

## **CANTON**

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS 8.1 ACCESSORY APARTMENT IN SINGLE FAMILY DWELLING **8.1.1 Special Permit Required.** The Board of Appeals may issue a Special Permit for an accessory apartment in a detached, single family dwelling in all residential districts provided that each of the following requirements are met.

1. The "effective date of this by-law" is January 1, 1989.

### **8.1.2 Requirements.**

1. The owner of the dwelling in which the accessory apartment is created shall occupy either of the dwelling units in the structure. For the purposes of this section, the "owner" shall be whoever holds title directly to the dwelling, and for whom the dwelling is the primary residence for voting and real estate purposes.
2. There shall be not more than one (1) accessory apartment within a single family dwelling.
3. There shall be no boarders or lodgers within either unit of a dwelling with an accessory apartment.
4. The lot shall be at least ten thousand (10,000) square feet in area; or the minimum required for each residential zone, whichever is greater.
5. The existing floor area of the dwelling shall have at least two thousand (2,000) square feet as of the effective date of this by-law, which amount shall be verified in the records of the Building Inspection Department or on a document, "Total Living Areas of Dwellings as of the effective date", prepared by the Board of Assessors.
6. The maximum net floor area of the accessory apartment shall not exceed thirty (30) percent of the net floor area of the dwelling as of the effective date of this bylaw.
7. There shall not be more than two (2) bedrooms in an accessory apartment.
8. Approval shall be obtained from the Board of Health, Sewer and Water Department and Conservation Commission and other Boards, as required.

**8.1.3 Exterior Appearance of a Dwelling with an Accessory Apartment.** The accessory apartment shall be designed so that the appearance of the structure remains that of a single family dwelling, subject further to the following requirements:

1. All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
2. There shall be no enlargements or extensions of the dwelling in connection with any accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of any entryway, or for enclosure of a stairway to a second or third story.
3. Any new entrance shall be located on the side or in the rear of the dwelling.
4. Where there are two (2) or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one (1) appears to be the principal entrance and other entrances appear to be secondary.

**8.1.4 Off Street Parking.** There shall be provided at least two (2) off-street parking spaces for the principal dwelling unit and at least one (1) off-street parking space for the accessory apartment. In order to maintain the appearance of a single-family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:

1. Each parking space and the driveway leading thereto shall be bituminous concrete paving or other approved surface.

2. No motor vehicles shall be regularly parked on the premises other than in such a parking space.
3. Where there are more than two (2) outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard parallel to the street, in the area between the parking space and the front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the singlefamily appearance of the neighborhood.

#### **8.1.5 Procedures.**

1. No accessory apartment shall be constructed without issuance of a building permit by the Building Commissioner.
2. No use of an accessory apartment shall be permitted prior to issuance of a certificate of occupancy by the Building Commissioner. A certificate of occupancy shall be issued after the Building Commissioner determines that the accessory apartment as constructed is in conformity with the approved plans and with the provisions of this by-law.
3. A Special Permit for construction of an accessory apartment shall be issued to the person or persons named in the application and shall not be deemed to run with the land and shall be for a term not to exceed three (3) years. Said permit shall be automatically renewed for a subsequent three year term unless the Zoning Board of Appeals determines before the end of any said term that the permit should be reviewed by the Board and by the Building Commissioner. If After said review the Board determines that there may be violations of the terms of the permit, the Board shall hold a hearing pursuant to M.G.L. c. 40A, s.11. If after said hearing the Board determines that there have been violations the Board may amend the permit to address the violations, rescind the permit or recommend that the Building Commissioner take other enforcement action. The permit holder shall have a right of appeal pursuant to M.G.L. c.40A , s.17. 4. A Special Permit may be transferred to a new owner occupant upon application to the Board of Appeals, subject to the provisions of this by-law. The transfer of the Special Permit shall not be arbitrarily withheld by the Board of Appeals.

### **COHASSET**

#### **§ 300-15.1 Purpose.**

- A.** To provide a useful type of housing to meet the needs of residents.
- B.** To protect the stability, property values and character of one-family residential neighborhoods and help preserve ownership of one-family dwellings.
- C.** To facilitate the Town's monitoring of the creation and maintenance of accessory dwelling units.

#### **§ 300-15.2 Special permit conditions.**

- A.** An applicant for an accessory dwelling unit special permit shall be an owner or owners of a detached one-family dwelling (house) with at least a 50% ownership interest and shall have his/her/their primary residence either in the accessory dwelling unit or in the principal dwelling unit within the house.
- B.** The net floor area of the accessory dwelling unit shall not exceed the lesser of 25% of the net floor area of the house or 900 square feet.

**C.** The house must have at least 1,200 square feet of net floor area.

**D.** No accessory dwelling unit special permit granted hereunder shall take effect sooner than 10 years after final certificates of occupancy are issued for the house.

