

[Article XIII Accessory Apartments](#) [Amended 5-1-2017 ATM, Art. 17; 10-29-2018 STM by Art. 11]

§ 173-58 Accessory dependent dwelling units. Accessory Dependent Dwelling Units shall be allowed as set forth in § **173-26B**, provided that:

- A.** The square foot area of the Accessory Dependent Dwelling Unit shall not exceed 1,200 square feet;
- B.** The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site;
- C.** There shall be no more than one Accessory Dependent Dwelling Unit per lot.

D. The Accessory Dependent Dwelling Unit shall be designed to maintain the appearance of a single-family dwelling, subject to the following requirements.

- (1)** Where two or more entrances exist on the front facade of the single-family dwelling, one entrance shall appear to be the principal entrance and other entrances shall appear to be secondary;
- (2)** A minimum of two parking spaces are provided for the primary dwelling and two additional parking spaces are provided for the Accessory Dependent Dwelling Unit, unless a lesser requirement is deemed adequate by the Board of Appeals. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway;

E. Where the driveway is located within 15 feet of the side lot line, at least four feet of the driveway side yard, measured from the side lot line, shall be a buffer zone landscaped with non-invasive plantings;

F. A certificate of occupancy for the Accessory Dependent Dwelling Unit described above shall be issued for a period of no greater than three years or at the change of ownership. Renewal of a certificate of occupancy shall be granted only upon documentation to the Building Inspector that the requirements of this section are still in existence.

§ 173-59 Accessory apartments. Accessory Apartments shall be allowed as set forth in § **173-26B**, provided that:

- A.** The primary single-family dwelling or the Accessory Apartment is owner-occupied;
- B.** The square foot area of the Accessory Apartment shall not exceed the lesser of the dimensional limitations set forth in § **173-53** or 1,200 square feet;

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Sections that cannot be enforced are highlighted in yellow.

C. The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site;

D. There shall be no more than one Accessory Apartment per lot.

E. The Accessory Apartment shall be designed to maintain the appearance of a single-family dwelling, subject to the following requirements.

(1) Any addition shall not increase the gross floor area of the existing dwelling by more than 15%. Gross floor area for purposes of this provision shall be calculated as post construction gross floor area to include all habitable space including basement, 1st and 2nd levels and attached garage, excluding attics, decks and porches;

(2) There shall be two separate means of egress from each Accessory Apartment and each primary residence as remote as possible from each other;

(3) Where two or more entrances exist on the front facade of the single-family dwelling, one entrance shall appear to be the principal entrance and other entrances shall appear to be secondary;

(4) All stairways to an Accessory Apartment above the first floor shall be enclosed within the exterior walls of the single-family dwelling or on the rear of the dwelling if constructed on an outer wall;

(5) A minimum of two parking spaces are provided for the primary dwelling and two additional parking spaces are provided for the Accessory Dependent Apartment. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and

(6) Accessory Apartments shall have no more than two bedrooms.

F. Where the driveway is located within 15 feet of the side lot line, at least four feet of the driveway side yard, measured from the side lot line, shall be a buffer zone landscaped with noninvasive plantings.

G. A certificate of occupancy for an Accessory Apartment shall note that it shall be valid for only so long as at least one of the units is owner-occupied.

§ 173-60 Detached accessory apartments.

The Zoning Board of Appeals may grant a special permit authorizing a Detached Accessory Apartment as set forth in § 173-26B only if:

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A. The primary single-family dwelling or the Detached Accessory Apartment is owner-occupied;

B. The square-foot area of detached structures inclusive of all accessory uses on the lot shall not exceed the dimensional limitations of § **173-53** and the Detached Accessory Apartment shall not exceed 1,200 square feet;

C. There shall be no more than one Accessory Apartment per lot;

D. A minimum of two parking spaces are provided for the primary dwelling and two additional parking spaces are provided for the Detached Accessory Apartment. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and

E. Detached Accessory Apartments shall have no more than two bedrooms;

F. The Zoning Board of Appeals determines that the exterior appearance of the accessory structure is compatible with the principal single-family dwelling on the same lot and with dwellings and accessory structures on adjoining lots;

G. A certificate of occupancy for a Detached Accessory Apartment shall note that it shall be valid for only so long as at least one of the units is owner-occupied; and

H. The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site.