

CITY OF NORTH ADAMS, MASSACHUSETTS
City Council Community Development Committee

Meeting Notice

Wednesday May 5th, 2021 – 7:30pm

The North Adams City Council Community Development Committee will hold a meeting on Wednesday May 5th, 2021 at 7:30pm via Zoom Webinar

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the North Adams City Council Community Development Committee will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the City of North Adams website, at NorthAdams-ma.gov. For this meeting, members of the public who wish to listen and/or watch the meeting may do so via zoom webinar attendance by registering and attending at the link provided below. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City of North Adams website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

AGENDA

Call to Order

Statement on virtual meetings

Approval of Minutes

- **December 16th, 2020 Public Hearing**

Agenda Items

- **Amending Section 10 of the Zoning Ordinances of the City of North Adams to establish regulations for short term rentals and accessory dwelling units.**

Adjournment

Benjamin Lamb
Chair, City Council Community Development Committee
April 29th, 2021

Participation Access

Link to join Meeting

<https://us02web.zoom.us/j/89355715741>

North Adams City Council
Community Development Committee
Preliminary Public Hearing – Smart Growth Overlay Zoning
Meeting Minutes – December 16, 2020 – 6pm
Zoom Webinar

Call to Order – 6:00pm

Committee Members Present: Councilor Lamb, Councilor LaForest, Councilor Sweeney
Number of Community Members Present – 21

Presenters: Zach Feury (Community Development), Mike Nuwallie (Community Development), Mark Maloy (BRPC)

Councilor Lamb read a statement on the use of virtual meetings in accordance with Governor Baker's orders and introduced the items being discussed in the public hearing.

Public Hearing Opened

- Councilor Lamb turned the meeting over to Zach Feury and Mike Nuwallie to present.
- Zach Feury presented about the work done to date, timeline for going forward, and gave an overview of the proposed process of adopting 40R overlays for two central plots in the City. The slides are included here as Exhibit A as record of the presentation content.

Discussion and Public Comment

- Councilor Lamb opened up to comment from the Councilors
- Councilor LaForest asked several questions
 - What is the difference between a hearing and a preliminary hearing?
 - Zac Feury answered that in Chapter 40R, it outlines the need for a preliminary public hearing as an announcement of the Smart Growth process being investigated and receiving input.
 - Does this preliminary hearing mean there will not be additional public hearings?
 - Zac Feury answered that there will be more public hearings and meetings down the road as outlined in the timeline presented. He also noted that they are hoping to receive public feedback in an ongoing way through the city website as well. They plan to ask the city council to vote on submitting a letter of interest, even before submitting to the state for consideration of eligibility, to add a check point before devoting staff resources to going further into the process.
 - He asked why the regional AMI was so high compared to area median income, and how that number is preferred to actual household income in North Adams?
 - Zac Feury noted that it is outlined in Chapter 40R to based it on area family median income, which requires total housing costs not be over 30% of 80% of area median income. Area Median Family Income is

different than the Area Median Income, which includes the Pittsfield metropolitan area, which is all of Berkshire County, which is why the number is much higher than the local household income of North Adams.

