



City of Milford, Connecticut

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Department of Permitting
and Land Use

David B. Sulkis,
City Planner

Amendment #22-10

TO: South Central Regional Council of Governments
 Greater Bridgeport Regional Planning Council
 City Attorney, City of Milford
 State of CT DEEP
 City of West Haven, City Clerk
 Town of Stratford, City Clerk
 Town of Orange, City Clerk

FROM: David B. Sulkis, City Planner

DATE: September 13, 2022

RE: **Proposed Changes to the City of Milford Zoning Regulations
Article III, Section 3.1.1.7 Accessory Apartments**

In accordance with Milford Zoning Regulations 10.3 and CT General Statutes 8-3b and 22a-104, the distribution of the following proposed regulation change is submitted for your agency’s review and comment. Please provide this office with acknowledgement of your receipt of this memorandum and provide your comments or approval within 35 days of the above date. review.

EXISTING TEXT:

3.1.1.7 Accessory Apartments: It is the intent of this section to preserve/maintain the character of existing single-family neighborhoods, but at the same time recognize that certain family members related by blood, marriage or legal adoption may need the support and close physical proximity of other family members, yet desire the ability to maintain their own semi-independent living space. For this reason, an accessory apartment is allowed under the following conditions:

A single-family dwelling may have a portion converted for use as an accessory apartment, which can include kitchen facilities. For purposes of this Regulation, the term converted shall mean either completely within an existing principal building or added to the already existing principal building. Both dwelling units shall be attached by a common wall, floor, ceiling with access through a common living space from the main house and cannot be attached by a breezeway, porch, deck or garage and must be contained as one building. No accessory apartment application shall be accepted unless the property is in compliance with all current lot requirements. Applicants

must provide a current A-2 survey, and full floor plans and full elevation views of the entire structure.

Including the aforementioned, all Accessory Apartments shall conform to the following requirements:

- (1) In no instance shall an accessory apartment have its own doorway on the front of the dwelling. Any existing doorway other than the main front door to the dwelling shall be removed if it provides exclusive ingress and egress to the accessory apartment. Any new means of ingress and egress if required will be provided at the rear of the house or accessory apartment.
- (2) No single-family dwelling can contain more than 1 accessory apartment. Non-conforming lots with more than 1 single family dwelling are prohibited from having an accessory apartment in any structure.
- (3) The dwelling shall be owner-occupied during the entire duration of the Permit.
- (4) One portion of the dwelling is to be occupied by a person related by blood, marriage or legal adoption to one or more family members related by blood, marriage or legal adoption living in the other portion of the dwelling.
- (5) The proposed accessory 800 square feet as measured from the exterior walls. Staircases providing exclusive access to the accessory apartment will be counted toward calculating the 800 Sq. ft. limit. Exterior patios, decks and porches without roofs will not be included toward calculating the 800 sq ft. limit.
- (6) The accessory apartment shall be accessible to and from the main dwelling.
- (7) The accessory apartment shall utilize the existing dwelling's driveway and utilities; i.e., electric, gas, water; and, if applicable, single mailbox. Separate utilities including but not limited to heating systems, electrical service, water service and gas service are prohibited.
- (8) Kitchen facilities consist of individual units of refrigerator, stove and sink and associated cabinetry, counters, and the related electrical and plumbing hook-ups. All shall be removed when the permit expires and/or not renewed, or when the property is sold except as provided in 3.1.1.7 (13) below.
- (9) No accessory apartment shall be utilized for income purposes.
- (10) The Permit shall expire 3 years from the date the application is approved by the Planning and Zoning Office. The applicant may, at least 2 months prior to the three-year expiration date, apply to extend the previous approval for an additional 36-month period. Proof in a form acceptable to the Planning and Zoning Office will be provided by the applicant verifying the relationship of the family member occupying the apartment to the property owner residing in the house.

- (11) If requested by the Planning and Zoning Office, The applicant will allow the dwelling to be inspected for compliance with these regulations.
- (12) If the Permit expires or the property is to be sold before the 36-month termination date, the seller shall, at his or her expense, remove all kitchen facilities.
- (13) If the property is to be sold before the permit issued pursuant to this section expires, the kitchen facilities may remain provided that the new owner(s) apply for and are granted a new permit for the accessory apartment pursuant to these regulations before occupancy commences.
- (14) Any previously approved but non-conforming accessory apartment shall be removed upon the sale or transfer of property ownership, unless the dwelling and apartment are brought into compliance with these regulations.
- (15) A numeric address of at least 5" in height must be affixed to the main dwelling. A separate numeric address for the accessory apartment is prohibited.
- (16) Upon expiration and/or non-renewal of the permit, the property owner is required to notify the Planning and Zoning Office to inspect and certify removal of the accessory apartment.
- (17) Application to the Zoning Board of Appeals to vary any part of 3.1.1.7 shall be prohibited.
- (18) Accessory apartments greater than 800 sq. ft. are prohibited.

