

## **Examples: Accessory Dwelling Unit and Incentive Housing Zone regulations**

### **Accessory Dwelling Unit**

- Town of Groton, CT            pages 2-4
- Town of Groton, MA        pages 5-8
- City of Groton, CT            pages 9-11

### **Incentive Housing Zone (equivalent to Priority Housing Development Zone)**

- Town of East Lyme, CT      pages 12-21

# ZONING REGULATIONS



TOWN OF GROTON, CT

First Adopted: June 21, 1957  
Recodified and Adopted: July 17, 2019  
Effective: October 1, 2019

Revised: April 15, 2026

# SECTION 5: USE STANDARDS

## 5.1 CONDITIONAL USES *(Rev. Eff. 06-15-2023)*

Each of the following uses is permitted in a specific district to the extent indicated in 4.1 Table of Permitted Uses for that use and district, subject to all provisions of the applicable district, and the provisions in this section. The uses are divided into two categories as follows:

- **Conditional:** A use that is permitted in the underlying zoning district if it meets all provisions of the regulations for that district and the specific conditions listed in this Section.
- **Special Permit/Conditional:** A use that is permitted in the underlying zoning district if it meets all the requirements for that district, the specific conditions listed in this Section, and receives an approval of a Special Permit by the PZC. Certain classes or kinds of buildings, structures or uses of land may only be appropriate in particular locations or districts based on how their attributes relate to a specific site. Such uses are permitted only after the grant of a special permit by the PZC pursuant to the requirements of Section 9.4, Special Permit of these Regulations.

Note that some uses require a Special Permit but are NOT subject to the conditions below. Such uses are noted both in this Section 5.1 and in 4.1 Table of Permitted Uses and are subject to the requirements of Section 9.4, Special Permits.

**Application:** Every application for the use of property subject to conditions set forth in this Section 5.1 must be filed in accordance with the provisions of these regulations. Conditional Uses that also require a Special Permit are noted in the descriptions below. Uses shall also be subject to site plan approval by the PZC or administrative site plan approval, whichever is appropriate, and any other approval stipulated in this section.

### 5.1-1 ACCESSORY USES

#### 5.1-1.A *Accessory Dwelling Units (Rev. Eff. 5-15-2023, Rev. Eff. 07-15-2025)*

Conditions apply in the following zoning districts: RS, R, RU, RM, R-MI, CN, CR, MDD, WW, MTC, MVC, IM

The intent of this regulation is to encourage the provision of affordable housing units for families and individuals and to encourage the provision of housing units for small and multi-generational households. An accessory dwelling unit is permitted within the principal dwelling unit or as a detached, freestanding unit subject to Administrative Site Plan approval and the following conditions:

1. **Associated with One Unit Dwelling:** Each accessory dwelling unit created must be associated with a one-unit dwelling and there may be only one accessory dwelling unit permitted for each one-unit dwelling.
2. **Owner Occupied:** The owner of the principal residence to which the accessory dwelling unit is associated must occupy at least one of the dwellings, except within the R-MI zoning district. *(Rev. Eff. 07-15-2025).*
3. **Standards:** Detached, freestanding accessory dwelling units are permitted, provided they meet all



lot, yard, and building requirements of Section 4.2, required of the principal dwelling.

4. **Size:** The accessory dwelling unit must clearly be the secondary use and its maximum net floor area must not exceed 1,000 SF. *(Rev. Eff. 05-15-2023)*
5. **Parking:** One off-street parking space must be provided for each accessory dwelling unit, except within the R-MI zoning district. *(Rev. Eff. 05-5-2023, Rev. Eff. 07-15-2025)*
6. **Facilities:** Each accessory dwelling unit must have its own independent bathroom and kitchen facilities.
7. **Design:** Unless prohibited by the State Building Code, all stairways to second or third stories should be enclosed within exterior walls.

