

## Section 17 -- Accessory Dwelling Units

Purpose: The purpose of this bylaw is to:

- A. Create more housing options for town residents.
- B. Provide homeowners with a separate space for family, companionship, security or service providers.
- C. Create a downsizing option for residents to remain comfortably on their property.
- D. Provide homeowners with an opportunity for supplemental income.

Definition:

Accessory Dwelling Unit (ADU), 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 floor area than  $\frac{1}{2}$  the 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, owner-occupancy requirements and restrictions or prohibitions on short-term rental of accessory dwelling units.

It may take various forms: a detached unit, a unit that is part of an accessory structure, or a unit that is part of an expanded or remodeled primary dwelling.

Intent:

An Accessory Dwelling Unit within, or attached to, any single or two-family dwelling or a detached existing structure shall be authorized as of right in R-1, R-1B, R-2, R-3, R-4, or R-5 zones provided the following conditions, contained in A - K, below are met:

A *newly* constructed Accessory Dwelling Unit to a single or two-family dwelling shall be authorized by a special permit from the Zoning Board of Appeals provided that the following conditions, contained in A - K, below are met:

- A. ADU's may not be in separate ownership from the main residence;
- B. The property must be the principal residence of the owner of the property.
- C. A separate entrance must be maintained, 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;
- D. Only one Accessory Dwelling Unit shall be allowed on a residential lot.
  1. A detached ADU shall not be located in the required front yard, nor any part of ADU located between the main dwelling and the street where frontage is located.
- E. The Accessory Dwelling Unit shall be designed so that the appearance of the building(s) remains consistent with the residential and rural character of the neighborhood. Exterior changes made must conform to the existing architectural elements of the residence and detached structure. All types of Mobile homes, as

defined in Hinsdale Zoning Bylaw Section 2, shall not be considered an acceptable ADU.

- F. The gross floor area of a detached Accessory Dwelling Unit is not larger in floor area than 1/2 of the floor area of the principal dwelling or 900 square feet, whichever is smaller (stairwell access, porches, patios shall not be included in the computation).
- G. An addition or remodel to an original dwelling is permitted, provided that the Accessory Dwelling Unit shall be clearly a subordinate part of the dwelling with any addition being not more than 1/2 of the floor area of the principal dwelling or 900 square feet, whichever is smaller (excluding unfinished attic and basement, garage, porch, patio).
- H. An existing accessory structure, or portion thereof, may be converted to an Accessory Dwelling Unit as long as the converted portion is no larger 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller.

A lawful pre-existing non-conforming structure or accessory dwelling unit may be extended, altered, or reconstructed upon the grant of a special permit by the Zoning Board of Appeals pursuant to Section 6-A of the Hinsdale Zoning Bylaws.

- I. Adequate off-street parking shall be provided for the ADU.
- J. The construction of the Accessory Dwelling Unit shall conform to all applicable standards in the State Sanitary, Building, Fire and other applicable codes required for a residential dwelling.
- K. ADU's shall follow the rules for residential structure front, rear and side minimum setback requirements as per Table 5A (Table of Minimums) in Zoning Bylaw Section 5.