

ARTICLE 1: 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:

This Article requires a simple majority vote. [Note: items in italics are included for information purposes only and will not be included in the revised zoning bylaw]

1. Amend Section 3, Definitions by inserting the following **bold text** in appropriate alphabetical order in Section 3. Definitions, and delete the ~~strikethrough text~~, as follows:

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) **ADUs may be detached, attached, or internal to the Principal Dwelling;**
- c) **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**
- d) **is subject to such additional restrictions imposed within these bylaws.**

~~Dwelling Unit - Living quarters for a single family plus not more than four (4) boarders or lodgers, with cooking (stove plus either or both a refrigerator and sink), living, sanitary and sleeping facilities independent of any other unit; or quarters for not more than four (4) persons in a lodging house or dormitory.~~

2. Amend Section 4.1 Permitted Uses by inserting the text in **bold typeface** and deleting the ~~strikethrough text~~ to read as follows (while paragraph's 2, 3, and 4a thru 4f remain unchanged):

4.1 Permitted Uses

A. The following uses are permitted:

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

4g. Protected Use Accessory Dwelling Units, see Section 5.13

3. Amend Section 4.2. A. 2. Uses requiring a Special Permit by deleting the ~~strikethrough~~ text as follows:

- A. The following uses require a Special Permit according to the requirements of Section 8 Special Permits:
1. All non-residential or non-agricultural uses other than those specifically permitted according to Section 4.1 Permitted Uses or prohibited according to Section 4.3 Prohibited Uses.
 2. ~~Two-Family (two dwelling units) and Multi-Family Dwellings (three to four dwelling units).~~
 3. Large scale ground-mounted solar photovoltaic installations up to 5 acres, with site plan review and special permit.

4. Add the following new section in **bold typeface** 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").**
- 4) The ADU must meet all front, side, and rear yard setbacks that apply to single-family dwelling units.**
- 5) A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling whichever is smaller.**
- 6) 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.**
- 7) Only one dwelling unit on an owner-occupied lot with an ADU, may be utilized as a Short Term Rental.**
- 8) Protected Use ADUs are allowed within or on existing non-conforming lots, or lots with an existing nonconforming principal dwelling, so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00 and state law.**

D. ADU SITE PLAN REVIEW

- 1) An application for building permit for an 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 of these Zoning Bylaws.**
- 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.**
- 4) For ADU's allowed by right, the Planning Board will conduct a site plan review during a regular open meeting, a public hearing is not required.**