**12.19 Accessory Dwelling Unit:**

The Commission seeks to provide housing to meet the needs of current residents and those who may wish to live in Pomfret but cannot find suitable housing. The Commission also wants to assist homeowners in having an additional source of income from a rental unit and to enable homeowners to have someone living close by. In furtherance of the objectives, accessory dwelling units may be permitted as accessory uses to single-family dwellings and allowed as-of-right by site plan approval, or by special permit.

**12.19.1 Conversion accessory dwelling units.**

a. Conversion accessory dwelling unit. A conversion accessory dwelling unit is an ADU that is entirely within an existing or newly constructed residential building. A single conversion ADU is allowed as-of-right in every zone subject to the approval of a zoning permit and certificate of occupancy, except V and VII where site plan approval is required, and they are not permitted in BV, CV, and CB. A second conversion ADU may be permitted by special permit.

1. A conversion ADU may be of any floor area that the building official and Northeast District Department of Health deem habitable and shall have a full bath.

2. A full kitchen is not required.

**12.19.2 Attached accessory dwelling unit.**

a. Attached accessory dwelling unit: An attached accessory dwelling unit is an ADU attached to an existing building where any portion of the ADU is constructed external to the existing building. A single attached ADU is allowed as-of-right in every zone subject to approval of a site plan not requiring a public hearing but with written notice by mail to abutting property owners, except V and VII where site plan approval is required, and they are not permitted in BV, CV, and CB. A second attached ADU may be permitted by special permit.

1. An attached ADU may be of any floor area that the building official and Northeast District Department of Health deem habitable.

2. A full kitchen and full bath are required.

3. The maximum square footage of all conversion and attached ADUs shall not be greater than one-half of the floor area of the principal dwelling unit as it existed before construction of the ADUs.

4. The footprint of the attached ADU outside of the footprint of the existing residential building shall not exceed 50% of the footprint of the existing residential building.

**12.19.3 Detached accessory dwelling units.**

a. Detached accessory dwelling unit: – A detached accessory dwelling unit is an ADU detached from an existing or newly construct residential building. A detached ADU may be newly constructed or, in whole or in part, a repurposed existing structure. A single detached ADU is allowed as-of-right in every zone, subject to approval of a site plan not requiring a public hearing but with written notice by mail to abutting property owners, except V and VII where site plan approval is required, and they are not permitted in BV, CV, and CB. A second detached ADU may be permitted by special permit.

1. The footprint of the detached ADU shall not exceed 50% of the footprint of the existing residential building.

2. The floor area of the detached ADU shall not exceed 50% of the floor area of the existing residential building.

3. The floor area of a detached ADU created by repurposing a nonresidential building shall not exceed 50% of the floor area of the existing nonresidential building, except that exceeding the 50% limitation may be permitted by special permit by a three-quarters vote of the entire Commission when deemed consistent with the purposes of the ADU regulations as set forth in Section 12.19.

4. The lot area shall be the minimum required by Section 10.1 plus 10 times the square footage of the detached ADU.

5. The minimum floor area is 350 square feet.

**12.19.4 Owner occupancy.** The owner of the property shall swear in writing under oath that they will occupy either the principal dwelling unit or the ADU and that they will notify the Commission in writing delivered in hand or by certified mail within five business days after they no longer occupy either dwelling.

**12.19.5 Design.** ADUs shall be designed to preserve and maintain the residential appearance of the lot on which it is located. They shall be compatible in bulk, massing, and design, though not necessarily architectural style, with the neighborhood. No external stairways are permitted above the first floor. New entrances serving the ADU shall be designed to appear as part of the principal residence or be located on the side or rear of the principal dwelling.

1**2.19.6** Access and parking. No additional curb cuts shall be created to serve an ADU and access from the public right-of-way shall serve both the principal dwelling and ADUs;

a. parking shall not be in the required front, side, or rear yard setback.

b. parking spaces shall be screened from abutting properties by fences, vegetation, or earthen berms. Where existing topography, site conditions, property ownership, and/or landscaping will effectively screen parking from an abutting residentially zoned area, the Planning and Zoning Commission may modify the above screening and setback requirements with a ¾ vote of the entire commission.

Pomfret, Connecticut

October 2021