[Amended 4-30-2018 ATM by Art. 19]

**E.** At least one off-street parking space shall be provided for each bedroom in the accessory dwelling unit in addition to parking required for the house.

**F.** The exterior appearance of the house shall not be altered by the creation of the accessory dwelling unit except for stairways and exits as required by law, which shall be in the side or rear of the house, and restoration shall be consistent with the original architecture of the house.

**G.** Outside storage areas shall be screened by fencing or landscaping.

**H.** Only one house may be present on the lot where the accessory dwelling is to be located.

**I.** Only one accessory dwelling unit may be created within a house.

**J.** The lot size must comply with the requirements for a one-family dwelling as set forth under § **300-5.3**. This provision shall not apply to lawful, preexisting, nonconforming structures.

**K.** To qualify for an accessory dwelling unit special permit, for a preexisting, nonconforming structure, per § **300-8.2**, the accessory dwelling unit shall be constructed within the living and/or sleeping area of the preexisting structure, shall not be permitted to increase the total square footage of the preexisting structure and shall not alter the footprint of the preexisting structure.

**L.** Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such accessory dwelling unit and the house and for an adequate water supply to such accessory dwelling unit and the house in accordance with the requirements of the Board of Public Health.

[Amended 5-24-2021 ATM by Art. 28]

**M.** The accessory dwelling unit and all other modifications to the house shall be designed so that appearance of the house remains that of a one-family dwelling, and the construction and occupancy of the accessory dwelling unit will not be more detrimental to the neighborhood in which the house is located or injurious to persons or property than the existing one-family use.

**N.** An accessory dwelling unit shall not be occupied as such unless the owner or owners of the house have secured an accessory dwelling unit special permit pursuant to this article. The special permit will be limited to the original applicant(s) and shall terminate upon transfer of ownership of the house.

**O.** The owner shall notify the Building Inspector, in writing, within six months of the lapse in use of the accessory dwelling unit as such.

[Amended 4-30-2018 ATM by Art. 19]

**P.** No special permit shall be granted when more than 10% of the single-family dwellings, based on the number of single-family dwellings as per Town of Cohasset Assessor records, have an accessory dwelling unit pursuant to this article.

**Q.** No more than 10 new accessory dwelling special permits shall be issued by the Zoning Board of Appeals in a single calendar year.

§ 300-15.3 **Application procedure.**

**A.** An application for an accessory dwelling unit special permit shall include a site plan and floor plan. When the creation of an accessory dwelling unit involves exterior alteration of the house, per § **300-15.2F**, elevation plans shall show the sides of the building affected by the creation of an accessory dwelling unit, before and after the construction of the accessory dwelling unit. These plans shall include, at a minimum, footprint of existing house, location and number of off-street parking spaces, square footage of existing house, square footage of proposed accessory dwelling, and location/means of ingress and egress from the accessory dwelling unit. All plans must be prepared and stamped by a registered professional architect or engineer.

**B.** An application for an accessory dwelling unit special permit must include a notarized letter stating that the applicant will occupy one of the dwelling units in the house. Every accessory dwelling unit special permit shall include a condition that the applicant will occupy one of the dwelling units in the house.

**C.** The procedures and requirements stated in this Article 15 for the review and approval or denial of an application for an accessory dwelling unit special permit shall be in addition to the provisions of § **300-12.4** of this Zoning Bylaw, which provisions shall also apply to an application for an accessory dwelling unit special permit.

**DEDHAM**

§ 280-7.7 **Special residential regulations.**

An accessory dwelling unit may be created by Special Permit from the Board of Appeals in Single Residence A and Single Residence B upon the determination that all of the following conditions have been met:

**A.** No more than one accessory dwelling unit shall be allowed per lot.

**B.** The lot on which the dwelling unit is located contains at least 10% greater land area than required by the dimensional regulations for its district.

**C.** The proposed dwelling unit is accessory to the principal residence and either the proposed dwelling unit or the principal residence is occupied by the owner of the lot on which the dwelling unit is located.

**D.** The proposed dwelling unit shall be designed for two persons and shall not be occupied by more than two persons.

**E.** The building in which the proposed dwelling unit is to be located existed on the date of the adoption of this subsection of the Bylaw.

**F.** The Special Permit, if granted, shall clearly state that it is not transferable to a purchaser of the lot, and shall require, as a condition of its validity, that a certified copy of the permit be filed with the Registry of Deeds by the applicant.

**G.** Exterior alterations required to meet applicable building, fire, or health codes are permitted and must be designed to conform to the architectural integrity of the structure and the residential character of the neighborhood.

**H.** The accessory dwelling unit created shall be a minimum of 350 square feet and a maximum of 1,000 square feet or 33% of the total building size in the dwelling structure, whichever is less.

**I.** One parking space shall be provided and designated for each accessory apartment established in addition to the prior requirements for the property. Such parking space shall be created in conformance with all applicable dimensional requirements and screened appropriately from abutting properties.