PROPOSED TEXT: (Changes indicated in **BOLD** italicized text and/or strikethrough text)

3.1.1.7 Accessory Apartments: It is the intent of this section to preserve/maintain the character of existing single-family neighborhoods. ~~, but at the same time recognize that certain family members related by blood, marriage or legal adoption may need the support and close physical proximity of other family members, yet desire the ability to maintain their own semi-independent living space. For this reason, a~~ An accessory apartment is allowed under the following conditions:

A single-family ***principal*** dwelling may have a portion converted for use as an accessory apartment, which can include kitchen facilities. For purposes of this Regulation, the term converted shall mean either completely within an existing principal building or added to the already existing principal building. Both ***the principal and accessory*** dwelling units shall be attached by a common ***interior*** wall, floor, ***ceiling with habitable space on each side, and*** with access through a common living space from the ***principal dwelling to the accessory dwelling. main-house. and cannot be attached by a breezeway, porch, deck or garage and*** Both the ***principal and accessory dwellings*** must be contained ***as in*** one building. ~~No accessory apartment application shall be accepted unless the property is in compliance with all current~~

lot requirements [please discuss]. Applicants must provide a current A-2 survey, and full floor plans and full elevation views of the entire structure.

Including the aforementioned, all Accessory Apartments shall conform to the following requirements:

- (1) ~~***In no instance shall a***~~ An accessory apartment ~~***have its own doorway shall not have an exterior door on the front of the dwelling building, facing the street.***~~ Any existing doorway other than the main front door to the **primary** dwelling shall be removed if it provides exclusive ingress and egress to the accessory apartment. Any new means of ingress and egress if required will be provided at the rear **or side** of the ~~***building house or accessory apartment.***~~
- (2) No single-family **primary** dwelling can contain more than 1 accessory apartment. ~~***[Non-conforming lots with more than 1 single family dwelling are prohibited from having an accessory apartment in any structure.]***~~
- (3) The ~~***primary one of the***~~ dwelling **units** shall be owner-occupied. ~~***during the entire duration of the Permit. If at any time one of the dwelling units becomes not occupied by the owner, the owner shall advise the Planning and Zoning Office, the accessory apartment use shall be discontinued, and the accessory apartment permit revoked. Upon receiving notice of revocation, the owner shall:***~~
 - a. **Remove all cooking appliances, and electrical or gas services.**
 - b. **Notify the Planning and Zoning Office which, through the Building Official, shall inspect and certify removal of the accessory apartment and discontinuance of the accessory apartment use.**
- (4) ~~***One portion of the dwelling is to be occupied by a person related by blood, marriage or legal adoption to one or more family members related by blood, marriage or legal adoption living in the other portion of the dwelling.***~~
- (5) The ~~***maximum size of an proposed***~~ accessory **apartment is** 800 square feet as measured from the exterior walls. ~~***Staircases Stairs and corridors***~~ providing exclusive access to the accessory apartment, **and all habitable space** will be counted toward calculating the 800 sq. ft. limit. ~~***Exterior patios, decks and porches without roofs will not be included toward calculating the 800 sq ft. limit.***~~
- (6) The accessory apartment shall be accessible to and from the **main principal** dwelling.

