

Accessory Dwelling Units – Main Motion

The purpose of this Motion includes promoting the use of accessory dwelling units as a means of providing Arlington property owners with an opportunity to age in place, to create independent living space for elderly, disabled or other family or household members, to downsize or to earn supplemental income from investing in their properties. Accessory dwelling units will help Arlington residents conserve and grow their own property values; encourage housing for persons of all income levels and ages; and encourage an orderly expansion of the tax base without detracting from the existing character of the affected neighborhoods.

1. Amend Section 2 (Definitions) to add the following definition to the sub-section on “Definitions Associated with Dwelling”:

Accessory Dwelling Unit: a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling.

2. Amend Section 5.4.3 (Use Regulations for Residential Districts) to add the accessory dwelling unit use to the table of uses:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Accessory Uses								
Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	Y	Y

3. Amend Section 5.5.3 (Use Regulations for Business Districts) to add the accessory dwelling unit use to the table of uses:

Class of Use	B1	B2	B2A	B3	B4	B5
Accessory Uses						
Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y

4. Add a new section, **Section 5.9.2 (Accessory Dwelling Units)**, containing standards for accessory dwelling units:

5.9.2 Accessory Dwelling Units

A, Purpose. The purpose of this Section 5.9.2 includes:

- (1) Promoting the use of accessory dwelling units as a means of providing Arlington property owners with an opportunity to age in place, to create independent living space for elderly, disabled or other family or household members, to downsize or to earn supplemental income from investing in their properties.
- (2) Helping Arlington residents to conserve and grow their own property values.

- (3) Encouraging housing for persons of all income levels and ages.
- (4) Encouraging an orderly expansion of the tax base without detracting from the existing character of the affected neighborhoods.

B. Requirements

- (1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:
 - An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
 - An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.
 - No more than one (1) accessory dwelling unit is allowed per principal dwelling unit.
 - An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building (provided such expansion complies with the applicable requirements of this Bylaw, including, if applicable thereto, Section 5.4.2B(6)); (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit.
 - An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.
 - An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and Fire Department regulations (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).

- (2) The creation or addition of an accessory dwelling unit shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having an accessory dwelling unit shall continue to be classified as a single-family dwelling for single-family use under the Zoning Bylaw; a two-family dwelling having an accessory dwelling unit shall continue to be classified as a two-family dwelling for two-family use under the Zoning Bylaw; and a duplex having an accessory dwelling unit shall continue to be classified as a duplex dwelling for duplex use under the Zoning Bylaw.
- (3) No off-street parking spaces are required in connection with the creation or addition of an accessory dwelling unit.
- (4) An accessory dwelling unit shall not be owned separately from the principal dwelling unit with which such accessory dwelling unit is associated.

C. Administration

- (1) Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.
- (2) The creation or addition of an accessory dwelling unit to a principal dwelling unit shall not be subject to the foregoing paragraph 5.9.2.C(1) if the principal dwelling unit and accessory dwelling unit are owned by a non-profit or governmental entity and the accessory dwelling unit is restricted as an affordable unit.
- (3) This Section 5.9.2 shall be effective as of the date on which it is enacted at Town Meeting in accordance with applicable law, except for clause (iii) of Section 5.9.2.B.(1), fourth bullet, which clause (iii) shall be effective as of the date occurring six (6) months after the date on which this Section 5.9.2 is enacted at Town Meeting.
- (4) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.E, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.E shall govern and control.

5. Add a new paragraph E to **Section 8.1.3 (Nonconforming Single-Family or Two-Family Dwellings)**:

- E. The creation or addition of an accessory dwelling unit within an existing single-family dwelling, two-family dwelling, or duplex dwelling, or within an existing accessory building on the same lot as any such dwelling, does not increase or affect the nonconforming nature of said existing dwelling or accessory building, and shall not cause such dwelling or accessory building to become non-conforming or result in any additional dimensional requirements with respect to such dwelling or accessory building, provided that such creation or addition of an accessory dwelling unit neither expands the footprint nor the height of said dwelling or accessory building (with the exception of changes necessary to provide for required egress or other modification to meet the State Building Code and Fire Department regulations, and with the exception of any items which are permitted under Section 5.3.9 to extend beyond the minimum yard regulations otherwise provided for the district in which the applicable structure is located).