April 3, 2023

AMEND ZONING BYLAW – CHAPTER 325, ARTICLE V USE REGULATIONS

ARTICLE 37: To see if the Town will vote to amend the Code of the Town Of Harwich §325 Article V Section 14. T Supplemental regulations. as shown below. (Deleted words are shown as strikethrough. New text is shown in bold and underlined):

T. Single- Family dwelling with accessory apartment.

[1.](https://ecode360.com/35157272#35157272)Purpose. The intent of permitting accessory apartments is to:

1. Increase the number of small dwelling units available for rent in Town;
2. Increase the range of choice**s** of housing accommodations;
3. Encourage greater diversity of **the demographic** population with particular attention to young adults and senior citizens; and
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 single-family neighborhoods.

[2.](https://ecode360.com/35157277#35157277)Definitions.

* 1. **Dwelling, Single-Family with Accessory Apartment - A single-family dwelling as a principal use, along with a dwelling unit serving as a separate accessory apartment that is, either located within the principal dwelling, attached to it or in a detached residential accessory building on the same lot. The accessory apartment shall be a self-contained dwelling unit containing a kitchen, bedroom(s) and bathroom facilities. Accessory dwellings shall have their own separate access from the principal dwelling unit. The accessory apartment shall be an accessory use related to the principal single family dwelling use.**
  2. Owner **-** One or more individuals holding title to the property.

[3.](https://ecode360.com/35157279#35157279)Criteria. – An accessory apartment is allowable within a single-family dwelling, either attached or detached, provided that the following criteria have been satisfied:

* + 1. Only one accessory apartmentis permitted for each principal dwelling unit.
    2. The accessory apartment may not be held in separate ownership from the principal use.
    3. Only one of the principal dwelling or accessory apartment may be rented at any given time and if rented, shall be rented for a term of no less than six consecutive months. **Prior to the issuance of a Building Permit, the Owner shall submit a notarized affidavit that states that the owner is or will be in residence in one of the units.**
    4. The accessory apartment shall ~~have a net floor area not exceeding ½ of the net floor area of the principal dwelling unit and not more than 900 square feet~~ **not exceed 1,000 square feet of gross floor area.**
    5. The accessory apartment shall have not more than two bedrooms.
    6. At least one off-street parking space shall be provided for the accessory apartment.

~~(~~**~~g~~**~~) The minimum lot area required for a parcel to allow an accessory apartment shall not be less than 15,000 square feet if the parcel is situated in an RH-1, CV, CH-1, MRL or MRL-1 District; 20,000 square feet if situated in an RL, RM or RR District; and 40,000 square feet if situated in a Water Resource (WR) Overlay District. For parcels existing within an approved open space residential development or cluster subdivision, the lots size shall be consistent with the endorsed plan.~~

~~h~~**g**). The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the property remains that of a single-family property with matching materials, colors, window styles and roof design for one structure, if the apartment is attached, or for both structures, if the apartment is detached.

~~i~~**h**). The principal dwelling unit and accessory apartment shall meet all **Board of Health** wastewater treatment requirements for the combined number of bedrooms.

~~j~~**i**). The proposed use shall not exceed the building or site coverage **in** ~~for~~ the **applicable** ~~z~~Zoning ~~d~~**District**.

~~k~~**j**). If an addition **to the principal dwelling** is to be ~~built~~ **constructed** for the ~~proposed use~~ **accessory apartment**, the addition shall ~~be set back from front, side and rear lot lines the distance required in the zoning district for new construction~~ **comply all with setback requirements in the applicable Zoning District.**

**k). The Zoning Board of Appeals may grant a Special Permit for preexisting nonconforming principal dwellings and residential accessory buildings that do not comply with the setback or lot coverage requirements in the applicable Zoning District.**

~~The Building Commissioner shall determine compliance with said criteria following receipt of the application for a building permit for a change in use and/or for construction of the said accessory apartment.~~

**l). Upon receipt of a complete Building Permit application for a change or expansion of use for construction of the accessory apartment, the Building Commissioner shall determine compliance with the Criteria listed above.**

[**4.**](https://ecode360.com/35157291#35157291)~~A determination that the owner has failed to comply with the forgoing criteria shall be evidence that the rights and benefits conferred hereunder are null and void and the elements that make the accessory apartment a separate dwelling unit shall be removed from the property within 90 days of said determination, with the owner to comply with all requirements of the State Building Code and Town Zoning in removing elements determined to be unpermitted.~~ **If the Building Commissioner makes a determination that the owner is not in compliance with the Criteria listed above, including Criteria (3)c. above, after the issuance of a Certificate of Occupancy, the Owner may be subject to fines for the Zoning violation. In addition to being fined, the approval of the accessory apartment may be revoked, if the Owner does not correct a Zoning violation within 30 days. If the approval of the accessory apartment is revoked by the Building Commissioner, the owner will be required to remove the improvements that were constructed to create the accessory apartment within 90 days of said determination. The owner shall comply with all requirements of the State Building Code in restoring the principal dwelling or detached structure to its condition prior to the construction of the accessory apartment.**

Or to take any other action relative thereto. By request of the Planning Board.