

5500. ACCESSORY DWELLING UNITS (ADU) IN RESIDENCE DISTRICTS

5510. Purpose. The purpose of this bylaw is to increase housing opportunities in Sudbury by allowing the utilization of the existing housing stock to offer different housing styles reflective of a more diverse population, in terms of age, family size and income. The type of housing allowed under this bylaw may benefit several sectors of the population - current residents whose lifestyles no longer fit into the usefulness of a larger single-family dwelling will be able to supplement their income by renting a portion of their home, and those not capable of home ownership, financially or otherwise, may be able find suitable housing in these units – without substantially altering the appearance of the Town. This type of diverse housing is in accordance with the 2021 Master Plan, the 2005 Community Housing Plan, and the 2024 Affordable Homes Act, and ensures compliance with zoning standards, regulations regarding building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.

5520. Conditions and Requirements. Notwithstanding anything to the contrary in this Zoning Bylaw, one Accessory Dwelling Unit (ADU) per lot containing a principal dwelling may be constructed as of right in the Single Residence District "A", "C", Wayside Inn Historic Preservation Zone, Limited Business District, or Village Business District subject to the following: .

5521. The Accessory Dwelling Unit shall contain no more than 900 square feet, or shall occupy no more than 50% of the gross floor area of the principal dwelling, whichever is smaller. Gross Floor area, for the purpose of section 5522, is the sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

5522. An Accessory Dwelling Unit may be built in a detached accessory structure separate from the main dwelling provided: (1) the lot meets the current minimum zoning requirement for lot area in the district in which the lot is located, (2) the detached structure meets the same minimum setback requirements that apply to the principal residence in the district in which the structure is located, the size of the ADU complies with Section 5521.

5523. There will be no more than one Accessory Dwelling Unit per building lot.

5524. Adequate provision will be made for the disposal of sewage, waste and drainage generated by the occupancy of the Accessory Dwelling Unit in accordance with all requirements of the Board of Health, including provision for an appropriate reserve area on-site.

5525. The Accessory Dwelling Unit will be designed so that the appearance of the structure remains that of a single-family dwelling and its associated accessory structures and must meet Building Code requirements for egress, fire separation, and fire alarms.

5525A. All stairways to an Accessory Dwelling Unit above the first floor must be enclosed within the exterior walls of the structure or on the rear of the dwelling or accessory structure if constructed on an exterior wall.

5525B. There will be two separate and distinct means of egress from each Accessory Dwelling Unit and each primary dwelling unit. The entrances for individual units should be located as remote as possible from each other or combined into a common vestibule that creates the appearance of a single entrance, .

5525C. Where two entrances exist on the front façade of the single-family dwelling, one entrance will appear to be principle entrance and other entrances will be designed to appear to be secondary.

5525E. For detached Accessory Dwelling Units the architectural style of the building must be of architecturally harmonious with that of the primary dwelling, including a similar scale, quality of design, materiality, and proportions to the architectural elements and features.

5526. Off-street Parking. There shall be at least one dedicated off-street parking for the Accessory Dwelling Unit or none if you are within 0.5 miles from a commuter rail station, subway station, ferry terminal, or bus station.

5526A No parking spaces shall be located within the boundary of a street right of way or the required front yard setback.

5526B In no case shall parking spaces which are more than two spaces deep be considered in computing the required parking.

5526C Parking spaces will be constructed of materials consistent with, have vehicular access to, and be directly adjacent to the existing driveway. New curb cuts or driveway connections to the road are not permitted in conjunction with the creation of an ADU.

5526D Garage spaces may not be used to comply with the provisions of this Section.

5527. It is prohibited for any ADU in the Town of Sudbury to be used as a Short-Term Rental as defined in Section 1 of Chapter 64G of the General Laws.

5530. Reports.

5531. In order to ensure compliance, the applicant shall obtain and submit to the Building Inspector as part of the filing for a Building Permit, a written report of the Board of Health certifying that the conditions of subsection 5524 have been met.

5540. Other Requirements.

5541. Building Permit Required. A Building Permit, or inspection by the Building Department, shall be required to create an Accessory Dwelling Unit.

5542. No Separate Conveyance. The ownership of the Accessory Dwelling Unit shall not be conveyed or otherwise transferred separately from the principal dwelling.

5543. Existing Non-conforming lots and structures- To the extent that a finding is required as to any ADU, Section 2400 shall apply provided however, that the determination shall not be made by special permit.

5550. Existing Special Permits. With respect to structures constituting or containing an Accessory Dwelling Unit for which a Special Permit was obtained at any time prior to 2 February 2025 any unit that meets the criteria of Section 5500, as amended will be considered going forward to be a Protected Use ADU as defined by the Massachusetts Executive Office of Housing and Livable Communities, those units that do not meet the requirements of Section 5500 will be subject to all Conditions of the Special Permit issued for the creation of the ADU, including but not limited to any requirements for renewal or expiration of the Special Permit.

Section 7110 Definitions and word usage

Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- (a) 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 Building Code for safe egress;
- (b) is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- (c) will not be used as a Short-term Rental as defined in section 1 of chapter 64G.