

## **Littleton Proposed Bylaw**

### **Definitions** (will be in definitions section, not ADU section)

*we will need to define those terms not already defined in the Littleton Zoning Bylaw and update the Town's definition of Accessory Dwelling Unit.*

**Accessory Dwelling Unit:** 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 Building Code for safe egress;

(b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and

(c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in M.G.L. c. 64G, § 1; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

**Protected Use Accessory Dwelling Unit:** An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 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.

## **Regulations**

### **1) Statement of Purpose:**

- a) The purpose of this section is to encourage the production of accessory dwelling units throughout the town of Littleton with the goal of addressing housing needs for households of all income levels and at all stages of life.
- b) The provision of accessory dwelling units is intended to:
  - i) Increase the number of small rental dwelling units in Littleton;
  - ii) Increase the number of affordable rental units in Littleton;
  - iii) Diversify the range of housing types available in Littleton;

- iv) Increase housing production while preserving the character of Littleton's neighborhoods and protecting property values.

## **2) 1. General Provisions for All ADUs**

- a) An ADU shall be a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling
- b) Code Compliance
  - i) ADUs shall maintain 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 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.
  - iii) The Board of Health must determine that sewage disposal will be satisfactorily provided for, for all ADUs, including provision for an appropriate reserve area on site.

## **3) 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 the following zoning Districts: Residence R; Village Common VC; and Business B, 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 1200 square feet or ½ 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
- b) Off-Street Parking. One additional off-street parking space shall be required for Protected Use ADUs located outside the ½-mile radius of the Foster Street MBTA Commuter Rail Station. No off-street parking is required for Protected Use ADUs located within a ½-mile radius of the Foster Street MBTA Commuter Rail Station. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to driveway;
- c) There shall be no more than one Protected Use Accessory Dwelling Unit per lot.
- d) Appearance. The Accessory Dependent Dwelling Unit shall be designed to maintain the appearance of a principal dwelling, subject to the following requirements.
  - i) Where two or more entrances exist on the front facade of the single-family dwelling, one entrance shall appear to be the principal entrance, and other entrances shall appear to be secondary;
  - ii) All stairways to an Accessory Apartment above the first floor shall be enclosed within the exterior walls of the primary dwelling or on the rear of the dwelling if constructed on an outer wall;
  - iii) Where the driveway is located within 15 feet of the side lot line, at least four feet of the driveway side yard measured from the side lot line, shall be a buffer zone landscaped with non-invasive plantings;
- e) Condominium Creation. No owner of a Protected Use ADU shall directly or indirectly sell, offer for sale, or agree to sell either housing unit therein to a separate owner.

#### **4) 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.

**5) Pre-existing ADUs**

- a) An Accessory Dependent Dwelling Unit, Accessory Apartment or Detached Accessory apartment created before February 2<sup>nd</sup> of 2025 no longer requires owner occupancy of either unit.
- b) Any pre-existing unit that meets the requirements of a Protected Use ADU is considered a Protected Use ADU. The requirements of a Protected Use ADU are outlined in the definitions for “Accessory Dwelling Unit” and “Protected Use Accessory Dwelling Unit” in section 173-2 of the code.

**6) Administration and Enforcement**

- a) No building shall be occupied until a certificate of occupancy is issued by the Building Commissioner, where required.
- b) The Building Commissioner shall apply the Dover analysis as 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.