

CITY OF NEWTON  
LEGAL NOTICE  
MONDAY, FEBRUARY 27, 2017

A Public Hearing will be held on Monday, February 27, 2017, at 7:45 PM, Second Floor, NEWTON CITY HALL before the ZONING & PLANNING COMMITTEE and the PLANNING & DEVELOPMENT BOARD, for the purpose of hearing the following petitions at which time all parties interested in these items shall be heard. Notice will be published Monday, February 13, 2017 and Monday, February 20, 2017 in The Boston Globe and Wednesday, February 22, 2017 in the Newton Tab, with a copy posted online at [www.newtonma.gov](http://www.newtonma.gov) and in a conspicuous place at Newton City Hall.

A draft of the proposed changes may be found at:

<http://www.newtonma.gov/civicax/filebank/documents/80878/02-27-17%20Acc%20Appt%20and%20Garage%20Legal%20Notice.pdf>

- #343-16      HIS HONOR THE MAYOR, COUNCILORS HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Newton Zoning Ordinance Chapter 30, Section 6.7.1 Accessory Apartments, Section 5.1.4 Number of Parking Stalls and Section 3.4.2 Accessory Uses Allowed in order to create a new accessory apartment ordinance that would expand the availability of accessory apartments. The amendment would allow an accessory apartment by right in single-family and two-family dwellings, or in detached accessory structures, subject to listed standards and restrictions, some of which could be varied by special permit. The amendment would eliminate the requirement that an additional off-street parking space be provided for an accessory apartment; however the principal dwelling must provide required off-street parking under Section 5.1, with a waiver for this requirement in certain circumstances.
- #222-13(8)      COUNCILOR HESS-MAHAN requesting amendments to Ordinance A-78, which amends Chapter 30, Section 3.4.4 of Revised Ordinances, to implement a deferred effective date for the Ordinance of December 31, 2017 or such other appropriate date, for the purpose of allowing the Planning Department to complete a comprehensive study thereof.

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## Sec. 6.7. Accessory Uses

### 6.7.1. Accessory Apartments

**A. Intent.** Accessory apartments are an allowed accessory use where they are, by design, clearly subordinate to the principal dwelling unit, meeting the requirements of the following section.

Accessory apartments are intended to advance the following:

1. Diversify housing choices in the City while respecting the residential character and scale of existing neighborhoods;
2. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
3. Create more housing units with minimal adverse affects on Newton's neighborhoods;
4. Provide an option for an income stream, particularly for low-income seniors; and
5. Preserve historic buildings, particularly historic carriage houses and barns.

**B. Accessory Apartment Defined.** A separate dwelling unit located in a Single-Family, Detached or a Two-Family, Detached building or in a detached building located on the same lot as a Single-Family, Detached or a Two-Family, Detached building, as an accessory and subordinate use to the primary residential use of the property, provided that such separate dwelling unit has been established pursuant to the provisions of this Sec. 6.7.1.

1. **Internal.** An accessory apartment located within a single- or two-family dwelling.
2. **Detached.** An accessory apartment not located within a dwelling unit but is located in a separate detached accessory building.

#### C. Rules for All Accessory Apartments

1. No accessory apartment shall be held in separate ownership from the principal structure/dwelling unit;
2. No more than 1 accessory apartment shall be allowed per lot;

3. The property owner must occupy either the principal dwelling unit or the accessory apartment;
4. The total combined number of individuals residing in the principal and accessory dwelling units may not exceed the number allowed in the principal dwelling unit alone, under Sec. 3.4.2 and other applicable sections;
5. Where the accessory apartment is occupied as a rental unit, the minimum occupancy or rental term shall be 30 days;
6. No additional parking is required for the accessory apartment.
7. Before a Certificate of Occupancy is issued the property owner of any accessory apartment shall record with the Registry of Deeds for the Southern District of Middlesex County, or with the land court, a certified copy of the decision or of the determination from the Commissioner of Inspectional Services granting the accessory apartment and certified copies shall be filed with the Department of Inspectional Services, where a master list of accessory apartments shall be kept, and with the Assessing Department;
8. When ownership of the property changes, the new property owner shall notify the Commissioner of Inspectional Services, at which time the Commissioner of Inspectional Services shall conduct a determination of compliance with this Chapter and the 780 CMR; and
9. The property owner shall file with the Commissioner of Inspectional Services a sworn certification attesting to continued compliance with the requirements of this section 6.7.1 and all applicable public safety codes. Such certification shall be filed annually and the property may be subject to inspection.

