

SECTION 4.7
FAMILY ACCESSORY LIVING
AREAS/PURPOSE/REQUIREMENTS/PROCEDURE

2.1 Words and Terms Defined.

Family accessory living area. A dwelling unit located within a single-family dwelling which is subordinate in size to the main dwelling unit. Such a unit is to be used for residential purposes only, containing cooking facilities and bathroom facilities, as needed. (Ord. of 7-7-94, § 1)

4.7.1 Purpose.

The requirements and procedures outlined in this section are not intended to encourage the public in acquiring variances to allow for the construction of larger dwellings for the use of accessory living areas, instead, they are intended to:

- (a) Assist families in Peabody to provide alternative housing options for their family members, not permanent housing, nor rental, but temporary housing to deal with family situations.
- (b) Create feasible housing alternatives for elderly people or other family members looking to stay in their homes, yet receive help they need for other family members, and to encourage a diverse population with a particular focus on young adults and senior citizens.
- (c) Increase the range of housing accommodations and encourage a more economic and energy efficient use of the city's housing supply while preserving the character of the city's single-family neighborhoods by establishing parking, size, and family member occupancy guidelines for the use of family accessory living area.
(Ord. of 7-7-94, § 3)

4.7.2. Requirements.

After a special permit has been approved by the city council, the special permit granting authority, the building inspector shall issue a building permit to create an accessory living area in any detached single family dwelling provided that each of the following conditions and requirements is met:

- (a) An affidavit, sworn under penalties of perjury, with proper documentation is required to certify that the accessory living area is for a family member. Family member shall constitute brothers, sisters, parents, grandparents, grandchildren and/or adult children.
- (b) Not more than one (1) accessory living area shall be located upon a single lot.
- (c) The size of the accessory living area shall not exceed the lesser of seven hundred (700) square feet or fifty (50) percent of the principal dwelling.

(d) **Exterior/Interior Changes; Access:** Exterior changes shall be constructed in a manner that allows for the accommodation of the accessory living area, but also is constructed in a manner that maintains the appearance of the structure as a single-family dwelling. The front door to the family dwelling must be utilized by the accessory living area, with construction of a secondary access only permitted if deemed necessary by the Building Inspector. If an additional secondary entrance is permitted for an accessory living area by the Building Inspector, it shall be located on the side or in the rear of the dwelling. In no event, shall access be gained to the FALA from the construction of a new front door in addition to the front door used as the primary entrance to the existing dwelling. Single family dwellings with two pre-existing front doors may allow access to the accessory living area through both doors, so long as there is also access to the accessory living area through the principle dwelling via the main front door. A second front door shall be determined to be pre-existing if it existed for a period of 18 months or greater before the time of application for the FALA. External reconstruction for the accessory living area must be architecturally consistent with the exterior of the larger dwelling. Scaled plans must show all interior room and exterior building dimensions for existing home and proposed FALA, as well as identifying by size and name all the rooms in existence and proposed, and showing conversion or alteration of the single-family residence are required. Clear photographs of the interior and exterior of the family dwelling must be submitted with the application. Common space within a FALA is defined as any space routinely used by both parties that is not exclusive to one party, such as a common hallway, utility room or a laundry room and which common space must be accessible from both the primary dwelling and the FALA. No new construction will be considered common space unless approved by both the Building Inspector and City Council.

(e) If an entrance is required for an accessory living area, it shall be located on the side or in the rear of the dwelling.

(f) Owner occupied applicant for the accessory living area must certify that sufficient parking exists on the site. All parking is to be accommodated on site, except in the case where the person residing in the accessory living area does not drive or have a motor vehicle. A homeowner may add a maximum of two hundred (200) square feet of parking area within his or her lot.
(Ord. of 7-7-94, § 3)

4.7.3 Procedure.

(a) No accessory living area shall be constructed within a special permit granted by the city council and a building permit issued by the building inspector.

(b) A certificate of occupancy shall be issued after the building inspector determines that the accessory living area is in conformity with the approved plans, the provisions of the ordinance, and all applicable codes.

(c) Yearly certification from the owner occupied applicant that the family member still resides in the accessory living area is required every year. Once the family member leaves the accessory living area, it must be discontinued. The building inspector will inspect abandoned accessory living areas, without the need of a warrant by providing reasonable notice to the owner occupied applicant, on a yearly basis to make such [sure] they stay discontinued.

(d) As per section 7.5 of the Peabody Zoning Ordinance and penalties of perjury, prosecution will be levied against a homeowner who continues to occupy an accessory living area after it has been decertified.

(e) **Parking:** Owner occupied applicant for the accessory living area must certify that sufficient parking exists on the site. All parking is to be accommodated on site, except in the case where the person residing in the accessory living area does not drive or have a motor vehicle. A homeowner may add a maximum of two hundred (200) square feet of open parking area within his or her lot.

(f) **Documentation of Legal Ownership of Residence:** Under no circumstances shall the FALA Special Permit be effective until the applicant is the legal owner of the property containing the Family Accessory Living Area. This provision would apply when the applicant presents a fully executed purchase and sale agreement with the FALA application, the applicant must be designated as the buyer on the P&S.

(g) There will be a seventy-five dollar (\$75.00) fee for each yearly inspection.
(Ord. of 7-7-94, § 3; 10-12-2006)