

# ADU BYLAW AMENDMENT COMPARISON DOCUMENT

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## ARTICLE NUMBER – 9

ARTICLE NAME – Protected Use Accessory Dwelling Unit (ADU) Bylaw Amendment

AMOUNT – \$0.00

To see if the Town will vote to amend Section 2.4 “D” (Part 1), amend Section 4.3 “Uses Normally Accessory to Residential Principal Uses” (Part 2), and to replace in its entirety, Section 11.2.0 “Accessory Residential Uses in One-Family Dwelling: Accessory Apartments” with the following language (Part 3), or to act in any other manner in relation thereto.

**Part 1:** Amend Section 2.4 “D” by adding the following definition:

### Dwelling Unit, Accessory (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: (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 may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of M.G.L chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental. (See Section 11.2.2)

### Dwelling, Protected Use ADU

An attached or detached Accessory Dwelling Unit that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and no other Accessory Dwelling Unit is located on said Lot and which is protected from Prohibited Regulation and Unreasonable Regulations pursuant to M.G.L c. 40A, s. 3, para. 11 and 760 CMR 71.00.

**Part 2:** Amend Section 4.3 “Uses Normally Accessory to Residential Principal Uses”

### USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES

4.3.1		RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
	Dwelling Unit, Accessory (1-unit), Protected Use ADU	YES	NO	YES	YES	YES	YES	NO									
	Dwelling Units, Accessory (>1-unit)	SPNO	NO	YES	YES	YESNO	YESNO	NO									

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**Part 3:** Replace in its entirety, Section 11.2.0 “Accessory Residential Uses in One-Family Dwelling: Accessory Apartments” with the following language.

Section 11.2.0 Accessory Residential Uses in the One-Family Dwelling (RO) Zoning District

#### 11.2.1 Purpose

The provision of accessory residential uses is intended to:

- a. To increase the number of small dwelling units available for rent in town,
- b. To increase the range of housing choices,
- c. To encourage greater diversity of population with particular attention to young adults and senior citizens, and
- d. To encourage a more economic and energy efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

#### 11.2.2 Accessory Dwelling Unit (ADU)

An Accessory Dwelling Unit (ADU) is an alternative type of housing that allows Burlington to expand and diversify its housing supply options without requiring additional land development. The design and implementation of an ADU is expected to fit on an RO zoned lot with a the One-Family Dwelling.

##### 11.2.2.1 Massachusetts General Law (MGL)

- a. Protected ADUs are permitted As of Right.
- b. The Town has established Article 11.2 of these Zoning Bylaws to govern and to reasonably regulate the construction of Protected ADUs within districts that allow single -family zoning districts-homes.
- c. No Protected ADU unit may be utilized as Short-Term Rental. (See Section 4.3.1.2)

##### 11.2.2.2 Applicability and Requirements

- a. Only one (1) Protected Use ADU per lot may be created As-of-Right. A second (2<sup>nd</sup>) ADU is subject to Section 9.2 Special Permit and Section 9.3 Site Plan of this Bylaw. Three (3) or No more ADUs on a single lot are prohibited.
- b. ADUs shall meet all dimensional requirements as outlined in Section 5.2 with the following exception.