- Councilor LaForest noted concerns that this might not suit because of that formula being required.
- He asked about the underutilized land in the urban core and what development this would allow on those properties, and are there specific plans for specific properties that are in play with this effort.
 - Zac Feury noted that smart growth zoning has been under consideration for at least a year now and it is not intended to benefit any single property owner or prospective property owner. It must be in an area of concentrated development, which is why the boundaries exist where they are drawn. A number of neighborhoods north of River Street would also fall into the category of concentrated development, but the small lot sizes in that area wouldn't benefit from smart growth zoning like downtown would, especially with a goal of maintaining neighborhood character.
- He asked if there are different processes for design standards or other requirements for historical properties in these areas that will change.
 - Zac Feury noted that the design standards are set so that new developments will keep with the character of the neighborhood, such as mill architecture. Any rehabilitation of existing structures older than 50 years would need to go to historical commission as is the case now.
- He asked who the types of investors or developers are that this would serve to bring in to North Adams.
 - Zac Feury noted what this does is it helps to expedite processes by making things as of right without special approvals. It acts as an announcement that this is something the City recognizes as a beneficial opportunity, and that we are looking to expedite activity to keep motion going in the City. It also makes sure that development doesn't negatively impact neighborhood.
- He asked what Zac meant about existing processes and if he meant there were specific projects that would be getting the benefit.
 - Zac Feury noted that it is meant to expedite the model of processes, not any specific project underway. This is not reactionary to anything that is happening or proposed to happen.
- Councilor Sweeney thanks Zac and the team and noted most of her questions have been asked. She also asked if there are other communities that have adopted this that we can compare to.
 - Zac Feury noted that in the Berkshires four municipalities have adopted it: Pittsfield, Great Barrington, Lee and Adams. Adams recently adopted it at Town Meeting and it is pending state approval. A number of communities across the Commonwealth have as well. An example is Northampton.

- Councilor Lamb noted most of his questions have been asked. He asked about the timeline and noted that he believed, while the process could in theory be completed in 10 months, it could also be extended out up to 3 years.
 - o Zac Feury confirmed that it is not a hard and fast timeline. It needs to be reasonable and build in ample public engagement. If that pandemic gets worse it can always be extended as to allow for the needed community input.

Councilor Lamb Opened up to the public participants

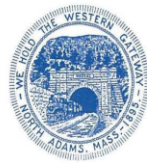
- Councilor Harpin thanks the Community Development Office for their work. She noted that attendees could not see how many members of the public were in attendance but was able to see it when brought in to make comment.
 - o The count of attendees at that time was noted to be 21 including 14 public and the panelists.
- Michael Bedford at 243 Union Street asked what the zoning is for the Mill across from the Eclipse Mill and how the taxation affects any future development and if there are any offers currently on the table for that property.
 - o Zac Feury noted that the property is in the I-1 zone which is Industrial. It would remain in the industrial district as smart growth doesn't supersede existing zoning. The owner could opt into a smart growth project or could redevelop according to the existing zoning. He is unable to quote every allowed use in an I-1 zone, but knows 5+ multifamily units are allowed and that there is no minimal lot area per dwelling unit required.
 - o Michael Bedford asked for follow-up on the no minimal developable lot, so could they do anything they want, and as the property of the Hoosac Mill is now salvage what does that do?
 - o Zac Feury noted that the tax assessments are separate from zoning. While there may be some overlaps in changes they are different processes.
 - o Michael Bedford repeated his inquiry of any known offers on the property.
 - o Zac Feury noted that any purchase would be unrelated to the zoning.
 - o Councilor Lamb noted that it is privately owned property, while in the zone, so it wouldn't be under the City's ownership. He clarified that the zoning overlay allows for a density of development, it is not the City taking over the property, the properties included all remain in ownership of who has them already.
- Jerry Asconsis at 243 Union Street followed up on the Hoosac Mill property and asked if someone bought that property, is there a limit on the height restriction or is it a historic building?
 - o Zac Feury noted that the maximum height for the Mill District would be 5 stories.
 - o Jerry followed up and asked what the percentage of commercial/residential would be required for mixed use.
 - o Zac Feury noted that it would need to be 75% residential in the Mill District and 51% in the Downtown sub-district.
 - o Jerry asked about locally owned businesses doing the development as referenced earlier.

