


**Christine McCall**  
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**MEMORANDUM**

**TO:** Thomas A. Golden, Jr., City Manager 

**FROM:** Christine McCall, Assistant City Manager/DPD Director

**CC:** Fran Cigliano, Senior Planner

**SUBJECT:** MOTION RESPONSE: June 28, 2022 – Councilor Drinkwater -  
Request the DPD draft an accessory dwelling unit ordinance for further discussion

The Department of Planning and Development (DPD) drafted an accessory dwelling unit ordinance. We recommend that the City Council refer this DRAFT ordinance to a subcommittee for further discussion and public input.

CMM

Attachment

## Accessory Dwelling Unit Draft Ordinance

~~76/530/2022~~

Definition:

**ACCESSORY DWELLING UNIT:** A dwelling unit contained within an owner-occupied single-family structure (such as, but not limited to, a cellar, attic, attached garage or barn – See “dwelling, single family” as defined in this section) or within an accessory structure (e.g. detached garage) which constitutes separate living facilities as defined under all applicable provisions of the State Building Code. An accessory dwelling unit is secondary to the principal dwelling in terms of gross floor area, intensity of use, and physical character.

### Section 4.3.8 Accessory Dwelling Units

#### 1. Purpose.

- a. To add diversity of housing options to meet the needs of smaller households, enable aging-in-place, and make housing units available to households who might otherwise have difficulty finding housing;
- b. To provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services; and
- c. To encourage the efficient use of the city’s housing supply while preserving the character of the city’s neighborhoods.

#### 2. Process.

- a. No accessory dwelling unit shall be constructed without a building permit issued by the Division of Development Services. The permit application must include:
  - i. Proof of ownership of the property or authorization from the owner of the property; and
  - ii. A floor plan of the accessory dwelling unit, the principal dwelling where it will be located, and all elevations. All plans must be drawn to scale and identify the existing structure and the proposed modifications to create the accessory dwelling unit.
- b. Prior to the issuance of a building permit, the use restriction shall be recorded at the Registry of Deeds and evidence of such shall be submitted to the Division of Development Services.
- c. No use as an accessory dwelling unit shall be permitted prior to the issuance of a Certificate of Occupancy by the Division of Development Services.
- d. The occupancy permit shall be revoked upon determination by the Building Commissioner or their designee that any conditions imposed by this section has not been fulfilled.
- e. By filing the application for Building Permit for an accessory dwelling unit, all owners consent to an inspection upon reasonable notice by the Building Commissioner or their designee to ensure compliance with all terms of this ordinance.

- f. Upon sale of the property, the new owner shall be required to file a new application with Development Services to maintain the accessory dwelling unit.

3. Requirements.

- a. The use of the subject property shall be a single-family residential use.
- b. No more than one (1) accessory dwelling unit shall be located upon a single property.
- c. At least one (1) owner of the property must reside in either the primary dwelling unit or the accessory dwelling unit.
- d. The accessory dwelling unit may not be sold separately from the principal dwelling.
- e. The accessory unit shall be clearly subordinate in use, size, and design to the principal dwelling.
- f. The accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- g. Short term rentals are prohibited in both the primary and accessory dwelling unit.
- h. Utilities for the accessory unit, such as water, electric, and gas shall be extensions of the existing utilities serving the primary dwelling. No new utilities or meters shall be installed for the use of the accessory dwelling unit.

4. Conditions.

- a. An accessory dwelling unit is a separate, subordinate living area constructed as part of an existing or newly constructed, owner-occupied single-family structure and built in a manner which maintains the appearance of a single-family structure.
  - i. The accessory dwelling unit may be in a detached accessory structure that exists as of the adoption of this ordinance or which has been in existence for at least ten (10) years, and complies with Section 4.3.5(4) and Section 4.4.
- b. The accessory dwelling unit shall require one (1) off-street parking space.
- c. An additional entrance exclusively for the accessory dwelling unit must not be located facing the street, unless it is located below the main level of the house and is substantially concealed from view from the public way.
- d. The accessory dwelling unit shall not be less than 350 square feet and not more than thirty-five (35) percent of the gross floor area of the principal dwelling unit.

5. Special Permit Required.

- a. In the event that the proposal cannot meet the conditions set forth in Section 4.3.8(4), a Special Permit is required from the Zoning Board of Appeals.

6. Termination.

- a. The accessory dwelling unit shall terminate immediately upon any violation of any term or condition of this ordinance that the owner fails to cure, upon two weeks of written notice mailed to primary dwelling unit address by certified mail, return receipt requested.
- b. Duties of the owner upon termination include:

- i. The owner shall discontinue use of the accessory dwelling unit as a separate dwelling unit.
- ii. The kitchen facilities of the accessory dwelling unit shall be removed unless determined by the Building Commissioner or their designee that they are incidental and subordinate as an accessory use of the principal structure.
- iii. Any additional exterior entrance constructed to provide access to the accessory living space area shall be permanently closed, unless the Building Commissioner or their designee provides a waiver.
- iv. The owner shall permit an inspection by the Building Commissioner or their designee.