

Draft Zoning By-Law Changes

NEW SECTION

Section 15: Nahant Protected Use Accessory Dwelling Units

Section 15.01 - Purpose and Intent

The purpose and intent of this bylaw is to comply with Section 8 of Chapter 150 of the Acts of 2024, also known as the Affordable Homes Act.

Section 15.02 - Definitions

The following definitions shall be applicable to this section:

Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that:

1. maintains 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;
2. is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and
3. is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, that Nahant shall not unreasonably restrict the creation or rental of a ADU that is not a short-term rental.

Protected Use Accessory Dwelling Unit (PADU). An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a PADU. An ADU that is nonconforming to Zoning shall still qualify as a PADU if it otherwise meets this definition.

Section 15.03 - Administration, Enforcement, and Procedural Requirements

1. The Building Inspector shall administer and enforce the provisions of this section.
2. The Nahant Zoning Board of Appeals shall be the Special Permit Granting Authority under this section and shall administer and enforce the provisions of this section related thereto.

3. To the extent applicable to a Single-Family Dwelling, the construction of any PADU must be in conformity with the State Building Code and Title V of the State Sanitary Code and lawful under all other provisions of applicable Nahant health, zoning and other local laws and regulations, including but not limited to all Conservation, Stormwater and Historic permitting requirements where applicable.
4. Prior to issuance of a building permit for a PADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new building and improvements on a lot associated with a proposed PADU.
5. Application for a PADU shall be submitted by the property owner(s) of record. The application shall be signed by one hundred (100) percent of the record title ownership interest of the principal dwelling and shall include a copy of the deed.
6. A PADU shall be permitted as a "By Right" use accessory to a lawful Single-Family Dwelling use.

Section 15.04 - Use and Dimensional Requirements

1. The PADU shall be a complete, separate housing unit containing both kitchen and bath.
2. The Building Inspector may issue a Building Permit authorizing the installation and use of a PADU within a lawful existing Single-Family Dwelling to which the PADU is accessory, or in an existing detached building accessory to and on the same lot as the principal dwelling subject to the following:
 - a. Garages, unfinished attics and basements, unenclosed porches and decks shall not be included in the floor area calculations. Once a PADU has been added to a Single-Family Dwelling or lot, the PADU shall not be enlarged beyond the square footage allowed by this section. The combined use shall not exceed the maximum building or site coverage for the zoning district.
 - b. The Board of Health must have documented to the Building Inspector that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title V and local Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and PADU shall meet all wastewater requirements for the combined number of bedrooms / wastewater flow on the lot.
 - c. A PADU is not intended for sale separate from the sale of the principal dwelling. The principal dwelling and PADU and lot on which they are located shall remain in common or single ownership, and shall not be severed in ownership, including that

the lot or buildings thereon shall not be placed in a condominium form of ownership.

- d. No PADU shall be used for boarding and lodging, short-term rental, or other commercial use (other than long term rentals). A PADU may be rented for periods not shorter than a duration of three (3) consecutive months.
- e. Setbacks for PADUs shall be the same as setbacks established in the Nahant Zoning Bylaws for Single-Family Dwellings.
- f. Detached PADUs shall not exceed thirty (30) feet in building height (as defined in Section 2 – Height of Building) without a Special Permit.
- g. All utilities servicing a PADU must be provided through the Principal Dwelling and may not be provided through separate, independent utility connections.
- h. For each PADU, one additional off-street parking space shall be required in addition to any parking already required of the Principal Dwelling.

Section 15.05 - Prohibitions

- 1. No PADU may be sold separately from the principal dwelling.
- 2. No parcel may have more than one PADU thereon.
- 3. A PADU shall not be considered a two-family dwelling.

AMENDED SECTION

SECTION 4.13 – TABLE OF USE REGULATIONS

TABLE 1

TABLE OF USE REGULATIONS

<u>Description of Use</u>	<u>Zoning Districts:</u>	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>NR</u>	<u>P</u>
Accessory Dwelling Unit		N	N	N	N	N	N
Protected Use Accessory Dwelling Unit		P	P	P	P	N	P

End