- (7) The accessory apartment shall utilize the existing dwelling's driveway and utilities; i.e., electric, gas, **and** water. ~~and, if applicable, single mailbox. [Separate utilities including but not limited to heating systems, electrical service, water service and gas service are prohibited.]~~ [why strike only a portion of this provision?]
- (8) ~~Accessory apartment~~ kitchen facilities **shall include consist of individual units of refrigerator, residential type stove and cooking appliances sink and associated cabinetry, counters,** and the related electrical and plumbing/gas services hook-ups. ~~All shall be removed when the permit expires and/or not renewed, or when the property is sold except as provided in 3.1.1.7 (13) below.~~
- (9) ~~[No accessory apartment shall be utilized for income purposes]~~
- (10) ~~The Permit shall expire 3 years from the date the application is approved by the Planning and Zoning Office. The applicant may, at least 2 months prior to the three-year expiration date, apply to extend the previous approval for an additional 36-month period. Proof in a form acceptable to the Planning and Zoning Office will be provided by the applicant verifying the relationship of the family member occupying the apartment to the property owner residing in the house.~~
- (11) ~~If requested by the Planning and Zoning Office, The applicant will allow the dwelling to be inspected for compliance with these regulations.~~
- (12) ~~If the Permit expires or the property is to be sold before the 36-month termination date, the seller shall, at his or her expense, remove all kitchen facilities.~~
- (13) ~~If the property is to be sold before the permit issued pursuant to this section expires, the kitchen facilities may remain provided that the new owner(s) apply for and are granted a new permit for the accessory apartment pursuant to these regulations before occupancy commences.~~
- (14) ~~Any previously approved but non-conforming accessory apartment shall be removed upon the sale or transfer of property ownership unless the dwelling and apartment are brought into compliance with these regulations.~~
- (15) A numeric address of at least 5" in height must be affixed to the main dwelling. A separate numeric address for the accessory apartment is prohibited.

- (16) ~~Upon expiration and/or non-renewal of the permit, the property owner is required to notify the Planning and Zoning Office to inspect and certify removal of the accessory apartment.~~
- (17) Application to the Zoning Board of Appeals to vary any part of 3.1.1.7 shall be prohibited.
- (18) ~~Accessory apartments greater than 800 sq. ft. are prohibited.~~ [already said this/intimated this in #5?]

FINAL REGULATION TEXT:

3.1.1.7 Accessory Apartments: It is the intent of this section to preserve/maintain the character of existing single-family neighborhoods. An accessory apartment is allowed under the following conditions:

A single-family principal dwelling may have a portion converted for use as an accessory apartment, which can include kitchen facilities. For purposes of this Regulation, the term converted shall mean either completely within an existing principal building or added to the already existing principal building. Both the principal and accessory dwelling units shall be attached by a common interior wall, floor, ceiling with habitable space on each side, and with access through a common living space from the principal dwelling to the accessory dwelling. Both the principal and accessory dwellings must be contained in one building. Applicants must provide a current A-2 survey, and full floor plans and full elevation views of the entire structure.

Including the aforementioned, all Accessory Apartments shall conform to the following requirements:

- (1) An accessory apartment shall not have an exterior door on the front of the building, facing the street. Any existing doorway other than the main front door to the primary dwelling shall be removed if it provides exclusive ingress and egress to the accessory apartment. Any new means of ingress and egress if required will be provided at the rear or side of the building.
- (2) No single-family primary dwelling can contain more than 1 accessory apartment.
- (3) One of the dwelling units shall be owner-occupied. If at any time, one of the dwelling units becomes not occupied by the owner the owner shall advise the Planning and Zoning Office, the accessory apartment use shall be discontinued, and the accessory apartment permit revoked. Upon receiving notice of revocation, the owner shall:

- a. Remove all cooking appliances, and related electrical or gas services; and
 - b. Notify the Planning and Zoning Office which, through the Building Official shall inspect and certify removal of the accessory apartment and discontinuance of the accessory apartment use.
- (4) The maximum size of an accessory apartment is 800 square feet as measured from the exterior walls Stairs and corridors providing exclusive access to the accessory apartment, and all habitable space will be counted toward calculating the 800 sq. ft. limit.
 - (5) The accessory apartment shall be accessible to and from the principal dwelling.
 - (6) The accessory apartment shall utilize the existing dwelling's driveway and utilities, i.e., electric, gas, and water.
 - (7) Accessory apartment kitchen facilities shall include residential type stove and cooking appliances and the related electrical and plumbing/gas services.
 - (8) A numeric address of at least 5" in height must be affixed to the main dwelling. A separate numeric address for the accessory apartment is prohibited.
 - (9) Application to the Zoning Board of Appeals to vary any part of 3.1.1.7 shall be prohibited.

REASON FOR CHANGE: Board proposal to update regulations.

A petition for substantially the same change in regulations has previously been filed:

Yes: _____ No: X If yes, date of hearing:

This regulation change is proposed by: Petitioner: DPLU Staff or PZB Subcommittee

Cc: J. Quish, Chairman P&Z
J. Griffith, DPLU