

13.12 **Multifamily Housing.**

13.12.1 Purpose. The purpose of this Section 13.12 is to provide a limited additional opportunity for Multifamily Housing in all zoning districts without changing the essential rural, historic, and low-density residential composition of the Town of Washington. There are two types of Multifamily Housing: new construction and conversion of existing housing or buildings, that are addressed ~~and promoted~~ in this section.

13.12.2 Findings. The Commission finds that the Town of Washington has historically been developed primarily as a low-density residential community, that the Town has been shaped by that low-density development, and that it is essential to preserve and maintain that development for the benefit of existing and future residents. Nevertheless, the Commission finds that there is a need for Multifamily Housing within the Town. The current zoning regulations provide opportunities for some housing diversity, but the Commission finds that additional opportunities can be provided in all zoning districts without sacrificing the essential qualities that define Washington. Such additional opportunities may be made available by providing for Multifamily Housing, both rental apartments and condominium units, throughout the Town. However, the Commission also finds that, to properly protect the Town from unusually rapid or overly dense development of Multifamily Housing in any area, it is necessary to limit the density of any single Multifamily Housing development in accordance with lot boundaries existing as of January 1, 2023. Regulations providing for such additional housing opportunities are supported by recommendations in the Town of Washington's "Housing Plan - 2022-2027," the 2014 Washington Plan of Conservation and Development, and the requirements of Connecticut state statute PA 21-29, as may thereafter be amended.

13.12.3 Applicability. Multifamily Housing as defined in Section 21.1.21 of these Regulations may be located in all zoning districts: R-1, R-2, R-3, B-1, B-2, B-3, and B-4. In order to protect all areas of Town from sudden, disproportionate increases in housing density, the number of Multifamily Housing units allowed for any application shall be limited in accordance with lot boundaries existing

Commented [AC1]: Unnecessary. The overarching purpose of the Regulations is "to promote the health and safety of the community; to encourage the most appropriate use of land; to prevent overcrowding of land; to lessen congestion in the streets; to secure safety from flood; to protect the ecology and prevent pollution and defilement; and to promote the general welfare of this rural community by sustaining harmonious residential development and encouraging the construction of safe, convenient business buildings attractively and conveniently located with adequate provision for parking." [Sec. 1.3] Zoning regulations should neither promote nor discourage any particular type of housing. As stated in the previous sentence of this proposed Sec. 13.12.1., the purpose of these regulations is to "provide a limited additional opportunity"; that is a facilitation, not a promotion. Otherwise, there will be disputes about the intent of these regulations.

Commented [AC2]: The implication is that these three documents support the Commission's finding that there is "a need for Multifamily Housing." The documents do not support this finding. Neither the Housing Plan nor the PoCD contain the word "multifamily." PA 21-29 says only that regulations should create "opportunities" for multifamily housing and may not put a numerical cap on multifamily housing units.

Commented [AC3]: Clarify whether this clause applies to possible future amendments to all three documents or just PA 21-29.

as of January 1, 2023. Such lots shall be referred to in these regulations as "MFH-Qualified Lots."

13.12.4 Type of Permit Required.

A. Special Permit. A special permit shall be required for all Multifamily Housing dwelling units applied for pursuant to this Section 13.12, and all procedures and standards set forth in Sections 13.1 through 13.4 inclusive shall be applicable, except as may be specifically modified in this Section 13.12 as follows:

B. Site Plan Review by the Commission.

1. A site plan review by the Commission, but not a special permit, shall be required for the review and approval of Multifamily Housing applications consisting of six or fewer units within a single building in the B-1, B-2, B-3, and B-4 Districts.
2. A site plan review by the Commission, but not a special permit, shall be required for the review and approval of Multifamily Housing applications consisting of four or fewer units within a single building in the R-1, R-2, and R-3 Districts, provided all units are set back a minimum of 75 feet from the front property line.
3. A site plan review by the Commission, but not a special permit, shall be required for the review and approval of Multifamily Housing applications consisting of a total of four or fewer units in the R-1, R-2, and R-3 Districts, provided all such units are contained within a building that has been occupied as a single family dwelling for no less than five years and/or an accessory building to such dwelling, regardless of the existing setback of such buildings from the front property line.

C. For all Multifamily Housing applications when site plan review by the Commission is required, the Commission shall receive public comment.

13.12.5 Additional Standards and Procedures for All Multifamily Housing Applications.

A. Preliminary Discussion. Applicants shall meet with the Zoning Commission for a preliminary discussion and review of the preliminary site development and architectural plans prior to the drafting of final plans and the submission of the completed application. Comments made by both parties at this preliminary discussion shall be non-binding.

