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RESTORING ACCESSORY APARTMENTS TO THE
AYER ZONING BYLAW

TOWN OF AYER
TOWN CLERK
10:33Am *lf*

August 22, 2019

1. Add the following definition to Section 2.0 DEFINITIONS:

ACCESSORY APARTMENT: a dwelling unit subordinate in size and accessory to a detached single-family dwelling, which may be located within an owner-occupied single-family dwelling or in a structure accessory thereto, such as in an attached or detached garage or barn, upon the issuance of a Special Permit from the Zoning Board of Appeals (ZBA).

2. Add the following to Section 5.3.2 and renumber subsequent sections accordingly:

C. **Accessory apartment**, subject to the following requirements:

1. An accessory apartment is allowed only by Special Permit from the Zoning Board of Appeals;
2. There shall be not more than one accessory apartment on a lot;
3. The owners of the dwelling or property with the accessory apartment shall occupy one of the units as their principal residence, except for temporary absences of not more than six months. For the purposes of this Bylaw, "owners" shall be one or more individuals holding title to the property, and "principal residence" shall mean the owner's residence or for voting and tax purposes;
4. The maximum gross floor area of the accessory apartment shall not exceed twenty-five (25) percent of the gross floor area of the existing dwelling or 750 sq. ft., whichever is greater;
5. The accessory apartment shall be designed so as to preserve the appearance of the existing single-family dwelling on the lot. Unless prohibited by the State Building Code, all stairways to second or third stories shall be enclosed within the exterior walls of the dwelling, and any new entrance shall be located on the side or in the rear of the dwelling;
6. There shall be provided at least one off-street parking space for the accessory apartment in addition to parking for the principal dwelling. Off-street parking shall be located in a garage or carport, or in the driveway. In order to be eligible for an accessory apartment, the principal dwelling must be able to provide the required number of off-street parking spaces as required in Section 9.1.2 A. of the Ayer Zoning Bylaw. In no event shall off-street parking for an accessory apartment be located within a required yard area;
7. The accessory apartment shall not be held in, or transferred into separate ownership from the principal residence under a condominium form of ownership or otherwise;
8. The Special Permit for an accessory apartment shall be issued for a period of two (2) years and will be renewable upon request provided the applicant continues to meet the requirements of the special permit and this section. The Special Permit shall expire if the conditions of approval are not maintained or the apartment ceases to be occupied as provided herein;

9. Accessory apartments shall be discontinued and reincorporated into the principal residence if the property owner dies or transfers ownership of the principal dwelling, or when the accessory apartment ceases to be occupied; unless the Zoning Board of Appeals (ZBA) grants either an extension of the original Special Permit or issues a new Special Permit for the changed circumstances, provided all other provisions of this section are met;

10. In order to keep their Special Permit current, owners of the principal residence must schedule an annual inspection of the common areas of the dwelling with the Building Commissioner;

11. Prior to submitting a Special Permit application with the ZBA, applicants must consult with the Building Commissioner to show that they have the ability to install an accessory apartment in conformance with this section. The letter of the Building Commissioner to the ZBA shall be considered part of the necessary application package for a Special Permit application;

12. The issuance of a Special Permit from the ZBA does not by itself guarantee that the proposed accessory apartment can be granted a building or occupancy permit. The issuance of all such permits is at the discretion of the Building Commissioner who must determine compliance with all applicable federal, state and local codes.

3. Amend Appendix A, Table of Use Regulations, to incorporate Accessory Apartments as follows:

Under **RESIDENTIAL USES**, Accessory Apartments are allowed in the various zoning districts as follows:

A1: SPZ, A2: SPZ, GR: SPZ, DFBCD*: SPZ, MUT: SPZ, GB: SPZ, LI: N, I: N, HCS: N

**(DFBCD = Downtown Form-Based Code District that replaced 'Downtown Business' / DB)*

Where SPZ = Special Permit needed from the Zoning Board of Appeals

P = Permitted Use and N = Not Permitted