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- e.a. ~~Building height for detached ADUs than one ADU~~ shall be ~~no taller than the Principal Single Family Dwelling, with the exception of an ADU over a garage, or a maximum of twenty (20) feet, whichever is shorter~~ permitted on any lot.
- d. ~~The total combined Gross Floor Area of all ADU(s) on the Lot shall not exceed half (1/2) the Gross Floor Area of the Principal One Family Dwelling, or nine hundred (900) square feet, whichever is smaller.~~
- e. ~~The interior square footage of each ADU shall be no less than four hundred (400) square feet.~~
- f.b. ~~The~~ The Protected Use ADU and any modifications to the Principal Single Family Dwelling on the lot shall be designed so that the appearance of the Principal Dwelling remains that of a Single Family Dwelling. Any new entry to ~~an~~ a Protected Use ADU shall be located on the side or in the rear of the Principal Dwelling.
- g.c. Where two (2) or more entrances already exist on the front façade of a Principal Single Family Dwelling, modifications made to such entrances in order to accommodate ~~an~~ a Protected Use ADU shall result in one (1) entrance appearing to be the principal entrance and other entrances appearing to be secondary.
- h.d. All stairways to the primary entrance to ~~an~~ a Protected Use ADU located on a second or third story shall be enclosed within the exterior walls, unless otherwise required by applicable provisions of the State Building Code.
- i.e. All motor vehicles owned or maintained by occupants of ~~an~~ a Protected Use ADU, with the exception of properties within one-half (1/2) mile of a transit station as defined in 760 CMR 71.02, shall be ~~parked off the street in provided with~~ a designated off-street driveway area or garage. The location and appearance of such driveway area shall not adversely affect adjoining properties or the single-family character of the neighborhood in general.
- j.f. Both the Principal Single Family Dwelling and the Protected Use ADU shall be connected to the public water and sanitary sewer systems.
- k. ~~An ADU may not have more than two bedrooms.~~
- l. ~~Where there are two (2) ADUs on a lot, one (1) of the ADUs shall be deed restricted as affordable with a Regulatory Agreement approved by the Executive Office of Housing and Livable Communities such that the unit counts towards the Town's Subsidized Housing Inventory (SHI) as described in 760 CMR 56.00.~~
- m.g. ~~The~~ The Protected Use ADU and the Principal One-Family Dwelling shall remain on the same Lot and shall not be divided into two (2) separate lots.
- n.h. ~~No~~ No Protected Use ADU unit may be separately sold as a condominium, or otherwise.
- e.i. ~~Driveways should be designed in a way to reduce the amount of impervious surface.~~

#### 11.2.2.3 Siting Standards

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All Protected Use ADUs are subject to the following siting standards.

- a. A detached Protected Use ADU shall not be located between a roadway and the designated frontage of the Principal One-Family Dwelling.
- b. When ~~an~~ Protected Use ADU has a separate exterior entrance from the Principal One-Family Dwelling or is a separate Building, the ADU shall be accessible from a path or walkway.