#### D. Rules for Internal Accessory Apartments

1. An internal accessory apartment is allowed by right as a use accessory to a Single-Family, Detached building and a Two-Family, Detached building.
2. An Internal Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,000 square feet or 33 percent of the total Habitable Space, as defined in Sec. 8.3, in the

principal dwelling, whichever is less. The City Council may grant a special permit for a larger Internal Accessory Apartment up to 1,200 square feet or 40 % of the total Habitable Space, whichever is less.

3. Exterior alterations are permitted provided they are in keeping with the architectural integrity of the structure and the residential character of the neighborhood, including, but not limited to, the following considerations:
  - a. The exterior finish material should be the same or visually consistent in type, size, and placement, as the exterior finish material of the remainder of the building;
  - b. The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;
  - c. Trim should be consistent in type, size, and location as the trim used on the remainder of the building;
  - d. Windows should be consistent with those of the remainder of the building in proportion and orientation;
  - e. Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building;
  - f. The Commissioner of Inspectional Services shall seek advice and counsel from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of the above rules.
4. Only one entrance may be located on the facade of the building facing a street unless the building had additional street-facing entrances before the accessory apartment was created, except by special permit.
5. Where a building is determined to be of historic significance and therefore subject to procedures required under Section 22-50(C)(4) of the City of Newton Ordinances, any decisions of the Newton Historical Commission, or a local Historic District Commission, shall take precedence.

#### E. Rules for Detached Accessory Apartments.

1. A Detached Accessory Apartment is allowed by right as a use accessory to a Single-Family, Detached building or a Two-Family, Detached building.
2. A Detached Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet or 40% of the total Habitable Space of the principal dwelling, whichever is less. The City Council may grant a special permit for a larger Detached Accessory Apartment up to 1,500 square feet.
3. Exterior alterations to an existing accessory structure or the creation of a new accessory structure are permitted provided they are in keeping with the architectural integrity of the existing structure and/or the primary dwelling on the lot and the residential character of the neighborhood. The exterior finish material should be the same or visually compatible in type, size, and placement, as the exterior finish material of the principal dwelling unit on the site. The Commissioner of Inspectional Services shall seek advice and counsel from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of this requirement.
4. The Detached Accessory Apartment must be at least 6 feet from the principal dwelling unit on the site.
5. The Detached Accessory Apartment must meet the setback requirements of the primary dwelling unit, except by special permit.
6. Except as required above, a Detached Accessory Apartment is subject to the dimensional requirements of Section 3.4.3, Accessory Buildings. For the purposes of this section, the Commissioner of ISD may determine which lot line is the front on corner lots.
7. **Historic Carriage Houses and Other Historic Accessory Buildings.** Under the following conditions, a Detached Accessory Apartment in an historic accessory building may be allowed by right without requiring a special permit, and only subject to the rules in this subsection E.7.
  - a. The proposed Detached Accessory Apartment will be located in a historic

carriage house building or other historic accessory building such as an auto house, garage, stable, machine shop, or barn. To qualify under this subsection E.7, the structure must qualify as “historically significant” under Section 22-50 of the City of Newton Ordinances, The Demolition Review Ordinances, as determined by the Director of Planning and Development and the Chair of the Newton Historical Commission of the Chair of the local Historic District Commission, whichever has jurisdiction;

- b. The proposed Detached Accessory Apartment will be greater than 15 feet from a residential dwelling on an abutting property, except by special permit; and
- c. Any exterior alteration of the building to permit the creation of the Detached Accessory Apartment will preserve the historic character and integrity of the building. Exterior alterations shall be subject to the jurisdiction of the Newton Historical Commission or a local Historic District Commission.

**F. Invalidity Clause.** If it shall be determined by a court of competent jurisdiction that any provision or requirement of Sec. 6.7.1 is invalid as applied for any reason, then Sec. 6.7.1 shall be declared null and void in its entirety.