When located within the principal dwelling unit, any new entrance to the accessory dwelling unit should be located on the side or in the rear of the principal dwelling unit, except within the R-MI zoning district. *(Rev. Eff. 07-15-2025).*

When located within a new detached, freestanding building, the unit must meet the required front yard set-back and should also be set back farther from the front property line than the façade of the principal dwelling unit, except within the R-MI zoning district. *(Rev. Eff. 07-15-2025).*

### 5.1-1.B **Contractor Vehicle Parking and Construction Equipment Storage, Residential**

Conditions apply in the following zoning districts: RS, R, RU, RM, CN, MTC, MVC, IM

1. **Residential Lot:** The storage/parking of no more than one contractor's construction or commercial motor vehicle per residential lot, not exceeding 1½ tons capacity, whether inside or outside a building, is a permitted accessory use. This limitation does not apply in those instances where a property is being primarily used for agricultural uses allowed by these regulations in the district where the lot is located.
2. **Residential Lot in RU District:** Contractor Vehicle Parking and Construction Equipment Storage is a permitted accessory use in the RU district, provided all such vehicles and equipment are stored or parked within a building. (Except for one vehicle meeting the above requirements in Sec. 5.1-1.B.1.)

### 5.1-1.C **Drive Through Facilities**

Special Permit required in certain districts (see specific details below).

Drive through facilities are permitted accessory uses subject to the following conditions:

1. **Location On-Site:** Drive through facilities, including required stacking lanes, must be located in the rear or side yards only.
2. **Curb- Cuts:** Drive through facilities must not generate the need for an additional driveway curb cut.
3. **Special Permits:** A Special Permit is required for the following types of drive-through facilities in the following zoning districts:
  - a. **Restaurants:** CN, CR, MTC



**Article \_\_\_ Accessory Dwelling Units**

**To see if the Town will vote to amend the Zoning Bylaw of the Town of Groton as follows:**

- 1. Amend Section 218-3 Definitions** by deleting the definition for Accessory Apartment in its entirety and replace it with the following definition

**“Accessory Dwelling Unit**

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, this bylaw shall not unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.”

- 2. Amend Section 218-5.2 Schedule of Use Regulations** by deleting the entry under Accessory Uses “Accessory A apartment as regulated under Section 218-9.4” in its entirety and replace it with the following entry

	<b>R-A</b>	<b>R-B</b>	<b>NB</b>	<b>VCB</b>	<b>GB</b>	<b>I</b>	<b>P</b>	<b>O</b>
“Accessory Dwelling Unit	Y	Y	N	N	N	N	N	N”

- 3. Amend Section 9.4 Accessory Apartment** by deleting it in its entirety and replace it with the following

**“§ 218-9.4. Accessory Dwelling Unit. [**

**§ 218-9.4.1. Purpose.**

- To provide homeowners of a single-family dwelling in the R-A and R-B Districts with a means of sharing space and the burdens of home ownership, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
- Develop
- housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle.
- Provide small additional housing units for rent without substantially altering the appearance of the Town
- Provide housing units for persons with disabilities.
- Protect stability, property values, and the residential character of a neighborhood

**§ 218-9.4.2. Attached accessory dwelling unit.**

Use or rental of an accessory dwelling unit, an independent dwelling unit not to exceed 900 square feet of habitable floor area or 50% of the gross habitable floor area contained within principal dwelling unit, whichever is less. The unit shall have a separate entrance, a kitchen/living room, a bathroom and bedrooms. The gross floor area shall include the interior finished habitable area to be used exclusively for the accessory dwelling unit.

