

Proposed Amendment #1: Accessory Dwelling Units (ADUs) (Sec. 3.4, 4.2)

ARTICLE III. GENERAL REGULATIONS

Section 3.4 Equal Treatment of Housing

(A) In accordance with the Act [§ 4412(1)], no provision of these regulations shall have the effect of excluding the following from the Town of Bolton:

- (1) mobile homes, modular housing, or other forms of prefabricated housing, except upon the same terms and conditions as conventional housing is excluded; [Amended effective January 7, 2019.]
- (2) housing necessary to meet the needs of the population, as identified in the *Bolton Town Plan*; [Amended effective January 7, 2019.]
- (3) mobile home parks, as defined by the state [10 V.S.A. Chapter 153] (see Section 4.15);
- (4) multi-family dwellings;
- (5) one (1) accessory dwelling, as a permitted use, which is accessory to a principal, single family dwelling and meets the requirements of Section 4.2 and is located outside of a designated flood hazard area or river corridor protection area (see Table 2.8, Section 4.2) ~~(a) is located within or appurtenant to an owner-occupied single family dwelling; (b) does not exceed 30 percent of the total habitable floor area of the principal dwelling; (c) meets applicable setback, coverage and parking requirements; and (d) is located outside of a designated flood hazard area or river corridor protection area (see Table 2.8, Section 4.2)~~; [Amended effective January 7, 2019.]
- (6) a state or licensed or registered residential care home, or group home, serving not more than eight (8) persons who have a disability as defined by the state [9 V.S.A. § 4501], which shall be considered by right to constitute a permitted single family residential use of property (see Section 4.12). [Amended effective January 7, 2019.]

As required by the Act, provisions have been made for each of the above types of housing, within designated zoning districts where applicable.

(B) No provision of these regulations, nor their application, shall have the effect of discriminating in land use decisions or the permitting of housing as specified in 9 V.S.A. § 4503 and 24 V.S.A. § 4453. Accordingly, it shall be unlawful for any person or board to discriminate in land use decisions or the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, except as otherwise allowed by law, e.g., for age-restricted housing. [Amended effective January 7, 2019.]

ARTICLE IV. SPECIFIC USE STANDARDS

Section 4.2 Accessory Dwelling

(A) In accordance with the Act [§ 4412(1)(E)], one (1) accessory dwelling unit which ~~is located within or attached to a~~ is accessory to a principal, single family dwelling, ~~or within an accessory structure to the single family dwelling~~ and is located within, attached to, or on the same owner-occupied lot as the principal dwelling, may be allowed as a permitted use in any zoning district in which a single family dwelling is allowed, subject to the issuance of a zoning permit by the Zoning Administrator under Section 9.3, and the following requirements:

- (1) The single family dwelling, or the accessory dwelling, must be occupied by the owner of the ~~single family dwelling~~ lot, or a member of the owner's family.
- (2) ~~The accessory dwelling unit shall have no more than one (1) bedroom.~~ The accessory dwelling unit must be a distinct unit that is clearly subordinate to the single family dwelling, and has facilities and provisions for independent living, including separate sleeping, food preparation, and sanitation facilities.
- (3) The accessory dwelling unit ~~must be clearly subordinate to the primary single family dwelling, and shall not exceed 30% of the existing total habitable floor area of the single family dwelling, or 900 sq. ft., whichever is greater, excluding unfinished attics and basements.~~ “Habitable floor area” excludes unfinished attics, basements and garages.
- (4) The accessory dwelling ~~shall~~ must meet all setback, building, lot coverage and parking requirements applicable to the single family dwelling for the district in which it is located. If an accessory dwelling is to be located within a pre-existing, nonconforming structure, it shall not increase the degree of ~~noncompliance~~ nonconformance, in accordance with Section 3.8.
- (5) It is demonstrated that sufficient wastewater system capacity exists to serve both the single family dwelling and the accessory dwelling unit.
- (6) ~~One (1) additional on-site parking space shall be provided for residents of the accessory dwelling.~~
- (7) The accessory dwelling must share the access (curb cut) and driveway serving the single family dwelling.

(B) The zoning permit issued for an accessory dwelling shall clearly state that the dwelling is permitted only as an accessory to the principal single family residential use of the property and as such shall be retained in common ownership. An accessory dwelling unit may be subdivided ~~and~~ or/converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a two-family dwelling (for an attached unit), or two single family dwellings (for a unit in an accessory structure), including all lot, density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be obtained prior to conversion to, or conveyance as, a principal dwelling.

(C) Any fixed or portable structure may be used as an accessory dwelling unit, provided that it conforms to all the requirements in Section 4.2(A). With the exception of structures affixed to a permanent chassis, accessory dwelling units must conform to Vermont's residential energy standards. A portable accessory dwelling unit between 320 and 900 square feet is defined as a mobile home by these regulations (see

“Mobile Home” in Article X.), by the State of Vermont, pursuant to 10 V.S.A. § 6201, and by the U.S. Department of Housing and Urban Development, and is subject to all standards as defined therein.