

# Belmont ADU By-Law

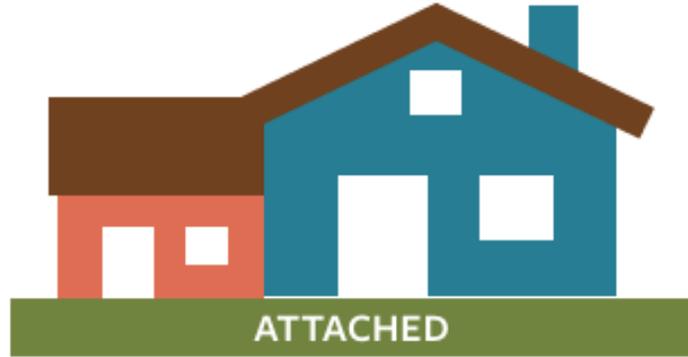
League of Women Voters Warrant Briefing  
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# What is an ADU and Why This Law?

- An Accessory Dwelling Unit (ADU) is a small residential living space located on the same lot as a another home. ADUs can be internal within an existing primary residence, like converting a basement into an apartment, attached to a primary residence as a new construction addition, or completely detached, like a cottage or converted detached garage in a backyard.
- Massachusetts passed the Affordable Homes Act in 2024 to, among other things, allow ADUs to be built by-right in single-family zoning districts. It is intended to help address rising housing costs and the housing availability crisis.





▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

# Meeting the Law

- Above all, towns simply must ensure that ADUs can be established based on the requirements of the law.
- This DOES NOT mean that all towns must pass an ADU By-Law.
- However, it may be prudent to do so to avoid administrative overload and ensuring that local zoning does not conflict with the state.
- It also can provide some additional protections permissible under the state law (e.g., restricting short-term rentals).
- The state published final regulations in late January and the Town worked with Town Counsel to calibrate our By-Law to meet its requirements.

# Basics of the Law

- ADUs must maintain a separate entrance
- Be either no larger than half the gross floor area of the principal dwelling or 900 square feet, whichever is smaller
- Meet reasonable town restrictions, such as:
  - Setback, height and bulk restrictions (that do not conflict with the law)
  - Impose site plan review in appropriate cases
- Avoid prohibitions:
  - Cannot require-owner-occupancy of either principal dwelling or ADU
  - Cannot impose discretionary review or standards
  - Cannot require more than 1 parking space outside of transit zone or require any spaces within

# What is Belmont Trying to Accomplish?

- Develop a By-Law that is fully compliant to avoid legal jeopardy
- To insure that our Zoning By-Law does not conflict with the state law (e.g., special permits and nonconformities)
- Create reasonable opportunities for ADU development
- Includes definitions, standards, and process that are workable and understandable
- Provides reasonable protections for the Town based on the provisions of the law (e.g., short-term rental prohibition)

# How does Belmont's By-Law differ from the State Requirements?

- Primary difference is providing a minor increase in Lot Coverage (LC) and a minor decrease in Minimum Open Space (OS) for each residential district except AH.
- **Definitions:** Most align with state law, some retain Town's existing definitions, and some state definitions not included (considered unnecessary).
- **Other Provisions:** Belmont's ADU By-Law is expected to be fully compliant with state law.

# Single-Family Zoning

- The state requires cities and towns to ensure that the rules apply to all zoning districts that allow single-family zoning.
- This includes Belmont's General Residential or GR zoning districts which also allows two-family homes.
- Lots in GR with two-family homes, according to the law, will also be allowed to establish a Protected Use ADU on their lot.
- Lots in any district that allows single-family homes, including Local Business (LB) must allow a Protected Use ADU.

**Bottom line, while it may sound confusing, the state requires ADUs by-right in all single-family zoning DISTRICTS (zoning districts that allow single-family homes) but they may be established ON ANY LOT that has a residential use in those districts—single-family or otherwise.**

# Non-Conforming Lots

- Very clearly established in the law is the provision, *“A Municipality may not prohibit the development of a Protected Use ADU in an existing structure or Principal Dwelling, or Lot due to nonconformance...”* This is also reinforced in the definitions of “Principal Dwelling” and “Protected Use ADU”.
- Therefore, if a lot is non-conforming related to lot size, it still must be allowed to establish a protected use ADU.
- Belmont’s By-Law clearly notes this but does not allow additional non-conformity beyond the additional lot coverage or open space provided for in the proposed dimensional regulations.

# Setbacks and Other Dimensions

- Professional opinions appear to conclude that standards for dimensional requirements for ADUs such as setbacks must be set to the most permissive level in the By-Law.
- This means that if you have an accessory structure setback set at 5', you could not set a greater setback for ADUs in accessory structures.
- Required setbacks for the Principal Dwelling will be used for building additions establishing a Protected Use ADU.

# ADU Dimensional Standards

- Belmont developed a system for additional maximum lot coverage and lower minimum open space to facilitate ADUs.
- This moderately increases lot coverage beyond the current maximum in the By-Laws. These modifications are only available for developing an ADU that adds to lot coverage.
- In our amendment, existing lots that are non-conforming regarding lot size, will not have that non-conformity applied for ADUs, but such lots would be subject to Design and Site Plan Review (DSPR).

