

6.04 Accessory Apartments

A. Accessory Apartment:

The Commission recognizes that many families need, on a temporary basis, to provide housing for members of their extended families (i.e in-law apartment). In addition, families may need assistance to maintain a property and/or household, on a temporary basis or provide housing for a paid staff member (i.e. caretaker apartment). Accessory apartments may therefore be permitted as accessory uses to single-family dwellings and allowed through the issuance of a zoning permit provided:

1. Attached accessory apartments

- a. Attached in-law apartment: The space devoted to the in-law apartment within a single-family dwelling must be interconnected by at least one doorway to the remainder of the dwelling, so that a person could gain access to the in-law apartment from an interior doorway serving the remainder of the house, and vice versa. Electric utilities shall run off of a single meter.

2. Relationship to owners of property

- a. In-law Apartment: may be occupied only by parents, siblings, grandparents, great grandparents, children, grandchildren, great grandchildren, aunts, uncles, nieces, nephews, or first cousins of one or more persons who occupy the remainder of the principal dwelling.
- b. In-law shall not be rented for income.
 - Only one accessory dwelling unit shall be permitted for each lot.
 - No accessory dwelling unit shall be approved if accessory to a two-family dwelling or any multi-family use or a common interest community; and
 - The lot shall conform to the minimum lot area requirement for the zone in which the property is located.
 - The owner of the property (who must be a natural person in whom the fee title of the subject premises is vested) shall certify by a sworn affidavit that he or she will occupy either the principal dwelling unit or the accessory dwelling unit; and such sworn affidavit shall be updated during each tax revaluation year and prior to any transfer of ownership indicating that an owner does or will occupy either the principal dwelling unit or the accessory dwelling unit. The sworn affidavit shall be sent via certified mail to the Town of Sterling Zoning Commission by the property owner.

3. The accessory dwelling design:

- a. In-law Apartment shall:
 - 1. be no less than 500 square feet and shall not exceed 800 square feet unless, in the opinion of the Commission (¾ vote of the entire commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and
 - 2. contain no more than one (1) bedroom, one (1) bath, and (1) kitchen; and

3. be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood; and
 4. have at least one (1) side of the accessory dwelling unit be at or above grade; and
 5. have no more than two (2) individuals residing inside of the in-law apartment; and
 6. share common utilities; and
 7. share a common door and/or hallway between the two units/sides.
- b. The building shall, upon establishment of the accessory dwelling unit:
 1. retain the exterior architectural style of the primary residence and shall “maintain” the appearance of a single family residence.
 2. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit, and
 3. no stairs above the first floor shall be added to the outside of the building.
 - c. No additional curb cuts shall be created to serve an accessory dwelling unit and access from the public right-of-way shall serve both the principal and accessory units; and
 - d. at least four (4) off-street parking spaces (which may include garage and driveway spaces) shall be provided to serve both the principal dwelling and the accessory dwelling unit and such parking shall not be located in the required front, side, or rear yard setback.
 - e. Parking spaces shall be screened from abutting property lines by fences, vegetation, or earthen berms. Where existing topography, site conditions, property ownership and/or landscaping will effectively screen parking from an abutting residentially zoned area, the Planning and Zoning Commission may modify the above screening and setback requirements with a ¾ vote of the entire commission.
 - f. A standard notice, approved by the Town Attorney, shall be filed on the land records of the Town stating that the property contains an in-law apartment and that it is not approved for use as a two-family dwelling.

B. The accessory dwelling unit:

Prior to the issuance of a Zoning Permit the applicant is required to receive the following signoffs/approvals from the Town’s:

Fire Marshall: This individual shall determine that the proposed accessory dwelling unit complies with applicable state fire/building codes as they relate to the proposed unit.

Health Official/Department: This department/individual shall determine that the site as well as the proposed accessory unit complies with applicable public health codes as they relate to the proposed unit.

Chief of Police/First Selectmen: This individual shall determine that the proposed accessory dwelling unit complies with local and state codes as they relate to the proposed unit.

Town Planner: This individual shall make a recommendation to the Town’s Zoning Enforcement Official regarding compliance with the requirements of an accessory dwelling unit.