(Ord. No. T-114, 11/19/90; Ord. No. T-247, 10/05/92; Ord. No. T-306, 11/01/93; Ord. No. Z-95, 10/03/11; Ord. No. A-43, 06/02/14; Ord. No. A-55, 01/20/15))

## 6.7.2. Commercial Vehicle Parking

- A. Defined:** The parking of any vehicle, conveyance or piece of mechanized equipment in a residence district which is used to further any business, trade, profession or employment, and which meets any 1 or more of the following criteria:
1. There is affixed on it any writing or logo that designates an affiliation with any business, trade, profession or employment;
  2. It is used to store in a manner or place that is visible from outside of the vehicles any tools, equipment, accessories, body height extensions or other things used to further any business, trade, profession or employment;

3. It is used to transport persons, their luggage, and/or their animals or other materials for any kind of fee or charge;
4. Its length is more than 18 feet;
5. Its width is more than 7 feet;
6. It has a mechanized dumping capability;
7. It has a plow blade or plow blade frame or other device attached, or a plow blade or other device is stored on the premises.

**B. Standards:** In a residence district commercial vehicles shall not:

1. Exceed 18 feet in length or 7 feet in width;
2. Contain more than 4 square feet of advertising on any one side; and
3. Be stored between any front line of the principal building and the street line, or in the side or rear setback unless stored within a garage or other enclosure.

Ord. No. V-288, 03/20/00)

## 6.7.3. Home Business

**A. Defined.** Any commercial activity conducted within a dwelling unit by the residents thereof as an accessory use to the residential use of the dwelling unit, provided that no sale of merchandise, whether retail or wholesale, takes place on the premises, except as expressly permitted by the provisions of Sec. 6.7.3.B.1.e. The term home business shall include, but is not limited to:

1. The studio of an artist, musician, photographer or writer;
2. Small group or individual instruction or tutoring;
3. Tailoring;
4. Millinery;
5. Crafts;
6. Word processing;
7. Computer software development;
8. Telephone solicitation;
9. A manicurist;

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## Sec. 6.7. Accessory Uses

### 6.7.1. Accessory Apartments

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Accessory apartments are intended to advance the following:

1. Diversify housing choices in the City while respecting the residential character and scale of existing neighborhoods;
2. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
3. Create more housing units with minimal adverse affects on Newton's neighborhoods;
4. Provide an option for an income stream, particularly for low-income seniors; and
5. Preserve historic buildings, particularly historic carriage houses and barns.

AB. Accessory Apartment Defined. A separate dwelling unit located in a Single-Family Detached or a Two-Family Detached building single- or two-family dwelling or in a detached building located on the same lot as a Single-Family Detached or a Two-Family Detached building single- or two-family dwelling, as an accessory and subordinate use to the primary residential use of the property, provided that such separate dwelling unit has been established pursuant to the provisions of this Sec. 6.7.1.

1. Internal Accessory Apartments. An accessory apartment located within a single- or two-family dwelling ~~and the owner of the dwelling occupies either the principal dwelling unit or the accessory apartment;~~

2. Detached Accessory Apartments. An accessory apartment not located within a dwelling unit but is

located in a separate detached accessory building structure, and the owner of the dwelling unit occupies either the principal dwelling unit or the Detached Accessory Apartment.

#### BC. Rules for All Accessory Apartments

1. No accessory apartment shall be held in separate ownership from the principal structure/dwelling unit;
2. No more than 1 accessory apartment shall be allowed per lot;
3. The property owner must occupy either the principal dwelling unit or the accessory apartment;
4. The total combined number of individuals residing in the principal and accessory dwelling units may not exceed the number allowed in the principal dwelling unit alone, under Sec. 3.4.2 and other applicable sections;
5. Where the accessory apartment is occupied as a rental unit, the minimum occupancy or rental term shall be 30 days;
6. No additional parking is required for the accessory apartment;
- ~~2. The dwelling unit must have been constructed 10 or more years prior to the date of application for permit to construct an accessory apartment under this Sec. 6.7.1, as evidenced by a certificate of occupancy for the original construction of the dwelling, or, where no such certificate is available, provided that there is other evidence of lawful occupancy of the existing dwelling on or before a date at least 10 years prior to the date of application;~~
- ~~37. Before a Certificate of Occupancy is issued~~ the property owner of any accessory apartment shall record with the Registry of Deeds for the Southern District of Middlesex County, or with the land court, a certified copy of the decision or of the determination from the Commissioner of Inspectional Services granting the accessory

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apartment and certified copies shall be filed with the Department of Inspectional Services, where a master list of accessory apartments shall be kept, and with the Assessing Department;

~~48.~~ When ownership of the property changes, the new property owner shall notify the Commissioner of Inspectional Services, at which time the Commissioner of Inspectional Services shall conduct a determination of compliance with ~~the decision;~~ this Chapter and the 780 CMR; and ~~59.~~ The ~~owner of the subject~~ property owner shall file with the Commissioner of Inspectional Services an affidavit sworn certification attesting to continued compliance with the requirements of this section 6.7.1 and all applicable public safety codes. ~~the continued residence of the owner on the subject property.~~ Such affidavit certification shall be filed annually and the property may be subject to inspection from the date of the issuance of the certificate of occupancy.

