)

Building Layout



(https://images.vgsi.com/photos/WaterfordCTPhotos/Sketches/4449_4449.jpg)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	2,000	2,000
FUS	Finished Upper Story	1,136	1,136
BSM	Basement	2,552	0
CTH	Cathedral Ceiling	96	0
FGR	Garage	1,008	0
FOP	Open Porch	312	0
UAT	Unfinished Attic	456	0
WDK	Deck	432	0
		7,992	3,136

Year Built: 1948
Living Area: 2,085
 Replacement Cost: \$279,871
 Building Percent Good: 72

Building Attributes

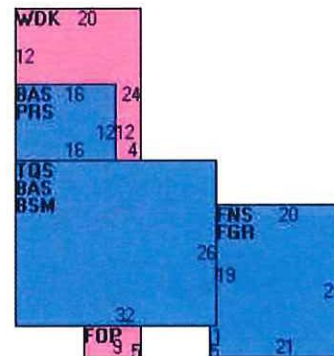
Field	Description
Style	Cape
Model	Residential
Grade:	C+
Stories	1.75
Occupancy	1
Exterior Wall 1	Vinyl Shakes
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Asphalt
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Pine/Soft Wood
Heat Fuel	Oil
Heat Type:	Hot Water
AC %	0
Total Bedrooms:	4
Full Bthrms:	3
Half Baths:	0
Extra Fixtures	1
Total Rooms:	8
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	1
Fireplace(s)	0
Extra Opening(s)	0
Gas Fireplace(s)	0
% Attic Fin	0
LF Dormer	40
Foundation	Conc Block
Bsmt Gar(s)	0
Bsmt %	100
SF FBM	367.00
SF Rec Rm	
Fin Bsmt Qual	Ave Quality
Bsmt Access	Walkout

Building Photo



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Building Layout



(https://images.vgsi.com/photos/WaterfordCTPhotos//Sketches/3718_3718.jpg)

Building Sub-Areas (sq ft)

Legend

Code	Description	Gross Area	Living Area
BAS	First Floor	1,024	1,024
TQS	Three Quarter Story	832	624
FNS	Finished 90% Story	485	437
BSM	Basement	832	0
FGR	Garage	485	0
FOP	Open Porch	45	0
PRS	Piers	192	0
WDK	Deck	288	0
		4,183	2,085