

Proposal to amend the ZO to include detached ADUs

Article #3 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board to allow detached accessory dwelling units (DADU) in all districts if they meet all of the current requirements of the zoning ordinance, including minimum lot size, setbacks, heights, lot coverage, all codes, and obtains a certificate of occupancy? DADU size will be 70% of first floor area (excluding decks, porches, and entrances per property tax card) up to a maximum of one thousand (1,000) square feet.

New language is in bold and underlined

Deleted language in existing ZO is ~~struck out~~

Section 1104 Accessory Dwelling Units

1104.1 Intent: It is the specific intent and purpose of allowing ADUs in the Town of Freedom to provide the opportunity and development of small rental housing units designed in particular to meet the ~~specific~~ housing needs of low and moderate income [couples] **families** and single persons both young and old.

1104.2 Definition: ~~An accessory apartment shall mean a separate complete housekeeping unit that is contained within, or attached to a single-family dwelling, in which the title is inseparable from the primary dwelling. The owner(s) of the property shall reside in either the primary residence or the accessory apartment.~~

1104.2 DEFINITIONS An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides independent facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An ADU is intended to be secondary and accessory to a principal single-family dwelling unit and may be either attached or detached to the principal dwelling unit as follows:
1104.2.1 Attached Accessory Dwelling Unit (AADU) located within or attached (bumped out) to a single-family residence or an attached garage or barn that is part of the structure.
1104.2.2 Detached Accessory Dwelling Unit (DADU) located within a detached accessory structure such as a barn or garage, BUT not a standalone dwelling unit.

1104.3 Applicability: ADUs are allowed in all districts if they meet these three minimum standards:

1104.3.1 The lot on which the ADU will be built meets the following three conditions:

1104.3.1.1 Conforms to the acreage requirements of the district.

1104.3.1.2 Contains one single-family detached dwelling which is a conforming use in the district.

1104.3.1.3 Contains no other accessory dwelling units.

~~1104.3.1 Only one accessory apartment will be created within or attached to a single-family structure.~~

1104.3.2 An accessory dwelling unit shall meet all setbacks, height, lot coverage, zoning, fire, building codes, and maximum occupancy per bedroom applicable to a single-family dwelling and shall require a certificate of occupancy. The ADU shall not increase any nonconforming aspect of any existing structure.

1104.3.3 All applicable **septic** regulations of the Town of Freedom and the State of NH including ~~but not limited to~~ NHDES Subsurface System Division requirements shall be met before an ADU is permitted.

1104.3.4 A minimum of two off-street parking spaces shall be provided for the ADU on-site either within a garage, or parking area, and shall be accessed by the existing driveway only.

1104.3.5 ADUs are not intended for individual ownership. The title shall be inseparable from the primary dwelling. **No ADU may be made into a condominium.**

1104.3.6 Any additions to an existing home to be used in whole or in part of an ADU shall be architecturally compatible with the existing home and the neighborhood.

1104.3.7 No ADU (attached or detached) shall be used as a short-term rental.

1104.3.8 If the owner of the of the property no longer lives in either the primary residence or the ADU,

the house shall immediately revert to a single-family residence.

1104.4 Attached accessory dwelling units

- 1104.4.1 An accessory dwelling unit (ADU) that is attached to a single-family residence is allowed by right in all districts that permit single-family dwellings.
- 1104.4.2 Any ADU whether an addition to or contained within the single-family structure shall have a maximum of 800 square feet of living space unless granted a Special Exception under the terms of the Ordinance set forth below; in any case, the accessory apartment shall be subordinate and incidental to the primary use of the property as a single-family residence.
- 1104.4.3 A door is required (which is not required to be unlocked) between accessory dwelling units that are attached to the primary dwelling.
- 1104.4.4 Special Exceptions. A Special Exception may be granted by the Zoning Board of Adjustment in cases where an ADU is greater than 800 square feet, provided however that the following criteria are met, in addition to the requirements set forth in section 1104.3, above;
- 1104.4.4.1 In no case shall an ADU larger than 800 square feet be permitted if any part of the apartment is an addition to an existing home.
- 1104.4.4.2 Anyone seeking a Special Exception for an ADU exceeding 800 square feet shall provide the Zoning Board with floor plans of the existing home and of the proposed ADU. Floor plans shall be drawn to scale, and the use(s) of each room shall be labeled.

1104.5 Detached Accessory Dwelling Units (DADUs)

1104.5.1 A DADU is allowed by special exception in all districts if the DADU meets all requirements of section 1104.3 and of this section.

1104.5.2 A DADU may not be constructed on an existing nonconforming lot.

1104.5.3 The square footage of a DADU may not exceed 70% of the square footage of the “first floor finished” and “first floor unfinished” as shown on the property tax card, up to a maximum of one thousand (1,000) square feet.

1104.5.4 A DADU may exist within or attached to a detached accessory building, but not in a freestanding dwelling.

1104.5.5 A DADU may not be a mobile home nor be placed on a lot with a mobile home as the primary residence.

1104.5.5 A DADU must have a separate address.

1104.5.6 Remote DADUs, located greater than 500 feet from the primary dwelling, are prohibited as not meeting the general intention of this ordinance as accessory, incidental, and subordinate to the primary dwelling.

1105.5.7 A detached accessory dwelling unit (DADU) may become an individually owned private residence if the original lot is legally subdivided by application to the Freedom Planning Board into two or more separate lots that meet all the regular requirements for subdivision in the Freedom Zoning Ordinance and Subdivision Regulations without exception or special consideration. The former primary dwelling unit and lot and the new converted independent dwelling unit and lot may not be made nonconforming by the subdivision process, including lot size, all front and side setbacks, road frontage, private septic, and utilities. In the granting of an ADU permit, no terms or conditions in this Article, expressed or implied, shall be interpreted as conferring any obligation by the Town to allow any future subdivision either by vested right or variance for hardship, special exception, or any other reason.