#### GD. Accessory Apartments Allowed By Right Rules for Internal Accessory Apartments

~~1. Standards:~~ An Internal Accessory Apartment is allowed by right as a use accessory to an owner occupied ~~Single-Family Detached dwelling,~~ building and a Two-Family Detached building; ~~subject to Sec. 6.7.1.F, provided that:~~

~~A2.~~ The An Internal Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,000 square feet or 33 percent of the total building size Habitable Space, as defined in Sec. 8.3, in the principal dwelling, whichever is less; ~~.\*~~ The City Council may grant a special permit for a larger Internal Accessory Apartment up to 1,200 square feet or 40% of the total Habitable Space, whichever is less.

~~3.~~ Exterior alterations are permitted provided they are in keeping with the architectural integrity of the structure and the residential character of the

neighborhood, including, but not limited to, the following considerations:

a. The exterior finish material should be the same or visually consistent in type, size, and placement, as the exterior finish material of the remainder of the building;

b. The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;

c. Trim should be consistent in type, size, and location as the trim used on the remainder of the building;

d. Windows should be consistent with those of the remainder of the building in proportion and orientation;

e. Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building;

f. The Commissioner of Inspectional Services shall seek advice and counsel from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of the above rules.

~~4.~~ Only one entrance may be located on the façade of the building facing a street unless the building had additional street-facing entrances before the accessory apartment was created\*<sup>2</sup>, except by special permit.

~~5.~~ Where a building is determined to be of historic significance and therefore subject to procedures required under Section 22-50(C)(4) of the City of Newton Ordinances, any decisions of the Newton Historical Commission, or a local Historic District Commission, shall take precedence.

~~B.~~ There shall be no more than 2 exterior landings which may be covered which do not exceed 50 square feet in area, and are not within the setback area;.\*

~~e.~~ Stairs shall not be located within the setback;.\*



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~~d. Additions and exterior alterations to the structure made within 4 years prior to application may not be applied towards meeting the requirements of Sec. 6.7.1.F.;~~\*

~~e. No more than 1 accessory apartment shall be allowed per lot;~~

~~f. There shall be no lodgers in either the original dwelling unit or the accessory apartment;~~

~~g. Parking shall comply with Sec. 5.1; and~~

~~h. There shall be screening in the area between the parking space required for the accessory unit and the nearest side lot line sufficient to minimize the visual impact on abutters, such as evergreen or dense deciduous plantings, walls, fences, or a combination.~~

~~\* Requirements marked with an asterisk may be altered by special permit.~~

~~DE. Accessory Apartments Allowed by Special Permit Rules for Detached Accessory Apartments.~~

~~1. By Special Permit. The Board of Aldermen may grant a special permit for an A Detached Accessory Apartment is allowed by right as a use accessory to an owner-occupied Single-Family, Detached Building dwelling in a single-residence district, a nonconforming or a Two-Family, Detached Building, dwelling in a single-residence district, or a single- or two-family dwelling in a Multi-Residence 1 or 2 district, or a detached structure, provided that the building and lot size provisions of Sec. 6.7.1.F are met, except as amended below.~~

~~A2. In a single-residence district the A Detached Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet or 40% of the total Habitable Space of the principal dwelling, whichever is less, or 33 percent of the total building size of the dwelling, whichever is more;. The City Council may grant a special permit~~

for a larger Detached Accessory Apartment up to 1,500 square feet.

3. Exterior alterations to an existing accessory structure or the creation of a new accessory structure are permitted provided they are in keeping with the architectural integrity of the existing structure and/or the primary dwelling on the lot and the residential character of the neighborhood. The exterior finish material should be the same or visually compatible in type, size, and placement, as the exterior finish material of the principal dwelling unit on the site. The Commissioner of Inspectional Services shall seek advice and counsel from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of this requirement.

4. The Detached Accessory Apartment must be at least 6 feet from the principal dwelling unit on the site.

5. The Detached Accessory Apartment must meet the setback requirements of the primary dwelling unit, except by special permit.

6. Except as required above, a Detached Accessory Apartment is subject to the dimensional requirements of section 3.4.3, Accessory Buildings. For the purposes of this section, the Commissioner of ISD may determine which lot line is the front on corner lots.

