

2200 DEFINITIONS

AFFORDABLE UNIT – Housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to 80% of the area median income. (See CGS Section 8-39a). Such unit shall be bound by recorded deeds which contain covenants or restrictions that require the unit to be sold or rented at, or below, prices that will preserve the unit as housing for such persons for a period of not less than 40 years. The owner of such unit(s) shall submit an affidavit and supporting documents by January 30 of each year that the unit is preserved to document compliance.

SHORT-TERM RENTAL – The temporary rental of all or part of a property to overnight guests, whether the owner resides on the property or not, for not more than 30 consecutive days. Short-term rentals are conducted on a temporary and periodic basis (transient); therefore, any such use does not qualify as having non-conforming status under Section 1420 except the use defined in Section 3320.7.

3400 PERMITTED ACCESSORY USES

3450 Residential

2. Accessory Dwelling Unit, Attached – An accessory dwelling unit within or attached to the principal dwelling subject to the provisions of Section 5200.	Zoning Permit (Staff)
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3400 PERMITTED ACCESSORY STRUCTURES

3450 Residential

2. Accessory Dwelling Unit, Detached – An accessory dwelling unit detached from the principal dwelling subject to the provisions of Section 5200.	Zoning Permit (Staff)
3. Short-Term Rental Dwelling – The short-term rental of an entire home subject to the provisions of Section 5340. Any such rental of a portion of a home is subject to the provisions of Section 3320.7 Rooming House.	Zoning Permit (Staff)

5200 ACCESSORY APARTMENTS

5210 PURPOSE AND INTENT

5220 STANDARDS

One (1) accessory dwelling unit (ADU) within/attached to the principal dwelling **or detached from the main dwelling** on a parcel provided that it conforms to all of the following requirements:

1. The owner of the property shall occupy either the principal dwelling or the ADU and an annual affidavit shall be filed by January 31 of each year attesting to such occupancy.

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2. The area devoted to the ADU shall not exceed:
 - a. An ADU within/attached to the principal dwelling:
 - i. Forty percent (40%) of the area of the principal dwelling (exclusive of garage, attic, and cellar) or 1,500 square feet, whichever is the more restrictive requirement, as measured from the exterior, or far side, of the walls devoted to the accessory dwelling unit, in any zoning district.
 - b. An ADU detached from the principal dwelling:
 - i. Thirty percent (30%) of the area of the principal dwelling (exclusive of garage, attic, and cellar) or 1,000 square feet, whichever is the more restrictive requirement, as measured from the exterior, or far side, of the walls devoted to the accessory dwelling unit, in any zoning district on a lot with minimum 87,120 square foot buildable area.
 - ii. Twenty percent (20%) of the area of the principal dwelling (exclusive of garage, attic, and cellar) or 800 square feet, whichever is the more restrictive requirement, as measured from the exterior, or far side, of the walls devoted to the accessory dwelling unit, in any zoning district on a lot with minimum 34,000 square foot buildable area.
 - c. An Affordable ADU detached from the principal dwelling:
 - i. Thirty percent (30%) of the area of the principal dwelling (exclusive of garage, attic, and cellar) or 1,200 square feet, whichever is the more restrictive requirement, as measured from the exterior, or far side, of the walls devoted to the accessory dwelling unit, in any zoning district.
3. The number of bedrooms permitted within an ADU shall be as follows:
 - a. An ADU within/attached to the principal dwelling shall not contain more than two bedrooms,
 - b. An ADU detached from the principal dwelling shall not contain more than one bedroom,
 - c. An Affordable ADU detached from the principal dwelling shall not contain more than two bedrooms,
 - d. The term “bedroom” shall be as defined in the Connecticut Public Health Code, Technical Standards for Subsurface Sewage Disposal Systems, as may be amended from time to time.
4. Utility services for the ADU unit shall not be configured separately from those for the principal dwelling unit.
5. An ADU within/attached to the principal dwelling shall be accessible from the principal dwelling unit by an operable door along a common wall so that the apartment can be integrated back into the principal dwelling in the future.
6. The ADU shall not be located in a ~~story below the first floor (a cellar or a basement) unless substantial portions of the walls (>50% of the perimeter walls) of the accessory apartment are above grade~~ and it is determined that the accessory apartment, as configured, has sufficient light, ventilation and a direct entrance to the outside planned or in place, so as to permit use as a separate living unit.
7. The lot shall conform to the minimum lot area requirement for the district.
8. The principal dwelling unit and the ADU shall comply with the building code and health and safety regulations.
9. Upon establishment of the ADU **within/attached to the principal dwelling**, the building shall:
 - a. Maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of a single-family residence and no exterior evidence of the accessory apartment use (e.g. outside stairs, doors, fire escapes, etc.) shall be visible from the street;
 - b. Have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit; and
 - c. Share access from the public right-of-way and parking facilities shall serve both the principal and