- Zac Feury noted that would mean not the large box stores, but those owned by individuals and not multinational corporations, and that those locally owned businesses benefit more from smart growth because people tend to spend money where they are in mixed use communities.
- Alicia Canary at 100 River Street asked about the two hotel projects proposed in the boundary areas and would this zoning have any effect on their projects?
 - Zac Feury noted that it would not, as long as it is an allowed use in the zoning district. The overlay is simply another option for those that opt in.
- Councilor Lamb added that it is an important point that the smart growth overlays don't mandate use of the smart zone, but do provide an option.
- Catherine Dunning at 243 Union Street asked about traffic concentration and when will that be evaluated?
 - Zac Feury noted that any smart growth zoning overlay is required to go through the plan approval process where a plan will need to go to the plan approval authority, which is the planning board. Under that process the planning board can examine and determine if it is going to change conditions, and what might be needed to address any added congestion. It doesn't create a free for all, there is still a plan approval process for any development in the area as is current practice.
- Councilor LaForest asked if the City Administrator has any experience with 40R in the communities she has worked in prior?
 - Angie Ellison, City Administrator, noted that her experience has been positive. It allows for mixed use and a more expedited process for developers. Uxbridge has 40R and have used it to meet low income housing options while in North Adams it might be more beneficial for the other aspects of it.
- Seeing no further attendees with questions, Councilor Lamb thanked everyone for joining and participating fully, as well as thanking the Community Development Team and Berkshire Regional Planning Commission as we move forward into the 10+ months ahead and looks forward to the thorough engagement with the community in the process. He noted that the City did in fact send letters to all properties and residents in the proposed zones as well about the beginning of this process.
- Zac Feury thanked the Committee and the residents and stakeholders who participated.
- Councilor Lamb noted that if individuals have more feedback there is contact information on the posting on the City website and noted individuals can reach out to zfeury@northadams-ma.gov directly.
- Councilor Lamb invited Angie Ellison into the room for an announcement
 - Angie Ellison, City Administrator, announced that the Hazard Mitigation and Climate Change Mitigation Plan is available on the City Website to view the plan and make public comment.
 - Councilor Lamb read the formal announcement into the record. The plan will be on the City Website from December 14th until December 28th and paper copies are available by contacting Angie at aellison@northadams-ma.gov

Adjournment

- Motion: Councilor Sweeney / Second: Councilor LaForest
- Motion Carries
- Meeting Adjourned: 7:13pm

EXHIBIT A
Presentation Slides



Office of Community Development

Preliminary Public Hearing
Smart Growth Zoning
12.16.2020

Agenda

- Prospective project timeline
- Overview of enabling legislation
- Planning alignment
- Proposed district features
 - Boundaries
 - Regulations
 - Design Standards
- Discussion

Proposed North Adams Smart Growth Zoning District



Smart Growth Zoning

Prospective Timeline

[illegible]

Smart Growth Legislation

- Chapter 40R adopted by legislature in 2004 to:
 - Increase the supply of housing
 - Decrease the cost of housing
 - Increase the amount of land zoned for high density residential development
- Enables municipalities to create special zoning overlay districts, called Smart Growth Zoning Districts
 - Dense residential (20 units/acre minimum)
 - Mixed-use development (50% residential minimum)
- Control over the location, size, appearance, and other characteristics of new projects through local design standards

Smart Growth Legislation

- 20% of all housing units in a Smart Growth development must be affordable units
 - Affordable Housing is not Section 8
- Who Qualifies for affordable?
 - Families earning 80% or less of Area Median Income

FY 2020 Income Limits	Family Size							
	1	2	3	4	5	6	7	8
Affordable Income Limits	\$ 47,850	\$ 54,650	\$ 61,500	\$ 68,300	\$ 73,800	\$ 79,250	\$ 84,700	\$ 90,200
Monthly affordable housing costs in Smart Growth Developments	\$ 1,196.25	\$ 1,366.25	\$ 1,537.50	\$ 1,707.50	\$ 1,845.00	\$ 1,981.25	\$ 2,117.50	\$ 2,255.00

Smart Growth Legislation

- Provides financial incentives to a municipality
 - Zoning Incentive Payment – up to \$600,000 upon approval of municipal 40R bylaw by the state
 - Density Bonus Payment - \$3,000 for each unit built
- Must be used for capital expenditures
 - Sidewalks
 - Water and sewer lines
 - Park improvements
 - Brownfield remediation

Smart Growth Payments

- Smart Growth Payments to North Adams

- Zoning Incentive Payment (ZIP):
 - 563 Incentive Units = \$600,000 ZIP
- Potential Density Bonus Payments:
 - 1,280 Potential Bonus Units = Up to \$3,840,000

