

percent of the total lot area nor shall the lot coverage exceed seventy-five (75) percent. The remaining twenty-five (25) percent of the lot shall be green space.

	Lot Coverage	Building Coverage	Green Space
Independent Living Facility with common areas and services	90%	25%	10%
Congregate Living Facility			
Independent Living Facility with common areas and services with commercial space	80%	25%	20%
Congregate Living Facility with commercial space			
Independent Living Facility without common areas and services	75%	15%	25%
Independent Living Facility without common areas and services but with commercial space			

- f. In Independent Living Facilities, all permanent residents shall be age sixty-two (62) years or older, except the spouse of a permanent resident may be younger.

(10/9/97 STM)

19. Accessory Dwelling Unit (ADU)

1. Purpose and Intent of the Accessory Dwelling Unit is to:

- a. Broaden the range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community, a viable healthy local workforce and to prevent the displacement of Chatham residents. Other common names for ADUs are accessory apartments, in-law apartments, family apartments and secondary units.
- b. Promote a more economic and energy efficient use of the Town’s housing supply while maintaining the appearance and character of the Town’s single family neighborhoods.
- c. Encourage greater diversity of population with particular attention to young adult citizens and to allow for “aging in place” for our senior citizens.

2. Definitions:

Accessory Dwelling Unit (ADU): An Accessory Dwelling Unit is a **Dwelling Unit** incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot as a lawful principal single-family dwelling use, which ADU shall be clearly subordinate in design to that principal single-family dwelling use to which it is accessory.

Dwelling Unit: One (1) or more rooms designed to be used as separate living quarters, with cooking, sleeping and sanitary facilities for one (1) family.

3. Requirements:

- a. An ADU constructed within a single family dwelling or attached to a single family dwelling on a conforming lot shall be permitted as a “By Right” use and shall meet all requirements of the Town of Chatham Protective Bylaw. No more than ten (10) By Right Permits shall be granted within a twelve (12) month period, January 1st to December 31st and the number of permits shall be counted according to projects approved.
- b. A Special Permit from the Zoning Board of Appeals is required in the following instances and no more than ten (10) Special Permits shall be granted by the Special Permit Granting Authority for the construction of an ADU within a twelve (12) month period January 1st to December 31st and the number of permits shall be counted according to projects approved.
 - i. An ADU is constructed as a detached accessory structure- not attached to a single family dwelling.
 - ii. The subject property is preexisting non-conforming.
 - iii. The construction of an ADU will not comply with the requirements of the Town of Chatham Protective Bylaw Schedule of Dimensional Requirements. The Special Permit Granting Authority shall have the authority to waive the dimensional requirements of the Protective Bylaw except Building/Structure Setbacks and Building Height requirements.
- c. When a Special Permit from the Special Permit Granting Authority is required the Special Permit Granting Authority shall address at a minimum the Special Permit Criteria outlined in Section VIII.C.4. of the Protective Zoning Bylaw.
- d. The Building Commissioner/Chief Zoning Officer shall administer and enforce the provisions of this section unless a Special Permit is required then the Zoning Board of Appeals will be the Special Permit Granting Authority.
- e. ADUs shall not be eligible for zoning use or dimensional variances. In addition, no variance may be granted which would allow more than one (1) ADU on a lot.
- f. The construction of an accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and lawful under all other provisions of applicable town health, building, zoning and other local laws and regulations.
- g. Prior to the issuance of a building permit or Special 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 building and improvements on a lot associated with a proposed ADU.

4. Use and Dimensional Requirements:

The Building Commissioner may issue a Building Permit or the Zoning Board of Appeals may issue a Special 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:

- a. Only one ADU is permitted for each lot.
- b. The ADU shall be a complete, separate housingkeeping unit containing both a kitchen and a bath.

