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## Section 22. Accessory Dwelling Units.

Accessory Dwelling Units are permitted within the RS-1, RS-2, RM-1, and RM-2 Zoning Districts and subject to the regulations of this Section and the bulk regulations of the subject zone if not expressly modified by this section.

- A. PURPOSE AND INTENT.
  - a. Create new housing units while respecting the look and scale of neighborhood patterns of development.
  - b. Increase affordable housing choices especially for very low-income residents.
  - c. Support more efficient use of existing housing stock and infrastructure.
  - d. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints.
  - e. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
  - f. Provide accessible housing for seniors and persons with disabilities.
- B. APPLICABILITY. Accessory dwelling units are allowed in the following zone districts: (RM-1, RM-2, RS-1, and RS-2, subject to the provisions of this section.
- C. UNDERLYING ZONING AND DENSITY. Unless specifically addressed in this section, accessory dwelling units (ADUs) are subject to the regulations for a principal building and accessory buildings of the underlying zone district with regard to lot and bulk standards (e.g., height, setback/yard requirements, building coverage).
  - 1. Where permitted pursuant to this Section 22, one accessory dwelling unit may be permitted on a lot in addition to the principal single-family or multi-family dwelling. Other permitted accessory buildings or uses, not intended for residential use, may be allowed in addition to the principal single-family or multi-family dwelling. If, with the addition of an ADU, the total number of residential dwelling units exceeds four a special exception is required.
  - 2. Accessory dwelling units shall be subject to the bulk standards applicable to the principal dwelling on the property except as provided below in Section E. Dimensional Standards An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zoning district may be converted into an ADU, but the structure may not be altered in any manner that would increase the degree of non-compliance and maintain consistency with building and fire code standards.
  - 3. If an existing accessory structure is deemed inappropriate for conversion, a new accessory dwelling unit may be constructed within the Building Envelope Dimensions of the existing structure. The Delay of Demolition Ordinance applies for contributing historic structures.
  - 4. Accessory dwelling units shall not be considered a unit of density and therefore are not included in the density calculation for a single-family residential property.
  - 5. There shall be no minimum required off street parking for an ADU.
- D. METHODS OF CREATION.
  - 1. An ADU may be created: within the Building Envelope of an existing principal structure; within the Building Envelope of an existing accessory structure; through new construction of an accessory structure; through construction of an addition to the principal structure; or through

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construction of an addition to an existing accessory structure. An ADU shall conform to Dimensional Standards in Section E below and all other requirements of this Section 22.

E. DIMENSIONAL STANDARDS.

1. Applicable to Attached and Detached Accessory Dwelling Units

- a. Lot Coverage: Any Property with an ADU shall comply with all Building coverage standards applicable to the Zoning District in which the Property is located.
- b. Distance between buildings: The minimum horizontal distance between two accessory structures shall be 5 feet. The minimum distance between an accessory structure and a principal structure is 0.5 feet for each foot of average building height of the taller of the two structures. In no event shall the distance be less than 5 feet.
- c. Floor Area: The floor area of an ADU shall not exceed the floor area of the primary dwelling unit located within the principal structure. Where multiple dwelling units exist within the principal structure, the ADU shall not exceed the average gross floor area of all units. In no event shall an ADU exceed a maximum gross floor area of 1,200 square feet.
- d. Living Area: an ADU shall have a minimum livable area of not less than 400 square feet.
- e. Height: The height of an ADU shall not exceed the height of an existing principal structure.
- f. Setbacks: No ADU shall be located within any required front yard. In no case shall a new construction ADU, or addition to an existing principal or accessory structure be built within 5 feet of any lot line.
- g. Compliance with requirements of a Local Historic District: For any Property located in a Local Historic District and visible from any public road or way, a certificate of appropriateness, issued by the Historic District Commission is required.

F. ADMINISTRATION AND APPROVAL.

1. Application Information. Prior to constructing an ADU, an owner shall file an application in a form approved by the City of New Haven Building Department. The information required on the applications for creating or legalizing an ADU shall be the same information that is required to construct a single-family dwelling unit. The application shall demonstrate that the proposed ADU:
  - a. Complies with all development and dimensional standards of this section.
  - b. Complies with applicable Building and Fire Safety Codes.
  - c. Does not have current Housing Code violations.
  - d. Water supply and sewage disposal facilities are adequate for the projected number of residents.
2. Occupancy and Use. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
3. Approvals the Building Official, City Plan, and Engineering Departments shall evaluate the application for the proposed ADU for compliance with the standards of this subsection.
4. City Plan Site Plan review exemption. An ADU, in accordance with Section 22, shall not require Site Plan review.

G. PROPERTY OWNERSHIP AND OCCUPANCY.

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1. No lot where an accessory dwelling unit has been established shall be transferred, or otherwise conveyed separately from the principal dwelling unit, nor shall the lot be subdivided to provide a separate lot for the accessory dwelling unit, such that the accessory dwelling unit would become a principal structure.

(Ord. No. 1918, Sched. A, 10-4-21)

Editor's note(s)—Ord. No. 1726, Sched. A, adopted Dec. 2, 2013, repealed former § 22 in its entirety which pertained to garden apartment buildings and derived from the 2003 republication of the zoning ordinance.

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