No more than one accessory dwelling unit shall be allowed by right on a lot in the RA and RB Districts providing the following criteria are met:

- a. The accessory dwelling unit shall conform to the provisions of Title V of the State Sanitary Code, 310 CMR 15.00, and applicable regulations of the Groton Board of Health or be served by public sewer.
- b. Approval from the Fire Department.
- c. Building, plumbing, electrical and any other required permits are obtained.
- d. The attached accessory dwelling unit is contained within a single-family dwelling.
- e. All staircases required to access an attached accessory dwelling unit must not change the general appearance of a single-family house.
- f. Space for the attached accessory dwelling unit may be provided by either raising the roof, or extending the dwelling, but only in accordance with current height and setback requirements.
- g. To maintain the single-family character of the neighborhood, the entrance to the attached accessory dwelling unit should be on the side or rear, if possible, but may be through the front door, if there is a vestibule.
- h. The accessory dwelling unit and the principal dwelling to which it is accessory shall remain under the same ownership.
- i. Sufficient and appropriate area for at least one additional parking space shall be provided by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and, to prevent on-street parking, and shall have vehicular access to the driveway.
- j. The footprint of the structure in which the attached accessory dwelling unit is to be located shall not be increased by more than 900 square feet or 50% of the habitable gross floor area of the existing principal dwelling, whichever is less, and shall retain the appearance of a single-family structure. Any such increase in the footprint shall not exacerbate an existing nonconformity nor create a new nonconformity.
- k. The provisions of MGL c. 40A, § 3 shall apply to any accessory dwelling units intended for occupancy by a person with a disability relative to access ramps used solely for the purpose of facilitation ingress and egress to person with physical limitations as defined in MGL c. 22, § 13A.

#### **§ 218-9.4.3. Detached accessory dwelling unit.**

The Planning Board may authorize the installation and use and rental of a detached accessory dwelling unit not to exceed 900 square feet of habitable floor area or 50% of the gross habitable floor area contained within the principal dwelling unit, whichever is less, in a detached structure on a lot in the R-A or R-B Districts subject to Site Plan Review pursuant to § 218-2.5 provided

the following criteria are met:

- a. Sections a-c, e, h, i, and k of § 218-9.4.2 are met.
  - b. A plot plan of the existing dwelling unit and proposed accessory dwelling unit shall be submitted , showing the location of the building on the lot, the proposed accessory dwelling unit, location of any septic system and required parking
  - c. The detached accessory dwelling unit shall be a complete, separate housekeeping unit containing a kitchen/living room, a bathroom and bedrooms. No more than one accessory dwelling unit shall be allowed by right on a lot in the RA and RB District.
  - d. Any new construction shall be in accordance with current height and setback requirements for the district in which it is located.
  - e. No building permit shall be granted without a condition that the accessory dwelling unit shall conform to the provisions of Title V of the State Sanitary Code, 310 CMR 15.00, and applicable regulations of the Groton Board of Health if it not served by public sewer.
  - f. Any property that has been granted a building permit for a detached accessory dwelling unit shall not be further divided unless all zoning requirements can be met for the district in which it is located.
  - g. Prior to approval under Site Plan Review a for a detached accessory dwelling unit the Planning Board shall make the following findings:
    - (1) The detached accessory dwelling unit will not impair the integrity or character of the neighborhood in which it is located.
    - (2) The detached accessory dwelling unit will provide housing opportunities in conformance with the purpose of this section.”
- 4. Amend Section 218-2.5 Site Plan Review** by adding the following at the end of Section B.(2) Applicability

“(d) Detached Accessory Dwelling Unit (refer to Section 218-9.5)”

**or take any other action relative thereto.**

**Article Summary:** This article amends the Zoning Bylaw to conform with newly adopted changes to the Massachusetts Zoning Act relative to Accessory Dwelling Units while retaining much of the local regulatory framework. The major regulatory requirements include:

- The term Accessory Dwelling Units replaces the nomenclature for Accessory Apartments and the definition tracks definition from the State legislation
- An occupancy requirement of either the Accessory or Principal unit by the property owner is no longer permitted under the State legislation.
- Accessory unit size is limited to 900 square feet or 50% of the gross habitable floor area of the principal unit, whichever is smaller. Current zoning limits size to 800 square feet.

