

Articles #28 and #29

Amend Zoning Bylaw:

#28: Accessory Dwelling Unit by Right

#29: ADU units by Special Permit

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What is an Accessory Dwelling Unit (ADU)?

- A **self-contained housing unit** (e.g. kitchen, sleep and sanitary facilities)
- On the **same lot as a Principal Dwelling**
- An **ADU maintains a separate entrance**, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling
- An ADU comes in **many shapes and styles**



Why is Southborough Amending its ADU Bylaw?

Southborough is amending its bylaw **to comply with state law**, update our terms, protect the Town's interests and provide clarity in the zoning code

On Aug. 6, 2024, Governor Healey signed the Affordable Homes Act into law (**Chapter 150 of the Acts of 2024**). Section 8 of the Affordable Homes Act amends the Zoning Act to allow Accessory Dwelling Units (ADUs) up to 900 square feet to be built by right in single-family zoning districts.



What Will Change in Our Town Zoning?

The zoning will be updated to reflect:

(Warrant #28): Amend to Include **ADU BY RIGHT** (No more than 900 sq. ft)

(Warrant #29): Amend to **streamline ADU BY Special Permit** (>900 sq ft ADU)- already exists within our zoning

The two warrant articles, if approved by town meeting, will ultimately **create one new bylaw § 174-13.9 that incorporates ADUs by right and by special permit**

Why Should You (The Voter) Care About ADUs?

- These warrant articles (28 & 29) will create a bylaw that **allows** residents without an accessory dwelling on their property **to build an ADU by-right (<900 sf) or by special permit (>900 sf)**
- This **bylaw and the abbreviated site plan process creates transparency, structure, and process for neighbors** of homeowners to ensure an ADU that is built to town standards and provides a public notification process

How are Articles #28 & #29 Different From Our Current Accessory Apartment Bylaw?

- The term **Accessory Apartment** will be changed to **Accessory Dwelling Unit** to match State Law
- **A Special Permit is not required for ADU's under 900 sf**
- ADU's over 900 sf will still be allowed by Special Permit through Planning Board – this process is addressed in Warrant Article 29 (§174-13.9 (G) will replace §174-9 (B) in its entirety)
- ZBA is not involved in ADUs at all going forward **all permitting through Planning Board**
- Added **prohibition on short term rentals (<31 days)**
- **Mobile homes are not an ADU**
- **Removed cap** on the percentage of number of ADUs that the town can have – currently 5%
- Only **1 ADU allowed** on a residential property

Q & A: What if Town Doesn't Pass #28?

- The **state law would become the by-right ADU bylaw** that the Town would enforce
- The existing language for accessory apartments would be retained in Town Code, and any ADU that does not meet state requirements would be managed as a special permit through the ZBA
- Warrant Article #29 would be indefinitely postponed

Q & A: Why is the Planning Board the Permitting Authority in this Bylaw?

- The ZBA and Planning Board co-developed this bylaw and are aligned on shifting responsibility to the Planning Board
- Moving to the Planning Board streamlines and simplifies the process to a one-stop process (versus 2 stop for special permit today)
- The abbreviated site plan in a public forum enables transparency and open conversation, and immediate feedback for applicants and their contractors

Q & A: What is an Abbreviated Site Plan?

All ADUs (by right or by special permit) are required to obtain Abbreviated Site Plan Approval from the Planning Board pursuant to the procedures in §174-10 of this Zoning Bylaw

This is a **discussion with the Planning Board** during a public meeting on:

1. Ensure the ADU meets zoning criteria including setbacks, heights, widths, etc
2. How will the ADU minimize tree, vegetation, and soil removal and grade changes?
3. If the ADU is in an architectural style generally compatible with the existing principal dwelling on the subject property.
4. To ensure that the ADU will have adequate water supply and sewer or septic service.
5. Understand how parking for the ADU maximizes convenience and safety for vehicular and pedestrian movement within the property and in relation to adjacent ways.

Q&A: Why Are Short Term Rentals Prohibited?

- A prohibition on using ADU's for short term rental (<31 days) is included in the bylaw **to maintain some local control** and not conflict with the purpose of the state law.
- **The state law was enacted to help increase the housing supply** and bring down the high cost of housing by developing smaller, more affordable, housing options.
- **Short term rental units are not housing units** and would not help achieve the goals of the state law.