

Proposed Amendment to the Accessory Apartments provisions

of the Ashby Zoning Bylaw, 3-24-2016

Move to amend the zoning bylaw by deleting sections 5.2.2, 6.2.13, 7.2.13 and 9.8.5.2.2 and adding the following to section 4;

4.6 Accessory Apartments

4.6.1 Purpose

The purpose of this section is to encourage accessory apartments as an alternative housing choice in Ashby, in a manner consistent with Ashby's rural character.

4.6.2 Applicability

Accessory apartments shall be permitted by right in residential zoning districts (Residential, Residential/Commercial, Residential/Agricultural) if they are added to an existing single family dwelling unit. A building permit for an accessory apartment shall only be granted following sign-offs from designated boards and committees.

4.6.3 Requirements for Accessory Apartments in all Permitted Zoning Districts

- 4.6.3.1 The accessory apartment shall clearly be a subordinate part of the single-family dwelling.
- 4.6.3.2 The principle unit or the accessory apartment shall be occupied by the owner of the premises and in the case of multiple owners at least one of the owners of the dwelling except for temporary absences.
- 4.6.3.3 The dwelling unit in which the accessory apartment is located shall be owned under a single deed.
- 4.6.3.4 No new driveway or curb cut shall be created to service the accessory apartment.
- 4.6.3.5 The accessory apartment must be designed so that the appearance of the building remains unchanged, and there shall be no change to the front façade of the house. Unless otherwise required by the Massachusetts Building Code, any new exterior stairs to provide primary or secondary access to the accessory apartment shall be covered and located on the side or rear of the building.
- 4.6.3.6 The primary dwelling and the accessory apartment shall each be an independent living unit, each containing a kitchen and bathroom and a minimum of one bedroom or bedroom / living area.
- 4.6.3.7 Not more than one accessory apartment shall be permitted in a single-family home.
- 4.6.3.8 The living space in an accessory apartment shall not exceed thirty-three (33) percent of the total heated living area of the primary dwelling, and shall contain no more than two bedrooms.
- 4.6.3.9 Satisfactory evidence must be presented that adequate provision has been made for disposal or sewage, waste and drainage in accordance with the requirements of the Board of Health.
- 4.6.3.10 The construction and occupancy of an accessory apartment shall not be detrimental to the neighborhood in which the lot is located including but not limited to consideration of the effect on traffic, congestion, availability of municipal services and parking and the character of the immediate neighborhood.
- 4.6.3.11 Accessory apartments must be constructed per the current building code requirements of the Town of Ashby and the Commonwealth of Massachusetts.