

**Present Hubbardston Zoning Bylaw definitions in black, suggested revisions in red AND new definition for Accessory Dwelling Units**

**2.1 Accessory Building or Structure.**

An accessory building, structure is one which is subordinate or incidental to the main building, structure on a lot. The term "accessory building or structure" when used in connection with a farm shall include all buildings or structures customarily used for farm purposes and without limitations in size. **Additional restrictions apply to Accessory Dwelling Units as provided in Section 2.\_\_\_\_.**

**2.2 Accessory Use.**

A use related, but clearly incidental and subordinate to the permitted principal use of the premises, which can take place within the principal structure or building on a single lot or parcel of land, or in an accessory structure or building, either attached or detached to the principal structure on the lot, including but not limited to a home occupation on a lot containing a single-family dwelling, or a subordinate use on a non-residential lot. The principal use shall not be subordinated by an accessory use, or accessory uses in their aggregate. **Additional restrictions apply to Accessory Dwelling Units. See Sections 2.\_\_\_\_ and Article \_\_\_\_.**

**2.37 In-Law Apartment<sup>4</sup>**

~~A group of rooms in an owner-occupied single-family residence, with its own kitchen and bathroom facilities, used as a separate apartment for a limited number of persons (not to exceed four) related to the owner occupants, such as in-laws, elderly relatives, or grown children. [eliminate this definition]~~

**2.38 Accessory Apartment<sup>5</sup>**

~~A group of rooms in an owner-occupied residence, with its own bathroom and kitchen facilities, used as a separate apartment, created from existing space within the residential structure, which place has been part of the structure for the life of the structure or for at least five years, and built in such a way that exterior alterations do not alter the single-family appearance of the structure, with sufficient additional on-site parking space to serve the needs of the inhabitants of the apartment. [eliminate this definition]~~

**Note: also uses section of zoning bylaw must be changed to remove special permit requirement for all accessory dwelling units except those on non-conforming lots and above detached garages.**

**Proposed new definition:**

**\_\_\_\_ Accessory Dwelling Unit**

**A group of rooms located within or attached to an owner-occupied single-family residence, or above a garage of a single-family residence, consisting of a kitchen, bathroom and bedroom(s), which are used as a separate apartment for a limited number of occupants. **Occupants may include relatives, dependents and guests of owner of the single-family residence, or care providers, or tenants.** See Article \_\_\_\_ Accessory Dwelling Units, for terms and conditions applicable to Accessory Dwelling Units.**

## Article \_\_\_\_ Accessory Dwelling Units

The following terms and conditions apply to Accessory Dwelling Units, as defined in Section \_\_\_\_.

### A. Location, types and when Special Permit required

1. Accessory Dwelling Units are allowed in all zoning districts.
2. Accessory Dwelling Units are allowed only as part of an owner-occupied single-family residence and title to an Accessory Dwelling Unit and the owner-occupied residence cannot be separated.
3. Only one Accessory Dwelling Unit is allowed per single-family residence.
4. An Accessory Dwelling Unit can be:
  - a. located entirely within the walls of an existing single-family residence
  - b. added as an addition to an existing single-family residence
  - c. located partially within the existing single-family residence and partially in an addition to the single-family residence
  - d. built as part of a new single-family residence, or
  - e. located above the **garage of** an owner-occupied single-family residence.
5. An Accessory Dwelling Unit can be added by right to a single-family residence, if the lot on which the owner-occupied single-family house is located, conforms to the dimensional regulations contained in Article 5, Section 5.1 and other applicable zoning bylaws.
6. A Special Permit is required to build an Accessory Dwelling Unit on a lot that does not conform to the dimensional regulations contained in Article 5, Section 5.1, and to build or add an Accessory Dwelling Unit above a garage that is detached from the single-family house.

### B. Size and Occupancy Restrictions

1. The living area of an Accessory Dwelling Unit can be **no larger than 1000 square feet and can have no more than two (2) bedrooms.**
2. An Accessory Dwelling Unit cannot be occupied by more than four people.
3. The owner of the single-family residence must reside in either the single-family residence or in the Accessory Dwelling Unit for at least five (5) months per year.

### C. Architectural and Aesthetic Requirements

1. Accessory Dwelling Units must be constructed in such a way that the entire structure maintains the appearance of a Single-Family Residence.
2. Accessory Dwelling Unit additions must be attached to the owner-occupied single-family residence through common wall. A "breeze-way" connection is insufficient.
3. Exterior stairways to second floor Accessory Dwelling units must be located on the side or back of the structure.

### D. Parking, driveway and septic requirements

1. The owner-occupied single-family residence and Accessory Dwelling Unit must be served by the same driveway.
2. **Two (2) additional designated off-street parking spaces must be provided for the Accessory Dwelling Unit and cannot be located in the front yard setback (see Article 5, Section 5.1), or on the driveway if parked vehicles would block access for emergency vehicles. The parking spaces need not be paved.**
3. The septic system **and well** must be correctly sized to serve both the single-family house and the Accessory Dwelling Unit, and existing or revised septic plan must be approved by the Board of Health prior to issuance of building permit.