

SECTION 1 - DEFINITIONS:

ACCESSORY DWELLING UNIT (Effective ~~6/30/13~~)

An Accessory Dwelling Unit means 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.

Section 3.9.11: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 4.1.7: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 5.1.7: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 6.1.8: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 6A.4.6: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 7.1.9: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 7A.2.7: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 8.1.17: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 10.2.16: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

Section 17.1.11: Accessory ~~apartments~~ Dwelling Units in accordance with Section 3.36 of these Regulations.

***SECTION 3.39 IS TO BE REPEALED AND REPLACED BY THE AMENDMENTS
PROPOSED FOR SECTION 3.36**

~~Section 3.9.12: Accessory dwelling units in accordance with Section 3.39 of these Regulations. (Effective 6/30/13)~~

~~Section 4.2.8: Accessory dwelling units in accordance with Section 3.39 of these Regulations. (Effective 6/30/13)~~

Section 5.2.11: ~~Accessory dwelling units in accordance with Section 3.39 of these Regulations.(Effective 6/30/13)~~

Section 6.2.11: ~~Accessory dwelling units in accordance with Section 3.39 of these Regulations.(Effective 6/30/13)~~

Section 17.2.3: ~~Accessory dwelling units in accordance with Section 3.39 of these Regulations.(Effective 6/30/13)~~

Section 3.36 ACCESSORY ~~APARTMENTS~~ DWELLING UNITS (ADUs): (Effective 08/03/93):

***ALL TEXT IN SECTION 3.36 SHALL BE REPLACED WITH THE FOLLOWING:**

ADUs shall be permitted in all districts where single family homes are permitted, in accordance with the standards contained herein, and in compliance with all applicable state, local, health, building and housing codes.

ADUs may be within a single family home or may be detached units.

3.36.1 Standards

3.36.1.1 No more than one attached and one detached ADU shall be permitted on a single parcel of land.

3.36.1.2 The ADU shall have a smaller living area than the principal building (single family home) existing on the same parcel and shall meet the minimum floor area requirements of the current Building Code. For the purpose of these regulations, the size of the living area shall be the Living Area of the structure as shown on the latest Town of Waterford Assessor Field Card.

3.36.1.3 ADUs are permitted to be serviced by the same water and sewer/septic system serving the principal building, provided the service meets current Public Health Code requirements.

3.36.1.4 All new construction whether attached to or detached from the principal building, shall meet all percent coverage and required minimum setbacks applicable to principal structures for the zoning district in which the ADU is to be located. For buildings located in a FEMA designated flood hazard area as defined under Section 25.3.3 of these Regulations, the plans and application submission shall reflect compliance with the requirements of Section 25.3.

a. All new construction for attached ADU's shall meet the height requirements as defined in these regulations applicable to principal structures for the zoning district in which the ADU is located.

b. The maximum height as defined in these regulations of a newly constructed detached ADU shall not exceed the height of the existing principal building or 20 feet whichever is greater.

c. Buildings located in a FEMA designated flood zone AE, VE or both shall have the height measured from the Base Flood

Elevation (BFE) plus Two (2) feet as shown on the latest version FIRM (Flood Insurance Rate Map)

3.36.1.5 Detached accessory buildings in existence prior to the effective date of these regulations may be permitted to be used as an ADU in accordance with the following:

- a. For buildings located in a FEMA designated flood hazard area as defined under Section 25.3.3 of these Regulations, the plans and application submission shall reflect compliance with the requirements of Section 25.3.
- b. All new construction on a detached accessory building that is located on a parcel in conformance with all the setbacks for a principal building shall comply with all the requirements of these regulations except that the height shall not exceed the height of the existing principal building.
- c. All new construction on a detached accessory building that conforms to all the applicable requirements for accessory buildings shall comply with all requirements of these regulations, except that the height as defined in these regulations shall not exceed the height of the existing principal building or 20 feet, whichever is less.
- d. For nonconforming detached accessory buildings, no increase in the area, any dimension or bulk of that portion of the structure which is nonconforming shall be permitted and all new construction shall comply with all requirements of these regulations, except that the height as defined in these regulations may be increased so as to not exceed the height of the principal building or 20 feet, whichever is less.

3.36.1.6 At least one parking space shall be provided for any ADU. Parking space surfaces shall be asphalt, concrete, pavers, turfstone, gravel, shells, or similar durable surface.

3.36.1.7 The living area for an ADU shall not exceed fifty per cent of the living area of the principal dwelling, or 1,500 square feet, whichever is less.

3.36.1.8 Where a residential property exceeds 5 acres, the living area of a detached ADU may be permitted that exceeds the living area standard in 3.36.1.7 as follows:

Lot Size	ADU Living Area permitted as a percentage of the Living Area of the primary dwelling unit
5-10 Acres	50% or 1,800 sq ft whichever is greater
10+ Acres	50% or 2,000 sq ft whichever is greater

- a Where a detached ADU is constructed in accordance with Section 3.36.1.8 and the living area of the newly constructed ADU exceeds the living area of the principal dwelling, for the purpose of these regulations the ADU shall be considered the principal dwelling and the principal dwelling shall be considered the ADU.

3.36.1.9 The exterior for any new structure or addition shall be designed to reflect and incorporate the architectural style and design of the principal structure.

3.36.2 Permit Submission Standards:

3.36.2.1 All applications for ADU's shall be made on an application form provided by the Zoning Enforcement Officer for a Zoning Compliance Permit and shall be accompanied by two sets of plans drawn to scale in compliance with the standards contained in Section 26.3 of the Zoning Regulations.

3.36.2.2 Two sets of floor plans and building elevation, drawn to scale, indicating the interior and exterior use and appearance of the building. Exterior elevations drawings, if required, shall reflect and incorporate the architectural style and design of the principal structure.

3.36.2.3 ADU's may be approved by Zoning Compliance Permit.

3.36.2.4 ADUs which require expansion of an existing structure or construction of a new structure are subject to design review by the Design Review Board (DRB). The DRB shall make a recommendation to the Zoning Official concerning design compliance in accordance with Section 3.36.1.9.