

One accessory apartment is permitted in an R-20 or R-12 zone, subject to the following standards and conditions and the provisions of Section 5.3.

- 6.13.1 Except as otherwise provided under this Section, one attached accessory apartment may be permitted as of right, subject to the issuance of a zoning permit, in accordance with the requirements of this section and Section 4.
- 6.13.2 One detached accessory apartment may be permitted on lots which are at least 40,000 sq.ft. in area. One detached accessory apartment may be allowed on lots less than 40,000sq.ft. in area, subject to the issuance of a special permit approval by the TPZ.
- 6.13.3 At least one of the occupants of either dwelling unit shall be the owner of record as evidenced by a notarized residency affidavit which has been filed on the land records.
- 6.13.4 No short-term rentals (i.e., Airbnb, VRBO or similar construct) are permitted in accessory apartment.
- 6.13.5 Accessory apartment shall comply with any applicable building, fire, health and safety code.
- 6.13.6 Accessory apartments may be located to the side or rear of the single-family dwelling only, except that on a corner lot, the Commission may, by special permit, allow an alternate location.
- 6.13.7 Applications for accessory apartment special permits shall include a Zoning Location Survey, Class A-2, verifying compliance with Section 4: Height, Area and Yard requirements. A floor plan for the proposed apartment, and for the existing home when the accessory apartment is attached.
- 6.13.8 An accessory apartment shall not exceed 1,000 sq.ft. of gross livable floor area.
- 6.13.9 Outside access to an accessory apartment shall not face a public street unless otherwise approved by the Commission by special permit.
- 6.13.10 The accessory apartment shall not have more than one bedroom and shall be equipped with its own bath and kitchen.
- 6.13.11 Not more than three parking spaces shall be provided for the use of the principal dwelling unit and the accessory apartment unless otherwise approved by the Commission. Parking shall be in accordance with Section 6.1.1 (B).

6.13.12 For the attached accessory apartments: The architectural style of the single-family residence shall be maintained. Exterior stairs for a second floor living space shall not be visible from the street. Photos of the existing single-family residence and drawings of proposed exterior changes shall be submitted as part of the application.

Section 9.1 Definitions

ACCESSORY BUILDING OR USE: A building or use which is subordinate to and serves a principal building or use; and is subordinate in area, extent, or purpose to the principal building or principal use served; and is located on the same zoning lot as the principal building or use served.

ACCESSORY APARTMENT: A separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations; and that is subordinate to the principal dwelling in terms of size and appearance. The provision of a second kitchen in a single-family dwelling unit without a separate living unit is not an accessory apartment and is permitted subject to the required building permits.

APARTMENT: A residential structure containing not less than 4 dwelling units, or a group of such buildings.

ATTACHED ACCESSORY APARTMENT: Accessory dwelling unit that is incorporated within or added onto an existing single-family dwelling.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BUILDING: An independent structure having a roof, and including shed, garage, stable, greenhouse, or other accessory building. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.

BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location that may be other than the premises on which the sign is located.

BUILDING LINE: A legally established line, between which and the public right-of-way no structure may be constructed.

BREWERY: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption.

BREW PUB: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption and the retail sale of beer served in open containers to be consumed on the premises with or without the sale of food.

BREW PUB RESTAURANT: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption and the retail sale of beer served in open containers to be consumed on the premises in conjunction with the sale of food within a restaurant setting.

CEDAR MOUNTAIN TRAPROCK RIDGELINE: the line on the Cedar Mountain traprock ridge created by all points at the top of a fifty per cent slope, which is maintained for a distance of fifty horizontal feet perpendicular to the slope and which consists of surficial basalt geology, identified on the map prepared by Stone et al., United States Geological Survey, entitled "Surficial Materials Map Of Connecticut" The base map for traprock ridgeline topographic delineation shall be the current publicly available Metropolitan District Commission maps for the Town of Newington. (Effective 5-20-05)

CEDAR MOUNTAIN RIDGELINE SETBACK AREA: the area bounded by (A) a line that parallels the ridgeline (as defined above) at a distance of one hundred fifty feet on the more wooded area of the ridge, and (B) the contour line where a ridge of less than fifty percent is maintained for fifty feet or more on the rockier side of the slope. Manmade slopes of 50% or greater shall not be considered as a part of any traprock ridgeline. The burden of proof that such a slope area is manmade shall be on an applicant who owns or desires to use the property containing such slopes. (Effective 5/202005)

CERTIFICATE OF ZONING COMPLIANCE: A statement, signed by the Enforcement Officer, setting forth either that a building or structure complies with the zoning regulation or that a building, structure or parcel of land may be lawfully employed for specified uses, or both.

CLUB: An organization of persons incorporated pursuant to law, which is the owner, leasee or occupant of an establishment operated solely for the recreational, social, patriotic, benevolent or athletic purposes, but not for pecuniary gain, and includes the establishment so operated.

COMMISSION: The Newington Town Plan and Zoning Commission.

COUNTRY CLUB: A private membership organization for outdoor recreation.

DECK: A platform or floor which may be free standing or maybe attached to the principal structure shall be considered a part of the principal structure and shall comply with all yard setback requirements excluding decks constructed as part of an above or in ground pool.

DETACHED ACCESSORY APARTMENT: Accessory dwelling unit that is incorporated within or added onto an existing detached garage, or other accessory structure, or may be built as a separate, detached structure on a lot where a single-family dwelling exists.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or permanent storage of materials or equipment.

DISTILLERY: A facility used for manufacturing, bottling, warehousing, and distributing distilled products as defined in Sec. 30-1(18) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of distilled products produced on the premises for offsite consumption.