

**Summary of Recommendations from Zoning Review Committee (ZRC)**

Below is a summary of the recommendations from the December 5<sup>th</sup> and 12<sup>th</sup> ZRC meetings. In summary the ZRC recommends the Planning Commission approve the Zoning Ordinance Amendment with the following modifications.

Zoning Districts/§1271(a) - The ZRC recommends adding single family homes in the R-5 zoning district as eligible for accessory apartments. This would not include other residential use types in the R-5 district such as two-family dwellings.

Non-Conforming Lots/§1271(b) - The ZRC recommends allowing accessory apartments on non-conforming lots. Any single family home in a qualifying zoning district that is non-conforming with regard to lot size could have an accessory apartment. However, any new construction would be required to comply with the development standards for the district and could not exacerbate any other existing non-conformity such as non-conforming setbacks, non-conforming lot coverage or non-conforming floor area ratio.

Owner Occupancy/§1271(c) - The ZRC recommends allowing the property owner to occupy either the primary structure or the accessory apartment with no restriction.

Owner Residency /§1271(d) - The ZRC recommends striking the wording that limits an owners absence at any one time to 30 days in a calendar year.

Clarification on Deed Restriction/§1271(f) – Staff continues to work with the Town Attorney on the provision requiring a deed restriction to determine if the restriction is helpful and should continue to be included in the regulations. The ZRC recommends that if the deed restriction serves a valuable purpose then it should be clarified and retained. If not, the requirement should be deleted from the proposed regulations.

Occupancy Limit/§3023(f) - The ZRC recommends allowing a greater number of occupants unrelated to the family occupying the primary structure if the occupants in the accessory apartment are related to each other. The recommendation is to allow a maximum of three persons unrelated to the family instead of the existing two persons provided the three individuals are related to each other. For example, this would allow a family to occupy the primary structure and rent an accessory apartment to a couple with a baby. There would three persons living in the accessory apartment that are unrelated to the family but are related to one another. This change is recommended for the RR-1, RR-2, R-4 and R-5 zoning districts.

Unit Size/§4201(b)(2) – There was discussion at the meeting regarding the maximum size of an accessory apartment and perhaps differentiating between the size allowed when the accessory apartment is part of an existing structure vs. new construction of an accessory apartment. The 800 square foot size limit helps ensure the apartment is indeed accessory to the primary home

and smaller than the primary home. In addition, larger units will invite greater occupancy which is difficult to enforce. After discussion the ZRC was comfortable leaving the 800 square foot size limitation.

Safety Measures/§4201(b)(3) – The ZRC recommends adding a requirement for carbon monoxide detectors in any accessory apartment with gas heat or appliances. The ZRC also recommends further conversation with the Building Official regarding other pertinent safety features that may be needed for the accessory apartment to meet the building code.

Height, Setbacks and Floor Area Ratio/§4201(b)(6) – The ZRC recommends that accessory apartments have a five foot setback from the property line in the rear and side yards as opposed to the typical 10' setback. The ZRC also recommends that accessory apartments be limited in height to 10' at the eave of the structure and that an additional one foot of setback be provided for every additional foot of height. In no case shall the accessory apartment exceed the maximum height of structures allowed in the zoning district. To aid in privacy for adjoining neighbors, the entrance to the apartment may not be located on the property line side of the structure. No patios or decks are allowed on the property line side of the structure. The ZRC further recommends that if the accessory apartment is detached from the primary structure that it not be considered in the calculation of Floor Area Ratio. Lastly, the ZRC recommends that lot coverage be added to (b) (6) and the existing limit on lot coverage for the underlying zoning district include the accessory apartment.

Parking/§4201(b) (7) - The ZRC recommends not requiring any additional parking for the accessory apartment. The ZRC would like to discourage auto use. The addition of parking will also increase impervious area. If parking is provided, the material should be pervious pavers or porous concrete.

Universal Design Features/§4201(b)(9) – The ZRC had some discussion of the impact on unit size and height with a requirement for new construction that a sleeping area, bathroom and living area all be located on one floor. Staff has provided some illustrations of smaller units that still meet the universal design goals without forcing a larger ground level unit. The ZRC decided that the inclusion of the universal design requirements would not negatively impact unit size. The ZRC did recommend clarification about the applicability of requirements in the chart.

1/12/17