ARTICLE XX. MODIFICATION OF ZONING BYLAW SECTION 5500 Accessory Dwelling Units in Residence Districts and Section 7110 Definitions and word usage

To see if the Town will vote to amend the Zoning Bylaw Section 7110 Definitions to add a definition of Accessory Dwelling Unit and Section 5500 Accessory Dwelling Units in Residence Districts by deleting the entirety of Section 5500 and replacing it with a new Section 5500 all as printed below, or take any action relative thereto:

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. 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 a Protected Use ADU

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, and the size of the ADU shall comply 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. All Accessory Dwelling Units must meet Building Code requirements for egress, fire separation, and fire alarms.

5525A. An attached 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
5525B. 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, to retain the character and appearance of a single-family home.
5525C. 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~~,~~.
5525D. Where two entrances exist on the front façade of the single-family dwelling, one entrance will appear to be principal entrance and other entrances will be designed to appear to be secondary, to retain the character and appearance of a single-family home.
5525E. For detached Accessory Dwelling Units the building must appear to be an accessory structure and be architecturally harmonious with that of the primary dwelling, including a similar scale, quality of design, materiality, and proportions of 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.
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 suitable for vehicular hardscape, have vehicular access to, and be directly adjacent to the existing driveway.

5526D New curb cuts or driveway connections to the road are not permitted in conjunction with the creation of an ADU.
5526E 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 Accessory Dwelling Unit shall remain accessory to a principal dwelling and 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, that the determination shall not be made by special permit, rather by finding of the Zoning Board of Appeals acting pursuant to G.L. c. 40A, §6.

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 Code for safe egress;
(b) is not larger in Gross Floor Area than ½ 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.

Submitted by the Planning Board. (majority vote required)

PLANNING BOARD REPORT:

In August of last year Governor Healey signed into law the Affordable Homes Act of 2024. As part of this legislation Section 3 of Chapter 40A of the General Laws was amended to make Accessory Dwelling Units (ADUs) a protected use that must be permitted by-right by all municipalities in Massachusetts. The current Section 5500 requires a special permit for the construction of an ADU and would no longer be enforceable. As part of the passage of the statute the Executive Office of Housing and Livable Communities was charged with developing regulations that govern the manner in which municipalities are permitted to regulate ADUs. The Planning Board is proposing the included changes to continue to provide reasonable guidance for the construction of ADUs in conformance with the regulations promulgated by EOHLC.