

Excerpt from the City of Milford Zoning Regulations. (This Sec. replaces Sec. 3.1.2.1).

3.1.1.7 **Accessory Apartments:** (Effective 12/22/07) It is the intent of this section to preserve/maintain the character of existing single-family neighborhoods, but at the same time recognize that certain family members related by blood, marriage or legal adoption may need the support and close physical proximity of other family members, yet desire the ability to maintain their own semi-independent living space. For this reason, an accessory apartment is allowed under the following conditions:

A single-family dwelling may have a portion converted for use as an accessory apartment, which can include kitchen facilities. For purposes of this Regulation, the term converted shall mean either completely within an existing principal building or added to the already existing principal building. Both dwelling units shall be attached by a common wall, floor, ceiling with access through a common living space from the main house and cannot be attached by a breezeway, porch, deck or garage and must be contained as one building. No accessory apartment application shall be accepted unless the property is in compliance with all current lot requirements. Applicants must provide a current A-2 survey, and full floor plans and full elevation views of the entire structure.

Including the aforementioned, all Accessory Apartments shall conform to the following requirements:

- (1) In no instance shall an accessory apartment have its own doorway on the front of the dwelling. Any existing doorway other than the main front door to the dwelling shall be removed if it provides exclusive ingress and egress to the accessory apartment. Any new means of ingress and egress if required will be provided at the rear of the house or accessory apartment.
- (2) No single-family dwelling can contain more than 1 accessory apartment. Non-conforming lots with more than 1 single family dwelling are prohibited from having an accessory apartment in any structure.
- (3) The dwelling shall be owner-occupied during the entire duration of the Permit.
- (4) One portion of the dwelling is to be occupied by a person related by blood, marriage or legal adoption to one or more family members related by blood, marriage or legal adoption living in the other portion of the dwelling.
- (5) The proposed accessory apartment will be no larger than 800 square feet as measured from the exterior walls. Staircases providing exclusive access to the accessory apartment will be counted toward calculating the 800 sq. ft. limit. Exterior patios, decks and porches without roofs will not be included toward calculating the 800 sq. ft. limit.
- (6) The accessory apartment shall be accessible to and from the main dwelling.
- (7) The accessory apartment shall utilize the existing dwelling's driveway and utilities; i.e., electric, gas, water; and, if applicable, single mailbox. Separate utilities including but not limited to heating systems, electrical service, water service and gas service are prohibited.
- (8) Kitchen facilities consist of individual units of refrigerator, stove and sink and associated cabinetry, counters, and the related electrical and plumbing hook-ups. All shall be removed when the permit expires and/or not renewed, or when the property is sold except as provided in 3.1.1.7(13) below.
- (9) No accessory apartment shall be utilized for income purposes.
- (10) The Permit shall expire 3 years from the date the application is approved by the Planning and Zoning office. The applicant may, at least 2 months prior to the three-year expiration date, apply to extend the previous approval for an additional 36-month period. Proof in a form acceptable to the Planning and Zoning office will be provided by the applicant verifying the relationship of the family member occupying the apartment to the property owner residing in the house.
- (11) If requested by the Planning and Zoning office, the applicant will allow the dwelling to be inspected for compliance with these regulations.

- (12) If the Permit expires or the property is to be sold before the 36-month termination date, the seller shall, at his or her expense, remove all kitchen facilities.
- (13) If the property is to be sold before the permit issued pursuant to this section expires, the kitchen facilities may remain provided that the new owner(s) apply for and are granted a new permit for the accessory apartment pursuant to these regulations before occupancy commences.
- (14) Any previously approved but non-conforming accessory apartment shall be removed upon the sale or transfer of property ownership, unless the dwelling and apartment are brought into compliance with these regulations.
- (15) A numeric address of at least 5" in height must be affixed to the main dwelling. A separate numeric address for the accessory apartment is prohibited.
- (16) Upon expiration and/or non-renewal of the permit, the property owner is required to notify the Planning and Zoning office to inspect and certify removal of the accessory apartment.
- (17) Application to the Zoning Board of Appeals to vary any part of 3.1.1.7 shall be prohibited.
- (18) Accessory apartments greater than 800 sq. ft. are prohibited.

Paperwork Required

An A-2 survey of the property and floor plans, drawn to scale, of the entire dwelling, delineating that portion of the residence which is to be the Accessory Apartment will be required.

If an addition is proposed, elevation views of the entire structure will be required.

An appointment must be made with the Assistant City Planner.

An Agreement must be signed before an application is deemed complete and a Permit issued.

ACCESSORY APARTMENT AGREEMENT

My name is _____
(owner)

of _____
(address)

I will be occupying the **principal/subordinate** portion of the residence.
(cross-out word that does not apply)

My _____
(**mother/father, son/daughter, brother/sister, father/mother in-law, aunt/uncle, niece/nephew**)

will occupy the **principal/subordinate** unit.
(cross-out word that does not apply)

The name(s) of the occupant(s) is/are:

- A. I/we acknowledge that this approval will expire 3 years from the date the action taken advertisement is published; that I can, 2 months prior to the 3 year expiration date, apply in writing to extend the previous approval for an additional 36 month period.
- B. The subordinate apartment will utilize the existing dwelling's driveway and utilities; i.e., electric, gas, water; and if applicable, single mailbox.
- C. The dwelling must continue to be owner-occupied while the terms of the Special Permit remain operative.
- D. Upon cessation of occupancy of the named individual(s) of the subordinate apartment, I/we agree to:
 - 1. immediately send a written (signed) letter identifying the new relative (occupant)

or
 - 2. if there is no replacement occupant; within 60 days, to notify the Planning and Zoning office to perform an interior inspection to verify that the subordinate/principal apartment kitchen has been totally removed.

(owner)

(date)

(owner)

(date)