- c. 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, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials.
 - d. The ADU shall contain no more than two bedrooms and contain no more than 900 square feet of habitable space. Once an ADU has been added to a single family dwelling or lot, the accessory dwelling unit shall not be enlarged.
 - e. At least one (1) off street parking space in addition to that required for the principal single family dwelling is required for each ADU. All parking for ADUs shall be off street.
 - f. The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactory provided for in accordance with the provisions of Title 5 and local Board of Health regulations, including provisions for an appropriate reserve are 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.
 - g. An ADU may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling, the ADU and the lot on which they are located shall remain in common or single ownership and shall not be severed in ownership.
 - h. The principal dwelling or the accessory dwelling unit will be used as the principal residence of the owner and the remaining dwelling will be leased for a minimum of a twelve (12) consecutive months, with no subletting to occur and is prohibited from any use as rental units on a monthly, weekly or daily basis including, but not limited to, seasonal rental and rental through vacation rental services and websites. An ADU shall not be used for boarding and lodging, or other commercial use. No occupancy of the ADU is permitted other than by lease for a minimum of twelve (12) consecutive months and other conditions as stated.
 - i. An ADU does not require a minimum acreage of buildable upland.
 - j. An ADU and principal dwelling shall share common septic/ wastewater and water service facilities.
 - k. The ADU shall become the principal residence of the renter within 30 (thirty) days of occupancy of the ADU.
 - l. An ADU that is granted By Right or by Special Permit shall have an occupancy of not more than two (2) persons per bedroom.
5. Monitoring:
- a. Prior to the issuance of a building permit or a Special Permit, a certificate in the form of a notarized affidavit to verify that the owner is or shall be in residence in one of the units shall be submitted in the case of a By Right unit to the Building Commissioner or in the case of a Special Permit to the Special Permit Granting Authority.

- b. The property owner shall be required to file an affidavit with the Building Commissioner annually on or before January 31st, stating that either the principal dwelling or the accessory dwelling unit will be used as the principal residence of the owner and a lease must be submitted to the Building Commissioner stating that the remaining dwelling will be leased for a minimum of a twelve (12) consecutive months, with no subletting to occur.

Alternatively, if there are extenuating circumstances where the property owner cannot rent out the ADU, the property owner may provide a notarized affidavit to the Building Commissioner stating that the ADU will remain unoccupied for a period of not more than one (1) year.

6. Enforcement:

- a. If a property owner is actively seeking to rent but has not readily engaged a lessee, the owner must supply evidence every thirty (30) days, satisfactory to the Building Commissioner, proving that the owner is actively seeking a lessee. If the Building Commissioner determines that the owner is not actively seeking a lessee, the Building Commissioner shall then make a determination as to whether the owner has failed to comply with the provisions of this Bylaw.
- b. If a determination has been made that the owner failed to comply with the provisions of this Bylaw or the termination of occupancy by the owner of the subject property shall be evidence that the rights and benefits conferred under the building permit or Special Permit were abandoned or otherwise surrendered and discontinued by the owner and all such rights and benefits shall lapse and the elements that make the accessory dwelling unit a separate dwelling unit shall be removed from the property within 90 days of said final determination, with the owner to comply with all requirements of the State Building Code and the Protective Zoning Bylaw in removing all elements determined to be unpermitted.
- c. In addition, failure of the owner to comply with the provisions of this Bylaw shall be punishable by fine as established by Section VIII E Penalty the Chatham Protective Bylaw which states that any person, firm or corporation violating any section or provision of this Bylaw shall be fined not more than one hundred (100) dollars for each offense. Each day that such offense continues shall constitute a separate offense.

7. Amnesty:

In an effort to meet local housing needs, real property containing an accessory dwelling unit, as described in this Section, for which a validly issued Variance, Special Permit, Building Permit, or Occupancy Permit does not exist, may apply to the Building Department or the Special Permit Granting Authority for a Special Permit to legally continue the use as an accessory dwelling unit.

To qualify for amnesty under this Section, the unlawful accessory dwelling unit must be a single accessory dwelling unit that is accessory to a single-family dwelling or detached accessory structure and must have been in existence prior to the date of adoption of this bylaw. It shall be the burden of the applicant to prove to the Building Department in the case of By Right and to Special Permit Granting Authority in the case of a Special Permit that the unlawful apartment was in existence before that date.

The amnesty provisions of this bylaw shall expire on and shall no longer be available after five years from the passage of this bylaw.

(5/13/19 ATM)