

**Exploration of Creating an Accessory Dwelling Unit Ordinance
for the West End Community:**

Recommendations from the ADU Subcommittee

December 5, 2007

Members of the ADU Subcommittee

Christy Rubenstein, Chair

Toni Gold

Chris McCarron

Tomas Nenortas

Charge of the ADU Subcommittee

At the September 25, 2007 meeting of the WECA Zoning Committee, Toni Gold presented information regarding accessory dwelling units (ADUs) and why WECA may choose to look further into ADUs. Some of the benefits of an ADU ordinance that were mentioned included:

1. ADUs provide a legal, healthy alternative to abusive and illegal conversions of large houses into rooming houses, halfway houses, etc.
2. ADUs provide a source of income that encourages owner-occupancy of large properties by making them economically feasible to restore and maintain.
3. ADUs provide for neighborhood diversity and affordable housing with no negative impact on neighborhood quality and stability.
4. ADUs make it economically feasible for many older and single people to age in place.

Based upon feedback from the attendees of that meeting, it was decided that a subcommittee would be formed to further examine the topic. The ADU Subcommittee was charged with exploring the possible elements that could be included in an ADU ordinance for the West End community. The Subcommittee is making recommendations, but further discussion of these recommendations by the community is needed.

Elements of an ADU Ordinance

The subcommittee examined ADU ordinances from 14 other towns in the Capitol Region area that have existing ADU ordinances, including: Avon, Bethel, Bloomfield, Bolton, Canton, Essex, Farmington, Granby, Hebron, Monroe, Newington, South Windsor, Wethersfield and Windsor.

The ordinances in these towns regulate items such as lot size, unit size, occupancy limits, structural limits, parking standards and permits, among other things. Reviewing these ordinances, along with model ordinances, the subcommittee took into account how such issues should be regulated in the West End. In particular, the subcommittee considered the following issues:

- Owner Occupancy – An ordinance could require that a residential unit that will have an ADU be owner occupied. Requiring owner-occupancy will help to ensure that the unit is maintained. It will also encourage higher standards of tenant selection.
- Configuration of units – An ADU may be required to include a kitchen, a separate bathroom, two means of egress and a separate entrance/exit limits.
- Parking – The provision of adequate parking will be important for both those living in ADUs and for those in surrounding residential units. Requirements could be placed on the number of spaces required to have an ADU and if these parking spaces can include on-street options.
- Occupancy Limits – Some towns restrict those that are allowed to live in ADUs to elderly or disabled residents, to moderate or low-income households or to family members.
- Number of Occupants – The number of people allowed to live in an ADU can be limited. Limiting the number of people allowed to live in an ADU will reduce the potential traffic, parking and other impacts. It will also clearly establish that residential units are not to be turned into rooming houses or boarding houses.

- Size of Units – Most ADU ordinances impose some limit on the size of the ADU unit, ensuring that it is an accessory to the main residential unit. Limitations on the maximum square footage will reduce the number of bedrooms and the resulting number of occupants. Limitations on the minimum square footage ensure that the unit is large enough to be an ADU.
- Size of Lots – Some ordinances include stipulations that only houses on lots of a certain size can have ADUs. Limiting the size of lots on which ADUs are allowed will help to ensure that lots are not overbuilt, if unattached outbuildings are converted to ADUs or additions on existing structures are built.
- Size of House – Some ADU ordinances state that only houses of a minimum or maximum size can have an ADU. The limit on house size may ensure that there is enough room in the main residential unit to have an ADU within that structure.
- Permitting – Permits would ensure that the City, community organizations and neighbors are aware of ADUs and if they have met the standards specified in the ordinance. Any permitting process undertaken should limit the administrative burden for the City while also ensuring that any ADUs added do not detract from the character of the neighborhood.
- Renewal/Change of Ownership – If a permitting process is adopted, there must be some way for new owners to let the City know that they plan to continue the use of an ADU. Certification would provide the City and neighbors with this information.
- Codes – There are a number of existing City codes – housing, building, fire – that govern the building and maintenance of housing and that must be followed by property owners.

Recommendations

The subcommittee is recommending two possible types of ADU ordinances that may address some issues facing the West End Community. These recommendations are based on responses at the September 25th Zoning Committee meeting addressing the issue of ADUs, at which community members expressed interest in ADUs allowed in existing outbuildings and as separate units within the main residential unit. The community may choose to move forward in exploring one, both or neither of these options.

