

ACCESSORY DWELLING UNIT BYLAW

ADOPTED AT SPECIAL TOWN MEETING, OCTOBER 23, 2023

Section 2. Definitions

ACCESSORY DWELLING UNIT – A subordinate Dwelling Unit within, attached to, or detached from, an existing Single-Family Dwelling and as further defined in Section 4.2.4.

SINGLE-FAMILY DWELLING – A building designed or used exclusively as a residence and including only one principal Dwelling Unit.

Section 4.2.4. Accessory Dwelling Unit subject to and in compliance with the following:

a. Purpose: This section authorizing the provision of Accessory Dwelling Units is intended to:

- Increase the number of small Dwelling Units available in the Town;
- Increase the diversity of housing that may serve the needs of the current and future population of the Town including, but not limited to, young adults and senior citizens;
- Provide homeowners with a means of obtaining rental income; and
- Encourage a more economic and efficient use of the Town's housing supply while respecting the residential character of West Newbury's neighborhoods.

b. Use and Dimensional Regulations

i. The Building Inspector may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within an existing or new owner-occupied, Single-Family Dwelling, or in an existing or new structure accessory to an owner-occupied Single-Family Dwelling, whether attached or detached, provided that it satisfies the requirements of this Section 4.2.4. and dimensional (Intensity of Use) requirements of Section 5.

(1) The Accessory Dwelling Unit will be a complete, separate Dwelling Unit that 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) **The Floor Area of an Accessory Dwelling Unit shall be no greater than ½ the floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller.**
- (3) **There shall be no more than one Accessory Dwelling Unit on a Lot.**
- (4) **The owners(s) of the Single-Family Dwelling must continue to occupy at least one of the Dwelling Units as their primary residence, except for temporary absences per 4.2.4.b.iii.**
- (5) **Any new separate outside entrance serving an Accessory Dwelling Unit shall be clearly secondary to the entrance of the principal Single-Family Dwelling.**
- (6) **No new curb cuts shall be allowed for an Accessory Dwelling Unit.**
- (7) **Adequate off-street parking shall be provided for the Accessory Dwelling Unit**
- (8) **The Accessory Dwelling Unit is intended to be an accessory use and the Accessory Dwelling Unit, the principal Single-Family Dwelling and the Lot shall be held by the same owner.**

ii. Prior to issuance of a Building Permit, the owner must submit an affidavit to the Building Inspector stating that they will occupy one of the dwelling units on the Lot as their primary residence.

iii. An absence of six months each year will not constitute a violation of this bylaw.

iv. When a Lot with an Accessory Dwelling Unit is sold, the new owner, if they wish to continue use of the Accessory Dwelling Unit, must within sixty (60) days of the sale, submit an affidavit to the Building Inspector stating that they will occupy one of the dwelling units on the Lot as their primary residence.

c. Special Permit

Accessory Dwelling Units exceeding floor area or curb cut limitations may be allowed by Special Permit from the Planning Board per section 11.2. of the West Newbury Zoning Bylaws.