Proposed North Adams Smart Growth Zoning District



Alignment with Vision 2030 Plan

- Vision 2030 Plan:
 - Goal E7: Improve the livability and liveliness of downtown
 - Goal HN1: Provide high-quality housing options that meet a variety of needs and lifestyles
 - Goal HN2: Address blight and improve property values
- Housing Needs Assessment:
 - Stimulate new housing production
 - Improve neighborhood infrastructure

Alignment with sustainable Berkshires Plan

- Sustainable Berkshires:
 - Labels North Adams a “Reinvestment Area”:
 - “The focus for [North Adams] is to improve [housing] opportunity conditions to better serve current residents” (p. HN 37)
 - Policy HN8.4:
 - Strategy A: Incentivize housing development in areas of high [housing] opportunity but low [housing] supply
 - Strategy D: Adopt Smart Growth Zoning in larger high opportunity towns
 - Policy HN9.1:
 - Strategy G: Explore creative models for incentivizing rehab investors and developers

Proposed North Adams Smart Growth Zoning District



North Adams Smart Growth Requirements

- Minimum Density:
 - Multifamily: 20 units per acre
 - Townhouses: 12 units per acre (Mill District only)
 - 2- and 3-family: 12 units per acre (Mill District only)
 - Single-family: Not allowed under Smart Growth
- Maximum Density:
 - Multifamily: 30 units per acre
 - Townhouse: 20 units per acre (Mill District only)
 - 2- and 3-family: 20 units per acre (Mill District only)
 - Single-family: Not allowed under Smart Growth
- Affordable Housing:
 - Minimum: 20% of all units within a Smart Growth development
 - Maximum: 60% of all units within a Smart Growth development

North Adams Smart Growth Use Regulations

Use	Standards and Conditions	MD	DD
Residential			
Single Family Detached		N	N
Townhouse	Townhouses require individual lots and area side setbacks.	PA	N
Two and Three Family		PA	N
Multi-family (8 or more units)		PA	PA
Assisted Living		PA	N
Commercial^{1,2}			
Dining Establishments	Not including drive-in or drive-through restaurants	PA	PA
Office Building	Office use must be permitted in the underlying district.	PA	PA
Retail	Retail use must be permitted in the underlying district.	PA	PA
Banks		N	PA
Services	Automobile body shops, sales lots, and service and repair stations are prohibited.	PA	PA
Mixed-use^{3,4}			
Neighborhood-scale mixed-use developments, allowing two or more uses within the same building	Mixed uses within a building must be allowed in the underlying district.	PA	N
Downtown-scale mixed use developments, allowing two or more uses within the same building	Mixed uses within a building must be permitted allowed in the underlying district.	PA	PA
Industrial^{5,6}			
Light Manufacturing	Industrial uses must be permitted in the underlying district.	PA	N
General Industrial Uses	Industrial uses must be permitted in the underlying district.	PA	N
Government, Institutional, and Public Service			
Religious		PA	PA
Educational		PA	PA
Parks, Playgrounds, Recreation and Community Centers		P	P
Municipal Government Buildings		PA	PA

North Adams Smart Growth Design Standards

Purpose:

To ensure that 40R projects will:

- Preserve and complement existing architectural qualities, historic character, and pedestrian ways
- While promoting infill development and
- Substantial redevelopment of historically significant and underutilized properties.

North Adams Smart Growth Design Standards

Guiding Principles:

1. **PROMOTE** compact, mixed-use development in pedestrian-oriented form
2. **ENHANCE** connectivity and accessibility
3. **CREATE** distinctive neighborhoods that provide diverse housing options
4. **IMPROVE** the design of public space and the built environment
5. **ENCOURAGE** creative design consistent with neighborhood character

North Adams Smart Growth Design Standards

Mill District Vision Statement:

A district with existing historical and natural resources that are:

- Leveraged to create a distinct, vibrant neighborhood
- In which residential, locally-owned and operated commercial, and
- Recreational uses coexist.

