

1-308 Accessory Dwelling Unit

1-308.1 Purpose

Pursuant to NH RSA 674:17, RSA 674:72 and RSA 674:3, the Town of Mont Vernon adopts the following ordinance since: Enabling extended families to live together benefits families and the community;

~~Accessory Dwelling Unit~~ housing provides ~~options for families and extends~~ a principal residence to accommodate relatives ~~or in-home care which~~ is a rural New England tradition. shall allow **one Accessory Dwelling Unit** to be permitted by the Building Inspector in any district *where residential dwelling uses are permitted, on any lot where only one, legally conforming single-family dwelling already exists (or is being built concurrently with a single-family dwelling on the same lot), subject to the following requirements and limitations.*

1-308.2 Definition

"Accessory Dwelling Unit" is an independent living area that is part of, **attached to, or detached from** a larger single-family dwelling unit. It is not ~~intended as~~ a general rental unit. An **Accessory Dwelling Unit** shall have a kitchen, a bathroom, and up to two bedrooms in addition to the living area.

Access to the ~~Accessory Dwelling Unit shall be~~ through **an interior door off** a living area, ~~or open foyer or hallway that is~~ contained within the larger dwelling unit.

1-308.3 Requirements and Limitations

- a. An **Accessory Dwelling Unit** is intended to be secondary and accessory to a principal single-family dwelling unit.
- b. ~~The~~ **An attached Accessory Dwelling Unit** requiring additions or modification to the exterior of the principal unit must be **compatible with the principal unit, matching the architectural style, detail and materials of the principal unit** and developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single-family dwelling unit **as is reasonably practical.**
- c. Only one shall be allowed per principal dwelling unit and/or lot. ~~The~~ **Accessory Dwelling Unit** shall not have a separate house number from the principal dwelling. ~~The~~ **Accessory Dwelling Unit** shall not have a separate power meter or separate electrical service entrance. **Attached Accessory Dwelling Units shall provide an interior door accessing the principal unit.**
- d. **Detached Accessory Dwelling Units shall be contained in existing detached accessory buildings or designed as an accessory building commonly associated with single-family residences such as a barn or garage with apartment above. The architectural style, details and materials of a new structure shall be compatible with that of the principal unit.**
- e. **Conversion of an existing structure or portion thereof for use as an Accessory Dwelling Unit shall comply with all current applicable provisions of the Building, Fire and Safety codes.**
- f. An Accessory Dwelling Unit shall not be considered an additional dwelling unit for the purposes of determining minimum lot size. **All existing regulations applicable to single family dwellings shall also apply to the combination of the principal and accessory dwelling units unless otherwise stated in the Zoning Ordinance.**
- g. An Accessory Dwelling unit shall have an area no greater than **30% of the gross living area, excluding unfinished spaces such as attics and basements, of the principal unit. In no case shall an Accessory Dwelling Unit be limited to less than 800 square feet in**

area.

- h. The existing or proposed water system must be adequate, and the septic system must be provided in accordance with RSA 485-A:38.
- i. The property must have adequate on-site parking to accommodate the principal and accessory units.
- j. One of the dwelling units, principal or accessory, must be the principal place of residence of the property owner. If the owner of the property is a trust the owner shall be the creator or beneficiary of the trust. If the property is owned by a corporation, the owner shall mean the principal stockholder. "Principal place of residence" shall mean the location where the property owner is domiciled and has a place of abode. Proof of domicile shall include, but not be limited to, driver's license, motor vehicle registration, or enrollment of the owner's children in local public school.
- k. The property owner shall provide the Town a signed and notarized "Notice" in a form provided by the Town, stating (1) the location of the Accessory Dwelling Unit by source deed; (2) that the principal or accessory unit must be owner occupied; (3) that the property is subject to this ordinance and all applicable state statutes and regulations; and, (4) that subsequent conveyance of the Accessory Dwelling Unit by subdivision of the property or as a separate condominium unit is prohibited. The Town shall record the Notice at the Hillsborough County Registry of Deeds and the cost of recording shall be paid by the property owner.
- l. The Town's Building Inspector shall be responsible for reviewing and evaluating architectural design plans for compatibility and the application's compliance with this ordinance prior to issuance of a building permit.

~~a. An **Accessory Dwelling Unit** shall be designed to allow for re-incorporation into the principal dwelling unit.~~

~~b. Up to one external entrance shall be allowed provided that it is not the primary entrance to the **Accessory Dwelling Unit**~~

~~e. The existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the **Accessory Dwelling Unit** in accordance with the building code of the Town of Mont Vernon. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the **Accessory Dwelling Unit** in accordance with the building code of the Town of Mont Vernon, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.~~

~~d. **Occupancy of one of the dwelling units, primary or accessory, must remain as property owner occupied.**~~

~~e. **Detached Accessory Dwelling Units are not permitted.**~~

1-308.4 Existing In-Law Apartments

Owners of in-law apartments constructed prior to March 2005 that do not have a building permit and/or certificate of occupancy may be grandfathered by applying to the Building Inspector on or before September 1, 2005, for a determination of compliance with the life safety codes. Applications received after September 1, 2005, shall be subject to all requirements of this section. The Building Inspector shall issue one of the following:

- a. A determination of compliance and a certificate of occupancy.
- b. A conditional determination of compliance and a description of the corrective changes needed to bring the in-law apartment into compliance. The required changes shall be completed within 120 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the Building Inspector shall issue a certificate of occupancy.
- c. A determination of non-compliance, listing requirements and conditions for which compliance cannot be achieved through corrective changes.

1-308.5 Existing legally permitted In-Law Apartments

1-308.6 Failure to Comply

If an owner fails to comply with the requirements of this section, the use of the in-law apartment or other **Accessory Dwelling Unit** shall be terminated within 6 months of the date of notice from the Building Inspector. The owner shall be subject to penalty under RSA 676:17 for each day the **Accessory Dwelling Unit** fails to comply with the requirements of this section.

Amended: ~~March 2017~~ December 2022