Figure 1

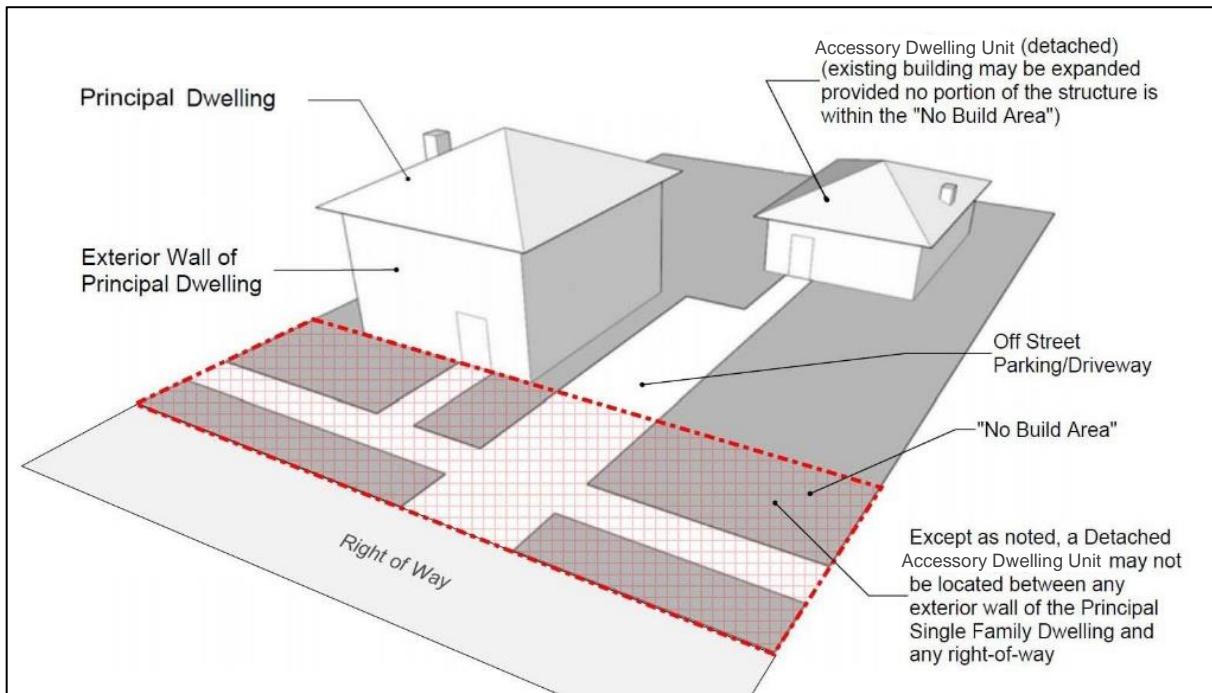


Figure 2

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