

## ACCESSORY FAMILY DWELLING UNIT BYLAW

### 3.4 Introduction

As allowed in Section 3.034 of this bylaw, accessory family dwelling units shall be permitted, by Special Permit. The Zoning Board of Appeals will apply the standards specified herein and may attach additional conditions it deems necessary.

#### 3.4.1 General Description

- a. An Accessory Family Dwelling Unit (AFDU) shall mean a second dwelling unit within a single-family structure.
- b. The legal owners of the single-family structure must be year-round residents of the premises.
- c. AFDU shall denote exclusively a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities. The AFDU shall be designed to maintain the single-family appearance of the dwelling in which it is located. An AFDU shall have separate entrance located on the side or rear of the building. An AFDU shall not have more than one bedroom.
- d. An AFDU shall have the same street address as the single family dwelling in which it is created. When "911" compliance requires a separate street number, it should embody the diminutive form, i.e. 109 Elm Street for the main dwelling and 109A Elm Street or 109 (rear) Elm Street for the AFDU.
- e. Occupancy of an AFDU shall be restricted to a maximum of two persons.

#### 3.4.2 Intent

- a. To provide a homeowner with a means of obtaining, through tenants in the AFDU, companionship, independence, security, and services and thereby to enable homeowners to remain comfortably in homes and neighborhoods they might otherwise be unable to maintain;
- b. To provide homeowners an alternative for the care of elder or infirm relatives while allowing such relatives independence;
- c. To create increased opportunity for affordable housing;
- d. To protect the stability, property values, and residential character neighborhoods by ensuring that that AFDU's are installed only in owner-occupied houses and under such additional conditions as may be appropriate to further the purposes of this Bylaw; and
- e. To regulate compliance with the State Building Code in so-called in-law apartments.

### 3.4.3 Standards and Requirements

The Zoning Board of Appeals may grant to a homeowner a nontransferable Special Permit, to be renewed every three years pending ZBA review, to allow an AFDU in an existing or new single-family dwelling, provided the following standards and requirements are met:

- a. The AFDU must be a separate housekeeping unit from the original unit. The units may, however, share some utilities such as heat, water, sewer, sanitary disposal, electricity, etc.
- b. Only one AFDU will be allowed in a single-family house lot.
- c. The lot on which the single-family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district. The ZBA may allow an AFDU on a legally non-conforming lot with a finding that so doing would not increase the non-conformity.
- d. The AFDU shall be designed so that the appearance of the building remains that of a single-family residence as much as possible. A new entrance must be located on the side or rear of the building. Any exterior alterations should be consistent with the character of the existing single-family dwelling.
- e. An AFDU shall have a separate entrance, and may also have an interior doorway to the main dwelling.
- f. Any AFDU shall be limited to 750 square feet in the original dwelling in which it is to be contained. An addition to the original building comprising all or part of the 750 square feet may be permitted by the ZBA.
- g. The AFDU shall be clearly subordinate to the single-family dwelling. It shall have no more than one bedroom.
- h. The ZBA may allow deviation from these conditions to facilitate access and mobility for disabled persons.
- i. The construction of any AFDU must conform to all State Building and Health Code requirements, as well as the bylaws of the Town of Middlefield
- j. An additional off-street parking space shall be provided for an AFDU.

### 3.4.4 Application Procedure

The procedure for application for a Special Permit to the ZBA for an AFDU in a single family dwelling shall be the same as prescribed for other Special Permits, except the additional requirement of a notarized letter from the owner stating that he will occupy either the main dwelling or the AFDU on a year-round basis.

### 3.4.5 Recording of Special Permit

No Building Permit shall be issued for construction of an AFDU until a Special Permit has been granted and recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Building Inspector.

### 3.4.6 Severance

If any part of this bylaw is found to be illegal, the balance shall remain in force.

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