- No more than one accessory unit is to be allowed as of right on a lot , however the proposed zoning amendment does require detached accessory units to be subject to site plan review by the Planning Board. The current zoning allowed attached units as of right and detached by special permit. Special permits are no longer permitted unless more than one accessory dwelling is contemplated. This bylaw does not contain provisions for more than one accessory dwelling unit per lot in a single family district.
- The bylaw leaves many of the dimensional, bulk, parking, and site requirements consistent with the State legislation.
- The proposed zoning requires the principal and accessory dwelling unit be under the same ownership.

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# 3.3 PERMITTED ACCESSORY BUILDINGS, STRUCTURES & USES

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## 3.3.A Provisions

- No accessory building or structure shall be built on any lot on which there is not a principal building.
- Accessory buildings or structures in all residential districts shall be subject to the following:
  - No accessory building or structures shall be permitted in any front yard or any required side yard setback.
  - All accessory buildings and structures shall be located at least 6 feet from any principal building situated on the same lot.
  - Accessory buildings, structures, or uses in any rear yard shall not be closer than 4 feet from any side or rear property line.
  - The total of all accessory buildings and structures shall not occupy more than 40% of the required rear yard setback wherein they are located.
  - No free-standing accessory building or structure shall exceed 15 feet in height, unless otherwise permitted by these Regulations.

## 3.3.B No Permit Required

	R-12	R-8	R-5.1	R-5.2	RM
1. Accessory uses that are customary, subordinate, and incidental to a principal use permitted by Section 3.2.A or Section 3.2.B.	R	R	R	R	R
2. The keeping of domesticated animals as pets but not an animal hospital.	R	R	R	R	R
3. The keeping of horses or similar livestock animals with one such animal permitted per three acres of land.	R	R	R	R	
4. Home office when conducted in accordance with Section 6.3.	R	R	R	R	R
5. Family day care home.	R	R	R	R	R

6. Retaining walls less than three feet (3') in height.	R	R	R	R	R
7. Other fences or walls not over 7 feet in height (yard setbacks shall not apply but shall comply with corner visibility requirements).	R	R	R	R	R
8. Sale of alcoholic beverages when accessory to an approved club, lodge or association.	R				
9. Special events when accessory to an authorized club, lodge or association provided that any state or local permits are obtained.	R	R	R	R	

### 3.3.C Zoning / Building Permit Required (Staff)

	R-12	R-8	R-5.1	R-5.2	RM
1. Accessory structures that are customary, subordinate, and incidental to a principal use permitted by Section 3.2.A, Section 3.2.B, Section 3.2.C, or Section 3.2.D.	R	R	R	R	R
2. Private garages for up to three motor vehicles.	R	R	R	R	
3. Tool shed, garden house, playhouse, tennis court, or swimming pool.	R	R	R	R	
4. Tennis court fences	R	R	R	R	R
5. Minor home occupations when conducted in accordance with Section 6.3.	R	R	R	R	R
6. Retaining walls three feet (3') or more in height.	R	R	R	R	R

### 3.3.D Site Plan Approval Required (Commission)

	R-12	R-8	R-5.1	R-5.2	RM
1. Group daycare homes to subject to the requirements of Section 6.4.				R	R

### 3.3.E Special Permit Approval and Site Plan Approval Required (Commission)

	<b>R-12</b>	<b>R-8</b>	<b>R-5.1</b>	<b>R-5.2</b>	<b>RM</b>
1. Major home occupations or any home-based business not conducted in accordance with Section 6.3.	R	R	R	R	R
2. Bed and breakfast establishments, subject to the requirements of Section 6.5 of these Regulations.	R	R	R	R	R
3. Private garages for more four or more motor vehicles.	R	R	R	R	R
4. Fences or free-standing walls over 6 feet in height which do not meet yard setback or corner visibility requirements.	R	R	R	R	R
5. The keeping of horses or similar livestock animals on a parcel with less than three acres of land per animal.	R	R	R	R	
6. Buildings, structures and uses accessory to multi-family residential use including but not limited to a laundry center, community meeting room, resident mail room.					



