

## Section I.E Definitions

**Accessory Dwelling Unit** – An accessory dwelling unit (ADU) is a self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities, on the same lot as a principal dwelling, that maintains a separate entrance, and is subordinate in size to the principal dwelling unit.

## Section II.B. Table of Uses

| USE CATEGORY                      | R   | G   | B-1 | B-2 | B-3 | B-4 | CB | B3  | P | PRD | M-1 | M | OSR | TP | CMU | Parking code |
|-----------------------------------|-----|-----|-----|-----|-----|-----|----|-----|---|-----|-----|---|-----|----|-----|--------------|
| <b>2. Residential Accessory</b>   |     |     |     |     |     |     |    |     |   |     |     |   |     |    |     |              |
| <b>H. Accessory Dwelling Unit</b> | SPZ | SPZ | SPZ | SPZ | SPZ | N   | N  | SPZ | N | N   | N   | N | N   | N  | N   | 28           |

## New: Section II.L. Accessory Dwelling Units

### 1. Purpose and Intent.

The intent of permitting accessory dwelling units is to:

- Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
- Provide housing units for persons with disabilities;
- Protect stability, property values, and the residential character of a neighborhood.

## **2. Eligibility**

Only an owner of a lawfully existing, owner-occupied single-family dwelling on a conforming or pre-existing non-conforming lot; lawfully occupied as a single-family dwelling for four or more years prior to the date of application for an ADU, may be an eligible applicant for an ADU on such lot pursuant to this Section II.L. For the purposes of this Section, the "owner" shall be one or more individuals who hold title directly or indirectly to the dwelling and lot, and for whom the on-site dwelling is their primary residence.

## **3. Applicability and Procedure**

### **A) Basic Requirements**

- 1) No ADU shall be allowed except in compliance with the provisions of this Section, and shall require a special permit with review and approval as set forth herein.
- 2) The Zoning Board of Appeals (ZBA) shall be the Special Permit Granting Authority (SPGA) for special permits under this Section. The Board of Appeals must determine that such conversion, new construction and occupancy of each unit shall meet the requirements of this section II.L
- 3) Floor plans of the accessory unit and principal residence and a certified site plan showing the dwelling unit on the lot and its relationship to other structures and premises within 200 feet of the lot shall be filed with the application for a special permit.
- 4) Any permit from the Building Commissioner and/or ZBA shall be subject to the standards and requirements of this Section, Fire Building Codes, Sanitary Codes, and any other ordinances or codes or regulations as applicable.

### **C) Permit to Construct**

Upon receipt of a special permit from the SPGA, the applicant shall apply to the Building Commissioner for a permit to construct an ADU and shall provide written evidence that all preconstruction conditions as may be part of the special permit decision have been satisfied. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for temporary absences. A special permit may be granted by the Board of Appeals for the conversion of an existing or new single-family dwelling to accommodate an additional family living unit by the installation of a common wall or the partitioning of or extension of existing living space.

## **4. General Standards and Requirements.**

- a. No more than one ADU shall be permitted on a lot.
- b. The owner of the property on which the ADU is to be created must occupy at least one of the dwelling units as their primary residence.
- c. An Accessory Apartment permitted under this Section shall not be conveyed or otherwise transferred separately from the principal dwelling, and it shall not be held at any time in separate ownership from the principal structure/dwelling unit; and this shall be so stated in a certified copy of the Permit Decision

or Determination Letter by the Granting Authority to be filed with the Middlesex South Registry of Deeds or Land Court, as applicable, upon receipt.

e. There shall be at least 3 off-street parking spaces provided on the property, of which one space shall be for the use of the occupants of the ADU. Required parking may be no more than two (2) cars deep. No required parking spaces shall be located within the boundary of a street right of way.

f. An ADU attached to the principal dwelling unit shall be limited to a maximum of 600 square feet in floor area.

g. A detached ADU shall occupy no more than 10% of the lot area.

h. There shall be at least 3 off-street parking spaces provided on the property, of which one space shall be for the use of the occupants of the ADU. Required parking may be no more than two (2) cars deep. No required parking spaces shall be located within the boundary of a street right of way.

j. A primary structure, if proposed to accommodate an Accessory Apartment, shall conform with the minimum setback requirements of the zoning district; a detached structure, if proposed to accommodate an Accessory Apartment on the lot shall meet the same minimum setback requirements that apply to the primary residential structure in the district in which the structure is located.

k. A detached structure used for an ADU shall be set back a minimum of 10 feet from the primary structure on the lot.

l. A primary structure, if proposed to accommodate an Accessory Apartment, shall conform with the minimum setback requirements of the zoning district.

m. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.

n. An accessory dwelling unit may not be occupied by more than three (3) people nor have more than two bedrooms.

o. No variances shall be allowed for accessory dwelling units.