North Adams Smart Growth Design Standards

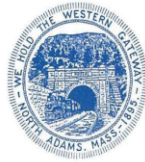
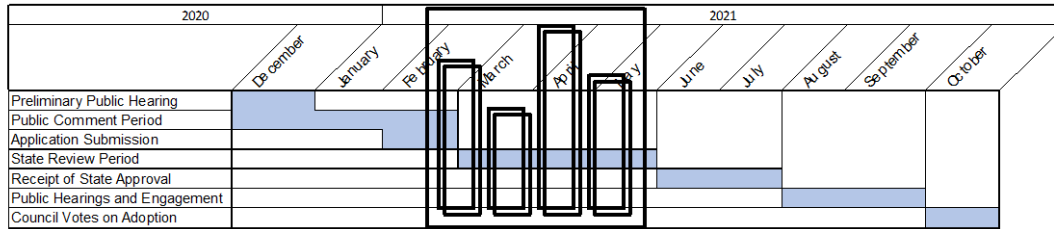
Downtown District Vision Statement:

A vibrant downtown neighborhood that:

- Mixes residential and commercial uses
- Wherein increased residential and mixed-use development supports local businesses; and
- A vital, multimodal streetscape serves to attract and retain a diverse array of residents from all age and income levels.

Next Steps

Prospective Timeline



Office of Community Development

Thank you

That Section 10, entitled “Special Regulations”, of Chapter Z of the Revised Ordinances of the City of North Adams be and is hereby amended by inserting in numerical order therein the following Section 10.13:

10.13. Short-term rentals.

10.13.1. Purpose. The purpose of this section to protect and promote the health, safety and well-being of North Adams residents and visitors, to ensure that the primary use of remains residential, and to ensure that the short-term rental of residential units will not be a detriment to the character and livability of the surrounding residential neighborhood by establishing a process by which short-term rental units shall be registered for such use under the regulations set forth hereinafter.

10.13.2. Definitions. For the purposes of this Section 10.13, certain terms or words shall be as defined below.

(1) Short-term rental. Any rental via advanced reservation of a dwelling unit, or of a bedroom therein, in exchange for payment, as residential accommodations for a duration of fewer than thirty (30) consecutive days that is not within a hotel, motel, lodging house, or bed and breakfast.

(2) Short-term rental operator. The person or persons offering a dwelling unit, or a bedroom therein, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and, if applicable, the condominium association.

(3) Short-term renter. Any person or persons occupying a dwelling unit, or a bedroom therein, as a short-term rental for a duration of fewer than thirty (30) consecutive days.

(4) Operator-occupied short-term rental. A dwelling unit, or up to, but not exceeding, three (3) individual bedrooms therein, made available for short-term rental that is the primary residence of its operator.

(5) Owner-adjacent short-term rental. A dwelling unit made available for short-term rental that is not the primary residence of the operator, but is located within a residential building with a total of four or fewer dwelling units where all dwelling units in the building are owned by the operator, and one of the dwelling units in the building is the primary residence of the operator.

(6) Limited share unit. A dwelling unit that is the operator’s primary residence, a portion of which therein is offered as a short-term rental while the operator is present. Occupancy shall be limited to no more than three (3) bedrooms and no more than one (1) party of short-term renters.

(7) Home share unit. An entire dwelling offered as a short-term rental that is the operator’s primary residence or is within the same building containing the operator’s primary residence and is owned by said operator.

(8) Primary residence. The dwelling unit in which the operator resides for at least six (6) months and one (1) day of the preceding twelve (12) month period. Primary residence is demonstrated by evidence that as of the date of registration of the dwelling unit as short-term rental unit, the operator has resided in the dwelling unit for at least six (6) months and one (1) day of the past twelve (12) months.

(9) Dwelling unit. As defined in c.Z §13.

(10) Problem property. Any dwelling unit located at an address to which the Police Department has been called four (4) or more times within the preceding twelve (12) month period for any incident involving an arrestable offense committed by the short-term rental operator thereof; or where the Department of Inspection Services and/or the board of health have received two (2) or more complaints within the preceding twelve (12) months.

