

property and may not be internally illuminated. Signs shall not be designed, colored, or placed so as to create a hazardous condition for motor vehicle traffic.

- F. Plaques or signs not exceeding two (2) square feet in area designating a building as a historical structure, or giving the name of the building and date of erection.
- G. Parking one commercial vehicle, or vehicle with an attached trailer, used by a resident of that premises in connection with his/her occupation or business, provided that:
 - 1) The vehicle does not exceed 13,000 pounds (lb.) gross vehicle weight including any trailer, or exceed a capacity of twelve passengers;
 - 2) The vehicle is not considered a construction apparatus (for example, tractor, backhoe, or crane);
 - 3) The vehicle is not loaded in whole or in part with noxious, flammable, dangerous, or offensive materials or liquids.
- H. Movie/TV production uses for up to fourteen (14) days, subject to Special Permit by the Zoning Board of Appeals.

2. Extended Family Living Areas (EFLA)

A. Intent & Purpose

- 1) Provide for flexibility within the existing zoning bylaw to afford an opportunity to accommodate additional living arrangements;
- 2) A plan for changing demographics and economic climate;
- 3) Increase supply of affordable housing for family members;
- 4) Provide housing options for extended family;
- 5) Ensure compliance of new and existing EFLA's with building, safety, fire code standards and zoning provisions;

B. Applicability

EFLA's may be located on any lot that is owner-occupied, whose principal use is a single-family dwelling, and may be located within any zoning district.

C. General conditions and requirements

- 1) An EFLA may be located entirely within a single-family dwelling unit;
- 2) An EFLA may be located within an addition to a single-family dwelling unit in which the structure and lot are conforming;
- 3) Only one EFLA may be created per lot;
- 4) EFLA's shall not be rented to non-extended family members. Boarding, rooming, lodging, or tourist house uses shall not be permitted in any dwelling unit containing an EFLA;
- 5) An annual cap of 25 EFLA's per calendar year shall be permitted on a first come - first served basis, based upon the date of filing with the Building Commissioner or special permit application;
- 6) For purposes of this bylaw, detached EFLA's shall be exempt from Section 1.2.B of this Zoning Bylaw;
- 7) The Zoning Board of Appeals may issue a special permit for an addition, attachment, or expansion of a dwelling unit or an addition, attachment, or expansion of an existing detached structure to be used for purposes of an EFLA, inclusive of non-conforming structures and non-conforming lots;
- 8) The Zoning Board of Appeals may issue a special permit for the renewal of an EFLA that has been discontinued and where a permit has automatically lapsed and become null and void;
- 9) The Zoning Board of Appeals shall have the discretion to review and require additional on-site parking;
- 10) Where the general conditions and requirements cannot be met, or the design standards cannot be adhered to, applicants for an EFLA are required to seek a special permit from the Zoning Board of Appeals.

D. Design Standards

- 1) Exterior Appearance:
 - a) All new entrances shall be located on the side or rear of the structure, if proposed;
 - b) All stairways to half stories, second or third stories, or entrances to basements, cellars, or crawlspaces shall be enclosed within the exterior walls of the dwelling;
 - c) In situations where the attachment to the principal building is through non-habitable space the EFLA shall be considered detached for the purposes of this bylaw;
 - d) Where an EFLA is to be incorporated within an existing structure, or in addition to, or where new construction is taking place the overall

appearance of the structure must remain single-family in character.

2) Interior Standards:

- a) An EFLA, whether located within the dwelling unit or within a detached structure, shall not exceed 750 square feet. The 750 square foot restriction is exclusive of common space or space shared with the principal building;
- b) The square footage of open porches, decks, and balconies within an EFLA shall not be included when calculating the total square footage of an EFLA;
- c) Square footage that is or could become habitable space per building code shall be counted toward the square footage limit of the EFLA;
- d) When located within the dwelling unit, an EFLA shall maintain internal access and circulation to and from the primary dwelling space by means of communal, shared, habitable space.

3) Occupancy Standards:

- a) The EFLA shall not have more than two (2) occupants;
- b) The EFLA shall not have separate or independent utilities, such as water, sewer, and electricity, from the dwelling unit.

Strict compliance with the provisions of the design standards may be waived by the Zoning Board of Appeals only if it is determined that:

- 1) Derogation from the design standards shall not have a detrimental impact on municipal services;
- 2) Derogation from the design standards shall not have a detrimental impact on adjacent properties;

E. Use Restriction

To ensure continued compliance with the requirements of this section, EFLA's shall be subject to a use restriction, to be recorded in the Essex County Registry of Deeds. The use restriction shall be the only form acceptable and shall include the following:

- 1) Notice that the existence of the EFLA is predicated upon occupancy by the owner, to whom the permit has been issued;
- 2) Notification to a buyer of the EFLA bylaw;
- 3) Upon sale of the property, the new owner shall be required to file a new application, with the Building Commissioner, for purposes of maintaining the EFLA;
- 4) Within 30 days of receipt of a letter from the Building Commissioner determining a violation, a special permit shall be sought for the continuation of the EFLA. Failure to apply for the Special Permit within 30 days shall

result in the EFLA being discontinued and the permit shall automatically lapse and be null and void;

- 5) Require that current and future property owners notify the Building Commissioner in the event the EFLA has been or will voluntarily be discontinued;
- 6) The dwelling unit remains a single family and the EFLA cannot be rented to non-extended family members.

