

**APPLICATION / PROJECT NAME**

Accessory Dwelling Unit Amendments

**APPLICANT / PROPERTY OWNER**

Lisbon Planning and Zoning Commission

**PUBLIC HEARING / DECISION TIMEFRAMES**

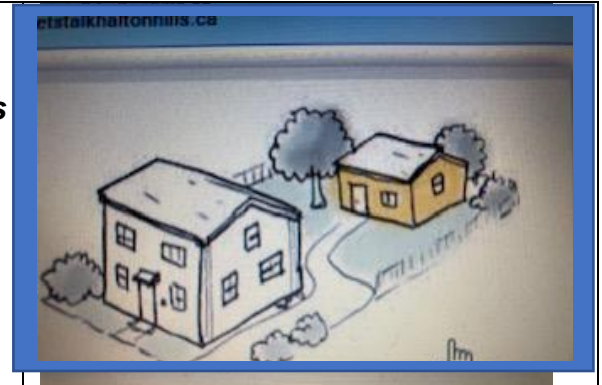
October 6, 2020/ No deadlines for action

**PROPERTY ADDRESS / LOCATION INFORMATION**

N/A

**BRIEF SUMMARY OF REQUEST**

**Proposed zoning amendments to allow accessory dwelling units in the R zones subject to new standards and approval by the Planning and Zoning Commission.**



MAP SOURCE internet

**WAIVER REQUESTS:** N/A

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
n/a	n/a	North: n/a South: n/a East: n/a West: n/a	n/a.	n/a

**PLANNING STAFF ANALYSIS AND RECOMMENDATIONS**

**COMPATIBILITY / COMPLIANCE** with the POCD-2016 and other appropriate plans, policies or studies:

The 2016 POCD recommended that the Town strive to incorporate housing diversity in the community. Specifically, Lisbon was second only to Scotland in lowest renter-occupancy rate within the region. The Plan cited that the low number of rental units available in town may generally mean that the renter population is more likely to look out of town for housing opportunities.

The two major issues cited in the Plan involved housing to meet diverse needs and the overall affordability of housing in Lisbon. The town needs to develop strategies to address these issues according to the POCD. This amendment proposal is consistent with the recommendations in the POCD, in this planner's opinion.

**PROJECT HISTORY AND BACKGROUND:**

The lack of diversity of housing types and availability was a key issue in the 2016 POCD. In addition, the Town of Lisbon has been cited by the State Department of Housing for its very low percentage of housing stock that met the definition of affordable housing under CGS 8-30g. In this regard the Town has recommended revising zoning regulations to address housing affordability, housing diversity and options, mixed use and higher density in the Route 12 corridor, and inclusion of various senior housing options in the regulations.

One regulatory approach to implement the above strategies is to include development standards and provisions for allowing accessory dwelling units in the residential zones. These are often called granny flats, backyard cottages, in-law apartments and the like. The commission and the planning staff has been working on this proposal for some time, now culminating in the 10/6/2020 public hearing on this matter.

In short, this proposal includes a streamlining of the normal policy of special permit approval in favor of only zoning permit approval for conversion of a one family to a standard two family dwelling while still requiring the 175% of minimum lot area; however, a new Accessory Dwelling Unit will now be permitted on residential lots with minimum lot areas subject to site plan approval by the commission and compliance with section 10.2.

**LAND USE/ DEVELOPMENT COMPATIBILITY** with APPLICABLE REGULATIONS AND/OR DESIGN STANDARDS:

**Agency Referrals:** This proposal has been referred to the Uncas Health District and the Building Official prior to draft finalization of the proposal and comments have been incorporated to improve the standards for development. This amendment application has also been referred to the regional councils of government for the area and correspondence has been received from SCCOG. A copy of the agency letter, indicating that there should be no adverse inter-municipal impacts, is included with this report.

**Public Interest Benefits:** From a land use and development standpoint, besides the housing affordability benefits, these uses promote more compact and sustainable development, better use of infrastructure, reduce sprawl, permit aging of our seniors in place, promote multi-generational households, can provide needed housing for persons with disabilities, and produce tax revenue, when developed properly.

**Design Compatibility and Scale:** The standards in section 10.2 call for site plan review of all improvements to the building and the lot, and allow for flexibility of design whereby the new smaller residential unit is effectively developed as an accessory building on the site. An accessory building or use is defined as “A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use unless otherwise expressly allowed by these Regulations”. The architectural, dimensional and size limitations should be intended to assure that garage conversions, additions to the principal building or construction of new external, detached ADU units are developed at a scale that keeps the new construction subordinate to the original house on site. The inclusion of the proposal for “Universal Design Features” to be included where practicable will also provide for all populations to have accessible housing.

A key component in achieving the above goal is to make sure the development standards to control the size of accessory uses work throughout the entire community. If crafted properly this will allow for flexibility, prevent unintended negative consequences, and reduce the need for variances. The provision to allow units to be up to 800 sf or 30% of the floor area of the principal building, whichever is greater, was included based on earlier discussions with the commission. However, in my professional due-diligence in the review of this application, I have reviewed the number and size of all single family housing stock in the community to weigh the proposed minimum ADU size proposal in section 10.2.3.d against housing data provided by the Assessor’s office.

The average size of a single-family home in town is **1638 square feet**. About ½ of all these SF homes in town (740+/- of 1502) are 1638 sf or less. A substantial number are in the range of 800-900 sf and even lower. Under the current proposal, that would mean that about half of all the single family housing in town could apply to develop an ADU up to 800 sf in size, which is virtually 50% - 100% or more of the size of the principal residence on these sites. Development of up to 800 sf units on these lots would conflict with the requirement that ADU be clearly secondary and subordinate to the principal use.

On the higher square footage side of this analysis is the fact that almost 7% of the single-family housing in Lisbon is larger than 2670 square feet. The 2670 sf figure is highlighted as it is the break point for an 800 SF ADU to comprise /meet the 30% size standard. With almost 100 homes in this category, ranging as high as

4800 sf, this could allow ADUs in the range from 900 – 1400 sf in a substantial portion of this housing cohort. This size range would also challenge the notion of the accessory use designation and produce multiple bedrooms and potential adverse sewage disposal impacts if homes this large are permitted as ADUs.

**Summary:** These analyses have led this planner to suggest that section 10.2.3 d be reviewed and reconsidered. In the matter of adopting zoning text amendments, the commission retains the right to modify the language proposed in an amendment to make it more *restrictive* than what was advertised. Retaining the standards for 800 sf and 30% are still suitable to the accessory classification; however, revising the standard from “whichever is greater” to “**whichever is less**” should keep the ADU consistently secondary and subordinate on any residential site.

In the event the commission entertains this more restrictive modification, this would mean that homes up to 2670 sf would be held to the 30% provision. So, as one example, if you had a home of 2000 sf, you could request site plan approval for construction of an ADU up to 600 square feet in size. This would effectively permit a 20' x 30' ADU provided you met all setbacks, building and lot coverage requirements, and other standards in section 10.2. Where homes exceed 2670 sf, the 800-sf maximum floor area provision would control.

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**RECOMMENDED ACTIONS, INCLUDING ANY MODIFICATIONS, CONDITIONS, REASONS FOR APPROVAL OR DENIAL, ETC.:**

***Staff expects to develop a recommended motion for commission consideration and action.***

ATTACHMENTS (CIRCLE):

SUBMITTED PLANS

APPLICATION FORM(S)

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENT(S)

AGENCY COMMENTS

APPLICANT RESPONSE

STUDY EXCERPTS

OTHER (DESCRIBE):