# ZONING REGULATIONS

Adopted May 4, 1954 -

As amended through July 19, 2024

*Caeryll M. Kelly*  
TOWN CLERK

2024 JUL 15 A 10:10

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EAST LYME, CT

# SECTION 33

## INCENTIVE HOUSING ZONE

### 33.1 PURPOSE:

The Incentive Housing Zone is intended to:

- a. Encourage a range of affordable housing types.
- b. Permit mixed-use development sensitive to neighborhood character.
- c. Enable infill development and the adaptive reuse of vacant or underutilized properties.

### 33.2 AUTHORITY:

The Incentive Housing Zone is adopted under the provisions of Sections 8-13m through 8-13x of the Connecticut General Statutes.

### 33.3 DESIGNATION OF INCENTIVE HOUSING ZONE:

The Incentive Housing Zone shall be an overlay zoning district subject to the provisions and requirements contained in Sections 8-13m through 8-13x of the Connecticut General Statutes and within the Zoning Regulations of the Town of East Lyme. The Incentive Housing Zone shall consist of four subzones designated as follows:

- Midway;
- Niantic Village, three sites.

The location and extent of each subzone is defined on the zoning map of the Town of East Lyme. The Zoning Commission may, at a future date, consider reducing or adding to the number of subzones.

### 33.4 APPLICABILITY:

Where the general provisions of the Zoning Regulations of the Town of East Lyme conflict with the specific provisions of Section 33, Incentive Housing Zone, the permitted uses, requirements, and standards contained in Section 33 shall apply.

### 33.5 DEFINITIONS:

Following are definitions of terms related specifically to the Incentive Housing Zone. Reference should be made to Section 1 of the Zoning Regulations of the Town of East Lyme for definitions of other terms.

33.5.1 **AFFORDABLE HOUSING** – Housing that may be purchased or rented by households earning no more than eighty percent (80%) of the area's median household income, as determined and reported by the U.S. Department of Housing and Urban Development, and using no more than thirty percent (30%) of their annual income for housing costs.

33.5.2 **DEVELOPABLE LAND** – The area within the boundaries of an approved

Incentive Housing Zone that feasibly can be developed into residential or mixed uses consistent with the provisions of Sections 8-13m through 8-13x of the Connecticut General Statutes. Excluded from the area classified as developable land are the following:

- A. land already committed to a public use or purpose, whether publicly or privately owned;
- B. existing parks, recreation areas and open space dedicated to the public or subject to a recorded conservation easement;
- C. land otherwise subject to an enforceable restriction on or prohibition of development;
- D. wetlands or water courses as defined in Chapter 440 of the Connecticut General Statutes;
- E. areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

#### 33.5.3 DWELLING TYPES

- A. Single-family dwelling – A detached building designed for or occupied by one family.
- B. Duplex (two-family dwelling) – A detached building designed for or occupied by two families.
- C. Townhouse – A residential building consisting of three or more attached units in which each unit shares with the adjacent unit(s) a wall which extends from foundation to roof and has exterior walls on at least two sides.
- D. Mixed-use dwelling – A building dedicated principally to a permitted non-residential use that also contains residential units.
- E. Multiple-family dwelling – A building designed for or occupied by three or more families living independently.

33.5.4 ELIGIBLE HOUSEHOLD – A household whose annual income is at or below eighty percent (80%) of the area median income, as determined and reported by the U.S. Department of Housing and Urban Development.

33.5.5 INCENTIVE HOUSING DEVELOPMENT – A residential and mixed-use development located in an Incentive Housing Zone approved in accordance with Section 33 of these regulations.

33.5.6 INCENTIVE HOUSING ZONE – A zone, or a series of subzones, adopted by the Zoning Commission pursuant to Sections 8-13m through 8-13x of the Connecticut General Statutes as an overlay to one or more existing zoning districts under the Zoning Regulations of the Town of East Lyme, and situated in an eligible location.