F. Procedural Requirements

The Building Commissioner shall issue a building permit for an EFLA. For proposals that do not meet the design standards or general conditions and requirements of this bylaw the Zoning Board of Appeals shall be the special permit granting authority (SPGA). Prior to the issuance of a building permit, the property owner shall file a copy of the executed use restriction and submit evidence, to the Building Commissioner, that it has been recorded in the Essex County Registry of Deeds.

G. Application Requirements

The application for an EFLA shall include the following:

- 1) A completed application and filing fee as required;
- 2) An interior floor plan and building elevations;
- 3) Rooms labeled for use;
- 4) Show location of all existing and proposed points of egress;
- 5) Plans must include a North Arrow, date prepared, and bar scale. Acceptable scales are $\frac{1}{4}'' = 1'$ and $\frac{1}{8}'' = 1'$;
- 6) The name and phone number of the person preparing the plan;
- 7) Plan sheets must be no less than 11'' x 17'' and no greater than 24'' x 36'';
- 8) The location of the existing or proposed primary residence;
- 9) The location of the proposed EFLA, clearly delineated from the principal building;
- 10) All property lines, the distance between the outer edge of the street curb, and the front/street side property lines;
- 11) Location and dimensions of existing and proposed front, side, and rear yards;
- 12) An executed Use Restriction.

H. Criteria for Approval

The Zoning Board of Appeals may grant a special permit for an EFLA based upon the criteria as set forth in Section 30, *Conditions for Special Permits*, of this Zoning bylaw.

To provide adequate dwelling units for disabled and handicapped individuals, the Zoning Board of Appeals will allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons in

addition to any requirements in accordance with the Massachusetts State Building Code and as exempt pursuant M.G.L. Chapter 40A Section 3.

I. Pre-Existing EFLA's

Continuation of all pre-existing EFLA's are based upon the following two (2) options:

- 1) A pre-existing EFLA may continue in existence without being subject to any enforcement action during a grace period:
 - a) Regardless if said EFLA does not comply with the Design Standards;
 - b) Said EFLA was in existence prior to July 30, 2006;
 - c) And provided that an application to the Building Commissioner is submitted within 90 days from the date of approval of these regulations by the Attorney General; or
- 2) Upon the expiration of 90 days after approval of these regulations by the Attorney General, the following procedures shall be applicable:
 - a) The property owner submits for verification from the Building Commissioner as to the existence of an EFLA prior to July 30, 2006. The owners shall have the burden of proof to demonstrate by furnishing evidence the existence of said EFLA;
 - b) Upon determination from the Building Commissioner as to the pre-existence of said EFLA, the owner shall apply to the Zoning Board of Appeals for a special permit for the continuation of a pre-existing EFLA;
 - c) The Zoning Board of Appeals shall ordinarily grant a special permit for pre-existing EFLA unless specific evidence is submitted supporting any claim that the unit has caused a detriment to the neighborhood or has caused any other substantial negative impact;
 - d) In granting the special permit, the Zoning Board of Appeals may impose such additional conditions, as it may deem necessary to protect the single-family appearance of the dwelling, and to bring the dwelling as close to conformity with the provisions of this bylaw as it is feasible;
 - e) If a special permit is granted and corrective changes are required, they must be completed within 90 days of the date of granting the permit, or upon extension from the Zoning Board of Appeals. Upon completion of the required changes, the Building Commissioner shall issue a certificate of occupancy;
 - f) If a special permit is denied, the unit shall be vacated, and its use discontinued within 90 days from the date of said denial.

J. Monitoring, Inspections & Enforcement

The following methods are available to ensure continued compliance with these regulations as set forth:

- 1) In accordance with this section, upon the sale of the property, the new owner shall be required to file a new application with the Building Commissioner. Upon filing, the

Building Commissioner shall conduct an inspection of the EFLA for purposes of verifying compliance;

- 2) If a complaint is filed with the Building Commissioner, the Building Commissioner shall inspect the EFLA for purposes of determining whether there is a violation. If a violation exists, the owner shall apply to the Zoning Board of Appeals, within 30 days from the receipt of letter from the Building Commissioner for a special permit for the continuation of the EFLA. Failure to apply for the Special permit with 30 days shall result in the EFLA being discontinued and the permit shall automatically lapse and be null and void. Renewal of said EFLA that has been discontinued in which the permit has automatically lapsed and become null, and void may be sought in accordance with this section;
- 3) Discontinued EFLA's, whether by choice of the property owner or as a result of a violation, may be inspected by the Building Commissioner by providing reasonable notice to the property owner;
- 4) In accordance with Section 2, *Violations*, of this Zoning Bylaw, violations to any provision of this bylaw shall be subject to a fine of three hundred dollars (\$300) for each offense, each day of violation to be considered a separate offense.

3. Storage Containers

A. Purpose & Intent

- 1) Provide specific regulations for storage containers in Residential, and Commercial or Industrial zoning districts.
- 2) Regulate the placement and usage of storage containers.
- 3) Minimize negative impacts on adjacent properties.
- 4) Ensure compliance with applicable public safety regulations.

B. Applicability

- 1) Storage Containers in a Residential Zone
 - a) A maximum of one (1) storage container is allowed by-right on any residentially zoned parcel for a period of no more than sixty (60) consecutive calendar days.
 - b) A storage container located on a residentially zoned parcel longer than sixty (60) days shall be considered an accessory structure and will be subject to the performance standards found in Section 9.3.C.
 - c) Storage containers located on residentially zoned parcels longer than 180 consecutive calendar days or those that cannot meet the performance standards listed in Section 9.3.C must obtain a Special Permit from the Zoning Board of Appeals in accordance with Section 30 of the Zoning Bylaw, unless they are