# ADU Dimensional Standards

- Existing lots that are non-conforming as to lot coverage or open space may increase that non-conformity up to the revised maximums.
- However, if they seek to exceed that number, they would be required to seek a Special Permit from the Planning Board.
- Open Space for each district has been reduced a corresponding amount of the increase in maximum lot area.
- Except that additional open space reduction was permitted for lots outside of the transit area to accommodate additional parking space.

# Dimensional Analysis

Zoning District	Lot Area	Lot Coverage (Base)	Additional Lot Coverage	Maximum Lot Coverage (ADUs)
SR-A	25,000	20%	5%	25%
SR-B	12,000	25%	5%	30%
SR-C	9,000	25%	5%	30%
SR-D	25,000	20%	5%	25%
GR	5,000	30%	5%	35%

Table 6.14.5(d) – New ADU Dimensional Requirements

<u>(1) Lot Type and Zoning District</u>	<u>(2) Max Lot Coverage*</u>	<u>(3) Min. Open Space*</u>
<u>Transit-Adjacent Lot in Single Residence A</u>	<u>25%</u>	<u>45%</u>
<u>Other Lot in Single Residence A</u>	<u>25%</u>	<u>43%</u>
<u>Transit-Adjacent Lot in Single Residence B</u>	<u>30%</u>	<u>45%</u>
<u>Other Lot in Single Residence B</u>	<u>30%</u>	<u>43%</u>
<u>Any Lot in Single Residence C</u>	<u>30%</u>	<u>45%</u>
<u>Transit-Adjacent Lot in Single Residence D</u>	<u>25%</u>	<u>45%</u>
<u>Other Lot in Single Residence B</u>	<u>25%</u>	<u>43%</u>
<u>Any Lot in General Residence</u>	<u>35%</u>	<u>35%</u>

\* Maximum Lot Coverage includes the coverage requirement under Section 4.2.1 plus a fixed additional percentage, as applicable and as provided in column 2 above. Correspondingly, Minimum Open Space has been reduced by the proportional amount of land area allowed as additional Maximum Lot Coverage with an additional reduction if outside of the TA. Note that these dimensions are only applicable for the establishment of an ADU as a (or part of) a new accessory Building or a new Building addition.

# Project Approvals

- The following five (5) Situations will require Design and Site Plan Review (DSPR):
  - Proposed ADU of greater height than principal dwelling
  - Accessory building used for ADU of more than one (1) story
  - Increases in Lot Coverage and/or reductions in Open Space beyond §4.2.1
  - Where DSPR is required as per §1.5.4
  - Existing non-conforming building used for ADU
- All other applications for an ADU which are compliant with this Section 6.14 will be reviewed and approved administratively.

# Impacts on Belmont

- Due to the cost of developing an ADU, it is not anticipated that a significant number of ADUs will be built over the next few years.
- Estimated number of units possible and expected to be built annually are summarized below along with assumptions:
  - Single-Family Parcels = 4,454 (2,705 estimated to be qualifying)
  - Two-Family Parcels = 1,477 (422 estimated to be qualifying)
  - Lot Coverage = 35% Maximum
  - Setbacks (Moderate) = Front (25'), Back (7.5'), Side (10')
  - No Lot Size Minimums Assumed
  - Percent Qualifying Lots Building an ADU Annually = 1.0%
  - Estimated New ADUs Annually = 27

# Impacts on Belmont

- Estimated Tax Revenue Annually = up to \$81,000 or \$3,000/unit (cumulative as new units added each year)
- Estimated Permit Fee Revenue Annually = up to \$162,000 or \$6,000/unit
- Estimated School Budget Impact = \$6,750 (cumulative as new students added each year)

Source: TheBuilder.AI <https://app.thebuilder.ai/muni/ma/belmont>

# Impacts on Belmont

- The three (3) areas of potential impact that some are concerned about include:
  - **Traffic** – ADUs are very small, in most cases habitat for a single individual. Even if as many as 100 are built over the next 5 years, at most, that will be 100 additional cars added to the town inventory. Many units are for seniors or those with physical or intellectual challenges and few of these will involve auto ownership.
  - **Parking** – As noted above, units are small and auto ownership is not prominent. Few parking issues are foreseen.
  - **Stormwater** – Some additional lot coverage will be resultant from the development of ADUs that involve building expansion, new accessory buildings, or parking. All new development for ADUs must comply with the Town's Stormwater Bylaw.
- Meaningful impacts to schools is highly unlikely.

# Next Steps

- Note that this slide deck is subject to change and will include new information when updated.
- OPB staff and Town Counsel will be reviewing questions and comments received and determining if any action is required.
- OPB staff will update the FAQ when new information is received.
- Please visit the project website for additional information:

<https://www.belmont-ma.gov/2029/Accessory-Dwelling-Units-By-Law>

Questions?

