

## MEMORANDUM

To	Members of the Planning and Permitting Committee Alicia Hunt, Director of Planning, Development & Sustainability Danielle Evans, Senior Planner Jonathan Silverstein, Blatman, Bobrowski, Haverty & Silverstein, LLC
From	Paula Ramos Martinez, Senior Urban Designer/Planner
Date	<del>March 18, 2024</del> . Revised May 21, 2025.
Project	23146 – Medford – Zoning
Subject	Accessory Dwelling Unit (ADU)
Cc:	Emily Keys Innes, AICP, LEED AP ND, President

This memorandum contains the draft text for the Accessory Dwelling Units. This document follows the MODEL ZONING FOR ACCESSORY DWELLING UNITS, Version 1 March 11, 2025 which was prepared by the Metropolitan Area Planning Council (MAPC) on behalf of the Executive Office of Housing and Livable Communities (EOHLC) and the Massachusetts Housing Partnership (MHP).

## Amend Section 94-12.0. Definitions

Modify the following existing definitions:

***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, ~~as further defined in M.G.L.A. c. 40A, § 1A.~~ **that 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 Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. General references to ADUs include both Protected Use ADUs and Local ADUs.**

~~***Short term rental:*** The rental of a residential unit for its intended purpose, in exchange for payment as residential accommodations for a duration of not more than 30 consecutive days. Such a rental may or may not be facilitated through the use of a booking agent.~~

***Short-Term Rental:*** An owner-occupied, tenant-occupied, or nonowner occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at

**least 1 room or unit is rented to an occupant or sub-occupant for a period of 31 consecutive days or less; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.**

Modify the following existing definitions in the current zoning:

*Historic Accessory Buildings:* An accessory building, such as a free-standing barn or carriage house, that is at least seventy-five (75) years old, and is located on the same lot or an adjacent lot in common ownership as the principal building to which it is accessory.

*Local ADUs:* An ADU that is not a Protected Use ADU but complies with rules specific to the City of Medford.

*Modular Dwelling Unit:* A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

*Protected Use ADU:* An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-unit Dwelling Residential Zoning District and is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

*Single-unit Dwelling Residential Zoning District:* Any zoning district where Single-unit Dwellings are a permitted or an allowable use, including any zoning district where Single-unit Dwellings are allowed as-of-right, or by Special Permit.

*Transit Station:* A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

- a. A Bus Station includes any location serving as a point of embarkation for any bus operated by a transit authority.
- b. A Subway Station includes any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.]
- c. A Commuter Rail Station includes any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

## Amend Sec. 94-8.2. Accessory Dwelling Units (ADU)

**94-8.2.1 Purpose.** The purpose of this Section is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as of-right in Single-unit Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Provide small additional dwelling units to rent without altering the appearance of the city;
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

### 94-8.2.2 Regulations.

#### 1. General Provisions for All ADUs

##### a. Code Compliance

- i. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
- ii. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-unit Residential Dwelling in the Single-unit Dwelling Residential Zoning District in which the Protected Use ADU is located.

##### b. Gross Floor Area.

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.

##### c. Design Standards.

Clear, measurable and objective provisions of zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU when those same design standards apply to the Principal Dwelling to which the ADU is an accessory.

##### d. Short-Term Rentals

Short-term rentals of ADUs are prohibited.

#### 2. Protected Use ADUs

The building commissioner shall approve a Building Permit authorizing the installation and use of a Protected Use ADU within, or on a Lot with, a Principal Dwelling in a Single-unit Dwelling Residential Zoning District (NR-1, NR-2 and NR-3), including within, or on a Lot with, a Preexisting Nonconforming Structure, if the following conditions are met:

a. Dimensional Standards

- i. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling, whichever is smaller. The CDB may grant a Special Permit for the reuse of a Historic Accessory Building in any residential district, allowing a larger Gross Floor Area than 900 square feet.
- ii. A Protected Use ADU on a Lot with a Single-unit Residential Dwelling shall not have more restrictive dimensional standards than those required for the Single-unit Residential Dwelling (Table B. Table of Dimensional Requirements), or accessory structure (Sec. 94-4.3. Dimensional requirements for accessory structures) within the same district, whichever results in more permissive regulation.
- iii. A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-unit Residential Dwelling shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Table B. Table of Dimensional Requirements), or Single-unit Residential Dwelling (Table B. Table of Dimensional Requirements), or accessory structure (Sec. 94-4.3. Dimensional requirements for accessory structures) within the same district, whichever results in more permissive regulation.

b. Off-Street Parking

One additional off-street parking space shall be required for Protected Use ADUs located outside the  $\frac{1}{2}$ -mile radius of any transit station. No off-street parking is required for Protected Use ADUs located within a  $\frac{1}{2}$ -mile radius of any Transit Station.