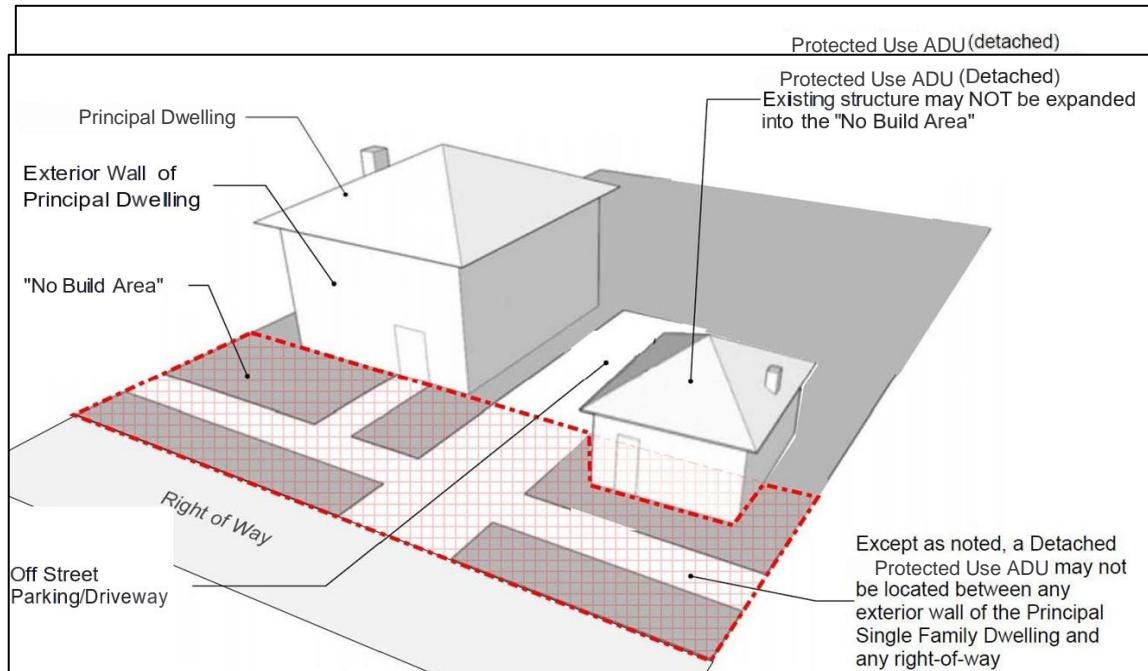
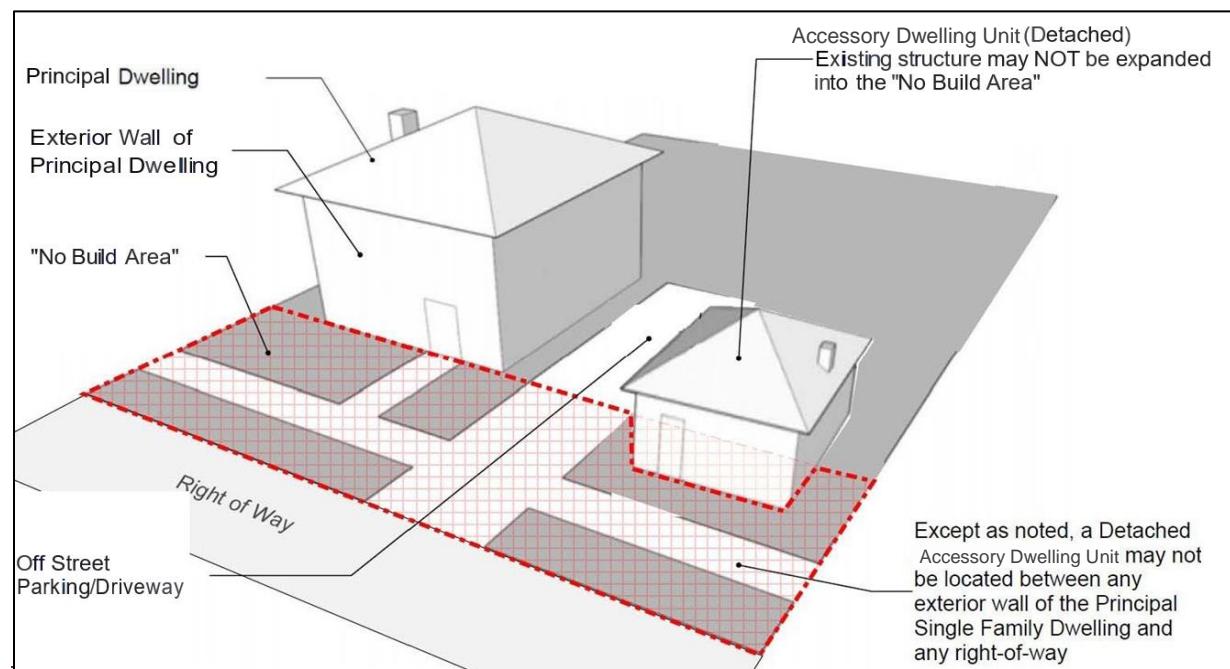