**J.** Alterations to the building dwelling unit shall be designed to be compatible with the surrounding residential district, and shall not create a second entrance in the front of the building.

**K.** The Board shall review and approve the septic system on site as part of the approval process.

**L.** Any Special Permit granted pursuant to this section shall require that the applicant request certification of the permit every three years, and failure to request such certification shall cause the permit to lapse.

## **DUXBURY**

### 410.6 Accessory Apartment Special Permit Regulations and Restrictions

1. General – No accessory apartment shall be constructed in a single family dwelling without a special permit from the Board of Appeals as provided hereunder. For the purpose of this provision, single-family dwellings authorized under a special permit for a Residential Conservation Cluster or Planned Development shall be ineligible for an accessory apartment. Application for a special permit may be made to the Board of Appeals in the usual manner. The Board of Appeals may grant a special permit under 906.2 and Site Plan approval under 410.5 provided the following conditions are met. No construction shall commence without issuance of a building permit by the Zoning Enforcement Officer and no use or occupancy of the accessory apartment may occur until the Zoning Enforcement Officer has issued a certificate of occupancy.

2. The Board of Appeals may approve an application for a special permit to construct an accessory apartment where:

- a) The accessory apartment does not exceed eight hundred fifty (850) square feet in area.
- b) The accessory apartment does not require alteration or addition to the single-family dwelling in such a manner that there is any exterior change to the dwelling, so that the accessory apartment is located wholly within the building footprint in existence at the time of the special permit application. For the purpose of this section, exception shall be made only for installation of exterior doorways and means of egress at grade in conformance with Massachusetts Building Code.
- c) The area of the lot on which the single-family dwelling is located shall not be less than twenty thousand (20,000) square feet.

- d) Sufficient parking area shall be provided, including at least one (1) additional space to serve the accessory apartment. Said additional space shall have access to the driveway serving the dwelling.
- e) The applicant shall be an owner-occupant of the premises, and shall remain an occupant of either the principal dwelling or the accessory apartment.
- f) The Board of Health certifies that the existing or proposed septic system and expansion area comply with the requirements of Title 5 of the State Environmental Code and the Rules and Regulations of the Duxbury Board of Health, and is capable of serving both the single-family dwelling and the accessory apartment.
- g) The applicant submits floor plans of the proposed accessory apartment, a site plan in conformance with Section 410.5 and a plot plan as required under Section 905, all being acceptable to the Board of Appeals.
- h) The single-family dwelling is at least ten (10) years old at the time of the application for an accessory apartment special permit, and no additions or alterations as would have created additional living space were constructed in the single-family dwelling within one (1) year of the date of application for special permit hereunder.
- i) Upon approval, the Board of Appeals may require the applicant to record a restriction at the Plymouth County Registry of Deeds verifying that the apartment is accessory to a single-family dwelling and that no application shall be made under Chapter 183A to convert the accessory apartment to a condominium.

## **LEXINGTON**

### **6.7 ACCESSORY APARTMENTS.**

[Amended 4-9-2014 ATM by Art. 32; 3-25-2015 ATM by Art. 52; 3-30-2016 ATM by Art. 40]

**6.7.1** Purpose. This section authorizing the provision of accessory dwelling units is intended to:

- 1.** Increase the number of small dwelling units available in the Town;
- 2.** Increase the range of choice of housing accommodations;
- 3.** Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- 4.** Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's one-family neighborhoods.

**6.7.2** General. An accessory apartment is a second dwelling unit subordinate in size to the principal dwelling unit on a lot, located in either the principal dwelling or an accessory structure.

**6.7.3** Conditions and Requirements; General. The following standards shall apply:

- 1.** There shall be no more than one accessory apartment on a lot.
- 2.** The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units, except for temporary absences as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.

**3.** Temporary absence of owner. An owner of a property containing an accessory apartment who is to be absent for a period of less than two years may rent the owner's unit as well as the second unit during the temporary absence provided:

**a.** Written notice thereof shall be made to the Building Commissioner on a form prescribed by him.

**b.** The owner shall be resident on the property for at least two years prior to and between such temporary absences.

**6.7.4** Conditions and Requirements; Exterior Appearance. The accessory apartment shall be designed to maintain the appearance and essential character of a one-family dwelling with accessory structures, subject further to the following conditions and requirements:

**1.** All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.

**2.** Where two or more entrances exist on the front facade of a dwelling, one entrance shall appear to be the principal entrance and other entrances appear to be secondary.

**6.7.5** Basic Accessory Apartment. A basic accessory apartment shall be permitted if the following criteria are met:

**1.** The apartment shall be located in the principal dwelling.

**2.** The gross floor area of the apartment shall not exceed 1,000 square feet.

**3.** There shall not be more than two bedrooms in the apartment.

**6.7.6** Expanded Accessory Apartment. The SPGA may grant a special permit for an expanded accessory apartment if the following criteria are met:

**1.** The gross floor area of the apartment shall not exceed 40% of the gross floor area of the dwelling, excluding areas of the structure used for parking.