7. Historic Carriage Houses and Other Historic Accessory Buildings. Under the following conditions, a Detached Accessory Apartment in an historic accessory building may be allowed by-right without requiring a special permit, and only subject to the rules in this subsection E.7.

a. The proposed Detached Accessory Apartment will be located in a historic carriage house building or other historic accessory building such as an auto house, garage, stable, machine shop, or barn. To

qualify under this subsection E.7, the structure must qualify as “historically significant” under Section 22-50 of the City of Newton Ordinances, the Demolition Review Ordinance as determined by the Director of Planning and Development and the Chair of the Newton Historical Commission or Chair of the Local Historic District Commission, whichever has jurisdiction;

b. The proposed Detached Accessory Apartment will be greater than 15 feet from a residential dwelling on an abutting property, except by special permit; and

c. Any exterior alteration of the building to permit the creation of the Detached Accessory Apartment will preserve the historic character and integrity of the building. Exterior alterations shall be subject to the jurisdiction of the Newton Historical Commission or a Local Historic District Commission.

b. In a Multi-Residence 1 and 2 district the accessory apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet;  
e. Exterior alterations required to meet applicable Building, Fire or Health codes are permitted provided they are in keeping with the architectural integrity of the structure and the residential character of the neighborhood.

d. Prospective additions or exterior alterations for the purpose of satisfying the gross floor area requirements for the creation of a proposed accessory apartment in an owner-occupied single-family dwelling or a nonconforming two-family dwelling which is altered, reconstructed or redesigned for the purpose in whole or in part of satisfying the gross floor area requirements for the creation of a proposed accessory apartment may be allowed, but shall not exceed 250 square feet in area or 25 percent of the final gross floor area of

the accessory apartment as provided in this Sec. 6.7.1, whichever is greater.

E. No additions or exterior alterations beyond those in the final grant of a application may be proposed to enlarge the accessory apartment within 2 years of receipt of a special permit hereunder this subsection from the Board of Aldermen.

E. Accessory Apartment Overlay Districts

1. An accessory apartment is allowed in an Overlay District according to the provisions of this 6.7.1 and Sec. 6.7.1.F.

2. District Boundaries. The following land, as noted on the Official Zoning Map, is placed in an Accessory Apartment Overlay District as specified:

a. Single-Residence 1 zoned land in real estate section 63 is placed in Overlay District A.

b. Single-Residence 2 zoned land in real estate section 32 is placed in Overlay District B.

c. Single-Residence 3 zoned land in real estate section 71 is placed in Overlay District C.

d. Single-Residence 1 zoned land in real estate section 61 is placed in Overlay District D.

Accessory Apartment	Lot Size (Min-sf)	Building Size (Min-sf)
<b>SR1</b>		
Special Permit	15,000*	3,100
<b>SR2</b>		
By-Right	15,000	3,100
Special Permit	10,000*	2,600
<b>SR3</b>		
By-Right	10,000	2,500
Special Permit	7,000*	1,800
<b>Nonconforming two-family dwelling in SR1, SR2, SR3</b>		
Special Permit	25,000*	2,600
<b>MR1, MR2</b>		
Special Permit	8,000	2,600
<b>Overlay District A</b>		
By-Right	43,500	4,400
Special Permit	15,000*	3,200



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Overlay District B		
By Right	16,000	3,600
Special Permit	10,000*	2,600
Overlay District C		
By Right	10,000	3,100
Special Permit	7,000*	1,800
Overlay District D		
By Right	30,000	4,000
Special Permit	15,000*	3,200

\* If constructed on lot created prior to 12/7/1953

### G. Building Size

In determining the building size with regard to accessory apartments, the building size shall be determined as follows:

1. Gross floor area on ground floor, upper floors, finished attic and living area in basement used for living, sleeping, eating or cooking purposes, including closets and hallways, as determined by the Assessing Department unless otherwise indicated on floor plans prepared by a registered professional architect;
2. Existing unfinished space in basements and attics which would be finished for use as an accessory apartment shall be considered in the building size;
3. Existing space on porches shall not be included except as follows: If the accessory apartment is to be located in space previously used for a porch, the building size shall include that in the primary dwelling structure plus that space to be used for the accessory apartment on the porch;
4. Existing space in attached or detached garages shall not be included except as follows: if the accessory apartment is to be located in a detached structure, the building size shall include that in the primary dwelling structure plus that space to be used for the accessory apartment in the detached structure; and

5. Floor space in an attic, if used to meet minimum building size or apartment size, must meet 780 GMR requirements for floor to ceiling height as specified in Section R305.

