

## ORD2018-10 SPECIAL PROVISIONS FOR ACCESSORY APARTMENTS

DAVID AND STEWART LUTHER HAVE APPLIED FOR A TEXT AMENDMENT TO LOWER THE MINIMUM LOT AREA IN R-2 ZONING FROM TWENTY THOUSAND (20,000) SQUARE FEET TO EIGHTEEN THOUSAND (18,000) SQUARE FEET TO ALLOW FOR AN ACCESSORY APARTMENT. ORDINANCE NO. 2018-06 AMENDS THE ASHLAND TOWN CODE, CHAPTER 21, "ZONING," ARTICLE XXV, "SUPPLEMENTAL REGULATIONS," SECTION 21-264 SPECIAL PROVISIONS FOR ACCESSORY APARTMENTS, SUBSECTION (B), ITEM (3), TO EIGHTEEN THOUSAND (18,000) SQUARE FEET IN R-2 ZONING.

BE IT ORDAINED by the Ashland Town Council that the Ashland Town Code, Chapter 21, "Zoning," be amended to read as follows:

### "ARTICLE XXV SUPPLEMENTAL REGULATIONS

#### Sec 21-264. Use and Storage of Recreational Equipment

The following provisions shall apply to accessory apartments in all districts in which they are permitted by the use regulations set forth in this chapter.

- a) An accessory apartment is a self-contained residential unit with a separate entrance. The private entrance may be either an exterior door leading directly outside or a door to a common vestibule shared with the main house. A self-contained unit must include a bathroom and kitchen facilities.
- b) An accessory apartment may be located either in the principal dwelling or in an accessory building, provided such accessory building shall conform with the requirements of this chapter. The minimum lot area required for the construction of a new accessory apartment building shall be:
  1. One acre in a RR-1 District.
  2. Thirty thousand (30,000) square feet in an R-1 District.
  3. ~~Twenty thousand (20,000)~~ Eighteen thousand (18,000) square feet in an R-2 District.
  4. Sixteen thousand (16,000) square feet in an R-3 or R-4 District.
- c) There shall be no more than one accessory apartment permitted per one-family building lot.
- d) The owner(s) of the principal residence shall occupy at least one of the dwelling units, except for bona fide temporary absences.
- e) The design and size of the accessory apartment shall conform to all applicable standards in the health, building and other codes.
- f) For accessory apartments located within a single-family house, the apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original house by more than ten (10) percent.

- g) The accessory apartment shall be no more than twenty-five (25) percent gross floor area of the dwelling unit existing prior to establishing the accessory apartment.
- h) The owner(s) shall eliminate any nuisance or noxious use of the property. A nuisance shall constitute three (3) legitimate notices from the Ashland Police which are caused by actions of the tenant or guest(s) of the tenant.
- i) A certificate of use and occupancy and zoning approval shall be obtained at the time of any new lease agreement. A copy of the certificate of use and occupancy and confirmation of building code compliance shall be filed with the zoning administrator by the applicant.
- j) In the event that the property is sold, the conditional use permit for the accessory apartment shall be valid only for one year from the date of sale or until the date of review of the permit, for that amount of time which remains on the permit, whichever first occurs. If the new owner wishes to continue the accessory apartment use, a new permit application shall be filed for consideration by the town council.
- k) Any other appropriate or more stringent conditions deemed necessary to protect the public health, safety and welfare, and the single-family character of the neighborhood may be imposed by the town council in conjunction with approval of the conditional use permit.

This Ordinance shall take effect upon adoption.

Introduced:

Town Council referred to Planning Commission: May 2, 2018

Advertised:

Planning Commission:  
Hanover Local April 25, 2018  
May 2, 2018


Town Council:  
Hanover Local: June 6, 2018  
June 13, 2018

Public Hearing:

Planning Commission: May 9, 2018  
Town Council: June 19, 2018

Town Council Vote: Approval (4-1)

Adopted: June 19, 2018

  
Clerk