**2.** The apartment shall be located in the principal dwelling.

**3.** The size of the dwelling is consistent with typical nearby one-family dwellings.

**6.7.7** Accessory Structure Apartment. Notwithstanding the prohibition against having more than one dwelling on a lot, the SPGA may grant a special permit to allow the construction of an accessory apartment in an accessory structure on the same lot as a one-family dwelling if the following criteria are met:

**1.** The gross floor area of the apartment does not exceed 1,000 square feet.

**2.** The SPGA determines that the exterior appearance of the accessory structure is compatible with the principal dwelling on the same lot and with dwellings and accessory structures on adjoining lots.

## **NEEDHAM**

### **3.15 Accessory Dwelling Units (ADUs)**

#### **3.15.1 Intent**

The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family homes for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family of an Owner of the property (as so defined) or (c) Caregivers to an Owner of the property or a

Family member of an Owner (as so defined) who resides in the property as his or her primary residence, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal use of the living quarters.

### 3.15.2 Definition

(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling. (b) "Caregiver" shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or a Family member who needs such assistance and for whom the property is such person's primary residence. (c) "Family" shall mean other persons who are related to an Owner or Caregiver by blood, adoption or marriage and who are related to such Owner or Caregiver as follows: spouse, parent, sibling, child, grandchild, or a spouse or child of any such resident person. (d) "Owner" shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner's principal residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.

### 3.15.3 Use Regulations

Such accessory dwelling unit (ADU) shall be permitted upon the issuance of a Special Permit by the Board of Appeals under the following use regulations: (a) There shall be no more than one ADU on a lot, which ADU shall be located in the single-family detached dwelling and not in an accessory building. (b) At least one of the units, the principal unit or the ADU, shall be Owner-occupied, except for a temporary absence of the Owner for a period of nine months or less if written notice thereof is made to the Building Commissioner on a form prescribed by the Commissioner within 60 days of the commencement of the absence. (c) Occupancy of the unit that is not Owner-occupied shall be limited to a member of the Owner's Family or a Caregiver and such Caregiver's Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner. (d) The size of the ADU shall be limited to 850 square feet of living space and shall have no more than one bedroom. (e) Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit. (f) Adequate provisions for the proper disposal of sewage, waste, and drainage generated by the ADU shall be in accordance with Board of Health requirements. (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. An interior door way shall be provided between each living unit as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure. (h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the accessory unit and principal residence, along with a certified site plan, shall also be submitted with the application to the Building Commissioner. Appropriate fees as established and recorded shall be assessed for the initial application and each renewal of the occupancy permit as determined by the Building Commissioner. (i) The installation of the ADU shall require the issuance of a building permit by the Building Commissioner. (j) Occupancy of the ADU shall not take place without proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall

remain in force for a period of three (3) years from the date of issue provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding three-year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Needham By-laws. Occupancy permits shall not be transferable upon a change in ownership or occupancy. (k) In the case that the ADU has violated the terms of the Special Permit or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating.

## **NORWELL**

**ACCESSORY DWELLING UNIT (ADU)** – A separate and complete housekeeping rental unit (inclusive of sleeping, cooking, and sanitary facilities), as allowed under §201-8.1.D.4 and which: (i) shall be located on the same lot as the principal single-family dwelling to which it is accessory; (ii) shall be accessory to a lawful, owner-occupied single-family residence that is located in a Residential Zoning District; and (iii) shall not include a condominium or a townhouse or any other multi-family use as defined by statute or state regulation or this Code.D.4  
**ACCESSORY DWELLING UNITS (ADU):**

A. Purposes. ADU units shall be allowed as set forth below for the following purposes.

1. To encourage housing options for persons of all income levels and all ages;
2. To allow a single-family homeowner(s) the opportunity to derive rental income to allow the homeowner the financial ability to stay in place;
3. To allow a single-family homeowner(s) the opportunity to accommodate other family members in an ADU;
4. To encourage the availability of moderately priced year-round rental units and promote greater housing diversity in the Town and to promote greater availability of affordable housing for young adults and senior citizens; and
5. To maintain the residential character of the lot on which any ADU is located.