B. Survey. All applications for Multifamily Housing

Commented [AC4]: Section 13.12.5.D requires affordable housing as part of some multifamily projects. As drafted, this section 13.12.3.B.2 may therefore be inconsistent with section 4.4.12, which requires a special permit for affordable housing.

shall be accompanied by an A-2 boundary survey of the subject parcel and a site plan per Section 14.

C. Approvals from other state and/or Town departments and agencies may be required. These include written confirmation of septic system approval from the state DEEP or local Health Department per Section 2.3.6, state or Town well or water supply approval, driveway approval from the Board of Selectmen or State DOT per Sections 2.3.9 and 14.7.2, and/or other approvals as may be appropriate from departments such as the Fire Marshal, Inland Wetlands Commission, Historic District Commission, etc. MFH-Multifamily Housing applicants

should consult with

these other departments for additional permit requirements. No work may be commenced under any zoning permit until all other required permits have been issued.

D. Affordability Requirement. No fewer than ten percent (10%) of the total number of units proposed in any application shall be subject to binding recorded deeds containing covenants or restrictions which-that

require

~~that~~-such dwelling units be sold or rented at, or below, prices which-that will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income as defined in CGS Section 8-30g(a). The number of affordable units required shall be rounded up to the next whole number. Multifamily Housing proposed within an existing single family dwelling and/or its existing accessory building is exempt from the 10% Affordability requirement.

E. Utilities. All utilities shall be located underground. The Commission may waive this requirement when appropriate for Multifamily Housing proposed within existing dwellings and/or their existing accessory buildings.

F. Parking. Parking facilities shall be in accordance with Section 15 of these Regulations, shall be provided with convenient access to the building(s), and shall be located behind the building(s) and/or screened from from public roads wherever possible.

G. Traffic Study. A traffic study may be required if

deemed appropriate by the Commission, except that a traffic study shall be required for new construction that abuts a scenic road or has a driveway onto an unpaved road.

Commented [AC5]: As written, this section provides no guidance as to when a traffic study would be "appropriate." Provide guidance by including situations where such a study is necessary, as for scenic or unpaved roads, because multifamily housing by its nature could jeopardize the inherent characteristics of those roads. Consult with the Highway Department to include other types of roads that should have a mandatory traffic study.

H. Maximum Number of Units per Development. The maximum number of Multifamily Housing units per MFH-Qualified Lot shall be ~~20~~10 for the total development accessed from an unpaved town road, 20 for a paved town road, and 30 for the total development accessed from a state highway. If any MFH-Qualified Lot has been divided into smaller lots after January 1, 2023, the maximum number of Multifamily Housing units allowed by this section shall be cumulative for all such lots.

Commented [AC6]: The regulations should recognize that there is a wide range of capacities among the many town roads; paved/unpaved may be a good way of differentiating.

I. Maximum Size of Multifamily Housing Units. The maximum size of a Multifamily Housing unit shall be 2600 square feet, which includes any attached garage.

J. Uses Prohibited in Multifamily Housing Developments. The following uses are specifically prohibited in Multifamily Housing developments:

1. Shop and Storage Use by Contractors and Building Tradesmen per Section 13.16.
2. Outdoor Wood Burning Furnaces per Section 13.20
3. Visiting and/or temporary trailers for living purposes per Sections 12.8.2.
4. Raising or keeping of agricultural animals including, but not limited to, pigs, poultry, horses, goats, sheep, rabbits, etc.
5. Kennels per Section 13.18.

13.12.6 Design Standards for All Multifamily Housing Applications. It is the intention of the Zoning Commission to encourage small scale development that is both appropriate for Washington and consistent with the historical development of the zoning district. In considering applications for Multifamily Housing under this Section 13.12, the Commission shall require the applicant to demonstrate the following, unless the Commission determines the provision is not relevant or applicable:

- A. The preservation of historically significant structures;
- B. Building Locations. All new buildings, porches, decks, and other additions and structures shall be:

- 1) Separated from every other building on the lot by a minimum of 50 feet.
 - 2) Separated by a minimum of 25 feet from the edge of the pavement or surface of any of the following located within the development; ~~the~~ main driveway or accessway, cul de sac, or parking area.
 - 3) Oriented so that no garage shall be accessed directly from a town road or state highway, but instead, shall be accessed from a shared interior private drive or accessway extending from a town road or state highway.
 - 4) Oriented to take advantage of solar energy wherever possible. If no plan to take advantage of solar energy is submitted, the applicant shall discuss with the Commission solar orientation and the reason(s) why it was not possible to utilize solar energy.
- C. The use of residential style architecture that is harmonious in appearance with the existing style, proportion, and scale so as to be compatible with architectural styles in the existing neighborhood and surrounding community.
- D. The use of building materials that are harmonious in appearance with those typical elsewhere in the zoning district and neighborhood. The use of energy efficient building materials and technology that is not harmonious in appearance with the building materials typical elsewhere in the neighborhood and zoning district may be approved if the applicant can demonstrate to the Commission's satisfaction that 1) a materially similar level of energy efficiency cannot be achieved with building materials typical elsewhere in the neighborhood; and 2) the landscape design, through the use of greater setbacks, additional screening and landscaping, positioning amid natural features, or other design elements, will materially lessen the visual impact of the non-harmonious building features.
- E. Appropriate consideration of building size and residential building design including submission of architectural elevations, renderings, and/or photographs to clarify issues regarding visual impact and building relationships.
- F. Pitched roof lines and that no building extends in a continuous plane for more than 50 feet without a

