

- D. Signs utilized in conjunction with any office use permitted as a Special Permit shall not exceed (2) sq. ft.
- 6.12.4 As a condition of an approval, the Commission may require facade easements for historically significant buildings to ensure preservation of their exterior appearance. Additionally, when it is proposed to utilize existing structures for professional office use, the Commission may require deed restrictions as to the type of occupancy for such professional office use.
- 6.12.5 In approving Special Permits under this section, the Commission, in addition to other requirements of these regulations, must make the following findings:
- A. The proposed Special Permit use is in harmony with the surrounding uses and will tend to help preserve the value of the existing property.
  - B. The proposed Special Permit use is suited for the building as existing or as it is proposed to be renovated.
  - C. The traffic generation from the proposed Special Permit use will not be unduly disruptive to the neighborhood.
- 6.12.6 Applications for Special Permit under this section shall be on forms as required elsewhere in these regulations. Such applications shall be accompanied by a completed site plan as well as by a rendering of the structure as it is proposed to be renovated. The approved site plan shall be controlling for all uses of the property which are granted a Special Permit. All uses, other than those shown on the approved site plan, shall require an additional review and approval by the Town Plan and Zoning Commission.

#### Section 6.13 Accessory Apartments (Effective 2/20/2009)

The Commission may grant a special permit for one accessory apartment in an existing or proposed single-family dwelling located only in an R-20 or R-12 zone, subject to the following standards and conditions and the provisions of [Section 5.2](#).

- 6.13.1 The owner of the property subject to the permit shall reside on the property throughout the duration of the permit. The accessory apartment shall be limited to a maximum occupancy of two persons. The owner of the property may reside in the accessory apartment or in the principal residence.
- 6.13.2 The building shall be determined to be capable of being added to in a safe manner. An applicant for an accessory apartment special permit shall submit a Zoning Location Survey, Class A-2, verifying compliance with Section 4: Height, Area and Yard requirements.
- 6.13.3 An accessory apartment shall contain at least 500 square feet. Additions may be made to the side or rear of the single-family dwelling, but the new floor area for the accessory apartment shall not exceed 300 square feet. The accessory apartment shall not exceed 30% of the gross livable floor area of the entire structure excluding garages and basements. The remaining living area of the principal residence shall not be less than 900 sq. ft. Basements and garages shall not be used for an accessory apartment living unit.
- 6.13.4 The apartment shall have at least one means of its own outside access and at least one internal doorway connection into the principal dwelling unit. A floor plan layout showing the proposed means of access shall be submitted to the Building Official for review and approval. The outside access to the accessory apartment shall not front the adjacent public street unless otherwise approved by the Commission.
- 6.13.5 The architectural style of the single family residence shall be maintained. Exterior stairs for a second floor living space shall not be visible from the street. Photos of the existing single family residence and drawings of proposed exterior changes shall be submitted as part of the application.
- 6.13.6 The accessory apartment shall not have more than one bedroom and shall be equipped with its own bath and kitchen. The accessory apartment shall have common utilities and shall not have separate metering devices. A floor plan showing the living area of both the principal residence and the accessory apartment identifying alterations, the location of internal doorway connection, additions and the sizes of each residence shall be submitted with the application.

- 6.13.7 Not more than three parking spaces shall be provided for the use of the principal dwelling unit and the accessory apartment unless otherwise approved by the Commission. This parking shall be in Section 6.1.1 (B).
- 6.13.8 An affidavit certifying ownership and occupancy signed by the owner of the premises stating that the owner will occupy one of the dwelling units shall be submitted with the application. The Commission may attach a time limit to a special permit when it determines that such a condition will protect adjacent property and the character of the neighborhood. If a time limit is made a condition of approval the special permit may be revoked for due cause after a public hearing.
- 6.13.9 A request to renew the accessory apartment use or transfer it to another property owner shall require the approval of a new special permit.

**Section 6.14 Residual Lots (Effective 2/13/2002)**

Statement of Purpose: To further the housing production policies of the Town Plan of Development the following standards and conditions are adopted to facilitate moderate cost housing compatible with neighboring properties.

The Commission may issue a Special Permit for a single family dwelling when a lot does not conform to the minimum lot standards for the district in which it is located and the lot does not meet the requirements as a legal non-conforming lot as provided in Section 5.1.1. In acting upon an application for a Special Permit the Commission shall consider all of the requirements of Section 5.3 and in addition shall apply the following standards: (Effective 12/1/2006)

- 6.14.1 The granting of the Special Permit shall not result in the creation of any other lot which will not meet the current requirements of the zone in which the lots are located.
- 6.14.2 The Commission shall set forth the minimum area and frontage requirements of the lot as part of its approval of a Special Permit under this section. These area and frontage requirements as set forth in the Special Permit approval shall supersede those requirements set forth in Table A of Section 4. All minimum yard setback requirements for the zone in which the property is located as set forth in Table A of Section 4, shall be met unless modified as provided in section 4.3.4. All minimum height requirements for the zone in which the property is located shall be met as set forth in Table A of Section 4. (Effective 12-1-06)
- 6.14.3 The longest side of any proposed house shall front the street. No house shall be positioned sideways.
- 6.14.4 The parcel proposed for Special Permit approval has remained unchanged in size and shape for a minimum of ten (10) years.
- 6.14.5 The parcel proposed for Special Permit approval has not been created by a conveyance occurring within five (5) years of the date immediately preceding the date of application for a permit.
- 6.14.6 The present owner of such parcel, at no time shall have owned adjacent land, which may or could have been merged with part of the parcel in question to render the parcel a conforming zoning lot.
- 6.14.7 In acting upon the application, the Commission shall consider:
  - A. The age of the subdivision in which the lot is located;
  - B. The size of other lots in the neighborhood;
  - C. The compatibility of the lot with the abutting properties and the street on which it is located; and
  - D. The size, height, style and bulk of the proposed house is architecturally compatible with the abutting properties.
- 6.14.8 In addition to the Application the applicant shall submit the following:
  - A. Elevations, drawn to scale, of the proposed structure
  - B. Photos of the adjacent property, including any structures visible from the street; and
  - C. Photos of existing homes across the street from the subject property