

SECTION 4.11 Accessory Apartments

4.11.0 Intent - The intent of this section is to fulfill an increasing need for smaller, affordable housing units while preserving the rural character of the Town.

4.11.1 Definition and Applicability –

a. General. An Accessory Apartment is herein defined as a second dwelling unit located on the same Lot as the principal dwelling. An Affordable Accessory Apartment is defined as meeting the following requirements, in addition to any other requirements of this Section 4.11:

i. The rental charge for the Accessory Apartment shall not exceed thirty percent (30%) of the renter's income, after adjustment for family size, where such income is less than or equal to eighty percent (80%) of whichever of the following medians is lesser: the median income of the area in which Andover is located, as the area is determined by the United States Department of Housing and Urban Development; or, the median income of the State of Connecticut.

ii. b. A binding deed restriction containing covenants and restrictions in conformance with CGS 8-30g shall be recorded in the Andover Land Records and said covenants and restrictions shall be subject to review and approval by the Commission's attorney.

iii. c. Said restriction shall be for a minimum period of forty (40) years from the date of the original occupancy of the Accessory Apartment, or until the termination of the Accessory Apartment.

iv. d. The continued occupancy of the Accessory Apartment by a family qualifying for affordable housing such be subject to annual reporting and monitoring in accordance with regulations promulgated by the Commissioner of Economic and Community Development for set-aside developments. Compliance with the requirements of this Section shall be monitored and enforced by such agency or official as may be designated from time to time by the Board of Selectmen.

b. Rural Design District. An Accessory Apartment shall be allowed in the Andover Rural Design District by Special Permit in accordance with Section 23 of these Regulations, provided that an Affordable Accessory

Apartment is permitted by Site Plan Review.

c. Andover Lake District. An Accessory Apartment shall be allowed by Special Permit, and an Affordable Accessory Apartment shall be allowed by Site Plan Approval, in the AL district on lots that exceed 120,000 square feet in area. Lots in the AL zone shall, upon approval, file in the office of the Andover Town Clerk, a restrictive covenant containing the following language: "This property includes an accessory apartment, and shall not be subdivided or reconfigured in any way that would result in a remaining lot size of less than 120,000 square feet." (Section amended 4/18/2011)

d. Business and Industrial Districts. An Accessory Apartment shall be allowed by Special Permit, and an Affordable Accessory Apartment shall be allowed by Site Plan Approval in the Business and Industrial Districts, limited to principal dwellings existing on the effective date of this section, or single family dwellings that were permitted under section 8.4 on restricted sites.

4.11.2 Site Plan Review and Special Permit Standards: An Affordable Accessory Apartment that is deed restricted for 10 years will be allowed by site plan review, and an Accessory Apartment will be allowed by Special Permit, for units located within the principal dwelling or detached from the principal dwelling. The permit will be approved only if the applicant has demonstrated that the proposed Affordable Accessory Apartment or Accessory Apartment meets the following standards:

a. The requirements of Section 11.2, Space Requirements with the exception of lot size are satisfied for the a Accessory Apartment .

b. The net floor area of the Apartment shall be no larger than 1000 square feet and shall be no larger than 33% of the net floor area of the single family dwelling. Net floor area is as defined in Section 24..

c. The Apartment shall include a kitchen area, sanitary facilities, and living quarters.

d. The principal dwelling and Apartment shall remain under common ownership and the owner shall reside in either the principal dwelling or the Apartment.

e. The Town Sanitarian shall certify that applicable Health Codes are met.

f. Floor plans shall be submitted as a part of the review.

g. Off-street parking shall be provided for both dwellings, with at least two spaces for the principal dwelling and one for the

Apartment.



- h. One driveway shall service both dwellings.
- i. The addition of the Apartment shall not alter the basic character of the dwelling as a single family residence and does not detract from the rural characteristics of the area.

4.11.3 Special Permit Review and Standards: An Accessory Apartment that is not an Affordable Accessory Apartment will be allowed by special permit. The special permit will be approved only if the applicant has demonstrated that the proposed accessory apartment meets the following standards in addition to the criteria of Section 23 of these Regulations:

- a. All requirements of section 4.11.2 for site plan review are met.
- b. A site plan conforming to the requirements of section 23.2B.

SECTION 5, ARD, 5.0 PERMITTED USES (new language highlighted):

5.0.3, Accessory Apartment, subject to Affordable Housing Restrictions (4.11), * added 11/17/03 effective 12/17/03; and amended [date], effective [date]

5a, Special Permit Uses:

5a.0.13 Accessory Apartment not subject to Affordable Housing Restrictions (4.11) * added [date], effective [date].

SECTION 7, ANDOVER LAKE DISTRICT

7.0 Permitted Uses and Use Categories:

7.0.8, Accessory Apartment, subject to Affordable Housing Restrictions (4.11),) * added [date], effective [date].

Special Permit Uses:

[Renumber sections due to the insertion of 7.0.8 above; Bed and Breakfast will become 7.0.13]

7.0.14 Accessory Apartment, not subject to Affordable Housing Restrictions (4.11),) * added [date], effective [date].

SECTION 8 BUSINESS DISTRICT

8.0 Uses Permitted by Site Plan Review in the Business (B) Zone

New #(17): Accessory Apartment, subject to Affordable Housing Restrictions (4.11), for existing single family and two family dwellings built prior to September 1, 2003;

8.1 Uses Permitted by Special in the Business (B) Zone

New (13): Accessory Apartment, not subject to Affordable Housing Restrictions (4.11), for existing single family and two family dwellings built prior to September 1, 2003;

SECTION 9 INDUSTRIAL DISTRICT

9.0 Uses Permitted by Site Plan Review in the Industrial (I) Zone

A new #(10): Accessory Apartment, subject to Affordable Housing Restrictions (4.11), for existing single family and two family dwellings built prior to September 1, 2003;

9.1 Uses Permitted by Special in the Industrial (I) Zone

A new #(18): Accessory Apartment, not subject to Affordable Housing Restrictions (4.11), for existing single family and two family dwellings built prior to September 1, 2003;