Commented [A7]: The regulations should make clear that a trivial difference in energy efficiency is not a sufficient basis for rejecting materials typical to the neighborhood.

horizontal offset from grade to eaves of a minimum of 2 feet.

- G. A maximum of 6 units per building in the R-1: Farming and Residential District, R-2: Washington Green District, and R-3: Lake Waramaug Residential District and 8 units per building in the B-1: New Preston, B-2: Washington Depot, B-3: Marbledale, and B-4: Woodville Business Districts.
- H. Buildings are designed and located on site to use the existing topography, natural features, and vegetation of the lot.
- I. Buildings are clustered on the parcel in order to preserve land in its natural state for the purpose of providing for additional screening from adjoining properties, conserving natural resources, continued farming of pastures and agricultural fields, preservation of woodland and/or wildlife corridors, opportunities for passive recreation, etc.
- J. Adaptive conversion of existing buildings such as farm houses, accessory buildings, and agricultural buildings is encouraged.

13.12.7 Site Design and Landscaping for all Multifamily Housing Applications. A detailed landscaping plan including plant material, number, size, areas to be planted, and method of maintenance shall be submitted. The Commission shall consider the extent to which the architectural designs and spatial arrangements of the proposed buildings and other structures may be in harmony or contrast with the physical design and arrangement of structures and natural features in the surrounding area and may require additions or modifications to the proposed plan. In making this consideration, the Commission shall consider the following:

- A. The use of existing topography and contours, natural features, and vegetation, especially existing trees, to screen the development from adjoining properties and from public view.
- B. Screening of unsightly elements such as parking lots, refuse containers, utilities, and accessory structures from public view.
- C. The physical and visual integration of the development into the neighborhood and zoning district.
- D. The retention of existing mature vegetation on site in areas not disturbed by construction and replanting

of trees where possible in those areas disturbed by construction.

E. The establishment and maintenance of landscape buffers satisfactory to the Commission in order to minimize any adverse visual and noise impacts. Evergreens shall be included in such buffers. The Commission may require that trees planted for buffers be a minimum 6 feet tall.

F. Parking areas set back a minimum of 100 feet from the front property line and a minimum of 50 feet from any side or rear property lines.

G. Lighting. All outdoor lighting shall be "Dark Sky Friendly" and comply with the standards of Section 12.15 of these Regulations in both business and residential zoning districts throughout Town. A lighting plan shall be submitted with the application for the Commission's review and approval. Installation of outdoor lighting on timers and/or motion sensors shall be required.

13.12.8 Maintenance. The applicant shall submit sufficient information to the Commission to demonstrate that adequate provisions have been made for the sustained maintenance of the common areas of the development, including roads. When a homeowners' association is proposed, the association's rules and guidelines shall be submitted to the Commission for review.

13.12.9 Financial Security. Before a special permit or site plan approval is issued, a bond or other security in a form and amount satisfactory to the Commission shall be posted by the applicant for A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality and B) the implementation of any erosion and sediment control measures required during construction activities.

13.12.10 Additional Standards for Multifamily Housing in Business Districts.

A. Setbacks. Minimum setbacks shall be front yard: 30 feet, side yard: 15 feet, and rear yard: 25 feet. Multifamily Housing proposed within an existing single family dwelling and/or its existing accessory building shall be exempt from these setback requirements.

B. Lot Coverage. Lot coverage shall conform to the maximum limits specified in Section 11.5.2.

C. Density. Notwithstanding the provisions of Section 11.2, the maximum density of a lot used for

Multifamily Housing may be up to six times the densities listed in Section 11.2.2, provided the Commission finds that the proposed development will satisfy all other applicable standards of these Regulations.

13.12.11 Additional Standards for Multifamily Housing in the Residential Districts.

A. Setbacks. The minimum setback shall be a minimum of 75 feet from ~~the front lot line; that is the side of the property from which the development is accessed, and a minimum of 75 feet from the side and rear~~ all lot lines. Multifamily Housing proposed within an existing single family dwelling and/or its existing accessory building shall be exempt from these setback requirements.