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accessory units.

10. An ADU detached from the principal dwelling shall not exceed 25 feet in height and one and a half stories. Additionally, it shall not exceed the height of the principal dwelling and shall occupy an area no more than 50% of the area of the lot that is occupied by the principal dwelling. If the apartment is attached to and located above another detached structure, the height shall be measured from the ceiling of the accessory structure below and the height of the entire structure shall not exceed the height of the principal dwelling.
 - a. If a proposed ADU detached from the principal dwelling doesn't comply with the requirements of this subsection and it is wholly within a structure existing as of Xxxxxxx XX, 20XX, there is no change to the envelope of the structure other than for safety or handicapped accessibility, and the structure otherwise lawfully exists, then the Commission may permit the use of a portion of such structure subject to Special Permit Approval.
11. There shall not be separate access from the public right-of-way for the ADU.
12. No detached ADU shall be used as a short-term rental.
13. There shall be no more than one ADU permitted on any lot.

5300 LODGING FACILITIES

5340 SHORT-TERM RENTALS

The short-term rental of a property shall conform to all the following requirements:

1. There shall be no more than one such rental on the property at any time.
2. The short-term rental of an ADU within/attached to the principal dwelling shall only be conducted by the owner who shall reside on the property.
3. There shall be no such rental of a detached ADU or any “Affordable” Units.
4. Off-street parking shall be provided for the rental in addition to all other parking requirements and there shall be no parking for any purposes related to the property within the public right-of-way.
5. The property shall not be used to hold events of any kind.
6. There shall be no amplified sound outdoors permitted on the property.
7. The owner shall complete an inspection of the septic system with the Aspetuck Health District prior to the issuance, reissuance, or renewal of a short-term rental permit to ensure it is functioning adequately for the intended use. Additionally, the owner shall obtain an appropriate certificate to discharge for the intended use.
8. A short-term rental shall be permitted only in those portions of a structure covered by a Certificate of Occupancy for a dwelling unit.
9. Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, motels, inns, taverns or roadhouses or other places of public accommodation.
10. This permit is only valid for 3 years from issuance and may be renewed for an additional 3-year period upon submission of a positive inspection of the septic system and proof of septic tank cleaning within the previous 6-month period. This shall not be construed as guidance on minimum frequency of septic tank cleaning, the frequency of cleaning should be as often as necessary to comply with the Connecticut Public Health Code, Technical Standards for Subsurface Sewage Disposal Systems, as may be amended from time to time.
11. There shall be no existing zoning violations on the property.
12. Short-term rentals are considered separate and apart from all other Lodging Facilities and any combination of such are not permitted on a given property at the same time.
13. The property containing a short-term rental shall not create any nuisance, as defined in item #9 of Section 8440, or create otherwise objectionable problems with neighboring properties.
14. If any of the above required conditions upon which the permit approval was granted are not being complied with, the Commission or its agent may immediately revoke such approval and permit.