(11) Professionally-managed short-term rental. A dwelling unit made available for short-term rental that is neither the primary residence of the operator nor is located within the same residential building as the operator's primary residence and the management of which is conducted by a local agent in charge.

(12) Local agent in charge. The individual, company, or other legal entity is who is contracted by the owner of a professionally-managed short-term rental to supervise and maintain the property, respond to nuisance complaints, and other issues with the property and its day-to-day operation as a short-term rental.

10.13.3. Ineligible dwelling units. The following dwelling units are not eligible to be operated as short-term rentals:

(1) Dwelling units that are not operator-occupied, owner-adjacent or professionally-managed as defined herein.

(2) Dwelling units that are located within problem properties pursuant to §10.13.2(10).

(3) Dwelling units that are the subject of three (3) or more findings of violations of this section by the Department of Inspection Services within a six (6) month period, or three (3) or more violations of any municipal or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or are the subject of three (3) or more nuisance complaints within a six (6) month period. Dwelling units found ineligible pursuant to this subsection shall remain ineligible for a period of twelve (12) months following the third violation or complaint.

(4) Dwelling units located within a property subject to any outstanding building, health, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgements or

penalties imposed by the city and without resolution. If a violation or other order is issued after the dwelling unit has been registered, Inspection Services shall suspend the dwelling unit's registration until the violation is remedied or otherwise resolved.

10.13.4. Requirements.

(1) Operator-occupied and owner-adjacent short-term rentals are allowed by-right in all zoning districts except within the AP-1 and AH-1 districts.

(2) Professionally-managed units are allowed by-right in the B-1, B-2, CBD, S-1, and I-1 zoning districts and by Special Permit in the RU-1, R-2, R-3, R-4, and R-5 zoning districts.

(3) Short-term rentals shall be subject to the following requirements:

(a) All short-term rentals must satisfy the requirements set forth in the current edition of the Massachusetts State Building Code and all subsequent amendments in accordance with the following classification schedule:

(i) Operator-occupied or owner-adjacent short-term rentals in a single- or two-family home must comply with the Building Code requirements for single- and two-family homes.

(ii) Operator-occupied short-term and owner-adjacent rentals in a multifamily home, apartment or condominium building must comply with the Building Code requirements for Residential Group R-2.

(iii) Professionally-managed short-term rental units in all forms of housing shall comply with Building Code regulations for Residential Group R-1.

(b) All short-term rental operators shall register with the Department of Inspection Services prior to short-term rental use and occupancy pursuant to §10.13.6.

(c) A dwelling unit or bedroom that is a portion thereof offered as a short-term rental unit shall comply with all standards and regulations promulgated by the Department of Inspection Services.

(d) A short-term rental operator may make available no more than one (1) dwelling unit for operator-occupied short-term rentals, which may include the separate short-term rental of no more than three (3) individual bedrooms, or one (1) dwelling unit for owner-adjacent short-term rentals.

(f) Short-term rental operators shall at all times remain compliant with state laws and regulations regarding fees, taxes, registration, and insurance.

(g) An owner-adjacent short-term rental may be rented only as a home share unit to one party of short-term renters at any one time and not rented as multiple limited share units to multiple parties.

(h) An operator-occupied short-term rental unit from which the operator is away for a period of more than seven (7) days may be rented only as a home share unit to one party of short-term renters and not rented as multiple limited share units to multiple parties.

(i) The number of individual bedrooms made available within a short-term rental unit shall not be greater than the number of lawful bedrooms contained within the dwelling unit.

(j) Commercial meetings and uses are prohibited in all short-term rentals.

(k) Social events with attendance of more than ten (10) individuals are prohibited in all short-term rentals.

(l) Any pool or spa made available as part of a short-term rental shall comply with the requirements for semi-public pools and spas as set forth in 105 CMR 435.

10.13.5. Regulations.

(1) The Department of Inspection Services shall have the authority to promulgate regulations to carry out and enforce the provisions of this §10.13 “Short-term Rentals.”