Commented [AC8]: Unnecessary to differentiate as all setbacks are the same 75 feet.

B. Lot Coverage. Maximum lot coverage permitted shall comply with the provisions of Section 11.5.1.
 C. Density. Notwithstanding the provisions of Section 11.2, the maximum density of a lot used for Multifamily Housing may be up to three times the densities listed in Section 11.2.2, provided the Commission finds that the proposed development will satisfy all other applicable standards of these Regulations.

Additional Revisions and/or New Sections:

4.3.10 MULTIFAMILY HOUSING consisting of 4 units or less within a single building and all units are set back a minimum of 75 feet from the front lot line (existing buildings are exempt from the setback requirement per Section 13.12.10 and 13.12.11.A) Site plan review and approval by the Commission required. See Section 13.12.

4.4.21 Multifamily Housing per Section 13.12

5.3.7 MULTIFAMILY HOUSING consisting of 4 units or less within a single building and all units are set back a minimum of 75 feet from the front lot line (existing buildings are exempt from the setback requirement per Section 13.12.10 and 13.12.11.A.) Site plan review and approval by the Commission required. See Section 13.12.

5.4.11 MULTIFAMILY HOUSING per Section 13.12.

6.3.10 MULTIFAMILY HOUSING consisting of 4 units or less within a single building and all units are set back a minimum of 75 feet from the front lot line (existing buildings are exempt from the setback requirement per Section 13.12.10 and 13.12.11.A.) See Section 13.12.

6.4.10 MULTIFAMILY HOUSING per Section 13.12.

Commented [AC9]: This should reference 6.4.14 rather than 6.4.10.

7.3.21 MULTIFAMILY HOUSING consisting of 6 units or less within a single building. Site plan review and approval by the Commission required. See Section 13.12.

7.4.20 MULTIFAMILY HOUSING per Section 13.12.

8.3.21 MULTIFAMILY HOUSING consisting of 6 units or less within a single building. Site plan review and approval by the Commission required. See Section 13.12.

8.4.22 MULTIFAMILY HOUSING per Section 13.12

9.2.5 MULTIFAMILY HOUSING consisting of 6 units or less within a single building. Site plan review and approval by the Commission required. See Section 13.12

9.4.14 MULTIFAMILY HOUSING per Section 13.12.

10.2.4 MULTIFAMILY HOUSING consisting of 6 units or less within a single building. Site plan review and approval by the Commission required. See Section 13.12

10.4.14 MULTIFAMILY HOUSING per Section 13.12.

12.5.2 Accessory buildings shall be clearly subordinate to and smaller in ground floor area and volume than the principal structure on the property except in connection with an agricultural use **OR FOR MULTIFAMILY HOUSING PER SECTION 13.12** ~~FOR THE PURPOSE OF PROVIDING A RANGE OF HOUSING TYPES IN TOWN TO PROMOTE HOUSING AND POPULATION DIVERSITY.~~

Commented [AC10]: Unclear whether this means that a range of housing types promotes "housing" per se or "housing diversity." Also unclear how accessory buildings promote "population diversity." It could be read as implying that people who are not like the majority of Washington residents should live in accessory buildings. The clause adds nothing to the Zoning regulations and should be omitted.

Delete the entire Section 13.10; Residential Conversion of Older Home. Retain Section Number:
13.10 [Deleted]

13.11.1 ...The requirements governing accessory apartments are more stringent for detached apartments than for attached apartments

because the Zoning Commission believes that a property owner is more likely to maintain close supervision of an apartment that directly adjoins the property owner's own dwelling. **A TOTAL OF TWO ACCESSORY APARTMENTS PER PROPERTY ARE PERMITTED; EITHER ONE ATTACHED AND ONE DETACHED OR TWO ATTACHED; PER SECTIONS 13.11.2 AND 13.11.3 BELOW.**

13.11.2.I. At least two additional off street parking spaces shall be provided for the use of the attached accessory apartment. **IN ADDITION, WHEN TWO ATTACHED ACCESSORY APARTMENTS ARE PROPOSED, THE COMMISSION MAY REQUIRE THE PARKING SPACES TO BE SCREENED BY LANDSCAPING OR FENCING OR LOCATED SO THEY ARE NOT VISIBLE FROM PUBLIC VIEW.**

12.15 Outdoor Lighting in (Residential) **ALL** Districts.

21.1.50 **MFH-QUALIFIED LOT. A LOT EXISTING AS A SEPARATELY DESCRIBED LOT OR PARCEL ON THE LAND RECORDS OF THE TOWN OF WASHINGTON ON JANUARY 1, 2023.**
(Renumber following sections)

JMH
9/21/2023