

DRAFT – FOR DISCUSSION PURPOSES ONLY

Proposed Accessory Dwelling Unit Zoning Amendment

Chapter 240: Zoning

ARTICLE XIV: Amendment; Definitions, Moratorium

240-128 Definitions

ACCESSORY DWELLING UNIT (ADU): An Accessory Dwelling Unit (ADU) is a Dwelling Unit incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use, which ADU shall be clearly subordinate in design to that principal single-family dwelling use to which it is accessory.

DWELLING UNIT (NEW)

Complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, SINGLE-FAMILY (REVISED)

A detached residential building designed for and occupied by a single family and providing complete independent living facilities for one or more persons. ~~including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

ARTICLE V: Accessory Uses

240-47.2: Accessory Dwelling Units (ADUs)

A. Purpose and Intent.

The intent of permitting Accessory Dwelling Units is to:

- (1) Increase the number of dwelling units available for year-round rental in Town while remaining within our current wastewater capacity limitations;
- (2) Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle;
- (3) Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
- (5) Provide homeowners with a means of obtaining rental income to defray housing costs.

B. Procedural Requirements¹

- (1) An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful single family dwelling use.
- (2) Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new building and improvements on a lot associated with a proposed ADU.²
- (3) The construction of any accessory dwelling unit must be in conformity with the Federal, State, and local laws and regulations, including all historic, and Old King's Highway requirements if applicable.

B. Definitions

The following definitions shall be applicable to this section:

OWNER

One or more individuals or the entity holding title to the property.

C. Use and Dimensional Requirements

The Building Commissioner may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within a lawful existing or new single-family dwelling to which the ADU is accessory, or in a new or existing detached building accessory to and on the same lot as the principal dwelling subject to the following:

- (1) The ADU shall be a complete, separate housekeeping unit containing both kitchen and bath.
- (2) No more than one (1) Accessory Dwelling Unit may be created per lot. This provision is not subject to variance.
- (3) If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.
- (4) An ADU shall be clearly subordinate in use, size and style to the principal single family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property. Any addition or new construction shall be consistent in design with the principal single family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window

¹ DRAFTING NOTE: Enforcement provisions in the model ordinance mirrored those in §240-123 and thus were omitted here. This provision will be enforced in the same manner as other zoning requirements.

² DRAFTING NOTE: Interdepartmental review of ADU permits will occur using the customary process for all building permit signoffs.

location, and building materials. Any person aggrieved by the determination of a Town official with respect to a determination under this subsection may appeal said determination to the Zoning Board of Appeals.

- (5) The ADU shall contain no more two bedrooms and a maximum habitable floor area of 50% of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 1,000 square feet, whichever is less. ADUs with more than two bedrooms and/or a maximum habitable floor area greater than 1,000 square feet may be permitted by special permit from the Zoning Board of Appeals.³ Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.
- (6) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.
- (7) Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
- (8) All parking for the ADU shall be off street.
- (9) The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and accessory dwelling unit shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot. If the property is served by municipal sewer, the Department of Public Works shall certify adequate capacity is available to serve the additional unit.
- (10) The rights and requirements of this ordinance hereby transfer upon the sale of a property containing an ADU built under the provisions of this ordinance.
- (11) An ADU and/or the principal dwelling to which it is accessory may be rented.
- (12) An ADU or principal dwelling to which it is accessory shall be rented for a period not shorter than 12 months at a time.
- (13) Boarding and lodging, or any commercial use, excluding permitted home occupations, shall not be allowed at a property containing an ADU.⁴

³ DRAFTING NOTE: This section applies to conversion of existing structures and new ADU construction.