

SIMPLE MAJORITY VOTE

ARTICLE X: To see if the Town will vote to adopt the following amendments and additions to the **Town of Leyden Zoning Bylaws: SECTION 3. DEFINITIONS, and SECTION 4. USE REGULATIONS,** and add the following new **SECTION 5.13 Accessory Dwelling Units (ADU's),** or take any action relating thereto: *[Note: items in italics are included for information purposes only and will not be included in the revised zoning bylaw.]* **This Article requires a simple majority vote.**

Revise Sections 3, Definitions

[Add the following in appropriate alphabetical order in Section 3. Definitions]

Protected 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:

- a) 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;
- b) is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 1200* square feet, whichever is smaller; and
- c) is subject to such additional restrictions imposed within these bylaws.

*[*Note: we are intentionally being more permissive than the State regulations.]*

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. (760 CMR 71.02)

Gross Floor Area (GFA): The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including 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, basements, 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.

[Note: we are deliberately excluding basements from the GFA]

~~**Delete: Lot** – A continuous parcel of land in single ownership with legally definable boundaries~~

SIMPLE MAJORITY VOTE

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. [760 CMR 71.02]

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.

Protected Use ADU. An attached or detached ADU that is located, or is proposed to be located, on a Lot in any zoning district that allows a Single-Family Residential Dwelling and is protected by M.G.L.c.40A, S. 3, 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-Family Residential Dwelling. A structure on a Lot containing not more than one Dwelling Unit.

Revise **Section 4.1.A.1** to read as follows:

A. The following uses are permitted:

1. detached single- and two-family dwellings, not including temporary housing;

[BYLAW current language reads as follows:]

A. The following uses are permitted:

- 1. detached ~~one~~ single-family dwellings, and two-family dwellings, not including temporary housing; ~~or mobile structures, provided that no lot shall contain more than one dwelling;~~*

Add to **Section 4.1.A.4 Permitted Uses**, new paragraph g:

4. any use customarily accessory to and clearly incidental to a permitted use on the lot, including, but not limited to:
 - g. Protected Accessory Dwelling Units, see **Section 5.13.**

Add to **Section 4.2 Uses requiring a Special Permit**, revising A.2 and adding a new paragraph A.5:

SIMPLE MAJORITY VOTE

A.2 Multi-Family Dwellings (three to four dwelling units)

[Current bylaw: A. 2 Two-Family (two dwelling units) and Multi-Family Dwellings (three to four dwelling units)]

A.5 Additional ADU's on a lot where one (1) Protected ADU already exists up to a maximum of 4 dwelling units per lot.

Add the following new section to the Leyden Zoning Bylaw:

SECTION 5.13 Accessory Dwelling Units (ADU's)

A. APPLICABILITY

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-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.

B. PURPOSE

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 the 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.

C. CONDITIONS AND REQUIREMENTS

- 1) An attached or detached ADU will be designed and built to meet the requirements of all applicable Building and Health Codes.
- 2) An ADU may be located in an existing structure or an existing accessory structure, such as a garage or barn, or as a new accessory dwelling unit located on the same lot as the Principal Dwelling.
- 3) A building permit for an accessory dwelling unit may only be approved subject to obtaining any required approvals from the Board of Health, including compliance with the State Sanitary Code 310 CMR 15 ("Title 5").

SIMPLE MAJORITY VOTE

- 4) The ADU must meet all front, side, and rear yard setbacks that apply to single-family dwelling units.
- 5) The ADU must have a minimum of one (1) off-street parking space provided in addition to the off-street parking spaces required for the single-family dwelling. If in the future, there is a transit station established in Leyden, no-off-street parking will be required for Protected Use ADUs located within a ½ mile radius of the Transit Station.
- 6) Only one dwelling unit on an owner occupied lot with a Protected ADU, may be utilized as a STVR.

D. ADDITIONAL ADU SITE PLAN REVIEW

- 1) An application for building permit or Special Permit for an Additional ADU shall include any information necessary to show compliance with the conditions of this section, including a plot plan identifying structures, driveways, parking areas and lot setbacks.
- 2) The Planning Board will review the plot plan for its compliance with the Leyden Curb Cut Town Bylaw, adopted 6/03/24, and Section 5.7.
- 3) No more than one curb cut or driveway access shall be permitted for the lot, unless the Planning Board determines that a second driveway will improve public safety and not detract from the rural character of the road during the site plan review
- 4) Driveways for a detached ADU must comply with Section 5.7.
- 5) The Leyden Planning Board will conduct an ADU site plan review during a regular open meeting; a public hearing, publication of a legal notice and notice of abutters is not required for an ADU Site Plan Review.