

Accessory Dwelling Units (In-law Apartments)



Permit Application Requirements and Zoning Regulations

Building and Zoning permit applications may be submitted using our [Online Permit Center](#). Paper permit application forms may be downloaded from the [Town website](#) or picked up in the office. Paper permits are accepted by mail, email, in-person or by drop box, located in Parking Lot A on Old Post Road. Payments can be made by cash, check or credit card (there is a processing fee for credit cards).

PERMIT REQUIREMENTS

1. An [Accessory Dwelling Unit application](#) is required. The fee is \$75.00. See below for zoning regulations and restrictions.
2. A **Building Permit** is required for the construction, for building an addition or structure and/or interior work necessary for creating the accessory dwelling unit. Electrical, plumbing and mechanical permits also required.
3. A **Zoning Permit** is required for newly built detached or attached Accessory Dwelling Units. A zoning permit is not required for ADU's created inside an existing structure.
4. [Public Health Review](#) – for properties on septic systems.
5. **Proposed floor plan sketches** are required. If the apartment is created in an existing building, we also need the existing floor plan.
6. If the Accessory Dwelling unit will be in a newly built addition or detached structure, you will also need to meet the permit requirements for the construction of the addition or detached structure.

ACCESSORY DWELLING UNITS – [ZONING REGULATIONS](#), SECTION 17-6

1. At least one (1) of the occupants of either dwelling unit shall be the owner of record of said dwellings or heir.
2. The accessory dwelling unit shall be self-contained, with cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).
3. The accessory dwelling unit shall include no more than one (1) bedroom. Bedroom shall be defined by the building or health code, whichever definition is more restrictive.
4. Adequate off-street parking shall be provided.
5. A new driveway curb cut to serve the principal unit or an accessory dwelling unit shall not be permitted.
6. No more than one (1) accessory dwelling unit is allowed per parcel.
7. An accessory dwelling unit shall meet all applicable health, building and safety requirements.
8. An accessory dwelling unit shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
9. Accessory dwelling units shall not be rented for durations of less than 90 days.

ACCESSORY DWELLING UNIT – ATTACHED OR WITHIN (ADDITIONS, BASEMENT, ETC)

An accessory dwelling unit that is attached to or part of the principal dwelling unit shall meet the following requirements:

1. For an accessory apartment located entirely in a basement, there shall be no maximum size limit.

2. For all other accessory dwelling units that are attached to or within a single-family dwelling, the maximum net floor area of the accessory dwelling unit shall not exceed whichever is lesser:
 - a. 900 square feet, or
 - b. 45% of the floor area of the total principal structure including attached garages and utility rooms but excluding seasonal unheated rooms.
3. A dwelling may be expanded beyond the existing building foundation to accommodate an accessory dwelling unit, provided that the dwelling retains the appearance of a single family residence. If the proposed expansion is consistent with the single-family neighborhood, this approval may be permitted by staff review; however, the Commission may, at its discretion, review any and all applications.

ACCESSORY DWELLING UNIT – EXISTING DETACHED STRUCTURE

An accessory dwelling unit may be located in a detached structure pursuant to the following requirements:

1. The structure was lawfully in existence prior to the effective date of these regulations (April 17, 2017). The applicant shall demonstrate that the structure was legally permitted or is a legally non-conforming structure.
2. **The maximum net floor area of the accessory dwelling unit shall not exceed 900 square feet.**
3. The structure shall meet applicable setback requirements for an accessory structure.
4. By Special Permit, the Commission may allow an accessory dwelling unit to be located in a detached structure that does not meet the front setback for an accessory structure, provided the detached structure is located no closer to the street than the principal structure.
5. The structure shall not be expanded in order to accommodate the accessory dwelling unit. An expansion includes an increase in the height of the structure or an increase in floor area. An expanded structure shall be considered a newly built detached accessory structure.

ACCESSORY DWELLING UNIT – NEWLY BUILT OR EXPANDED DETACHED STRUCTURE

An accessory dwelling unit may be located in an accessory structure built or expanded after the effective date of these regulations (April 17, 2017) pursuant to the following requirements:

1. The lot shall meet the minimum lot size requirements for the zone. (RDD -2 acres)
2. **The maximum net floor area of the accessory dwelling unit shall not exceed 500 square feet.**
3. By Special Permit, the Commission may allow a greater maximum net floor area, but in no instance shall the square footage of the accessory dwelling unit exceed 45 percent of the floor area of the principal structure including attached garages and utility rooms but excluding seasonal unheated rooms.
4. Unless located in a detached garage, the structure shall meet the required side and rear yard setbacks for an accessory structure. The structure shall be located no closer to the front property line than the distance between the front property line and the point of the principal structure's foundation that is furthest from the front property line and in no case closer than 75 feet to the front property line. For example, if the rear wall of a house is 100 feet from the front property line, the detached accessory dwelling unit shall be a minimum of 100 feet from the front property line. If the rear wall is 50 feet from the front property line, the detached accessory dwelling unit shall be a minimum of 75 feet from the front property line.

If the accessory dwelling unit will be located in a detached garage, the structure shall comply with applicable setback requirements for a detached garage.

COMMON CODE QUESTIONS

- Egress windows in bedrooms above grade must have an opening of at least 5.7 square feet total, height opening not less than 24-inches and width not less than 20-inches.

- Egress windows in bedrooms at grade level (not more than 44-inches from window sill, up or down to ground) must have an opening of at least 5 square feet total, height opening not less than 24-inches and width not less than 20-inches. Additional code requirements are required for windows below grade in basements. Please contact the Building Department for more information.
- Window sills for egress windows can't be more than 44-inches off the finished interior floor. A permanent step may be acceptable.
- Tempered glass is required for windows within 5 feet of tubs or showers in bathrooms.
- Smoke detectors required in bedrooms and smoke/carbon monoxide detectors required on each finished or partially finished level. Please see this [handout](#) for more information.