Option 1: ADU Ordinance Allowing Conversion of Existing Outbuildings

The purpose of this option would be to allow homeowners in the West End to create accessory dwelling units in existing outbuildings, such as barns or garages. This option may allow residents who have large barn/garages that are disrepair to rehabilitate them, thus saving historic structures in the neighborhood. The following conditions would apply:

- Owner Occupancy - Owner-occupancy of the main residential unit would be required.
- Configuration - Unit must be configured to include a kitchen, a separate bathroom, 2 means of egress and a separate entrance/exit.
- Parking - At least one additional parking space must be provided on-site.
- Occupancy Limits - No restrictions on occupancy (not limited to elderly, affordable housing, disabled, relatives).
- Number of Occupants - Maximum of two unrelated persons OR three related persons.
- Size of Units – Units can be no less than 500 square feet and no more than 1000 square feet, but no more than one-third of square footage of the house.
- Permitting – A certificate of occupancy would be required for the unit. A special permit would be required for the conversion of existing outbuildings. Site plan review would be required if adding new entrance/exit to existing outbuilding.
- Renewal/Change of Owner – A certification of owner-occupancy would be required with certificate of occupancy. When there is a change in ownership, the new owner must get a new certificate of occupancy within 60-90 days if continuing the use of the ADU.
- Size of Lots - Minimum 10,000 square foot lot would be required for ADUs in unattached outbuildings.

- Size of House – There would be no minimum or maximums for the size of the house.
- Codes - All existing codes still apply. A waiver should be available to allow historic features of buildings to be maintained when converting existing spaces to ADUs, when health and safety are not jeopardized.

Option 2: ADU Ordinance Allowing ADUs Within Main Residential Unit

The purpose of this option would be to allow homeowners in the West End to create accessory dwelling units within the main residential unit, such as third floor apartments. While some third floor apartments being used in the West End can be used legally through grandfather clauses, many are operated illegally. This option would provide homeowners wishing to generate income by renting a third floor apartment a legal way to do so. The following conditions would apply:

- Owner Occupancy - Owner-occupancy of the main residential unit would be required.
- Configuration - Unit must be configured to include a kitchen, a separate bathroom, 2 means of egress and a separate entrance/exit.
- Parking - At least one additional parking space must be provided on-site.
- Occupancy Limits - No restrictions on occupancy (not limited to elderly, affordable housing, disabled, relatives).
- Number of Occupants - Maximum of two unrelated persons OR three related persons.
- Size of Units – Units can be no less than 500 square feet and no more than 1000 square feet, but no more than one-third of square footage of the house.
- Permitting – A certificate of occupancy would be required for the unit. Site plan review would be required if adding new entrance/exit to main residential unit.
- Renewal/Change of Owner – A certification of owner-occupancy would be required with certificate of occupancy. When there is a change in ownership, the new owner must get new certificate of occupancy within 60-90 days if continuing the use of the ADU.
- Size of Lots – No limit for apartments within main residential unit.

- Size of House – There would be no minimum or maximums for the size of the house.
- Codes - All existing codes still apply. A waiver should be available to allow historic features of buildings to be maintained when converting existing spaces to ADUs, when health and safety are not jeopardized.

Other ADU Options

There are a number of other types of ADUs that could be allowed in an ordinance.

Note: the options are not being recommended by the subcommittee, but are presented as options should the community be interested in expanding the discussion. Other types of ADUs include:

- Addition to house
- Addition to garage
- New structure that must include a garage

- New structure
- Basement unit

Enforcement

A number of issues were raised in the initial meeting to discuss a possible ADU ordinance for the West End Community, including the enforcement of an ordinance. Some residents expressed concern that an ADU ordinance would be used by property owners to turn homes into boarding houses or rooming houses. The subcommittee has attempted to address these concerns by crafting recommendations that are fairly restrictive. Any ADU ordinance would probably be enforced in the same way that zoning violations are currently enforced. The City operates on a complaint driven basis, which is unlikely to change. The subcommittee has attempted to draft an ADU ordinance that could not be used by property owners to justify their attempts to convert properties into rooming houses or boarding houses. If such an attempt were to occur, concerned residents would lodge a complaint and go through the same process as is currently done to resolve the situation.

Current Zoning

It should be noted that many areas in the West End Community are designated as R7 and R8 districts under current zoning. The R7 and R8 districts have density levels of 5.8 families per acre and 3.6 families per acre, respectively. If ADUs are created in houses in these districts, the family density may exceed that allowed under zoning. We recommend that the City allow for density levels in those areas to exceed existing zoning requirements when ADUs are created.