

WORKING DRAFT ZONING AMENDMENT - Accessory Dwelling Units (ADU) Bylaw

1. Purpose.

This section authorizing the provision of accessory dwelling units is intended to:

- a. To allow accessory dwelling units.
- b. To encourage the efficient use of the town's housing supply while preserving the character of the town's neighborhoods.
- c. To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.
- d. To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households.

2. General Requirements.

- a. No more than one (1) accessory dwelling unit shall be permitted for each principal dwelling unit and at least one (1) owner of the residence in which the accessory dwelling unit is created shall reside in one (1) of the dwelling units, either the principal or accessory unit created therein, as a principal place of residence. For the purpose of this section, the "owner" shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an accessory dwelling unit to be permitted.
- b. The accessory dwelling unit may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling and the accessory dwelling unit shall remain in common or single ownership and shall not be severed in ownership.
- c. Short term rentals, are prohibited in both the accessory and principal dwelling units.

3. Exterior Appearance & Size

- a. The accessory apartment shall be designed to maintain the appearance and essential character of a one-family dwelling with accessory structures, subject further to the following conditions and requirements:
- b. Where two or more entrances exist on the front facade of a dwelling, one entrance shall appear to be the principal entrance and other entrances appear to be secondary.

- c. All stairways to the accessory dwelling unit above the first floor shall be located on the rear or side of the dwelling.
- d. The accessory dwelling unit shall not contain in excess of 900 square feet of habitable space.
- e. The accessory dwelling unit shall not contain more than two bedrooms
- f. The accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.
- g. The accessory dwelling unit shall not exceed 50% of the gross floor area of the principal dwelling.

4. Conditions and Requirements

- a. The accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- b. There shall be no occupancy of the accessory dwelling unit until the Building Department has issued a certificate of occupancy that the principal dwelling and accessory dwelling unit are in compliance with all applicable health and building codes.
- c. The Building Permit shall be revoked upon determination by the Building Inspector that any condition imposed by the town has not been fulfilled.
- d. By filing the Application for a Building Permit for an accessory dwelling unit, all owners consent to an inspection upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.

5. Procedure.

- a. If an ADU is proposed within an existing single-family structure or detached accessory building that meets all of the dimensional regulations of Table 2 of the zoning bylaw and has one additional 9 x 18 parking space then they may construct by a building permit.
- b. A special permit is needed if an ADU is proposed;
 - within an existing single-family structure or detached accessory building that is not in compliance with all of the dimensional regulations of Table 2 of the zoning bylaw and does not have one additional 9 x 18 parking space
 - an addition to an existing single-family structure or detached accessory building that that is not in compliance all of the dimensional regulations of Table 2 of the zoning bylaw and does not have one additional 9 x 18 parking space then a special permit shall be required

- An ADU within an existing single-family structure or accessory building that does not meet the dimensional regulations of table 2 or does not have a parking space dedicated to the ADU's use

6. Termination.

a. The accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this ordinance that the owner fails to cure, upon thirty (30) days written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.

b. Duty of Owner Upon Termination include:

- i. The owner shall discontinue the use of the accessory dwelling unit as a separate dwelling unit.
- ii. The kitchen facilities of the accessory dwelling unit shall be removed
- iii. Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed, unless the Building Inspector provides a waiver. The owner shall permit an inspection by the Building Inspector without a warrant.

7. Severability.

All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw."

8. Definitions.

Attached accessory dwelling unit: An accessory dwelling unit created by adding gross floor area to the principal dwelling after the adoption of this bylaw.

Existing detached accessory building: A detached accessory building that is existing as of the effective date of this bylaw, that has a foundation, and is a minimum of 350 square feet.

Principal dwelling unit: A dwelling unit permitted as a principal residential use