

PROPOSED BYLAW: ACCESSORY DWELLING UNITS

1.0 Purpose and Intent: The intent of permitting accessory dwelling units is to:

1. Provide residential homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities;
5. Protect stability, property values, and the residential character of a neighborhood.

2.0 Definitions:

1. Accessory Dwelling Unit: An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling (not within accessory structures, except with a Special Permit) that is clearly a subordinate part of the single-family dwelling and complies with each of the criteria stated below.
2. Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.
3. Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, however mounted.
4. Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

3.0 Procedural Requirements:

For all Accessory Dwelling Units that meet all of the conditions of this bylaw:

1. For accessory dwelling units within a home: as-of-right;
2. For attached or detached accessory dwelling units: special permit.

4.0 Use and Dimensional Regulations:

1. The Special Permit Granting Authority is the Stockbridge Planning Board.
2. The Building Commissioner may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling and the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the installation and use of an accessory dwelling unit in an attached or detached structure on a single-family home lot only when the following conditions are met:
 - a) The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
 - b) Only one accessory dwelling unit may be created within a single-family house or house lot.
 - c) The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence and domicile, except for bona fide temporary absences.
 - d) The unit shall include 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 state building code for safe egress.
 - e) The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than nine hundred (900) square feet or 1/2 the floor area of the principal dwelling, whichever is smaller.
 - f) Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the maximum size allowed by this bylaw/ordinance as specified in 4.02(e).
 - g) The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations.
 - h) Off-street parking spaces should be available for use by the owner-occupant(s) and tenants.
 - i) The unit may be used as a short-term rental provided that at the time of rental, the primary unit is owner-occupied.
3. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
4. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required in 4.05 and 4.06 below must be recorded in the County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.

5. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence and domicile.
6. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence and domicile, except for bona fide temporary absences.
7. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

5.0 Administration and Enforcement

1. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.
2. No building shall be constructed or changed in use or configuration, until the Building Inspector has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
3. The Building Inspector shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Stockbridge Planning Board or its agent.
4. The Building Inspector shall issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
5. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.
6. The SPGA specified in this section may, after making findings of fact that support the decision, approve modifications to the dimensional standards of this bylaw that will not exceed those standards by more than [10] percent.