



Town of Montville, Connecticut

Department of Land Use & Development

Planning & Zoning
Inland Wetlands & Watercourses
Economic & Community Development



Proposed Text Amendment of Section 2.14, 2.8, 4B.16 and to add Section 4B.6A

Prepared by: Meredith Badalucca, CZEO; Assistant Planner

Summary of HB5288 regarding Accessory Dwelling Units (ADU) which takes effect 10/1/26

The full text of House Bill (HB) 5288 is available as part of the application file. The following is a brief description of HB 5288 regarding Accessory Dwelling Units (ADU):

- Designate location or zoning districts which allow ADUs as of right.
- Allow them to be attached, within the principal dwelling unit or detached.
- Set a maximum net floor area, not less than 30% of the principal dwelling.
- Require setbacks less than or equal to the principal dwelling.
- Height, landscaping or architectural design standards cannot exceed those required for a principal dwelling.
- Cannot require a passageway between principal structure and ADU; exterior door; more than on parking space; family, marriage or employment relationship; minimum age; separate utilities; or periodic renewals for permits.
- Applications shall be as of right and follow the same 65 day requirement of other Site Plan Applications.
- Cannot condition approval of an ADU on correcting a nonconforming use, structure or lot.

The proposed text amendments include changing the definition of ADU to match the State definition. A new section 4B.6A has been drafted to meet the above requirements and the residential use table has been amended to allow ADUs in R20 and R40 zoning districts.

Our current regulations allow for Single Family Homes, Single Family Detached Dwelling Units (requires HOA) and Duplexes, as well as other Middle Housing types in the R20 zoning district. The R40 zoning district currently allows for Single Family Homes and Duplexes as of right. Our lower density residential zoning districts allow for Single Family Homes only. Therefore, staff feels that allowing ADUs in only these two zones would be consistent with the intent of our residential districts.

Our regulations prior to the July 14, 2026 revision, allowed for ADUs up to 800 square feet attached to or within a Single Family Residence. ADUs could be over a garage, as long as they did not exceed the garage roof line. The July 14, 2026 revision omitted the size limitation of ADUs. The residential use table also does not allow for ADUs in any zones.

In addition, the PZC voted to opt out of PA 21-29 ADU Requirements on October 26, 2021 so it could evaluate how to thoughtfully and intentionally draft regulations regarding ADU

requirements that are more compatible with the Act. The Town Council resolved on February 14, 2022 by Resolution 2022-10 to opt out of PA 21-29 ADU Requirements.

This proposed amendment addresses the accidental omission of allowed zoning districts while aligning with the requirements of HB 5288 and follows through with the reason for opting out of PA 21-29.

Summary of amendments to Farm and Farm Building definitions:

Recently while reviewing the regulation for farms, it was noted that accessory buildings have a height requirement of 15 feet or less. This would put an unfair burden on farms that use the second floor of a barn for storage of hay. It was not the intent to limit farm buildings. The proposed amendment allows for farm buildings to meet the same height requirements of the principal structure.

Also, our regulations are not clear that a farm use is required to meet the provisions of Section 17 although that is the intent. While staff informs residents of this requirement, it is important for planning purposes to have it clearly stated.