

# Town of Oak Bluffs Zoning By Laws

## 3.4 ACCESSORY OR GUEST APARTMENTS

**3.4.1 Purpose.** For the purpose of (a) providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options for elder residents, and (c) enabling owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, an accessory or guest apartment is a permitted use in the R1, R2 and R3 Districts, subject to the following conditions:

**3.4.2 Conditions.** The Building Commissioner shall verify that all of the following conditions have been met:

1. A plot plan of the existing dwelling unit and proposed accessory apartment shall be submitted, showing the location of the building on the lot, proposed accessory apartment, location of any septic system and required parking. A mortgage inspection survey shall be sufficient to meet this requirement.
2. The house must have been owner occupied by the applicant for the five previous years and must continue to be owner occupied after the conversion is allowed. An affidavit shall be provided stating that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence; **seasonal occupation by the owner shall not disqualify the applicant.**
3. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 750 sq. ft. in floor space and shall be located in the principal residential structure on the premises or in an accessory structure.
4. There must be at least 7500 square feet of open space on the lot which is unpaved and unoccupied by any structure.
5. The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a singlefamily structure.
6. Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.
7. No permits under this section may be granted within the coastal district.

