# **Article VII: Specific Uses and Structures**

## Section 701: Accessory Dwellings

1. **Applicability**. In accordance with the Act, an accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single household dwelling, which has facilities and provisions for independent living including sleeping, food preparation and sanitation. Accessory dwellings to farm operations are exempt from the bedroom limitation as provided in (B)(3) below.
2. **Review Standards**. Accessory dwellings may be permitted in accordance with the following standards.
3. **Accessory Dwellings to Single Household Dwellings**. A single accessory dwelling unit located within or appurtenant (near) to a single-household dwelling may be permitted by the Zoning Administrator, provided there is compliance with all of the following standards:
	1. The property has sufficient wastewater capacity.
	2. The habitable floor area of the accessory dwelling unit may be up to 30% of the total habitable floor area of the single household dwelling or 900 sq. ft., whichever is greater. As with all dwellings, applicable setback and parking requirements specified in the regulations must be met.\*\*
	3. The accessory dwelling unit may not be subdivided from the original parcel except under conformance with the subdivision regulations.
	4. The single household dwelling owner must occupy either the principal dwelling or the accessory dwelling.
4. **Accessory Dwellings when there are Multiple Non-conforming Dwellings on a Lot**. There are many dwelling units in South Hero that may be considered non-conforming because there is more than one pre-existing single household detached dwelling on a pre-existing lot. In such cases, accessory dwelling units that involve the creation of a new structure or an increase in the height or floor area of the existing dwelling may be approved only after conditional use approval from the Development Review Board.
5. **Accessory Dwellings to Farms**. Up to two accessory dwelling units for farm laborers may be permitted by the Zoning Administrator for farming operations, provided they meet the following requirements:
	1. Accessory dwellings for farm laborers must comply with the water and wastewater requirements described in Section 509.
	2. Accessory dwelling units must be smaller in size and prominence than the principal farmhouse; but are not otherwise limited in the number of bedrooms/sleep quarters or size.
	3. The accessory dwelling unit may be a single household unit, a double-household unit or may be a bunk house. The dwelling unit may be subject to the State’s Fire Safety Code and the State’s Housing Code.
	4. Applicable setback and parking requirements specified in the regulations are met.
	5. The accessory dwelling units may not be subdivided from the original parcel except under conformance with the subdivision regulations.

\*\* Per 24 V.S.A. 4412(1)(E)