H. Pre-Existing Units. A pre-existing accessory apartment in a single or two-family dwelling unit or detached accessory structure shall be considered a lawful use and shall not be required to meet the dimensional standards above provided the following criteria are fulfilled:

1. Proof of Existence. An owner-occupant seeking validation of an existing accessory apartment unit as described here shall have the burden of proof to demonstrate by a preponderance of evidence the existence of said dwelling unit as of December 31, 1999 and ongoing from that date forward by submission of probative documentary evidence to the Commissioner of Inspectional Services. Records including, but not limited to the following, may be submitted:
  - a. A valid building alteration permit for the premises indicating the construction of the aforesaid second dwelling unit; or
  - b. Assessing Department records for the premises indicating the existence of the second dwelling unit; or
  - c. Records of Internal Revenue Service tax returns for the owners of the premises including Form 1040 and Form 1040-Schedule E indicating items such as reported rental income, deductions for improvements to real estate, reported losses on rental income, and casualty losses, all related to the aforesaid second dwelling unit; or
  - d. Permits from the Department of Inspectional Services, other than the actual building alteration permit which provided for construction of the dwelling unit, such as other building permits, plumbing, electrical and gas fitting permits, which

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~~explicitly indicate the existence of the second dwelling unit; or~~

~~e. Sworn affidavits by former or present tenants of the second dwelling unit, or a previous or present owner-occupant of the premises, providing a sworn, notarized attestation as to the existence of the said unit; or~~

~~f. Any other documentary evidence which is material and relevant and demonstrates the existence of the second dwelling unit as of December 31, 1999 and forward.~~

## ~~2. Standard of Proof.~~

~~a. Conflicting Evidence. If the documentary evidence available is conflicting, the Commissioner of Inspectional Services shall determine after weighing all the evidence if the existence of the dwelling unit as of December 31, 1999 and forward from that date is supported by a preponderance of evidence.~~

~~b. If no Department of Inspectional Services records or Assessing Department records are available for a given premises, then sworn, notarized affidavits as provided above shall be presumed to be reliable, unless there is substantial evidence to the contrary.~~

~~3. Requirements. The requirements of Sec. 6.7.1. C.1.a., b., c., d., e., f., g., and h. must be satisfied.~~

~~**IF. Invalidation Clause.** If it shall be determined by a court of competent jurisdiction that any provision or requirement of Sec. 6.7.1 is invalid as applied for any reason, then Sec. 6.7.1 shall be declared null and void in its entirety.~~

### 5.1.4. Number of Parking Stalls

- A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
<b>Residential</b>		
Single-family dwelling, Two-family dwelling	2 per unit	
<del>Accessory apartment</del>	<del>1 per unit</del>	
Association of persons	1 per adult occupant in unit	
Single-family attached dwelling, Multi-family dwelling	2 per unit	1.25 per unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs: 1 per 2 units in a low income unit plus 1 per 4 elderly units
Boarding house, rooming house, lodging house, tourist house, congregate living facility	1 per sleeping room plus 1 per 3 employees	
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	1 per every 4 beds plus 1 per every 3 employees	
Elderly housing with services facility, residential care facility, elderly congregate living facility	1 per every 2 dwelling units 1 per every 4 nursing beds plus 1 per 3 employees	.25 per dwelling unit where adequate transportation services are available
<b>Civic/Institutional</b>		
Dormitory	1 per 5 occupants	
Religious Institutions	1 per 3 seats, permanent or otherwise; 1 per 3 employees; plus 1 per 45 sf used for meeting function purposes when such space is customarily used concurrently with the seating space	
School serving children under 14 years of age	1 per employee not residing on premises	
<b>Commercial</b>		
Bank	1 per 300 sf plus 1 per every 3 employees	
Family child care home, large family child care home, day care center	1 per employee not residing on premises plus 1 per every 5 children	
Funeral home	1 per 40 sf; 30 spaces min.	
Health club, similar establishment	1 per 150 sf plus 1 per every 3 employees	
Hospital, sanitarium	1 per every 3 beds plus 1 per every 3 employees	
Hotel, motel	1 per sleeping room plus 1 per every 3 employees	
Medical office on or abutting hospital property	1 per 400 sf plus 1 per every 3 employees in any lab or pharmacy in bldg	