

§ 190-22. Accessory uses.

A. Residential accessory uses.

(1) Single-family. Single-family residential accessory uses shall include the following:

- (a) Home occupation as defined in § 190-4, Definitions and word usage.
- (b) Private swimming pool, provided that a fence or protective barrier not less than five feet in height and having self-latching devices on all gates shall be installed and maintained so as to completely enclose the swimming pool. All latches shall be located not less than four feet above ground.
- (c) Temporary yard, lawn or garage sales with permit (one day a year).
- (d) Garage for parking noncommercial vehicles.
- (e) Storage shed or barn not exceeding 1,200 square feet in area or 25 feet in height.
- (f) Accessory apartments. **[Added 5-10-1993 ATM by Art. 34]**

[1] Purpose and intent. It is the specific purpose and intent of allowing accessory apartments within one-family properties, except where enforceable deed covenants prohibit the same, in all one-family residence districts to meet the special housing needs of families. To help achieve these goals and to promote the other objectives of this chapter, specific standards are set forth below for such accessory apartment uses.

[2] Accessory apartments may be created only within single-family dwellings which are located on lots meeting the minimum lot area and width requirements of the applicable zone.

[3] Owner occupancy required. The owner(s) of the one-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. The special permit shall be issued to the owner of the property. Should there be a change in ownership, a change in the residence of the owner

or the death or removal of the surviving parent or family member occupying the accessory apartment, the special permit use and the certificate of occupancy for the accessory apartment shall become null and void. Within 90 days of the death or removal of the surviving parent or family member, or prior to a change in ownership or residence, the second kitchen shall be removed and the house shall revert to a single-family status. Should the new owner decide to live in the structure and desire to continue the use of the second dwelling unit, he shall apply to the Zoning Board of Appeals for a special permit. The owner-applicant shall be required to file on the subject property a declaration of covenants prior to the issuance of a special permit for an accessory apartment. This declaration shall be in favor of the Town of Wakefield and state that:

- [a] The special permit for an accessory apartment or any renewal of said special permit shall terminate upon the death of the undersigned and the spouse of the undersigned or upon the transfer of title to said premises or upon the undersigned no longer occupying the premises as his principal residence.
- [b] The new owner of the premises shall have to apply to the Zoning Board of Appeals for a special permit to continue the accessory apartment.
- [4] The special permit shall be issued on a year-to-year basis, and the Board of Appeals shall not renew any such permit where the need for such accessory use no longer exists. The Board shall require a bond or surety to insure that any improvements made shall be removed at the expiration of such special permit or the sale of the premises, whichever occurs first.
- [5] An accessory apartment must be located in the principal dwelling, provided that such principal dwelling conforms to the other requirements of this chapter, unless a variance therefor shall have been granted by the Zoning Board of Appeals.
- [6] Apartment size. The minimum floor size for an accessory apartment within a principal dwelling

building shall be 300 square feet, but in no case shall it exceed 25% of the habitable area of the dwelling in which it is located, unless in the opinion of the Zoning Board of Appeals a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building.

- [7] The accessory apartment shall not involve the extension or enlargement of the principal dwelling, except to provide access or egress, nor shall it change the single-family characteristic of the dwelling.
- [8] There shall be no more than one accessory apartment for a total of two dwelling units permitted per lot.
- [9] Applications for accessory apartments shall be subject to approval solely by the Board of Appeals.
- [10] Applications need only contain such information to determine compliance with regulations set forth herein.

(g) Art/craft studio. **[Added 5-1-2017 ATM by Art. 29]**

- [1] Purpose and intent. It is the specific purpose and intent that an art/craft studio, whether attached or detached from the principal building, will be compatible with other permitted uses, particularly in residential neighborhoods.
- [2] The space will be principally used as a studio for independent arts/crafts people in the creation of their own work. Mass production and assembly line techniques are prohibited.
- [3] The type of studio use shall be appropriate to the particular building and its location:
 - [a] The building shall be structurally sound.
 - [b] The proposed studio use will not generate traffic in volume or type in excess of that normally occurring in the adjacent neighborhood.
 - [c] No bulk storage of toxic or highly flammable materials shall occur.
 - [d] The proposed studio use shall satisfy all applicable building, firesafety, and health codes.

