

Article# 42: Zoning By-law: 2025 Proposed Accessory Dwelling Unit Bylaw

To see if the Town will vote to amend the Town of Stoughton Zoning Bylaw November 18, 2015 as amended through May 15, 2024, Section 3.1.4, Table of Use Regulations, delete Section 7.2 Temporary Additional Living Area in its entirety and replace it with a new Section 7.2 Accessory Dwelling Units, and amend Section 11.0 DEFINITIONS, as set forth below, with text to be inserted shown in **bold underline**, text to be deleted shown in **bold strikethrough**, or take any other action relative thereto.

Section 3.1.4 - TABLE OF USE REGULATIONS

Principal Uses	Residential					Business			Industrial	
	R-M	R-U	R-C	R-B	R-A	GB	NB	HB	I	I2
F. ACCESSORY USES										-
18. <u>Temporary additional living areas</u> <u>Accessory Dwelling Units</u> (See Section 7.2)	N	Y	Y	Y	Y	N	N	N	N	N

7.2 TEMPORARY ADDITIONAL LIVING AREA

~~7.2.1 General. The Building Inspector may grant an occupancy permit for temporary additional living quarters provided the following conditions are met. The owner shall submit plans for approval by Building Inspector showing proposed floor plan and parking and satisfying the conditions set forth below.~~

~~7.2.2 Conditions.~~

- ~~1. The owner must be the occupant of the residence.~~
- ~~2. Living areas must be within the same principal structure.~~
- ~~3. Not more than one (1) bedroom shall be permitted, and gross floor area shall not exceed 800 square feet.~~
- ~~4. Kitchen facilities shall be of a type readily removable.~~
- ~~5. That there shall be a maximum of two (2) people occupying the living area.~~
- ~~6. The applicant must provide satisfactory proof of kinship.~~
- ~~7. Only one (1) permit will be allowed per locus.~~
- ~~8. No new entrances for the living quarters will be allowed/required; existing entrances will be used by all parties involved.~~
- ~~9. Prior to the grant of any occupancy certificate, the owner shall record an affidavit at the Registry of Deeds stating compliance with the conditions set forth above. The Building Inspector must be notified upon cessation of occupancy. The owner shall then record a discharge at the Registry of Deeds within 60 days.~~
- ~~10. Any occupancy permit shall terminate upon transfer of the premises; provided, however, that a transferee may request renewal of the permit prior to sale, if said~~

~~transferee qualifies as set forth above.~~

7.2 ACCESSORY DWELLING UNITS

7.2.1 Purpose.

1. **To provide for housing options that reduce maintenance costs and are more affordable than traditional single-family dwellings;**
2. **To provide a mechanism for development of a range of housing types that are responsive to the sociocultural, health care, and recreational needs of residents;**
3. **To use energy, water, and materials more efficiently by increasing the housing supply through concentrated, small-scale development;**
4. **To establish residential development standards and procedures that will support these objectives; and**
5. **To facilitate housing production, diversity, and affordability in the Town's neighborhoods.**

7.2.2 Limitations on Use. One Accessory Dwelling Unit (ADU) shall be allowed as-of-right in all zoning districts in which single-family homes are allowed as-of-right or by special permit, subject to the following restrictions:

1. **The ADU 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;**
2. **ADU can be an attached or detached structure maintaining the requirements of the state building code for fire separation.**
3. **The ADU is not larger in gross floor area than one half (1/2) the gross floor area of the largest principal dwelling or 900 square feet, whichever is smaller;**
4. **The ADU shall meet all minimum requirements for residential occupation per 105 CMR 410, including adequate water and sewage disposal;**
5. **The ADU shall not be used as a short-term rental unit;**
6. **No ADU shall be constructed without issuance of a building permit by the Building Commissioner;**
7. **No ADU shall be constructed without Board of Health review & approval to insure compliance with 105 CMR 410 and 310 CMR 15.00 and any associated necessary water (if a private well) or wastewater upgrade requirements under Title 5 including State nitrogen loading limitations;**
8. **No use of an ADU shall be permitted prior to issuance of a certificate of occupancy by the Building Commissioner. A certificate of occupancy shall be issued after the Building Commissioner determines that the ADU as constructed is in conformity with the provisions of this by-law.**

7.2.3 Additional Accessory Dwelling Units. There shall be no more than one (1) ADU per lot.

7.2.4 Exterior Appearance of an ADU.

1. **An ADU attached to the principal dwelling shall be designed so that the appearance of the structure remains that of a single-family dwelling, subject further to the following requirements:**
 - a. **For an upper floor accessory dwelling unit created within a principal dwelling unit, a secondary egress shall either be created within the envelope of the structure or be constructed on the exterior to the rear or side of the principal dwelling unit.;**
 - b. **Any new, additional entrance to an existing dwelling shall be located on the side or in the rear of the dwelling; and**
 - c. **Where there are two (2) or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one (1) appears to be the principal entrance and other entrances appear to be secondary.**

7.2.5 Dimensional Requirements for an ADU. Except as otherwise provided by State law or regulation:

1. **An ADU attached to the principal dwelling shall be subject to all applicable dimensional requirements as the primary residence per Section 4.0 of this Zoning By-Law.**
2. **An ADU detached from the principal dwelling shall be located behind the front line of the principal building on the lot.**
3. **An ADU detached from the principal dwelling shall be setback a minimum of 10-feet from the principal dwelling, 15-feet from the rear lot line and 10-feet from a side lot line.**

7.2.6 Parking Requirements for an ADU.

1. **There shall be a minimum of one (1) off-street parking space per ADU in addition to the parking spaces that are required by the underlying zoning district for the principal dwelling;**
2. **No additional parking spaces over and above that of the underlying zoning district shall be required if the ADU is located within 0.5 miles from a commuter rail station, subway station, ferry terminal, or bus station;**
3. **A single driveway shall serve both the principal dwelling and the ADU. An ADU may have a separate parking area. Lots that front on more than one road may have a second driveway on the other road.**

7.2.7 Use of an Existing Accessory Structure: The Board of Appeals may issue a Special Permit, as provided in Section 10.5 of this Zoning By-Law, for a detached ADU proposed within an existing structure, such as a detached garage, that does not meet the ADU requirements within this Section.

7.2.8 Severability. If any provision of this Section 7.2 Accessory Dwelling Units is found to be invalid by a court of competent jurisdiction, the remainder of Section 7.2 shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of this Zoning By-Law.

SECTION 11.0 DEFINITIONS

ACCESSORY DWELLING UNIT: 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: (i) 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; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as stated in this code, including, but not limited to, additional size restrictions and restrictions or prohibitions on short term rental unit, as defined in MGL Chapter 64G, Section 1; Therefore, the planning board or any other authority in the Town of Stoughton shall not unreasonably restrict the creation or rental of an accessory dwelling unit provided that is not offered as a short-term rental unit.

LOT COVERAGE: The portion of a lot, expressed as a percentage, that is occupied by buildings or structures, including accessory structures, and all impervious areas.

SHORT TERM RENTAL UNIT (STRU) means any rental of all or part of a dwelling unit rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L. Chapter, 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; or lodging establishments licensed under M.G.L. Chapter 140, Section 23.

TEMPORARY ADDITIONAL LIVING AREA: A preexisting nonconforming dwelling unit created in a single-family dwelling by special permit granted by the Zoning Board of Appeals and recorded at the Norfolk county registry of deeds prior to the adoption of *An Act Relative to the Affordable Homes Act* by the 193rd Massachusetts General Court on August 6, 2024.