

ARTICLE NO. XX: To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, to reflect changes to the following sections (deleted text is ~~struck through~~, new text is **bold**):

§ 179-2, Definitions:

ACCESSORY COMMERCIAL DWELLING UNIT (ACDU)

A housing unit, complete with its own sleeping, cooking and sanitary facilities, that is located within a structure containing a commercial, wholesale or industrial use, or in a separate structure on the same lot as a commercial, wholesale or industrial use.

An ACDU shall have no more than two bedrooms and shall have a maximum habitable area of 900 sq. ft. or 40% of the habitable area of the principal dwelling, whichever is less. Habitable area shall be measured according to the definition of the current Massachusetts State Building Code. Unenclosed additions constructed to serve an ACDU such as an entry, secondary egress or exterior stairs shall not be included in the maximum habitable area of the ACDU.

ACCESSORY SINGLE FAMILY DWELLING UNIT (ADU)

A housing unit, complete with its own sleeping, cooking and sanitary facilities, that is accessory and clearly subordinate to a principal dwelling. An ADU may be located within a single family house containing a principal dwelling, or in a building accessory to a single family house.

An ADU shall have no more than two bedrooms and shall have a maximum habitable area of 900 sq. ft. or 40% of the habitable area of the principal dwelling, whichever is less. Habitable area shall be measured according to the definition of the current Massachusetts State Building Code. Unenclosed additions constructed to serve an ADU such as an entry, secondary egress or exterior stairs shall not be included in the maximum habitable area of the ADU.

§ 179-42.2. Accessory Single Family Dwelling Units (ADUs)

Purpose of this bylaw amendment: An ADU is a separate, independent living space within or adjacent to a single family home. In order to provide additional housing options for Brewster residents, accessory dwellings shall adhere to the following standards:

Accessory single family dwelling units shall be permitted subject to the following standards:

- (1) An ADU may be located within or adjacent to a single family house, or in a building accessory to a single family house, subject to the Definitions of Section 179-2; the requirements of Table 1 Use Regulations and Table 2 Area Regulations/Minimum Required Lots; and all standards of this Bylaw.**
- (2) An ADU shall not be located within a Zone II (Zone of Contribution to a Public Drinking Water Well).**
- (3) All construction in connection with an ADU attached to a principal dwelling shall conform to building setbacks for a single family house in the Zoning District where it is located.**

- (4) Either the principal dwelling or the ADU must be occupied by the owner of the property, as defined in Section 179-2 and the remaining dwelling unit shall be leased for periods of not less than 12 months.**

The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that either the principal dwelling or the accessory single family dwelling unit will be, and/or has been, used as the principal residence of the owner for the next 12 month period and that the remaining dwelling will be leased for a period of not less than 12 months.

- (5) No more than twenty (20) building permits shall be issued for the combined total of ADUs and ACDUs in a single calendar year.**
- (6) There shall be no renting of rooms or boarding of lodgers in an ADU.**
- (7) An ADU shall conform to all applicable State and local laws regulating new construction or new residential use including the State Building Code, and applicable plumbing, electrical, fire, health and conservation regulations and bylaws. A Certificate of Occupancy shall be required for any ADU.**
- (8) There shall be no more than two residential units in total on a lot containing an ADU.**
- (9) A minimum of one parking space per bedroom of the ADU shall be provided.**
- (10) An ADU shall be clearly subordinate in use, size and design to the principal single family dwelling. 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 and the privacy of abutting properties is maintained.**

§ 179-42.3. Accessory Commercial Dwelling Units (ACDUs)

Purpose of this bylaw amendment: In order to provide additional housing options for Brewster residents, accessory commercial dwellings shall adhere to the following standards

Accessory single family dwelling units shall be permitted subject to the following standards:

- (1) An ACDU may be located within or adjacent to a commercial building, or in a building on the same lot as a commercial use, subject to the Definitions of Section 179-2; the requirements of Table 1 Use Regulations and Table 2 Area Regulations/Minimum Required Lots; and all standards of this Bylaw.**
- (2) An ACDU may be located in a Commercial High Density or Village Business District.**
- (3) An ACDU shall not be located within a Zone II (Zone of Contribution to a Public Drinking Water Well).**
- (4) All construction in connection with an ACDU shall conform to building setbacks for a commercial building in the Zoning District where it is located.**