B. Applicability. A maximum of one ADU per lot shall be allowed As of Right, which shall mean that the development may proceed without the need for a special permit, variance, waiver or other discretionary zoning approval, as follows:

1. As Of Right ADU within a Single-Family Dwelling. An ADU shall be allowed as of right if it is located entirely within a single-family dwelling (“Interior ADU”), provided it satisfies all of the following criteria:
  - a. The Interior ADU shall have and shall maintain a separate entrance from the principal dwelling, either directly from the outside or through an entry hall or corridor that leads to the outside that is shared with the principal dwelling and that is sufficient to meet the requirements of the state building code for safe egress;
  - b. The Interior ADU shall not be larger in floor area than ½ the floor area of the principal single-family dwelling or 900 s.f., whichever is smaller;

- c. The Interior ADU shall not be used as a Short-Term Rental; and a restrictive covenant shall be recorded against the property to that effect before any occupancy permit issues for the ADU and the covenant shall run to the Town and be enforceable by the Town through injunctive relief and with the property owner required to pay the Town's reasonable legal fees and costs for successful enforcement of any violation of the restrictive covenant;
- d. The Interior ADU shall be restricted to one bedroom;
- e. The Interior ADU shall have at least one dedicated parking space on the same lot and shall use the same driveway that is used for the principal dwelling and there shall be at least two parking spaces for the principal dwelling;
- f. The Interior ADU entrance and parking shall maintain the single-family residential appearance of the property and, if the entrance for the Interior ADU is not shared with the principal dwelling, the entrance(s) for the Interior ADU shall be less visible from the street view of the principal dwelling than the main entrance for the principal dwelling;
- g. At all times, the principal dwelling or the Interior ADU shall be owner-occupied;
- h. The Board of Health must document to the Building Inspector that sewage disposal for the property will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site; and
- i. No commercial use, except for a permitted home occupation, shall be allowed on a property on which there is an Interior ADU.

2. As Of Right ADU in a detached structure on the same lot as the principal single-family dwelling. An ADU may be allowed as of right in a detached structure ("Detached ADU") on the same lot as the principal single-family dwelling, provided that it satisfies all of the following criteria:

- a. The Detached ADU shall have and shall maintain a separate entrance from the principal dwelling, either directly from the outside or through an entry hall or corridor that leads to the outside that is shared with the principal dwelling and that is sufficient to meet the requirements of the state building code for safe egress;
- b. The Detached ADU shall not be larger in floor area than  $\frac{1}{2}$  the floor area of the principal single-family dwelling or 900 s.f., whichever is smaller;
- c. The Detached ADU shall not be used as a Short-Term Rental; and a restrictive covenant shall be recorded against the property to that effect before any occupancy permit issues for the ADU and the covenant shall run to the Town and be enforceable by the Town through injunctive relief and with the property owner required to pay the Town's reasonable legal fees and costs for successful enforcement of any violation of the restrictive covenant;
- d. The Detached ADU shall be restricted to one bedroom;

- e. The Detached ADU shall have at least one dedicated parking space on the same lot and shall use the same driveway that is used for the principal dwelling and there shall be at least two parking spaces for the principal dwelling;
- f. At all times, the principal dwelling or the Detached ADU shall be owner-occupied.
- g. The Board of Health must document to the Building Inspector that sewage disposal for the property shall be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site;
- h. A Detached ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single family residential property and shall satisfy all applicable setbacks and shall not be located in front of the principal dwelling and any addition or new construction shall be consistent in design with the principal single-family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window location and building materials;
- i. A detached ADU shall be used only as a rental unit, except that the owner of the property may reside in the ADU while renting the principal single-family dwelling. Either the principal dwelling or the ADU, but not both, may be used as a rental unit at any given time; and
- j. No commercial use, except for a permitted home occupation, shall be allowed on a property on which there is Detached ADU.

## **ROCKLAND**

### **§ 415-32 Accessory apartment within single-family dwelling.**

[Added 6-6-1994 ATM, Art. 26; amended 5-19-1997 ATM, Art. 52; 5-17-1999 ATM, Art. 29; 5-14-2001 ATM, Art. 48; 5-13-2002 ATM, Art. 22; 5-4-2015 ATM, Arts. 48, 49; 5-7-2018 ATM, Art. 70]

The Zoning Board of Appeals may authorize an accessory apartment within a single-family residence by Special Permit in the R-1 Residence District and business districts provided that the Board finds the following criteria have been met.

**A.** The dwelling must be in existence for a minimum of 24 months, and must not have been substantially altered for 24 months prior to filing the application for a Special Permit. Provided that if there is an existing in-law apartment in a dwelling which was constructed under a Special Permit prior to the adoption of this accessory apartment regulation, the twenty-four-month period shall not apply and the accessory apartment shall be governed by the dimensional requirements of the original Special Permit.

[Amended 5-13-2002 ATM, Art. 22]

**B.** The owner/applicant shall have continuously resided in the main dwelling for a least 24 months prior to filing the application for special permit for the accessory apartment and the

owner/applicant shall continue to reside in the main dwelling throughout the duration of the Special Permit.

**C.** Only one accessory apartment shall be permitted per single family house.

**D.** Other than handicapped access, no exterior alteration can change the appearance of the dwelling as a single family home.

**E.** There shall be at least two off-street parking spaces for the principal dwelling and at least one off-street parking space for the accessory apartment. In order to maintain the appearance of a single family dwelling, all parking spaces must be accessible directly from the driveway serving the main dwelling.

