

By Mr. Beckwith of Reading, petition of Geoffrey C. Beckwith for legislation to require cities and towns to amend zoning ordinances to allow accessory dwelling units in areas zoned for single family residential use. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT REQUIRING CITIES AND TOWNS TO CONSIDER AMENDING THEIR ZONING ORDINANCES TO ALLOW ACCESSORY DWELLING UNITS IN AREAS ZONED FOR SINGLE FAMILY RESIDENTIAL USE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The city council or board of selectmen in each city and town shall
2 initiate and cause to be voted on, within one year from the effective
3 date of this act and in a manner prescribed by section 5 of chapter
4 40A of the General Laws, an amendment to the zoning ordinances
5 or by-laws of the city or town which would allow construction and
6 occupancy of accessory dwelling units in areas zoned for single
7 family residential use.

8 "Accessory dwelling unit" means any rental unit of one or more
9 rooms with separate kitchen and bathroom facilities located in a
10 single family home, designed for the occupancy of a separate
11 household, and used exclusively for residential purposes.

12 Such an amendment may provide for the issuance of a special
13 permit for such an accessory dwelling unit in accordance with the
14 provisions of section 9 of said chapter 40A. Said permit may
15 include but shall not be limited to conditions on total floor area,
16 offstreet parking availability, age of home, lot size, number of
17 occupants, and exterior alterations. This shall not be construed as
18 precluding any amendment from establishing similar conditions
19 on accessory dwelling units which shall not be governed by special
20 permit.

21 Notwithstanding any law to the contrary, if the city council or
22 town meeting acts unfavorably on such an amendment in accord-
23 ance with said section 5, upon the petition of ten registered voters
24 of the city or town filed with the city or town clerk not more than
25 three years after the effective date of this act, the following question
26 shall be placed on the official ballot to be used for the next election
27 of city or town officers in said city or town: —

28 “Shall (city or town) accept an amendment to its
29 zoning (ordinances or by-laws), a fair and concise
30 summary of which appears below?”

YES	
NO	

31 (Set forth here a fair, concise summary of the proposed
32 amendment in the form substantially acted unfavorably on by the
33 city council or town meeting.)

34 If a majority of the votes cast in answer to said question is in the
35 affirmative, said city or town shall be taken to have amended its
36 zoning ordinances or by-laws as so adopted.

37 Any city or town which, prior to the effective date of this act, has
38 authorized the construction and occupancy of accessory dwelling
39 units either by right or by special permit in areas zoned for single
40 family residential use shall be exempt from the provisions of this
41 act.