



Town of North Attleborough, Massachusetts
TOWN COUNCIL

On Wednesday, October 15 at 7 PM, the North Attleboro Town Council will hold a public hearing on a proposed zoning amendment to create a new section titled Accessory Dwelling Units pursuant to the requirements of MG.L. c.40A, s.5. This new zoning bylaw is to comply with the new state law, the Affordable Homes Act of 2024. The proposed zoning amendment will allow one protected accessory dwelling unit with utilities that is no larger than 900 square feet or 1/2 the gross floor area of the principal dwelling, whichever is smaller, on any lot where a single-family dwelling is allowed by-right.

The complete text of the proposed amendment can be viewed on the Town's website on the calendar or planning board section.

NORTH ATTLEBOROUGH TOWN COUNCIL

Section [Insert Section Number]: Accessory Dwelling Units

A. Purpose

The purpose of this Section [Insert Section Number] 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-Family 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. Develop small-scale infill housing that fits in context of zoning districts that allow single-family housing while providing gentle/hidden density.
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.

B. Definitions

For purposes of this Section [Insert Section Number], the following definitions shall apply:

1. **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, 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.
2. **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.
3. **Dwelling Unit:** A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.
4. **Fee Simple:** The fullest form of property ownership, where the property is owned outright with complete rights to use, sell, or transfer it, subject only to laws and regulations.

5. **Gross Floor Area:** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. 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.
6. **Lot:** An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of zoning.
7. **Pre-Existing Nonconforming Structure:** A structure that does not conform to zoning.
8. **Principal Dwelling:** A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.
9. **Protected Use ADU:** An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than $\frac{1}{2}$ 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.
10. **Single-Family Residential Dwelling Unit:** A structure on a Lot containing not more than one Dwelling Unit.
11. **Single-Family Residential Zoning District:** Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as of right, or by Special Permit.

C. Regulations

1. **General Provisions for ADUs**
 - a. **Permitted ADU Type and Number:** Only one (1) ADU, which must qualify as a Protected Use ADU as defined in Section B.8 of this bylaw, shall be permitted per lot. An ADU shall remain accessory to the Principal Dwelling and shall not be in separate ownership from the Principal Dwelling. No other type or additional number of ADUs shall be permitted.
 - b. **Ownership Requirement for Detached Protected Use ADUs and Attached Protected Use ADUs that are Additions:** Applicants intending to construct either a detached Protected Use ADU or an attached Protected Use ADU that creates an addition to the principal dwelling must hold one hundred percent (100%) fee simple

interest in the lot. They must submit proof of this ownership, satisfactory to the Building Commissioner, with the permit application. Furthermore, these specific Protected Use ADUs (detached or new-addition) are prohibited in Environmentally Friendly Open Space Design (EFOSD), Adult Retirement Community (ARC), and Open Space Residential Developments.

- c. **Code Compliance:** 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-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.
 - d. **Short-Term Rentals Prohibited:** ADUs shall not be operated as Short-Term Rentals, as defined in M.G.L. c. 64G § 1, and must be rented for periods exceeding thirty-one (31) days.
 - e. **Architectural Compatibility:** The exterior design of the ADU, including but not limited to building materials, roof pitch, window style, and architectural trim is encouraged to be compatible with and reflect the existing architectural elements of the principal dwelling. This is intended to promote visual harmony with the surrounding neighborhood.
 - f. **Stairways and Access/Egress Visibility:** Any new exterior stairways, or alterations to existing structures for access and egress, serving the ADU shall be enclosed, screened, or strategically located to minimize their visibility from public ways.
 - g. **Location of Stairways for Upper-Floor ADUs:** All exterior stairways providing access to an ADU located above the first floor shall be situated on the rear or a side elevation of the dwelling, and shall not be located on any front-facing elevation.
2. **Protected Use ADUs.** The **Building Commissioner** shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:
- a. **Dimensional Standards:**
 - i. Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet [or specify a larger Gross Floor Area, if allowed by North Attleborough] or 1/2 the Gross Floor Area of the Principal Dwelling, whichever is smaller.
 - ii. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling (Section [X]: Dimensional Standards) or accessory structure (Section [X]: 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-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Section [X]: Dimensional Standards), or Single-Family Residential Dwelling (Section [X]: Dimensional Standards), or accessory structure (Section [X]: Accessory Structures) within the same district, whichever results in more permissive regulation.
 - iv. In the case of corner lots, ADUs must comply with applicable front yard setbacks for all street frontages as required for the principal dwelling in that zoning district.
 - b. **Off-Street Parking.** One (1) additional off-street parking space shall be required for Protected Use ADUs.
3. **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. A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the **Building Commissioner** in an as-of-right process, without requiring a Special Permit or other discretionary waiver.
4. **Specific Prohibitions and Waivers:**
- The following are prohibited unless a waiver is granted by the Zoning Board of Appeals after an application and public hearing:
- a. **Additional Curb Cuts:** The creation of any new curb cut to serve the ADU beyond what exists for the principal dwelling.
 - b. **ADU Location:** The placement of a detached or attached ADU in front of the established front building line of the principal residence.
 - c. **Separation of Detached ADU:** Locating a detached ADU less than ten (10) feet from the principal dwelling, measured from the nearest exterior wall or foundation of each structure.