[Amended 5-4-2015 ATM, Art. 48]

**F.** The accessory apartment shall contain a minimum of 400 square feet and a maximum of 650 square feet of dwelling area: The accessory apartment shall be located only within the existing habitable structure, or within an addition to the existing habitable structure, subject to the provisions of Subsection **I**. There shall be an interior doorway located in the common wall between each living unit to provide a means of access for the purpose of supervision and emergency response.

[Amended 5-14-2001 ATM, Art. 48; 5-4-2015 ATM, Art. 49]

**G.** All Board of Health and Building Code criteria must be met.

**H.** The occupants of the accessory apartment shall be either:

[Amended 5-6-2019 ATM by Art. 16]

**(1)** An individual or two or more persons related by blood or marriage living together as a single housekeeping unit and including necessary domestic help such as nurses or aides, service assistants, but not more than four occupants; or

**(2)** A group of individuals not related by blood or marriage, but living together as a single housekeeping unit may constitute a family and including necessary domestic help such as nurses or aides, service assistants but not more than four occupants. For purposes of controlling residential density in accessory apartments, residents of rooming, boarding or lodging houses shall not be considered a family.

**I.** Any increase in size of the main dwelling unit shall be limited to 5% of the existing habitable living space of that dwelling and shall meet all zoning requirements.

**J.** The Special Permit shall terminate upon any of the following events:

**(1)** Sale of the premises.

**(2)** Residence by a person not named in the Special Permit, except residence of the new born child, adopted child, or a person caring for the tenant such as a nurse, nurse's aide or other health care worker or caretaker.

**(3)** Residence by a boarder or lodger in either the main house or accessory apartment.

**(4)** The death of a single tenant named as the sole tenant on the application for a Special Permit.

**K.** Upon the termination of the Special Permit, the residence shall revert back to single family use. All kitchen and food preparation areas and plumbing shall be removed. The Building Inspector shall have the right to inspect the premises to ensure that the home has been restored to a single-family dwelling.

**L.** No later than January 31st of each year following the issuance of the Special Permit, the owner/applicant shall provide to the Building Inspector the names of the tenants of the accessory apartment and shall certify that the main dwelling is occupied by the owner/applicant. A form for this certification shall be obtained at the offices of the Building Inspector. Failure to file the annual certification shall constitute grounds for immediate revocation of the Special Permit.

**M.** Accessory apartments permitted by right in the R-2 Residence District, R-3 Residence District, and R-4 Residence District shall be subject to and conditioned upon the following:

**(1)** Adherence to the provisions of the existing § **415-32C**, **D**, **E**, **F**, **G**, and the provisions of § **415-32H**.

[Amended 5-6-2019 ATM by Art. 17]

**(2)** Any increase in the size of the main dwelling unit shall meet all yard setback requirements of this bylaw.

**(3)** The right to maintain an accessory apartment by right shall terminate upon any of the following events:

**(a)** Sale of the premises;

**(b)** Residence in the accessory apartment by a person not permitted under § **415-32H** excepting a person caring for the owner or occupant as a nurse, nurse's aide or other health care worker or caretaker may also occupy the accessory apartment; and

**(c)** Residence by a boarder or lodger in either the main house or accessory apartment.

**(4)** No later than January 31 of every year that there is an accessory apartment, the owner/applicant shall provide to the Building Inspector the names of the tenant(s) of the accessory apartment, certify as to compliance with the conditions hereof and that the owner/applicant occupies the main dwelling, and pay a fee for inspection and processing of said certification. A form for this certification shall be obtained at the office of the Building Inspector. Failure to file the annual certification shall be a violation of this bylaw and shall subject the owner to fine and enforcement action.

**(5)** The Building Inspector shall have the right to conduct an inspection in connection with the annual renewal and certification connected with the accessory apartment. Failure to allow an inspection shall result in a loss of the right to maintain the accessory apartment.

## **SCITUATE**

**ACCESSORY DWELLING** An accessory dwelling is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single family dwelling, a structure accessory thereto, or a business structure, but functions as a separate unit.

**AFFORDABLE ACCESSORY DWELLING** An accessory dwelling that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

### **530.1 THE PURPOSE OF THE ACCESSORY DWELLING BYLAW SECTION IS:**

- A. To provide an opportunity for homeowners who can no longer physically or financially maintain their single-family home to remain in homes they might otherwise be forced to leave;
- B. To make housing units available to moderate income households and to employees of local businesses who might otherwise have difficulty finding homes within the town;
- C. To provide a variety of types of housing to meet the needs of its residents and workers;
- D. To protect stability, property values and character of the single-family residential neighborhood and the vitality of business districts; and,
- E. To legitimize conversions to enable the town to monitor conversions for code compliance.