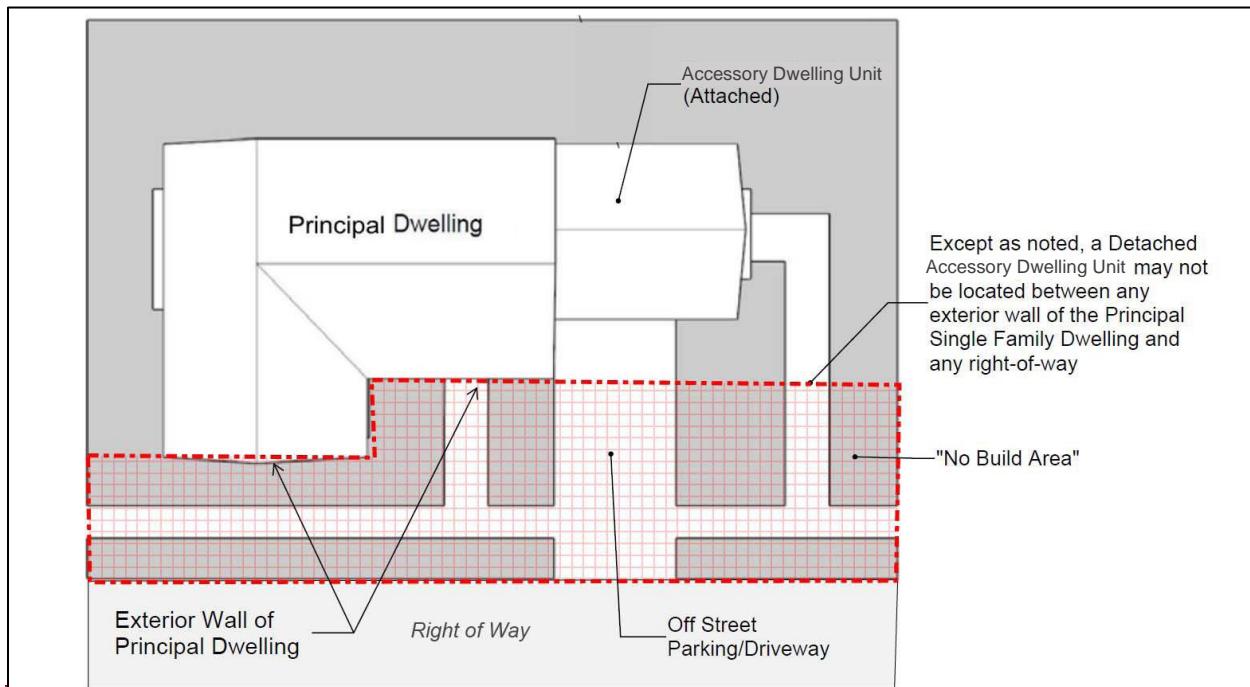
Figure 3



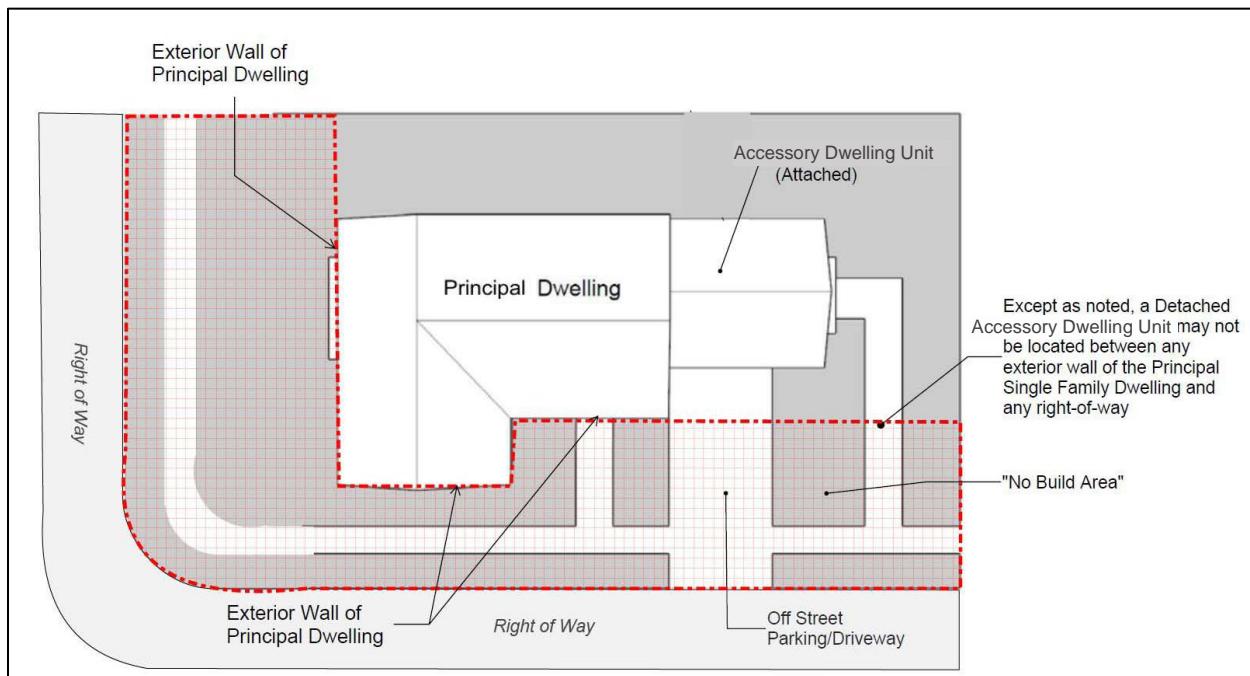
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*Figure*



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#### 11.2.2.4 Permitting Regulations and Permit Review Authority

- a. The Inspector of Buildings shall be the permit granting authority for ~~single As of Right Protected Use~~ ADUs. Such review shall be conducted concurrently as part of a Building Permit application.
- b. ~~The Planning Board shall be the Special Permit Granting Authority (SPGA) for the creation of two (2) or more ADU per Principal One Family Dwelling or Lot.~~
  - i. ~~Any Special Permit issued for an ADU shall be limited to the original applicant but may be transferred with ownership upon a determination of the Building Inspector that all requirements of the Zoning Bylaw applicable to an ADU are satisfied.~~

~~If the terms and/or conditions of any Special Permit for an ADU are not satisfied within one (1) year of its issuance, the Special Permit shall be null and void unless a request for extension is submitted by the Applicant.~~

or to act in any other manner in relation thereto.

Submitted by the Select Board  
Requested by the Planning Board