

1 **Motion for Article 13**

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3 **MOTION :**

4 Move to modify the Zoning-By-laws by:

5 Modifying Accessory Use # 6 in the Manchester-by-the-Sea Table of Allowed Uses in Section 4
6 to “Y/ZBA” in Residential Districts A, B, C, E and the General District and “ZBA” in
7 Residential Districts 1 and 2.

8 Deleting Section 9.1 “Special Housing Provisions” from the Zoning By-law and inserting the
9 following:

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11 **9.1 ACCESSORY DWELLING UNITS**

12 An Accessory Dwelling Unit (ADU) is a dwelling unit, commonly referred to as an in-law
13 apartment, that is subordinate to the primary dwelling and occupies the same lot as the primary
14 dwelling.

15 **9.1.1 Purpose and Intent**

- 16 1. To provide homeowners with a means of obtaining rental income, companionship, and
17 security and thereby the opportunity to remain comfortably in their homes that they might
18 otherwise be forced to vacate;
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- 20 2. To create moderately priced rental units to help meet the needs of smaller households,
21 young families, local employees, including accessible options for the elderly and persons
22 with disabilities who may have difficulty finding housing options;
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- 24 3. To create new housing options that reinforce and are sympathetic with the look and
25 scale of single-family residential character of existing neighborhoods while encouraging
26 the preservation of older housing stock;
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- 28 4. To offer environmentally friendly housing choices with less average space per person
29 and smaller associated carbon footprints;
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- 31 5. To bring existing non-conforming apartments into compliance with zoning and
32 building codes;
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- 34 6. Accessory dwelling units:
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- 36 a. Shall be kept small in size;
 - 37 b. Shall be in owner-occupied residences;
 - 38 c. Shall not be held under separate ownership;
 - 39 d. Shall not be rented for short time periods.

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9.1.2 Regulations. Owners of all single-family homes in all zoning Districts, except Districts RD1 & RD2 and the Limited Commercial District, may obtain an ADU Certificate from the Building Inspector for a single ADU provided that they comply with the following:

1. The ADU shall be subordinate to the primary dwelling and occupy the same lot.
2. The ADU shall be contained within the residential structure, not in a detached building, and shall use the existing driveway entrance as the curb cut.
3. The ADU shall not be larger than 900 square feet of living area nor have more than two bedrooms as determined by the Building Inspector.
4. No new exterior entries may be added to the front or principal facade of the building for the purpose of accommodating the ADU. New unit entries may be created via a shared interior entry vestibule or located on the side or rear of the building.
5. The ADU shall meet the primary dwelling setback requirements of the District.

9.1.3 Use Regulations: General. The following regulations shall apply:

1. No more than 20 ADU certificates shall be issued in any given calendar year except for ADUs proven to be in existence prior to the enactment of this By-law. There shall be no limitation to the number of permits issued for pre-existing ADUs if a permit is obtained within two calendar years after the enactment of this By-law.
2. The ADU, if rented, may not be rented for time periods less than six months and will require a written lease. No subletting is allowed.
3. A minimum of one off-street parking space shall be provided for the ADU in addition to the required parking spaces for the principal dwelling. To prevent unnecessary expansion of impervious surfacing, ADU parking may use the existing driveway.
4. A notarized Ownership Affidavit shall be submitted attesting that the owner will occupy one of the dwelling units at least six months of the year, and that the principal and accessory unit must remain under the same ownership.
5. A floor plan shall be submitted drawn to scale illustrating all floor levels of the ADU, any proposed interior or exterior modifications for all unit entries, satisfactory means of egress and fire safety devices.
6. The ADU permit shall be renewed every five years requiring reaffirmation of owner occupancy. If there is a transfer in ownership of the property, the new owner shall obtain a new ADU certification within 30 days of the transfer.

83 7. The property owner of any existing ADU shown to be in existence at least one year
84 prior to the enactment of this bylaw may obtain an ADU Certificate if they comply with
85 sections 9.1.3.
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87 **9.1.4 Special Permits.** The Zoning Board of Appeals shall be the Special Permit Granting
88 Authority (SPGA) for this By-law. In the interests of design flexibility and overall project
89 quality, the ZBA may grant a Special Permit:

90 1. To construct any ADU in Districts RD1 or RD2
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92 2. To construct an ADU that does not comply with all the provisions of Section 9.1.2:

93 a. provided that the ADU meets the setback requirements of the primary dwelling
94 in the District and
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96 b. provided that the ADU does not exceed 1200 square feet.

97 **9.1.5 Termination.** The use of the ADU shall terminate under the direction of the Building
98 Inspector if the terms of this By-law are violated and in accordance with the Town Zoning By-
99 laws.