

DRAFT

**Article XX – Protective (Zoning) Bylaw Amendment**  
**Accessory Dwelling Unit (ADU)**

~~Strikethrough~~ indicated language proposed for deletion

Underline indicates language proposed for inclusion

***Bold Italicized Words*** are defined in the existing Bylaw

To see if the Town will vote to amend the Town of Chatham Protective Bylaw with respect to Accessory Dwelling Units, as follows:

By replacing the definition of “Dwelling Unit, Accessory (ADU)” in Section II of the Zoning Bylaws with the following:

**“Dwelling Unit, Accessory (ADU)”** is an attached or detached Dwelling Unit that is accessory to a principal Dwelling and is otherwise defined in accordance with the provisions of G.L. c. 40A, §1A and 760 CMR 71.00 *et seq.*, as may be amended and as further defined in Section VII.B.19.

And by replacing Section VII.B.19 of the Zoning Bylaws with the following Accessory Dwelling Units bylaw, as follows:

**19. Accessory Dwelling Unit (ADU)**

**A. Purpose.**

1. Broaden the range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community, a viable healthy local workforce and to prevent the displacement of Chatham residents.
2. Promote a more economic and energy efficient use of the Town’s housing supply while maintaining the character of the Town’s existing neighborhoods.
3. Encourage greater diversity of population, including young adult citizens and to allow for “aging in place” for the Town’s senior citizens.

**B. Definitions**

Accessory Dwelling Unit (ADU): A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that

maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling.

Dwelling Unit: One (1) or more rooms designed to be used as separate living quarters, with cooking, sleeping and sanitary for one (1) family.

EOHLC: The Executive Office of Housing and Livable Communities.

Gross Floor Area (GFA): The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating building or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

Pre-Existing Nonconforming Structure: A structure that does not conform to, and was built prior to, the current dimensional requirements of this Protective Bylaw.

Principal Dwelling: A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one (1) Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

Protected Use ADU: An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than  $\frac{1}{2}$  the Gross Floor Areas of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU.

Short-Term Rental: An owner-occupied, tenant-occupied, or non-owner occupied property as defined in MGL c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodations that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least one room or unit is rented to an occupant or sub-occupant for a period of 31 consecutive days or less; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Single-Family Residential Dwelling Unit: A structure on a Lot containing not more than one Dwelling Unit.

Single-Family Residential Zoning District: Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as-of-right, or by Special Permit.

Transit Station: A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

Bus Station includes any location serving as a point of embarkation for any bus operated by a transit authority.

### **C. Use Schedule.**

1. ADUs are allowed as a matter of right in the R60, R40, R40A, R30, R20, R20A, SB and GB Zoning Districts, subject to the requirements of this Section. ADUs are prohibited in all other districts.
2. Only one ADU is allowed as a matter of right on any lot.
3. ADUs may not be used as Short-Term Rentals. In order to address the Town's need for year-round housing, an ADU shall be actively rented and/or leased on a year-round basis until such time as the ADU no longer meets the definition of "Accessory Dwelling Unit" as defined by Section II of this Protective Bylaw. A one-year waiver may be granted for ADUs that are unable to be rented due to the need for repairs or unforeseen circumstances.
4. The Board of Health must have documented to the Building Commissioner that either a sewer connection is available or sewage disposal will be satisfactory provided for in accordance with the provisions of Title 5 and local Board of Health regulations, including provisions for an appropriate reserve are on the site. The principal dwelling unit and ADU shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot.
5. An ADU does not require a minimum acreage of buildable upland.
6. ADUs shall remain in common or single ownership with the principal Dwelling Unit.

### **D. Dimensional Requirements.**

1. An ADU may be no larger in gross floor area than one half of the gross floor area of the principal Dwelling Unit on the property or 900 square feet, whichever is less.
2. ADUs shall comply with the applicable district's most permissive applicable setback, height, building coverage and lot coverage requirements, as may be applicable to dwellings, as contained in the dimensional requirements of this Zoning Bylaw and the tables attached thereto.
  - a. The Zoning Board of Appeals may waive setback and coverage requirements by Special Permit, provided however that the setback shall not be less than 10 feet unless already allowed by Zoning District.
3. Conversions of existing non-residential accessory structures to ADUs are permitted provided that either: (1) the existing accessory structure complies with the above-described dimensional requirements; or (2) a conversion of an existing pre-existing nonconforming accessory structure is not externally enlarged or expanded unless enlargement or expansion receives a finding from the Zoning Board of Appeals that the converted structure shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

#### **E. Parking.**

1. At least one (1) off-street parking space must be provided for all ADUs. No parking space shall be required if the subject property is located within one half mile of a Transit Station as such term is defined under 760 CMR 71.02.
2. Parking may be in a driveway or a garage, but the parking space may not be a tandem space with a parking space for the primary dwelling.
3. The construction of a new garage to serve an ADU shall require a Special Permit from the Zoning Board of Appeals.

**F. Relationship to non-conformities.** If an attached ADU is proposed for a pre-existing, non-conforming single-family primary residence, a finding shall be required from the Zoning Board of Appeals that the structure shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood, provided that no finding may consider the ADU use or impose conditions on such use.

And to amend the table of use regulations, attached to the Zoning Bylaws so as to conform to the foregoing amendments, with deleted text shown in ~~strikethrough~~.

[Accessory Dwelling Unit](#)

R60	*R40 R40A	R30	R20	R20A	SB	GB	I	M/C ***	M
P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7,8</sup>	X	X	X
P	P	P	P	P	P	P <sup>7</sup>			

~~<sup>7</sup>In certain cases, a Special Permit is required pursuant to Section VII.B.19 of the Protective Bylaw: (5/13/19 ATM)~~

<sup>7</sup> Allowed for legally pre-existing nonconforming and special permitted single family dwellings in the GB zones. (5/13/19 ATM)

Or take any other action in relation thereto.

**Motion:** By Art Spruch, Chair, Planning Board

I move that the Town vote to amend its existing Protective (Zoning) Bylaw as outlined in Article XX.

**Speaker:** Arthur Spruch, Planning Board Chair

**Explanation:** The warrant article would replace Section VII.B.19 of the Town of Chatham Protective Bylaw (Zoning) with a new Accessory Dwelling Unit bylaw in order to ensure compliance with the requirements of State Regulation 760 CMR 71:00 while meeting the needs of the Town of Chatham. For the purpose of:

1. Broadening the range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community, a viable healthy local workforce and to prevent the displacement of Chatham residents.
2. Promoting a more economic and energy efficient use of the Town’s housing supply while maintaining the character of the Town’s existing neighborhoods.
3. Encouraging greater diversity of population, including young adult citizens and to allow for “aging in place” for the Town’s senior citizens.

**Planning Board Recommendation:** *Approve 6-0-0*

**Select Board Recommendation:** *Approve 0-0-0*

**Finance Committee Recommendation:** *Approve 0-0-0*

**Vote Required:** *Simple Majority*