



TOWN OF YARMOUTH

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Planning
Division

CITIZEN PETITION **Accessory Dwelling Unit Zoning Amendment** **2022 Special Town Meeting**

The Planning Board will be holding a mandatory Public Hearing to solicit comment on a **CITIZEN PETITION** to amend the Zoning Bylaw related to Accessory Dwelling Units (ADUs). The Public Hearing will be held on **Wednesday, October 19, 2022, at 5:30 PM** in the Hearing Room of the Yarmouth Town Offices, 1146 Route 28, South Yarmouth, MA 02664, and via remote access at <https://us02web.zoom.us/j/89836415124> or via telephone at (301) 715 8592 and entering webinar ID 898 3641 5124.

The attached Citizen Petition was brought forth by registered voters in the Town of Yarmouth and was not developed by or with input from the Planning Board.

Any person interested or wishing to be heard on this Article to amend the Zoning Bylaw should appear at the time and place designated above. Written comments will be accepted and should be directed to the Planning Board, c/o Kathy Williams, Town Planner, at kwilliams@yarmouth.ma.us

Article #26. Zoning Petition Article, Accessory Dwelling Units

Submitted by Petition

To see if the Town will vote to amend the Zoning bylaw by modifying certain provisions related to Accessory Dwelling Units as follows, or take any other action relative thereto:

1. Amend Article 4 by adding the following new subsection to be codified accordingly:

1. Definitions

ACCESSORY DWELLING UNIT (ADU): An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain 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. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller.

OWNER: One or more individuals holding title to the property, individually or as a trust, corporation, or LLC.

2. Purpose and Intent

The intent of permitting Accessory Dwelling Units is to:

1. Increase the number of dwelling units available for year-round rental in Town while remaining within wastewater capacity limitations;
 2. Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle;
 3. Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; and
 4. Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
 5. Provide homeowners with a means of obtaining rental income to defray housing ownership costs.

3. Procedural Requirements

1. An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful single family dwelling use, except that no ADU shall be permitted on a lot at the same time as an accessory apartment exists on that lot pursuant to Section 407 of Article 4.

2. Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new buildings and improvements on a lot associated with a proposed ADU.
3. The construction of any accessory dwelling unit must be in conformity with all Federal, State, and local laws and regulations, including all historic, and Old King's Highway requirements if applicable.

4. Use and Dimensional Requirements

The Building Commissioner may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within a lawful existing or new single-family dwelling to which the ADU is accessory, or in a new or existing detached building accessory to and on the same lot as the principal dwelling subject to the following:

1. No more than one (1) ADU may be created per lot. This provision is not subject to variance.
2. If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.
3. An 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. 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.
4. The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.
5. Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
6. All parking for the ADU shall be off street.
7. The Board of Health must have documented to the Building Commissioner that sewage disposal 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. The principal dwelling unit and accessory dwelling unit shall meet all wastewater requirements for the combined number of bedrooms/wastewater flow on the lot. If the property is served by municipal sewer, the Department of Public Works shall certify adequate capacity is available to serve the additional unit.
8. The rights and requirements of this ordinance hereby transfer upon the sale of a property containing an ADU built under the provisions of this ordinance.
9. An ADU and the principal dwelling to which it is accessory may be rented only in accordance with the terms of this section.

10. An ADU shall not be used for boarding and lodging, or other commercial use, with the exception of permitted home occupations. An ADU and principal dwelling to which it is accessory may be rented for periods not shorter than 12 consecutive months, and are prohibited from any use as rental units on a weekly or daily basis.

2. Amend Section 500 – Definitions, by adding new text as shown:

ACCESSORY DWELLING UNIT (ADU): An Accessory Dwelling unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain 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. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller.

OWNER: One or more individuals holding title to the property, individually or as a trust, corporation, or LLC.

3. Amend Section 202.5 – Use Regulation Table, by adding the following new use:

A13 Accessory Dwelling Unit;

And by adding the text “yes” in all the Residential zoning districts (R-87, R-40, R-25 & RS-40) and in B1, B2, MU, APD, MOD, HMOD1, and HMOD2 zoning districts; and by adding the text “no” in the B3, RMDOD, AED, VC1, VC2, VC3, and VC4 zoning districts.