- (5) The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that the ACDU will be, and/or has been, leased for a period of not less than 12 months.
- (6) No more than twenty (20) building permits shall be issued for the combined total of ADUs and ACDUs in a single calendar year.
- (7) There shall be no renting of rooms or boarding of lodgers in an ACDU.
- (8) An ACDU shall conform to all applicable State and local laws regulating new construction or new residential use including the State Building Code and applicable plumbing, electrical, fire, health and conservation regulations and bylaws. A Certificate of Occupancy shall be required for any ACDU.
- (9) A minimum of one parking space per bedroom of the ACDU shall be provided.

§ 179-11, Use Regulations:

Purpose of this bylaw amendment: To add the following definitions to the Table of Use Regulations.

Residential	District							
	R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
1. Accessory commercial dwelling unit "ACDU"	-	-	-	S	S	-	-	-
2. Accessory single family dwelling unit "ADU" on a lot of 30,000 square feet or more.	P	P	P	S	S	-	-	-
3. Accessory single family dwelling unit "ADU" on a lot less than 30,000 square feet.	S	S	S	S	S	-	-	-

§ 179-16, Area Regulations:

Purpose of this bylaw amendment: To amend Note 1 to read as follows (new wording is shown in **bold**):

1: In general, only one principal structure shall be permitted on one lot. The exceptions are planned residential developments, row commercial development, subsidized elderly housing, planned business developments, community facilities and public utilities, **and accessory single-family dwelling units (ADUs) and accessory commercial dwelling units (ACDUs) that comply with all provisions of Sections 179-42.2 and 179-42.3, respectively. ADU's may be permitted by right in the R-L, R-M and R-R Zoning Districts on lots of 30,000 square feet or greater, by special permit in these Districts on lots less than 30,000 square feet, and by special permit in the C-H and V-B Districts.** Also, residential lots may contain two single-family units if the lot is twice that required by the Table of Area Regulations for single-family residences in that district and if each unit is provided proper street access.

And (b.) by deleting Note 13 which will be superceded:

~~13 An owner-occupied building containing two dwelling units, one of which shall be an accessory apartment with a net floor living area not exceeding 600 square feet, and including not more than one bedroom, a kitchen, living room and bath, shall be allowed by a special permit granted by the Board of Appeals. Such dwelling shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absences during which the unit is not rented. The apartment shall be restricted to use by the property owner's immediate family, including in-laws (mother, father, brother, sister), and/or a health care professional providing a service to the above family and is defined as a "dwelling, one family, with accessory apartment".~~

And (c.) by renumbering Note 14 as Note 13.

§ 179 Article 2, Definitions

Purpose of this bylaw amendment: To delete the following definitions, which will be superseded by definitions for Accessory Dwelling Units and Accessory Commercial Dwelling Units.

~~AFFORDABLE ACCESSORY COMMERCIAL DWELLING UNIT (AACDU)~~

~~Affordable housing as an accessory use in a commercial district. It shall have a maximum of one bedroom and a maximum of 600 square feet of area.~~

~~[Added 11-5-2007 FYTM, Art. 20]~~

~~AFFORDABLE ACCESSORY SINGLE FAMILY DWELLING UNIT (AADU)~~

~~Affordable housing, either attached or detached, as an accessory use to a single family dwelling. It shall have a maximum of two bedrooms and a maximum of 900 square feet of area.~~

~~[Added 11-5-2007 FYTM, Art. 20]~~

§ 179-42.1 Affordable Housing

The Purpose of this bylaw amendment: To remove section 179-42.1 Paragraph B, by deleting general condition 4; and to amend 179-42.1 Paragraph C, Standards by deleting Subparagraph (1), and Subparagraph (2).

§ 179-11, Table of Use Regulations

The Purpose of this bylaw amendment: To amend Chapter 179, Attachment 1 (Table 1 Use Regulations), by deleting Affordable Accessory Commercial Dwelling Unit (AACDU) and Affordable Accessory Single Family Dwelling Unit (AADU) and all designations for where these uses are allowed.