

MEMORANDUM

To	<u>Members of the Planning and Permitting Committee</u> <u>Alicia Hunt, Director of Planning, Development & Sustainability</u> <u>Danielle Evans, Senior Planner</u> <u>Brenda Pike, Climate Planner</u>
From	Paula Ramos Martinez, Senior Urban Designer/Planner
Date	March 10, 2024
Project	23146 – Medford – Zoning
Subject	Accessory Dwelling Unit
Cc:	Emily Keys Innes, AICP, LEED AP ND, President Jimmy Rocha, GIS Analyst/Data Scientist Jonathan Silverstein, Blatman, Bobrowski, Haverty & Silverstein, LLC

Minimum requirements for Protected Use Accessory Dwelling Units:

760 CMR 71.00 Protected Use Accessory Dwelling Unit (ADU)
Municipalities shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the use of land or structures for a Protected Use ADU, including the rental thereof, in a Single-Family Residential Zoning District ; provided that Municipalities may reasonably regulate a Protected Use ADU, subject to the limitations under 760 CMR 71.03(2) to 760 CMR 71.03(5), inclusive.
Prohibited Regulation: <ol style="list-style-type: none">1. Owner-Occupancy Requirement.2. Minimum Parking Requirement.3. Use and Occupancy Restriction.4. Unit Caps and Density: ADUs shall not be counted in any density calculations.5. Relationship to Principal Dwelling: requirement to be attached or detached.

Dimensional Standards: Cannot be more restrictive than is required for the Principal Dwelling, or a Single-family Residential or accessory structure.
Historic Districts: Municipalities may establish Design Standards and Dimensional Standards for Protected Use ADUs located in an Historic District
Pre-existing Nonconforming Structures: A Municipality may not prohibit the development of a Protected Use ADU in an existing structure or Principal Dwelling, or Lot due to nonconformance, that could be used for, or converted into, a Protected Use ADU in conformance with the Building Code, 760 CMR 71.00, and state law.
Special Permits for Multiple ADUs on the Same Lot: if a Municipality chooses to allow additional ADUs on the same Lot as a Protected use ADU in a Single-family Residential Zoning District, Zoning shall require a Special Permit for the use of land or structures for the additional ADUs.

Municipality Decision:

1. Municipalities may allow Accessory Dwelling Units in any Residential District by Right or by Special Permit.
2. Municipalities can allow additional ADUs on the same lot by Special Permit.
3. **Short-term Rentals:** Municipalities may establish restrictions and prohibitions on the Short-term Rental of Protected Use ADUs pursuant to M.G.L. c. 64G.