## **5. Design Standards and Requirements**

An ADU shall be designed to maintain the appearance, character and scale, as viewed from the street, of the primary dwelling unit, subject to the following standards and requirements:

a. Exterior alterations of a structure shall keep with the architectural integrity of the existing structure, including exterior finish material, windows, roof, and trim.

b. Exterior alteration of a historically significant building to permit the creation of an ADU shall preserve the historic character and integrity of the building and shall be subject to the jurisdiction of the Framingham Historical Commission, or Historic District Commission, as applicable.

c. Adequate provision, as determined by Inspectional Services, shall be provided for separate ingress and egress to the outside of each unit. To the extent possible, exterior passageways and accessways shall not detract from the single-family appearance of the dwelling. An interior doorway shall be provided between each dwelling unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure.

d. Where two or more entrances are included on the front facade of a dwelling, only one entrance shall appear to be the principal entrance to the structure and other entrances shall appear to be secondary.

e. In cases of properties shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such accessory unit in accordance with the requirements of the Board of Health. Septic information shall be made prior to the application for a special permit, and evidence of same shall be included with such application.

f. To minimize visual impacts to abutters, sufficient visual screening (such as evergreen or dense deciduous plantings, walls, fences, or a combination) shall be provided as necessary.

g. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

## **6. Additional Conditions and Rules**

a. The principal dwelling unit on a lot must have been constructed five (5) or more years prior to the date of application for a permit to construct an accessory apartment as evidenced by a certificate of occupancy for the original construction of the dwelling or, where no certificate is available, the owner provides other evidence of lawful occupancy of the existing dwelling on or before a date at least five (5) years prior to the date of application.

b. The number of ADU's permitted under this Section shall not exceed twenty-five (25) per calendar year.

c. Upon receipt, the owner of an ADU shall record with the Registry of Deeds for the Southern District of Middlesex County, or with the Land Court, a certified copy of the Decision of the SPGA or the Determination Letter of the Building Commissioner, authorizing the site for an ADU; and copies of the recorded document shall be filed with the Inspectional Services Department, where a master list of ADUs shall be kept, the Planning & Community Development Department, and with the Assessing Department. A Certificate of Occupancy may not be issued prior to receipt of recorded documents.

d. When ownership of the property changes, the new property owner shall notify the Building Commissioner within 30 days, at which time the Building Commissioner shall conduct a determination of compliance with this Section II.L. and the filed Decision or Determination, and all other applicable codes. The new property owner must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.

e. If an ADU is discontinued, the owner shall notify the Building Commissioner and Department of Planning of removal of the kitchen and bathroom facilities. Said unit shall be removed from the City's ADU inventory.

f. Property owners shall file with the Building Commissioner and Department of Planning & Community Development, a sworn certification attesting to continued compliance with the requirements of this Section II.L., the filed Decision or Determination, and all applicable public safety codes. Such certification shall be filed annually on the first business day of January or upon transfer to a new owner as provided

above, and the property may be subject to inspection and further documentation, as requested by the Building Commissioner.

## **6. Administration and Enforcement**

a) It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Ordinance.

b) The Building Commissioner shall issue violations and fines for any ADUs which are not compliant with this Section, or any other applicable code or Ordinance.

c) The Department of Planning and Community Development shall keep record of active and inactive accessory dwelling units and provide a yearly report of Accessory Dwelling Units within the City.

c) No ADU shall be occupied without an occupancy permit. The initial occupancy permit shall remain in force for a period of five years from the date of issue, provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Director of Municipal Inspections for succeeding five-year periods, provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this Chapter and the special permit.

d) The Building Commissioner may, in addition to other remedies, revoke permits and order removal of the separate kitchen facilities, equipment or fixtures that were installed to create such ADU, if the unlawful use of such unit is discovered.