**530.2 SPECIAL PERMIT PROCEDURES AND CONDITIONS** The Planning Board may authorize an accessory dwelling by special permit in any residential district, or business district, provided that the following standards and criteria are met:

- A. Accessory dwellings shall be complete, separate housekeeping units that function as a separate unit from the primary structure or dwelling.
- B. Accessory dwellings units created within structures used for businesses shall be located above the first floor or street level. No more than three accessory dwellings may be created in any one building. Area requirements of Section 610.1 of 10,000 sq. ft. for each family occupying a dwelling in a Business District shall not apply to accessory dwellings.
- C. Only one accessory dwelling unit shall be created within a single-family house or on a lot containing a single family house.
- D. An accessory dwelling associated with a single family house must be located within the interior of and under the same roof as the single-family house, in a structure attached thereto, or in a detached structure on the same lot that complies with all required setback, building height, and yard requirements for a primary structure.
- E. The accessory dwelling shall be designed so that the appearance of the building remains unchanged as much as feasibly possible. Unless otherwise required by the Massachusetts Building Code, any new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.

F. The accessory dwelling shall be clearly a subordinate part of the single-family dwelling or business use. No accessory dwelling shall exceed the maximum of either seven hundred and fifty square feet or forty percent of the total square footage of the floor area of the primary dwelling, whichever is greater, with the exception of accessory dwellings located in the business district which are unrestricted as to size. For purposes of this section, the computation of maximum floor area shall be limited to the principal residence and shall exclude the floor area in an attached or detached structure.

G. At least two private off-street parking spaces shall be available for use by occupants of each accessory dwelling. A waiver of this requirement may be granted by the Planning Board if occupancy or other circumstances indicate the need for less parking, but in no case shall there be less than one parking space per bedroom.

H. The design and size of the accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes and other local bylaws.

I. Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the occupancy of accessory dwellings in accordance with the requirements of the board of health.

### 530.3 APPLICATION PROCEDURE

A. An application for approval of a special permit for an accessory dwelling shall include a notarized letter of application from the owner(s) stating that owner(s) will occupy one of the dwelling units on the premises.

B. The application form and other required submittals for a special permit for an accessory dwelling in a business structure shall be prescribed by the Planning Board.

## **WESTON**

**ACCESSORY APARTMENT** An apartment located in a Single Family Dwelling or a detached Accessory Building in compliance with a Special Permit issued under Section VI.G of this By-law.

**G. ACCESSORY APARTMENT** The Special Permit Granting Authority may authorize, in any Residential District, the alteration of a Single Family Dwelling to include an Accessory Apartment, or the conversion of a detached Accessory Building such as a garage, barn or gate house to an Accessory Apartment, provided that the following criteria have been met:

1. The Single Family Dwelling to be altered or the Accessory Building to be converted, is on a lot which conforms to the lot area requirements for the residential district in which it is located.
2. Construction of the Single Family Dwelling to be altered, or the Accessory Building to be converted, was completed, including any additions or enlargements thereto, at least ten years prior to the date of the special permit application.

3. The Single Family Dwelling to be altered contains at least 3,000 square feet of habitable area, not including unfinished attic or basement area.
4. The proposed Accessory Apartment will have at least 600 square feet of gross floor area but, if to be located within a Single Family Dwelling, will not also have a gross floor area exceeding 25% of the habitable area of the Single Family Dwelling (excluding unfinished attic and basement area).
5. The Accessory Apartment will contain separate cooking facilities and one or more bathrooms, but not more than two bedrooms.
6. The alteration or conversion for Accessory Apartment purposes will not result in any increase in building coverage, other than a fire exit, fire escape or other safety feature required by the State Building Code. In any event, the alteration or conversion will not result in substantial changes to the exterior of the building which would be inconsistent with the exterior appearance of the building immediately prior to date of the special permit application.
7. The Board of Health has issued a favorable recommendation as to the suitability of the subsurface disposal system for the proposed Accessory Apartment. Such recommendation may include conditions which, in the opinion of the Board of Health, are necessary to ensure standards in keeping with public health interests.
8. Sufficient and appropriate space exists on the lot for at least one additional off-street parking space to serve the Accessory Apartment in addition to the off-street parking spaces required to serve the Single Family Dwelling. Said additional parking space, whether already existing or to be constructed, shall have a gravel or paved surface, and shall be accessed from the driveway serving the Single Family Dwelling to be altered or the Accessory Building to be converted.
9. The owner or owners of the property shall live either in the Single Family Dwelling or in the Accessory Apartment.

In granting a Special Permit for an Accessory Apartment, the Special Permit Granting Authority may impose reasonable conditions, including a requirement that the applicant post security in the form of a bond or cash deposit for the performance of representations and agreements made by the applicant in connection with the special permit application.

A Special Permit for an Accessory Apartment shall provide that the Special Permit shall lapse upon transfer of title to the subject property unless the transferee applies for a renewal of the Special Permit within six months of the date of transfer and the renewal is subsequently granted.