(2) The Department of Inspection Services shall make regulations readily available to the public.

10.13.6. Registration.

(1) All dwelling units offered for short-term rental shall register with the Department of Inspection Services for a certificate of registration. As part of the registration application, short-term rental operators shall provide the Department of Inspection Services with:

(a) Proof that the dwelling unit to be offered as a short-term rental unit or one of the dwelling units within the building containing the unit to be offered as a short-term rental unit is the operator’s primary residence or that the unit is a professionally-managed short-term rental. Such proof shall include:

(i) An affidavit signed under the pains and penalties of perjury stating that the applicant either owns or has the legal ability to operate a short-term rental unit at the address.

(ii) If the unit is not owner-occupied or owner-adjacent, a copy of a contract or other legal agreement between the owner and the local agent in charge that is contracted to provide management services to the unit.

(b) If the short-term rental operator is not the owner of the dwelling unit, the operator shall provide written permission to operate the unit as a short-term rental from the property owner.

(c) If the short-term rental unit is located within a condominium project, written approval from the appropriate condominium association officer or manager for operation of a short-term rental at that location.

(2) Prior to issuance or renewal of a certificate of registration the Department of Inspection Services shall conduct an inspection to verify that each dwelling unit and bedroom to be offered as a short-term rental unit:

(a) Is compliant with all code requirements for occupancy.

(b) Is compliant with all other requirements of this §10.13 “Short-term Rentals” and any and all regulations promulgated by the Department of Inspection Services.

(3) The certificate of registration shall expire one year from the date of issuance. It is the responsibility of the short-term rental operator to renew the certificate of registration.

10.13.7. Procedural requirements.

(1) The following information shall be posted in a conspicuous location within short-term rental units:

(a) An emergency exit diagram in all bedrooms and on all egresses from the dwelling unit.

(b) The certificate of registration for the short-term rental unit.

(c) If a professionally-managed short-term rental: the name and contact information of the local agent in charge.

(2) The following information shall be provided to short-term renters:

(a) Phone numbers for the North Adams Police Department, the North Adams Fire Department, and Emergency Medical Services in case of emergency.

(b) A description of regulations, if any, relative to on-street parking at the address and fines for parking violations.

(c) The contact information for the short-term rental operator and a local contact available for response to complaints and non-emergency issues.

10.13.8. Taxes, fees, and penalties.

(1) All short-term rental units shall be subject to the state and local taxes set forth by M.G.L. c.64G §3A.

(2) Short-term rental units shall be subject to the Community Impact Fee authorized by M.G.L. c.64G §3d upon an affirmative vote of such by the City Council.

(3) All short-term rental units shall be subject to fees for inspections as determined by the Department of Inspection Services.

(4) Failure to comply with any provision of this §10.13 will result in a fine as proscribed in c.29 §2 of the Revised Ordinances of the City of North Adams.

And be it further amended by inserting in numerical order therein the following Section 10.14:

10.14. Accessory Dwelling Units.

10.14.1. Purpose. The purpose of this section is to:

- (1) Provide older homeowners a means of obtaining rental income, companionship, security, and services thereby enabling them to comfortably stay in their homes and their neighborhoods longer than they might otherwise be able;
- (2) Add affordably-priced rental units to meet the needs of smaller households and/or younger residents thereby increasing the supply of housing available to low- and moderate-income households;
- (3) Develop housing units in residential neighborhoods that are appropriate for households at various stages of life;
- (4) Protect the stability, property values, and character of neighborhoods;
- (5) Encourage increased residential density in a way that maintains neighborhood character; and
- (6) Legalize existing accessory dwelling units to encourage compliance with the State Building Code.

10.14.2. Definitions. For the purposes of this Section 10.14, certain terms or words shall be as defined below.

- (1) **Accessory Dwelling Unit (ADU).** A separate, self-contained housing unit complete with its own sleeping, cooking, and sanitary facilities and means of egress incorporated within, or on the same lot as, and clearly subordinate to a single-family home.
- (2) **Attached Accessory Dwelling Unit (ADU).** An accessory dwelling unit that is not a trailer or mobile home added as an addition to a single-family home.
- (3) **Detached Accessory Dwelling Unit (ADU).** An accessory dwelling unit on the same lot as, but physically separated from, a single-family home.
- (4) **Internal Accessory Dwelling Unit (ADU).** An accessory dwelling unit incorporated within a single-family home.