D. Administration and Enforcement

- 1. The **Building Commissioner** shall administer and enforce the provisions of this Section [Insert Section Number].
- 2. **Application Requirements for ADUs:** A building permit application for an ADU shall include a site plan, prepared by a Massachusetts Licensed Land Surveyor. The site plan shall be at a sufficient scale and shall clearly depict the following:

- a. Property lines with dimensions and bearings.
 - b. Required setbacks for the zoning district.
 - c. Existing and proposed lot coverage calculations.
 - d. Existing and proposed building heights.
 - e. Location of any wetlands, floodplains, or other resource areas as defined by applicable federal, state, or local regulations, including any associated buffer zones.
 - f. Existing and proposed driveways and parking areas, including dimensions.
 - g. Location of all existing and proposed above-ground and below-ground utilities (e.g., water, sewer, gas, electric, drainage).
 - h. Location of existing and proposed septic systems and private wells, including separation distances as required by Title 5 and Board of Health regulations.
 - i. Names of adjacent streets.
 - j. North arrow and original plan date, with dates of any revisions.
 - k. Location, dimensions, and use of all existing and proposed buildings and structures on the property, clearly showing their distances to all property lines.
 - l. Location of buildings on abutting properties within fifty (50) feet of the subject property lines.
 - m. Names and mailing addresses of the owners of all abutting properties, and properties directly across any street, as per the most recent Assessor's records.
- 3. No building shall be changed in use or configuration without a Building Permit from the Building Commissioner.
 - 4. No building shall be occupied until a certificate of occupancy is issued by the Building Commissioner, where required.

ZONING

Note: Accessory Uses											
Accessory Use	R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
<u>1</u> Accessory Dwelling Unit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>2</u> Home occupation (see § 290-28)	S	S	S	S	S	—	—	—	—	—	—
<u>3</u> Private day nursery or kindergarten, provided it shall not occupy more than 30% of the gross floor area of the structure	P	P	P	P	P	—	—	—	P	—	—
<u>4</u> Accessory professional office of a licensed medical or dental practitioner in an existing dwelling	S	S	—	—	—	S	S	S	—	—	—
<u>5</u> Accessory building, such as a garage, playhouse, greenhouse, toolshed, private swimming pool, carport, or similar accessory structure	P	P	P	P	P	P	P	P	P	P	P
<u>5a</u> Private stables (max. 3 stalls)	—	—	S	S	P	—	—	—	—	—	—
<u>6</u> Accessory private garage for noncommercial motor vehicles	P	P	P	P	P	P	P	P	P	P	P
<u>7</u> Accessory community garage of off-street parking area for three or more noncommercial motor vehicles	—	—	—	—	—	P	P	P	P	P	P
<u>8</u> Accessory driveway											
a. Serving residential uses	P	P	P	P	P	P	P	P	P	P	P
b. Serving commercial or industrial uses	S	S	—	—	—	P	P	P	P	P	P