## **WESTWOOD**

### **8.5 ACCESSORY APARTMENTS**

8.5.1 Purposes. The purposes of this section are as follows:

- 8.5.1.1 to offer greater housing choice by allowing varied mixes of housing type, compatible with community character; and

8.5.1.2 to encourage preservation of community character through the continued ownership of existing residential properties and their surrounding landscapes.

8.5.2 Special Permit Required. An Accessory Apartment shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.

8.5.3 Applicability. The principal dwelling or accessory building or structure to be altered or constructed to contain an Accessory Apartment shall be a single-family dwelling or building accessory thereto.

8.5.4 Limited Number of Special Permits. The maximum number of special permits to be issued and in effect shall not exceed two percent (2%) of the current number of single-family and two-family dwelling units in Town. All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed.

8.5.5 General Requirements. An Accessory Apartment shall be subject to the following general requirements:

8.5.5.1 There shall be no more than one (1) Accessory Apartment per lot.

8.5.5.2 No Accessory Apartment shall be permitted on a property which also contains a Conversion of a One-family Dwelling pursuant to Section 8.1.

8.5.5.3 No Accessory Apartment shall be permitted on a property which also contains a boarding house.

8.5.5.4 The owner of the premises within which the Accessory Apartment is located shall occupy either the principal dwelling or the Accessory Apartment. For purposes of this Section, the owner shall be one or more individuals who constitute a family, who holds title to the premises, and for whom the premises is the primary residence for voting and tax purposes. An affidavit certifying owner occupancy shall be filed with the Building Commissioner upon initial occupancy and every four years thereafter.

8.5.5.5 Adequate provision shall be made for the disposal of sewage, waste and drainage to be generated by the occupancy of the Accessory Apartment, in accordance with the requirements of the Board of Health.

8.5.6 Design Requirements. An Accessory Apartment shall be subject to the following design requirements:

8.5.6.1 The exterior character of the property containing an Accessory Apartment within a principal or accessory building or structure shall maintain the appearance of a single-family property.

8.5.6.2 The floor area of the Accessory Apartment shall not be less than five hundred (500) square feet.

8.5.6.3 The floor area of the Accessory Apartment shall not exceed the lesser of nine hundred (900) square feet, or thirty-three percent (33%) of the floor area of the combined dwelling or dwellings if the footprint of the principal dwelling remains unchanged, or twenty-four percent (24%) of the floor area of the combined dwelling if the footprint of the principal dwelling is enlarged.

8.5.6.4 Adequate provision shall be made for direct ingress and egress to and from the Accessory Apartment without passage through any other portion of the principal structure, except that passage to and from the Accessory Apartment shall be permitted through a garage or breezeway connected to the principal structure.

8.5.6.5 All stairways to upper stories shall be enclosed within the exterior walls of the building in which the Accessory Apartment is located.

8.5.7 Alterations, Relocations, or Additions. The Board of Appeals may allow for the alteration or relocation of a structure proposed for conversion under this section, and may allow for the construction of one or more additions to said structure, if in the Board's determination, the proposed alteration, relocation, or addition does not significantly change the exterior character of the property.

8.5.8 Parking Requirements. An Accessory Apartment shall be subject to the following parking requirements:

8.5.8.1 Off-street parking shall be provided for each automobile used by an occupant of the Accessory Apartment. Said parking shall be in addition to the number of parking spaces required pursuant to Section 6.1.3.1 of this Bylaw.

8.5.8.2 Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicle shall be regularly parked on the premises other than in such a parking space. No parking space shall be located within a street right-of-way.

8.5.8.3 If a total of more than four (4) parking spaces are required to serve the principal dwelling and the Accessory Apartment, the provision of such additional spaces shall require a special permit pursuant to Section 4.3.3.2 of this Bylaw.

8.5.8.4 Where there are more than four (4) outdoor parking spaces associated with the principal dwelling and the Accessory Apartment, said parking spaces shall be screened with evergreen or dense deciduous plantings, walls or fences, or a combination thereof acceptable to the Zoning Board of Appeals. Said screening shall be sufficient to minimize the visual impact on abutters and to maintain the single-family appearance of the neighborhood.

8.5.9 Building Permit and Certificate of Occupancy Required. No accessory apartment shall be constructed without the issuance of a building permit by the Building Commissioner. No use of an Accessory Apartment shall be permitted unless a certificate of occupancy therefor, issued by the Building Commissioner, shall be in effect. A certificate of occupancy shall not be issued unless the Building Commissioner determines that the accessory apartment is in conformity with the provisions of this Section and any special permit issued therefor.

8.5.10 Expiration of Special Permit. A special permit issued pursuant to this Section shall automatically become null and void upon the expiration of ninety (90) days following such time as neither the principal dwelling nor the accessory apartment is occupied as the primary residence of the owner thereof for voting and tax purposes. Failure to provide recertification of owner occupancy pursuant to Section 8.5.5.4 shall be grounds for automatic expiration.