3. Local ADUs

The building commissioner shall approve a Building Permit authorizing the installation and use of a Local ADU within, or on a Lot with, a Single-unit Dwelling, a Two-unit Dwelling or a Three-unit Dwelling in a Residential Zoning District (UR-1 and UR-2), including within, or on a Lot with, a Preexisting Nonconforming Structure, if the following conditions are met:

a. Dimensional Standards

- i. A Local ADU shall not be larger than a Gross Floor Area of 900 square feet or  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling, whichever is smaller.
- ii. A Local ADU shall not have more restrictive dimensional standards than those required for the Principal Dwelling (Table B. Table of Dimensional Requirements), or Single-unit Residential Dwelling (Table B. Table of Dimensional Requirements), or accessory structure (Sec. 94-4.3. Dimensional requirements for accessory structures) within the same district, whichever results in more permissive regulation.

b. Off-Street Parking

- i. One additional off-street parking space shall be required for Local ADUs located outside the  $\frac{1}{2}$ -mile radius of any transit station. No off-

street parking is required for Local ADUs located within a ½-mile radius of any Transit Station.

- ii. If newly constructed, said parking space shall be permeable, incorporate visual screening, and have vehicular access to the driveway.

#### 4. Special Permit for Local ADUs.

The CDB shall approve a Special Permit authorizing the installation and use of a Local ADU within or on a Lot with a Single-unit Dwelling, a Two-unit Dwelling, or a Three-unit Dwelling in a Residential Zoning District (NR-1, NR-2, NR-3, UR-1, and UR-2) if the following conditions are met:

##### a. Dimensional Standards

- i. A Local ADU shall not be larger than a Gross Floor Area of 900 square feet.
- ii. A Local ADU shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Table B. Table of Dimensional Requirements), or Single-unit Residential Dwelling (Table B. Table of Dimensional Requirements), or accessory structure (Sec. 94-4.3. Dimensional requirements for accessory structures) within the same district, whichever results in more permissive regulation.

##### b. Off-Street Parking

- i. One additional off-street parking space shall be required for Local ADUs located outside the ½-mile radius of any transit station. No off-street parking is required for Local ADUs located within a ½-mile radius of any Transit Station.
- ii. If newly constructed, said parking space shall be permeable, incorporate visual screening, and have vehicular access to the driveway.

#### 5. Special Permit for Multiple ADUs on a Lot.

- a. More than one ADU on a Lot in a Residential Zoning District in which a Protected Use ADU or Local ADU is already located shall require a Special Permit from the CDB. The additional ADU shall be classified as a Local ADU.
- b. The lot shall comply with the minimum Pervious Surface Requirement and minimum Open Space Landscape Requirement (Table B. Table of Dimensional Requirements).
- c. No more than two ADUs may be established on any residential lot.

#### 6. Nonconformance

- a. A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-Existing Nonconforming Structure so long as the Protected Use ADU can be

developed in conformance with the Building Code, 760 CMR 71.00, and state law.

- b. Construction of a Protected Use ADU that will render the structure more nonconforming shall be permitted upon a finding by a majority vote of the Board of Appeals that the proposal will not be substantially more detrimental to the neighborhood.

#### **94-8.2.3 Administration and Enforcement.**

1. The building commissioner shall administer and enforce the provisions of this Section 94-8.2 Accessory Dwelling Units (ADU)
2. No building shall be changed in use or configuration without a Building Permit from the building commissioner.
3. No building shall be occupied until a certificate of occupancy is issued by the building commissioner where required.
4. The building commissioner shall apply the analysis articulated in the standards in 760 CMR 71.03(3)(a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the building commissioner finds to be unreasonable under the Dover analysis.
5. A plot plan of the existing dwelling unit and proposed accessory dwelling unit shall be submitted to the CDB or building commissioner, as the case may be, showing the location of the building on the lot, the proposed accessory dwelling unit, location of any septic system and required parking. A mortgage inspection survey shall be sufficient to meet this requirement.