- [e] Noise shall be restricted to levels customarily permitted in the districts.
- [f] Noxious odors, dust, and/or fumes shall be effectively disposed of and confined to the premises to avoid air pollution and nuisance to the adjacent neighborhood.
- [g] The building will conform to dimensional regulations regulated in § 190-31C(5).
- [4] Storage of materials must be carried out within the building.
- [5] All activities conducted in an accessory structure are limited in size by the provisions governing an accessory building type outlined in § 190-22A(1)(e).
- [6] Such activity shall be carried on only by the person residing on the premises and no more than one person, not a member of the household, shall practice or be employed at one time per studio.
- [7] There shall be no retail sales except as may occur as an activity incidental to the exhibition permitted in § 190-22A(1)(g)[11] below.
- [8] No display of advertising signs except for a small announcement sign having an area of not more than three square feet.
- [9] Shipping and delivery is restricted to parcel and small freight carriers.
- [10] No more than one off-street parking space is permitted for the art/craft accessory use.
- [11] Public exhibitions and their advertisement shall not be permitted except as specifically authorized in the special permit. The number and duration of any such exhibitions shall be specifically stated, shall be for arts/crafts created on the premises, and shall only be permitted upon finding that the residential or other prevailing neighborhood character will not be significantly, negatively affected.
- [12] The special permit for an art/craft studio accessory use shall terminate upon the death of the owner and

the spouse of the owner or upon transfer of title to said premises.

[13] In issuing a special permit under this § 190-22A(1)(g) the Zoning Board of Appeals shall state the specific arts and crafts uses or range of uses being authorized for each studio granted a permit.

- (2) Multifamily. In multifamily developments, the following accessory uses may be included if reserved for the occupants' use: administrative offices, club rooms, common laundry room, swimming pool and other recreational facilities.

B. Agricultural accessory uses.

- (1) Agricultural accessory retail. The sale of natural products raised on the premises and of articles manufactured on the premises from such products is a permitted accessory use to commercial farming, provided that this shall not include any salesroom or other building for the sale or manufacture of such products unless specifically allowed by the Table of Use Regulations.¹
- (2) Roadside stand. The Building Inspector shall grant a permit for a roadside stand in the districts where permitted, provided that:
- (a) The products and articles sold are limited to those permitted in § 190-19.
 - (b) Such stand is set back at least 50 feet from any lot line.
 - (c) Adequate provision is made for off-street parking on the premises.
 - (d) Such stand or display is neatly maintained.

C. Business accessory uses.

- (1) Accessory business production. Light manufacturing or preparation of products customarily sold on the premises by the producer to the consumer is permitted if limited to not more than 25% of the total gross floor area of the establishment and not engaging more than five employees at one time.

1. Editor's Note: See § 190-23.

- (2) Accessory drive-up service. A drive-up or drive-in window for a bank, laundry drop or the like shall require a special permit from the Board of Appeals to ensure that moving or waiting cars create no hazard or obstruction on a street or parking lot used by the general public. Drive-up service shall not constitute a nuisance of any type and shall not operate after 11:00 p.m.
- (3) Accessory outdoor storage and display. Outdoor storage and display accessory to a business next to a residential district shall not be permitted within 15 feet of the district boundary.
- (4) Accessory parking and loading. Parking and loading accessory to a business use is permitted in industrial and business districts, subject to the requirements of Article VII, Parking and Loading Requirements.

D. Industrial accessory uses.

- (1) Accessory parking and loading. Parking and loading accessory to an industrial use is permitted in industrial and business districts, subject to the requirements of Article VII, Parking and Loading Requirements.
- (2) Accessory outdoor storage and display. The requirements of Subsection C(3) above for business shall apply.
- (3) Accessory industrial retail. The finished products of an industrial establishment may be sold in the enclosed premises at retail, provided that:
 - (a) The floor area devoted to such retail does not exceed 10% of the total gross floor area.
 - (b) Accessory retail parking, signs and illumination are regulated as for a business district.
 - (c) The retail portion of the establishment is closed to the public during periods of change of shift.
- (4) Accessory employee services. Provision may be made on the premises of an industrial or office establishment or within an industrial park for the primary use of persons employed or having business there to serve food, to sell small convenience articles, to provide areas for recreation and meeting and for the provision of a day nursery, kindergarten or day-care center.