

Article \_\_\_\_\_

To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Laws relative to the Regulation of Accessory Dwelling Units by making the changes set forth below with the text to be deleted shown in strikethrough and to authorize the Town Clerk to undertake any necessary renumbering or take any other action relative thereto:

**Amendments to Section 2.0 Definitions:**

**Delete:**

~~**Accessory Dwelling Unit** A dwelling unit accessory to the principal unit as governed by Section 9.1~~

**Insert**

**Standard Accessory Dwelling Unit:** 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: (a) 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 Code for safe egress; (b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller.

**Short-term rental:** Shall be the use of a dwelling as defined by G.L. c. 64G, §1

**Amendments to 4.2 Table of Allowed Uses**

**Delete: E.6. and E.7 and Note 12 and Note 13**

Use	A	B	C	D1	D2	E	G	LCD
6. Accessory Dwelling Unit (12)	ZBA	ZBA	ZBA	N	N	ZBA	ZGA	N
7. As part of an existing Garage, stable, or other existing structure, family living quarters for an employee of the owner/occupant (13)	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N

~~**Note 12:** See Section 9.1 for requirements~~

~~**Note 13:** As part of an existing garage, stable or other existing structure approved by special permit of the Zoning Board of Appeals, family living quarters for and to be occupied only by an employee of the owner occupant of the dwelling while such garage, stable or other existing~~

~~structure, approved by the Zoning Board of Appeals, is an accessory use. Said employee must be employed on the premises.~~

**Insert new E.6**

Use	A	B	C	D1	D2	E	G	LCD
6. Standard Accessory Dwelling Unit (12)	Y	Y	Y	Y	Y	Y	Y	N

Note (12) Standard Accessory Dwelling Unit shall be subject to Section 9.1

**Amendment to Section 9.1 Special Housing Provisions**

**Delete the entire existing Section 9.1**

~~9.1 — Special Housing Provisions~~

~~9.1.1 Purpose:~~

~~This By Law permits the construction of accessory dwelling units in Single Residence Districts A, B, C, and E in order to meet the following objectives:~~

- ~~(a) To facilitate the availability of suitable private housing for moderate and lower income, elderly and younger citizens of the Town while preserving the existing character of single family districts.~~
- ~~(b) To make it financially possible for existing homeowners to stay in their homes.~~
- ~~(c) To provide security.~~
- ~~(d) To provide regulations that are enforceable and bring illegal conversions under control.~~
- ~~(e) To insure that all accessory dwelling units that are created will comply with the building codes and health, safety and fire regulations.~~
- ~~(f) To allow the best use of older homes by encouraging the preservation of these homes.~~

~~9.1.2 — Accessory Dwelling Units in Single Residence Districts A, B, C, and E:~~

~~————— 9.1.2.1 — An owner or owners of a single family dwelling in Single Residence Districts A, B, C, and E may apply to the Board of Appeals for a Special Permit for the construction of one accessory dwelling unit in such single family dwelling.~~

~~————— 9.1.2.2 — After notice and public hearing the Board of Appeals may grant such a permit provided that:~~

- ~~————— (a) Except in Single Residence District E, the lot size shall be two (2) times the minimum lot size as determined by the zoning regulations.~~

- \_\_\_\_\_ (b) ~~The single family dwelling shall have existed on the lot as of March 1, 1984.[Amended 1987]~~
- \_\_\_\_\_ (c) ~~Off street parking for at least four (4) vehicles shall be provided in a manner consistent with the character of a single family dwelling.~~
- \_\_\_\_\_ (d) ~~Either the accessory dwelling unit or the main dwelling shall be occupied by the owner of the property except for temporary absences of up to one year.~~
- \_\_\_\_\_ (e) ~~The construction and occupancy of the accessory dwelling unit will not be detrimental to the neighborhood or injurious to persons or property.~~
- \_\_\_\_\_ (f) ~~The accessory dwelling unit is accessory to the principal residence. The floor area of the accessory dwelling unit will not exceed 35% of the floor area of the principal dwelling and the accessory dwelling unit combined.~~
- \_\_\_\_\_ (g) ~~No exterior changes shall be made which alter the single family character of the dwelling. Any additions made shall not increase the floor area or volume by more than 10% and shall meet all applicable setback requirements.~~
- \_\_\_\_\_ (h) ~~Adequate provisions shall be made for the disposal of sewage, waste and drainage caused by the occupancy of such dwelling unit.~~
- \_\_\_\_\_ (i) ~~There is no other accessory dwelling unit in the dwelling.~~
- \_\_\_\_\_ 9.1.2.3 ~~The Applicant for the special permit shall submit plans showing at a minimum the following items:~~
  - \_\_\_\_\_ (a) ~~Lot size and location of parking.~~
  - \_\_\_\_\_ (b) ~~Floor plan showing size and location of accessory dwelling unit with all means of egress, natural and mechanical ventilation, and location of all items required by the building code.~~
  - \_\_\_\_\_ (c) ~~Elevations of building if exterior changes occur.~~
  - \_\_\_\_\_ (d) ~~Additional information requested by the Board of Appeals.~~

~~9.1.2.4 The accessory dwelling unit shall not be occupied until a Building Permit and a Certificate of Occupancy are issued by the Building Inspector. [Added 1984; Amended 1987]~~

## **Insert a new Section 9.1 Accessory Dwelling Unit**

### **9.1.1 Purpose:**

This Section regulates the construction of accessory dwelling units in Districts A, B, C, D1, D2, E and G, where applicable, to meet the following objectives:

- (a) To facilitate the availability of suitable private housing for moderate and lower income, elderly and younger citizens of the Town while preserving the character of existing districts.
- (b) To ensure that all accessory dwelling units that are created will comply with the building codes and health, safety and fire regulations.

### **9.1.2 Standard Accessory Dwelling Units shall comply with the following requirements**

#### **9.1.2.1 Submittal and Design Requirements**

1. Architectural floor plans shall be submitted for new units
2. Exterior elevations shall be submitted for any application requiring an addition to any building for habitable space.
3. An engineered site plan shall be submitted for any applications requiring an addition to any buildings for habitable space or an accessory structure proposed for a Standard Accessory Dwelling Unit.
4. All Standard Accessory Dwelling Units shall comply with all applicable requirements of this Zoning By-Law including the Manchester-by-the-Sea Floodplain District and Ground and Surface Water Resource Overlay Protection Districts.
5. If located in the Manchester Historic District the Historic District Commission must approve any changes to the exterior of the building.
6. Only one public water and sewer service shall serve a lot on which a Standard Accessory Dwelling Unit is located.
7. All additions to Standard Accessory Dwelling Units shall comply with lot coverage requirements, primary building setbacks and dimensional requirements of Section 5.4 of these zoning by-laws.
8. All additions or structures containing a Standard Accessory Dwelling Units shall be constructed on a permanent foundation and they may not be temporary structures such as camping trailers, recreational vehicles, mobile homes, or other temporary structures.
9. Standard Accessory Dwelling Units shall utilize existing driveway entrances for access.

9.1.2.2 Use Requirements for Standard Accessory Dwelling Units:

1. Short-term rentals as defined in G.L. c. 64G, §1 shall not be permitted in any Standard Accessory Dwelling Unit.
2. Standard Accessory Dwelling Units shall not be leased for a period of less than six months.
3. One off-street parking space is required for Standard Accessory Dwelling Units, beyond one half mile from the Manchester Commuter Rail Station.
4. Only one Standard Accessory Dwelling unit shall be permitted on a lot.
5. Standard Accessory Dwelling Units shall not be separated from the title of the primary unit.