- 33.5.7 INCENTIVE HOUSING ZONE CERTIFICATE – A written certificate issued by the Secretary of the Connecticut Office of Policy and Management in accordance with Sections 8-13m through 8-13x of the Connecticut General Statutes.
- 33.5.8 INCENTIVE HOUSING RESTRICTION – A deed restriction, covenant or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by Sections 8-13m through 8-13x of the Connecticut General Statutes, as amended, and Section 33 of the Town of East Lyme Zoning Regulations.
- 33.5.9 INCENTIVE HOUSING UNIT – A dwelling unit within an Incentive Housing Development that is subject to incentive housing restrictions.
- 33.5.10 MIXED-USE DEVELOPMENT – A development consisting of one or more multi-family or single-family dwelling units and one or more commercial, public, institutional, retail or office uses.
- 33.6 PERMITTED USES:
- Subject to approval by the Zoning Commission of a site plan for any proposed incentive housing development, the following uses shall be permitted within all subzones of the Incentive Housing Zone.
- A. Single-family detached dwellings;
  - B. Duplex (two-family) dwellings;
  - C. Townhouses;
  - D. Multi-family dwellings.
- 33.7 MIXED-USE DEVELOPMENT:
- Mixed-use development shall be required within Incentive Housing Zones.
- Non-residential uses permitted as-of-right or by approved site plan in the underlying zoning district of any Incentive Housing Subzone shall be permitted, subject to the determination by the Zoning Commission that such uses are compatible with the character of the neighborhood. Additionally, other non-residential uses, as allowed in the underlying zone, shall be permitted.
- The Commission may allow by an approved site plan uses otherwise permitted by right or by site plan in the underlying zoning district, provided that the minimum residential densities are met for the total incentive housing development. Bulk requirements for stand-alone non-residential uses in an incentive housing development shall be in accordance with the requirements of the underlying zoning district. The first floor shall be limited to non-residential uses.
- 33.8 LOCATION:

33.8.1 DEVELOPMENT ON NON-CONTIGUOUS PARCELS – The dwelling units within an incentive housing development need not be located on contiguous parcels but shall be identified within a single integrated development plan. This requirement shall apply even if the incentive housing development is to be constructed in phases.

33.8.2 SUBDIVISION APPROVAL – Different housing types within an incentive housing development may be located on the same lot or on different lots. If lots are to be subdivided, the approval of an incentive housing development is subject to prior subdivision approval by the East Lyme Planning Commission.

If the Zoning Commission adopts a regulation for an Incentive Housing Zone that permits single-family detached homes on subdivided lots, requiring subdivision approval under the Subdivision Regulations of the Town of East Lyme, the Zoning Commission shall make a written finding that the applicability of such Subdivision Regulations shall not unreasonably impair the economic or physical feasibility of constructing housing at minimum densities and subject to an incentive housing restriction as required by Sections 8-13m through 8-13x of the Connecticut General Statutes.

If housing on subdivided lots is proposed in an Incentive Housing Zone, the Zoning Commission shall use its best efforts to encourage the Planning Commission to adopt subdivision standards that will ensure consistency of the single-family detached housing with the purposes of Sections 8-13m through 8-13x of the Connecticut General Statutes.

### 33.9 DIMENSIONAL REQUIREMENTS:

33.9.1 GENERAL – As provided in Sections 8-13m through 8-13x of the Connecticut General Statutes, the Zoning Commission may modify, waive or delete dimensional standards contained in the zone or zones that underlie an Incentive Housing Zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the incentive housing zone. Standards subject to modification, waiver or deletion include, but shall not be limited to: building height, setbacks, lot coverage, parking ratios and road design standards.

If an incentive housing development is to be developed in phases, each phase shall comply with the minimum residential densities and the incentive housing restrictions set forth in this subsection.

33.9.2 MINIMUM DENSITY – The following densities for incentive housing development shall be based on developable land, as defined in Section 8-13m(3) of the Connecticut General Statutes and Subsection 33.5.2 of the Zoning Regulations of the Town of East Lyme.

