

# TOWN OF LANCASTER

## OFFICE OF THE TOWN CLERK

Amanda J. Cannon  
Town Clerk



TO WHOM IT MAY CONCERN:

The following is a True Copy of the amended Zoning Bylaw Section 220-9.1 Accessory Dwelling Units:

### § 220-9.1 Accessory Dwelling Units

#### A. Intent

The intent of §220-9.1 is to allow for Accessory Dwelling Units (ADUs), as defined under 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 (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 9.1, the following definitions shall apply:

**ACCESSORY APARTMENT** – A preexisting second dwelling unit approved by the Lancaster Board of Appeals as provided at §220-9G, prior to February 4, 2025.

**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 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. Where ADU appears in this bylaw without reference to the type of ADU, it shall be read to include both Protected Use ADUs and Local ADUs.

**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.

EOHLC - The Executive Office of Housing and Livable Communities.

**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 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.

**LOCAL ADU** - An ADU that is not a Protected Use ADU but includes rules specific to Lancaster's Zoning Bylaw.

**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.

**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.

**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 or Local ADU.

**PROTECTED USE ADU** - An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a 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.

**RESIDENTIAL DWELLING UNIT** - A structure on a Lot containing not more than one single-family, two-family, or multi-family Dwelling Units.

**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.

**TRANSIT STATION** - The Montachusett Regional Transit Authority (MART) Bus Station currently located on Old Turnpike Road in Lancaster. Transit station shall also include any additional location designated by MART after the effective date of this Section 9.1.

### **C. General Provisions for All ADUs**

1. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
2. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Residential Zoning District in which the ADU is located.
3. ADUs may not be operated as Short-Term Rentals (rented to a party for fewer than 31 consecutive days), and are subject to any bylaw restrictions or prohibitions adopted by Lancaster pursuant to G.L. c. 64G, § 14.

#### **D. Protected Use ADU**

1. The Building Commissioner shall approve a Building Permit authorizing one (1) Protected Use ADU installation and use within or on a Lot with a Principal Dwelling in the 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. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or one half (½) the Gross Floor Area of the Principal Dwelling, whichever is less.
    - ii. Protected Use ADU on a Lot with a Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for a Residential Dwelling or accessory structure (§220-11 Yard Dimensions) within the same district.
  - b. Off-Street Parking. One private off-street parking space shall be required for use by occupants of each Protected Use ADU outside of 0.5-mile radius of a Transit Station. No off-street parking is required for Protected Use ADUs located within a ½-mile radius of the MART Transit Station.
2. An Accessory Apartment will be considered a Protected Use ADU if it meets the dimensional and parking requirements in Section D(1)(a) and Section D(1)(b) of this Article. Otherwise, it will be considered a Local Use ADU.

#### **E. Local ADU; Special Permit**

The Planning Board shall approve a Special Permit authorizing a Local ADU installation and use within or on a Lot with a Principal Residential Dwelling Unit in the Residential Zoning District if the following conditions are met:

1. No more than one (1) Local ADU shall be permitted on any lot in the Residential Zoning District.
2. A Local ADU that is attached to or internal to the Principal Dwelling shall not be larger than a Gross Floor Area of 1,500 square feet or one half (½) the Gross Floor Area of the principal dwelling, whichever is less; provided, however, that detached Local ADUs shall not have a Gross Floor Area larger than 900 square feet.
3. Local ADUs shall comply with the dimensional standards for both the structure and the Lot in accordance with ARTICLE IV §220-11 Dimensional Standards.
4. One (1) additional off-street parking space shall be required for all Local ADUs.

#### **F. Nonconformance.**

A Protected Use ADU is permitted within, or on a Lot with, a lawfully 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. A Protected Use ADU shall be exempt from the required findings under MGL c. 40A §6.

#### **G. Administration and Enforcement**

1. The Building Commissioner shall administer and enforce the provisions of this Section 9.1 and the Planning Board shall be the special permit granting authority under Sections 9.1.E.
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.

Respectfully submitted,

Amanda Cannon  
Town Clerk

A True Copy Attest