10.14.3. Applicability.

- (1) **Internal ADU.** Internal ADUs are allowed by-right in the RU-1, R-2, R-3, R-4, and R-5 zoning districts. The Planning Board may authorize a Special Permit for an internal ADU in the B-1 and B-2 zoning districts by majority vote.
- (2) **Attached ADU.** Attached ADUs are allowed by-right with Site Plan Approval per Section 12.4 in the RU-1, R-2, R-3, R-4, and R-5 zoning districts by majority vote.
- (3) **Detached ADU.** The Planning Board may authorize a Special Permit for a detached ADU in the RU-1, R-2, R-3, R-4, and R-5 zoning districts by majority vote.

- (4) Conformity. The construction of any ADU regardless of type shall require the issuance of a Building Permit by the Building Inspector and shall conform with the State Building Code, Title V of the State Sanitary Code, 527 CMR — MA Fire Prevention Regulations, and other local ordinances and regulations.

10.14.4. Accessory Dwelling Unit Standards.

- (1) The ADU shall be a complete, separate housing unit functioning separately from the primary unit.
- (2) No more than one ADU shall be permitted per single-family lot.
- (3) The lot on which the ADU is intended shall meet the minimum lot size and other applicable zoning requirements for the district in which it is located.
- (4) The owner(s) of the property on which the ADU is located must occupy either the ADU or the primary residence.
- (5) Attached and detached ADUs shall be designed so that the appearance thereof is in harmony with the character of the primary residence.
- (6) New entrances for attached and internal ADUs shall be located at the rear or side of the building and any stairways, access, or egress alterations shall be enclosed, screened, or located so that visibility from public ways is minimized.
- (7) The maximum gross floor area shall be 900 square feet or fifty percent (50%) of the gross floor area of the primary residence, whichever is lesser.
- (8) No ADU shall be enlarged beyond the square footage provided in its original permit.
- (9) No fewer than three parking spaces shall be provided for use by the owner(s) and tenant(s) and, to the extent feasible, shall be located to the side or rear of the building(s).
- (10) Prior to issuance of a permit, the owner(s) shall send a notarized letter to, in the case of a Special Permit, the Planning Board and, in the case of a building permit, the Building Inspector stating that the owner(s) will occupy one of the dwelling units on the premises as a permanent/primary residence.
- (11) In the event that a structure that has received a Special Permit for an ADU is sold and the new owner(s) wish to continue to exercise the Special Permit, the new owner(s) shall, within thirty days of the sale, submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units on the premises as a permanent/primary residence.
- (12) Any separate structure intended for use as a detached ADU must remain in common ownership with the primary structure.
- (13) For ADUs to be served by an on-site septic system, the owner must obtain a letter from the Board of Health stating that the existing sewage disposal system is adequate for the proposed ADU prior to issuance of a Special Permit.
- (14) In order to encourage the development of housing units for disabled individuals and persons with limited mobility, the Building Inspector and Planning Board may allow reasonable deviation from the standards provided

herein where necessary to install features that facilitate access and mobility for disabled persons.

10.14.5. Administration and Enforcement.

- (1) The Building Inspector shall enforce the provisions of this section.
- (2) No building shall be constructed or changed in use or configuration until issuance of a building permit by the Building Inspector.
- (3) No building permit shall be issued until a sewage disposal works permit, when applicable, has been obtained from the Board of Health.
- (4) Any new building shall conform to all adopted state and City laws, ordinances, codes, and regulations.
- (5) No ADU shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
- (6) The Building Inspector shall refuse to issue any permit that would result in a violation of any provision of this section or in a violation of the conditions or terms of any Special Permit granted by the Planning Board.
- (7) The Building Inspector shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this section.