

ARTICLE XX

AMEND ZONING BY-LAW ACCESSORY APARTMENTS

To see if the Town will vote to amend the Zoning By-Law to simplify the conditions and requirements for accessory apartments, or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: This article would relax some existing conditions and requirements which limit the ability to construct accessory apartments. These requirements include lot area, presence of rooming units, connection to Town water and sewer, ownership, location of parking, and age of structure.

6.7 ACCESSORY APARTMENTS.

6.7.1 Purpose. This section authorizing the provision of accessory dwelling units is intended to:

1. ~~1-~~Increase the number of small dwelling units available ~~for rent~~ in the Town;
2. ~~2-~~Increase the range of choice of housing accommodations;
3. ~~3-~~Encourage greater diversity of population with particular attention to young adults and senior citizens; and
4. ~~4-~~Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's one-family neighborhoods.

6.7.2 General. An accessory apartment is a second dwelling unit subordinate in size to the principal dwelling unit on a lot, located in either the principal dwelling or an ~~existing~~ accessory structure. ~~The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures. Three categories of accessory apartments are permitted: basic accessory apartments, which are permitted as of right in certain residential districts and by special permit in other districts, and expanded accessory apartments and accessory structure apartments, which may be allowed by a special permit.~~

6.7.3 Conditions and Requirements; General. The following standards shall apply:

1. There shall be no more than ~~two dwelling units in a structure, and no more than two dwelling units~~ one accessory apartment on a lot.
2. ~~There shall be no roomers within either dwelling unit.~~
3. ~~No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.~~
4. ~~The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units, except for temporary absences as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.~~
5. ~~Temporary absence of owner. An owner of a property containing an accessory apartment who is to be absent for a period of less than two years may rent the owner's unit as well as the second~~

unit during the temporary absence provided:

- a. ~~Written notice thereof shall be made to the Building Commissioner on a form prescribed by him.~~
- b. ~~The owner shall be resident on the property for at least two years prior to and between such temporary absences.~~

6.7.4 Conditions and Requirements; Exterior Appearance. The accessory apartment shall be designed ~~so that the appearance of the structure maintains that to maintain the appearance and essential character~~ of a one-family dwelling with accessory structures, subject further to the following conditions and requirements:

1. ~~1.~~ All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
2. ~~2.~~ Any new entrance shall be located on the side or in the rear of the dwelling.
3. ~~3.~~ Where two or more entrances ~~already~~ exist on the front facade of a dwelling, ~~modifications made to any of the entrances shall result in~~ one entrance shall appear~~ing~~ to be the principal entrance and other entrances appear~~ing~~ to be secondary.

~~6.7.5 Conditions and Requirements; Off Street Parking. In order to maintain the one family appearance of the property, all parking spaces on the lot shall be subject further to the following conditions and requirements:~~

4. ~~1.~~ Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. ~~No motor vehicles shall be regularly parked on the premises other than in the parking spaces.~~
5. ~~2.~~ No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be either:
 6. a. Outdoor parking spaces located in a side or rear yard; or
 7. b. In a garage or carport.
8. ~~3.~~ There shall be no more than four outdoor parking spaces on the lot.
9. ~~4.~~ Parking spaces shall be located so that both the principal dwelling unit and the accessory apartment shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.
10. ~~5.~~ Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and parallel to the street, in the area between the parking space and the front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the one family appearance of the neighborhood.

6.7.6 Basic Accessory Apartment-. A basic accessory apartment shall be permitted if ~~the requirements set forth in § 6.7.3 are satisfied and~~ the following criteria are met:

1. ~~1.~~ The lot area shall be at least 10,000 square feet.

2. ~~2.~~The apartment shall be located in the principal structuredwelling.
3. ~~3.~~The gross floor area of the apartment shall not exceed 1,000 square feet.
4. ~~4.~~There shall not be more than two bedrooms in the apartment.
1. ~~5.~~ ~~The entire structure containing the basic accessory apartment must have been in legal existence for a minimum of five years at the time of application for a basic accessory apartment, except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.~~

6.7.7 Expanded Accessory Apartment. ~~._~~The SPGA may grant a special permit for an expanded accessory apartment ~~, subject to the following if the following criteria are met:~~

~~1. The lot shall contain at least the minimum area required by § 135-4.0 in the district in which it is located.~~

1. ~~2.~~The gross floor area of the ~~expanded accessory~~ apartment shall not exceed 40% of the gross floor area of the dwelling, excluding areas of the structure used for parking.
2. ~~3.~~The ~~expanded accessory~~ apartment shall be located in the principal structuredwelling.
3. ~~4. The architectural character of a detached one family dwelling is maintained;~~
4. ~~5.~~The size of the structuredwelling is consistent with ~~the~~ typical ~~size of~~ nearby one-family ~~detached~~ dwellings.

6.7.8 Accessory Structure Apartment. Notwithstanding the prohibition against having more than one dwelling on a lot, the SPGA may grant a special permit to allow the construction of an accessory apartment in an ~~existing~~ accessory structure ~~which is~~ on the same lot as an ~~existing~~ one-family dwelling ~~provided if the following criteria are met:~~

~~1. The lot area is at least 18,000 square feet if in the RS, RT, or CN District and at least 33,000 square feet if in the RO District;~~

~~2. The structure containing the accessory structure apartment was in legal existence for a minimum of five years and had a minimum of 500 square feet of gross floor area as of five years prior to the time of application;~~

1. ~~3.~~The ~~maximum~~ gross floor area of the ~~accessory structure~~ apartment does not exceed 1,000 square feet. ~~The gross floor area for the accessory apartment shall not include floor area used for any other permitted accessory use. The accessory apartment cannot contain floor area that has been designed, intended or used for required off street parking to serve the principal dwelling;~~
2. ~~4.~~The SPGA determines that the exterior appearance of the accessory structure ~~maintains the essential character of the purpose for which it was originally constructed and~~ is compatible with the principal dwelling on the same lot and with ~~other~~ dwellings and accessory structures on adjoining lots.

~~6.7.9 Procedures. No accessory apartment shall be constructed without issuance of a building permit by the Building Commissioner. The application for a building or special permit shall comply with the permitting authority's rules and regulations.~~

~~6.7.10 Certificate of Occupancy. No use as an accessory apartment shall be permitted prior to~~

~~issuance of a certificate of occupancy by the Building Commissioner. A certificate of occupancy shall be issued after the Building Commissioner determines that the accessory apartment as constructed is in conformity with the approved plans and with the provisions of this Zoning Bylaw.~~