The minimum allowable density for incentive housing development, per acre of developable land, shall be:

- A. six (6) units per acre for single-family detached housing;
- B. ten (10) units per acre for duplex or townhouse housing;
- C. twenty (20) units per acre for multi-family housing.

The town may request a waiver of the above density requirements of this subsection, as authorized in Section 8-13n(3) of the Connecticut General Statutes, and the Secretary of the Office of Policy and Management may grant a waiver, if the town demonstrates in the application that the land to be zoned for incentive housing development is owned or controlled by the town itself, an agency thereof, or a land trust, housing trust fund or a nonprofit housing agency or corporation. In such case, one hundred percent (100%) of the proposed residential units will be subject to an incentive housing restriction, and the proposed Incentive Housing Zone will otherwise satisfy the requirements of Sections 8-13m through 8-13x of the Connecticut General Statutes and Section 33 of the Zoning Regulations of the Town of East Lyme.

33.9.3 FRONTAGE – Each lot shall have not less than 50 feet of frontage on an approved street.

33.9.4 MINIMUM LOT WIDTH ALONG BUILDING LINE – The width of each lot at the building line shall not be less than 50 feet unless a lesser width is permitted in the underlying district.

33.9.5 COVERAGE, SETBACK, AND HEIGHT – The provisions of the underlying zone shall determine the coverage, setback, and height requirements within an Incentive Housing Zone

33.9.6 MODIFICATIONS, WAIVERS OR DELETIONS – In accordance with Section 8-13n(7)(c) of the Connecticut General Statutes, the Zoning Commission may, on a case-by-case basis, modify, waive or delete dimensional standards contained in the zone or zones that underlie an Incentive Housing Zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the incentive housing zone. Standards subject to modification, waiver or deletion include, but shall not be limited to, building height, setbacks, lot coverage, parking ratios and road design standards.

33.10 ARCHITECTURAL DESIGN:

No site plan required under these Regulations shall be approved nor shall any structure be constructed or exterior renovations or substantial improvement to an existing structure in the Incentive Housing Zone be permitted until the Zoning Commission has determined that the overall architectural character of the proposed site and building design is in harmony with the neighborhood in which such activity is taking place, or accomplishes a transition in character between areas of unlike character; protects property values in the neighborhood, and preserves and enhances the beauty of the community, its historical integrity and architecture. The applicant shall provide adequate information to enable the Commission to make that

determination, including architectural plans of all buildings, other structures and signs. Such plans shall include preliminary floor plans and elevations showing height and bulk, roof lines, door and window details, exterior building materials, color and exterior lighting. Site plans shall show paving materials, landscaping, fencing, lighting design and other features of the site and buildings which are visible from the exterior of any building on the site or from adjacent properties or streets and which may impact on the character or quality of life of adjoining properties and throughout the Incentive Housing Zone. Design review requirements shall apply to all structures, exterior renovations, and substantial improvements within the Incentive Housing Zone.

33.11 OPEN SPACE:

Where deemed necessary and desirable, the Zoning Commission may require the provision of reserved open space in any incentive housing development. Land so reserved shall be of such size, location, shape, topography and general character as to satisfy the need for open space as determined by the Commission.

Open space reserved under this regulation may be used to protect natural resources, to enhance neighborhood character, to preserve or enhance historical or cultural resources or to provide both active or passive recreational opportunities.

Where the Commission has determined the desirability of open space reservation within an incentive housing development, such reservation, typically, shall not exceed ten percent (10%) of the total land area of such development and, typically, shall contain not less than one acre of contiguous land, as determined by the Zoning Commission.

Open space reserved under this regulation shall be permanently reserved for the intended use(s) by means acceptable to the Commission.

