



City of Pittsfield

In the Year Two Thousand Twenty Five

AN ORDINANCE

Be it ordained by the City Council of the City of Pittsfield, as follows:

AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 23, ZONING

SECTION I

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2, Glossary, shall be amended by adding, in the appropriate alphabetical order, the following new definitions:

Accessory Dwelling Unit: An additional dwelling unit added on a lot that is accessory to a principal dwelling unit. The Accessory Dwelling Unit shall be no more than half of the total gross floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller. An ADU can be attached or detached from the principal structure.

SECTION II

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-9, Accessory Uses, Section 9.101, Restrictions, Accessory Buildings or Uses, shall be amended by to the following with the creation a sub-category H for Accessory Dwelling Units:

9.101 Restrictions, Accessory Buildings or Uses

- A. No use shall be permitted in any district as an accessory use which increases the number of dwelling units or the number of buildings on any lot beyond that which is permitted in that district or which constitutes in effect a conversion of a permitted use to one not permitted in that district, except in the case of Accessory Dwelling Units (ADUs) whose requirements are outlined in Section 9.101H.
- B. In Residence Districts, no use shall be permitted as an accessory use to a dwelling which involves or requires any construction features or alterations not residential in character.
- C. An Accessory building may be used as a dwelling unit in an Industrial District for the accommodation of a night watchman or janitor. These dwelling units will be subject to dimensional requirements for ADUs as specified in Section 9.101 H.
- D. An accessory building, with the exception of Accessory Dwelling Units, may be located in any district within the required rear-yard or outside required side yard of the principal building, and it shall not be located nearer to any street line than the minimum setback in the zoning district in which it is located.

Approved as to Form and Legality,

Devon Grierson

City Solicitor



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- E. Any accessory building in a Residence District shall not exceed fifteen (15) feet in height above the ground level, and it shall not be located nearer than ten (10) feet to the principal building or occupy more than ten (10) percent of the total lot area. ADUs are excepted from these requirements, the requirements for ADUs are included in Section 9.101 H.
- F. Swimming pools which require a Building Permit and which are less than four (4) feet in height above the ground shall have a fence of at least four (4) feet in height constructed so as to deter children from climbing over, under or through it and shall be equipped with a self-latching gate which shall be kept closed when not in use. (ORD #424-1982)
- G. Shipping containers, semi-trailers and other similar equipment shall not be permitted as an accessory building in a Residence District.[Added 7-9-2002 by Ord. No. 897], with the exception of being used as an ADU when modified to appear residential in character.

H. Accessory Dwelling Units

Definitions:

- 1. Gross Floor Area (GFA): The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of an ADU.

Requirements:

- 1. One (1) ADU is permitted by-right subject to dimensional requirements of this Section, in any property containing a one or two family residential use. Each additional ADU will require a Special Permit under Section 9.101 H.
- 2. Dimensional Requirements for ADUs shall follow the most permissive dimensional requirements that apply to either the principal dwelling, a Single-Family Residential Dwelling, or Accessory Uses in general.
- 3. The size of an Accessory Dwelling Unit shall be no more than half of the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.
- 4. Special Permit: The Special Permit granting authority under this section shall be the Zoning Board of Appeals except within the Downtown Creative District (DCD)

Approved as to Form and Legality,

Devon W. Grierson

Devon Grierson

City Solicitor



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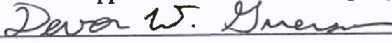
- 5. Where the Special Permit granting authority shall be the Community Development Board. The Special Permit shall be evaluated upon the following criteria:
 - a. The proposed ADU meets the setback requirements set forth in Section 9.101 H.
 - b. To receive a waiver from the height requirements in this Section, the applicant must show that the proposed structure is not substantially more detrimental to surrounding uses.

SECTION III

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4 Section 4.324(C), Downtown Creative District, Permitted Uses, Use Table shall be amended to allow for the creation of ADUs "By-Right" on all street types.

SECTION IV

This Ordinance shall take effect upon its enactment.

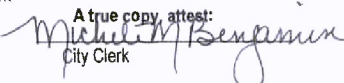
Approved as Form and Legality,


 Devon Grierson

 City Solicitor

In City Council
 Read and passed to be ordained
 February 11, 2025
 9 Yeas - 0 Nays
 /s/ Peter T. White, Council President
 /s/ Michele M. Benjamin, City Clerk

Approved by the Mayor
 February 12, 2025
 /s/ Peter M. Marchetti

A true copy, attest:


 City Clerk