

WORTHINGTON ZONING BYLAW
ACCESSORY DWELLING UNIT BYLAW AMENDMENT

Definitions:

Accessory Dwelling Unit (ADU)

A self-contained housing unit, whether attached to the principal dwelling or detached from the principal dwelling, which shall be inclusive of sleeping, cooking and sanitary facilities on the same lot as the principal dwelling and which:

1. conforms to all applicable zoning, building, health, septic, electrical, plumbing, and wetlands protections standards and codes of the Commonwealth of Massachusetts and the Town of Worthington; and which,
2. includes two separate egresses, both meeting the requirements of the Commonwealth's building code for safe egress; and,
3. is not larger than 900 square feet in floor area.

ACCESSORY DWELLING UNITS (ADU)

A. Purpose

The provision of Accessory Dwelling Units (ADUs) is intended to:

1. provide housing options for residents who cannot afford, or who do not desire, a free-standing single unit house with land;
2. provide older owners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in their homes and neighborhoods they may otherwise be forced to leave;
3. encourage a more economic and energy-efficient use of the Town's housing supply and create a greater range of housing accommodations while maintaining the appearance and rural character of the Town;
4. protect the stability, property values, and the single family residential character of the town by ensuring accessory dwelling units are installed only in owner-occupied properties with proper permitting and inspections; and,
5. provide housing units for persons with disabilities.

B. Accessory Dwelling Units (ADU) Conditions

The Planning Board shall issue Site Plan Approval, per Section 2.6 of this bylaw, for only one singular dwelling unit accessory to the use of a single-family principal dwelling, provided that each of the following conditions is met:

1. The ADU will be a complete, separate housekeeping unit containing kitchen, sleeping and sanitary facilities.
2. Only one ADU is created within a single-family dwelling or house lot as defined under Section 5 hereof.
3. In the case of an attached ADU, plans must be provided showing all proposed interior and exterior changes to the single-family dwelling. In the case of a detached ADU, plans must be provided showing the proposed site changes, as well as the interior and exterior of the proposed structure.
4. There will be two separate egresses. One must open directly to the outside. One may be shared with the principal single-family principal dwelling through an entry hall or

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corridor.

5. The gross floor area of the ADU (including any additions) shall not be greater in floor area than 900 square feet.
6. Once an ADU has been added to a single-family residence, the ADU shall never be enlarged beyond 900 square feet in floor area, as allowed by this bylaw.
7. Any new separate outside entrance serving an attached ADU shall be placed in such a manner that it does not interfere with the single family character of the town. For example, the entry to the ADU can be located on the side or in the rear of the building. Detached ADUs shall be designed and sited in such a way that they do not interfere with the rural and single family residential character of the town, and are clearly subordinate to the principal dwelling.
8. A minimum of three off-street parking spaces must be available for use by the owner occupant(s) and tenants to avoid on-street parking.
9. The procedure for the submission and approval of a Building Permit for an ADU shall be the same as prescribed elsewhere in this Bylaw except the application shall include a notarized letter from the owner(s) stating that the owner(s) will occupy one of the dwelling units on the premises.
10. The owner(s) of the property on which the ADU is created must continue to occupy at least one of the property's dwelling units as their primary residence, except for bona fide temporary absences. The Building Inspector shall revoke the Certificate of Occupancy for any ADU for which the Building Inspector determines that the owner(s) does not so occupy.
11. The Inspector of Buildings shall not issue a Certificate of Occupancy for an ADU until the owner(s) of the property presents a time-stamped copy of a Declaration of Covenants for the subject property that has been filed at the County Registry of Deeds. The Declaration shall state that the right to occupy an ADU ceases if the property is not the primary residence of one or more of its owners, or upon transfer of title unless the new owner takes the action described in paragraph 12 below.
12. In those instances where there is a transfer of ownership of a dwelling with an ADU, if a structure that has received approval for an ADU is sold, and if the new owner wishes to continue to exercise the use, the new owner must, within 30 days of the sale, submit a notarized letter to the Building Inspector stating that the owner will occupy one of the dwelling units on the property and shall conform to all of the criteria and conditions for ADUs.

C. Accessory Dwelling Units in Existence Before the Adoption of an Accessory Dwelling Unit Bylaw

1. The Planning Board may authorize, under a Site Plan Review and in conjunction with the Building Commissioner, an accessory unit (ADU) in an owner-occupied, single-family dwelling or accessory structure. The Board will review, with the Building Commissioner and Board of Health Agent, each existing use on a case-by-case basis to determine if the dwelling conforms to the State Building Code and Health Code.
2. The applicant must follow the same procedures described in this Accessory Dwelling Unit Bylaw.

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D. Conflict with Other Laws

The provisions of this bylaw shall be considered supplemental of the existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.