33.12 INCENTIVE HOUSING RESTRICTION:

33.12.1 PRIVATE APPLICANT FOR INCENTIVE HOUSING

DEVELOPMENT – In the case of an incentive housing development proposed by a private applicant, at least twenty percent (20%) of the dwelling units shall be rented or conveyed subject to an incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the dwelling units will be sold or rented at or below prices that will preserve the units for housing for which persons pay thirty percent (30%) or less of their annual income, where that income is less than or equal to eighty percent (80%) of the area median household income, as determined by the U.S. Department of Housing and Urban Development. In determining compliance with this subsection, the Zoning Commission will utilize regulations or guidelines published by the Connecticut Office of Policy and Management or any other successor agency designated in accordance with Sections 8-13m – 8-13x of the Connecticut General Statutes.

33.12.2 PUBLIC APPLICANT FOR INCENTIVE HOUSING

DEVELOPMENT – In the case of an incentive housing development proposed by a public applicant, one hundred percent (100%) of the dwelling units shall be rented or conveyed subject to an incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the dwelling units will be sold or rented at or below prices that will preserve the units for housing for which persons pay thirty percent (30%) or less of their annual income, where that income is less than or equal to eighty percent (80%) of the area median household income, as determined by the U.S. Department of Housing and Urban Development. In determining compliance with this subsection, the Zoning Commission will utilize regulations or guidelines published by the Connecticut Office of Policy and Management or any other successor agency designated in accordance with Sections 8-13m – 8-13x of the Connecticut General Statutes.

33.12.3 SUBMISSION OF AFFORDABILITY PLAN – Each applicant for an incentive housing development shall provide an affordability plan that details the administration, monitoring and enforcement of the dwelling units to be rented or conveyed under the requirements set forth in Sections 33.12.1 and 33.12.2 of these regulations. The affordability plan shall include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and such other information as the Zoning Commission may require to establish compliance with Section 33 of the Zoning Regulations of East Lyme and Sections 8- 13m – 8-13x of the Connecticut General Statutes.

33.12.4 DESIGNATION OF ADMINISTERING AGENCY – The applicant shall identify the name, address and other contact information for the agency that will administer the sale or rental of dwelling units that are subject to the below-market sale or rental under Section 33 of the Zoning Regulations of the Town of East Lyme .

33.13 METHODS OF OWNERSHIP:

33.13.1 DWELLING UNITS – Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation of the management, organization and incorporation of applicable ownership associations shall be submitted at the time an application for an incentive housing development is filed with the Zoning Commission.

33.13.2 OPEN SPACE – All open space or supporting facilities and systems shall be in compliance with applicable law and provide for maintenance, liability, financing, and the rights of access and use by residents of the incentive housing development. Open space areas shall be permanently reserved for the dedicated use(s) by means acceptable to and approved by the Zoning Commission. The

permanent reservation of open space may be achieved through, but is not limited to, the following:

- A. deeded to the Town of East Lyme;
- B. deeded to a non-profit organization acceptable to the Commission;
- C. held in corporate ownership by owners of the lots within the
- D. development;
- E. perpetual easement.

33.13.3 **CONDITIONS OF OPEN SPACE CONVEYANCE** – Title to the open space shall be unencumbered and shall be transferred at a time approved by the Zoning Commission. Such transfer shall occur not later than the time at which title to the streets in the incentive housing development is accepted by the Town of East Lyme.

33.13.4 **DEED GUARANTEE** – Regardless of the method employed, the instrument of the open space conveyance must include provisions acceptable to the Zoning Commission and its legal counsel for guaranteeing the following:

- A. Continuity of proper maintenance for those portions of the common open space land and facilities requiring maintenance.
- B. When appropriate, the availability of funds required for such maintenance.
- C. Recovery of loss sustained by casualty, condemnation or otherwise.

33.14 **INCENTIVE HOUSING APPLICATION FEES** – In addition to any fees required under the Zoning Regulations of the Town of East Lyme, the Zoning Commission, in accordance with Section 8-13t of the Connecticut General Statutes, may require the applicant for an incentive housing development approval to pay for the cost of reasonable consulting fees for the peer review of the technical aspects of the application for the benefit of the Zoning Commission.

