



Albert LaValley, Chair
Edward Moynihan, Vice Chair
Conor McCormack
Brandon King
Adrian Angus

November 16, 2023

ZONING ORDINANCE AMENDMENT
Accessory Dwelling Units
ZA-2023-009

Received
Worcester City Clerk
2023 NOV 17 AM 11:42

TO CITY COUNCIL:

The Planning Board was referred a petition from the City Manager, dated September 12, 2023, seeking to amend the City of Worcester Zoning Ordinance to create provisions for Accessory Dwelling Units (ADUs). The proposed amendment would allow Accessory Dwelling Units to be permitted by right, with certain dimensional controls, as an accessory use to all single-, two- and three-family uses in all Zoning Districts except Manufacturing and Airport Districts.

Having considered the petition at a hybrid public hearing on November 15, 2023, the Planning Board voted unanimously (5-0) to **strongly endorse and favorably recommend** the proposed zoning ordinance amendment with the following suggested changes:

- a) Allow ADUs in all zoning districts where residential uses exist today.
- b) Eliminate the 50% of the gross floor area size dimensional limitation in favor of a 900 SF limit.
- c) Remove all owner occupancy requirements from the proposed use regulations.

In considering this recommendation, the board discussed the following rationale, consistent with the findings and draft recommendations of the Worcester Now | Next planning process:

1. Worcester has a housing crisis with a well-documented need for additional housing - above and beyond what is currently in the pipeline for production. Worcester also has a need to provide a variety of diverse housing types in order to meet the needs of all its community members.
2. City departments are understaffed and do not have adequate resources to equitably enforce existing ordinances and codes; adding new enforcement burdens (e.g., requirements related to occupancy or familial relationships) is not practical. Adding requirements for special permits – even if only in certain zones – would further increase the development review volume.
3. An ADU policy is strongly felt to be a step in the right direction, but it is only a step. Data from other municipalities with ADU ordinances indicate that housing production from ADU policies, while impactful for the families and property owners that utilize it, is relatively low. There are many barriers to financing and constructing an ADU, which are further exacerbated by interest rates and high construction costs. Adding additional barriers around parking, owner occupancy, familial relationships, or requiring a special permit (even only in certain zoning districts) will further reduce the effectiveness of this ordinance and put it at conflict with the equitable vision the community has for Worcester’s future. The proposed dimensional controls, related to size and siting, will appropriately guide ADUs in our neighborhoods.

Respectfully submitted for the Planning Board,

DocuSigned by:
 11/16/2023
5C1463FABC154BC

Albert LaValley, Chair

Signed on behalf of the Worcester Planning Board

List of Exhibits

- Exhibit A: Petition from the City Manager, to City Council, dated September 12, 2023.
- Exhibit B: E-mail from Bryan Milward, received November 3, 2023.
- Exhibit C: Letter from Councilor George Russell, received November 15, 2023.

Exhibit A



Eric D. Batista
City Manager

CITY OF WORCESTER

cm2023sep06035405
September 12, 2023

Attachment for Item # 11.4 A

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

I respectfully submit the enclosed Zoning Ordinance Amendment proposal from the Executive Office of Economic Development (EOED) regarding Accessory Dwelling Units (ADUs), as received from Peter Dunn, Chief Development Officer, for the consideration of your Honorable Body.

As we communicated in our May transmittal to the City Council outlining our Housing Strategy, one of the key pillars in addressing the housing crisis are public policy solutions. Amending the City's zoning ordinance to encourage and allow for (ADUs) is one more tool to increase housing production and diversity of housing choices. Not surprisingly, this initiative is also one of the short-term priority recommendations coming forward in the Worcester Now | Next Citywide Long-Range Plan.

We look forward to the public hearings on this proposed Zoning Ordinance Amendment and the opportunities that will be created from this initiative.

Respectfully Submitted,

Eric D. Batista
City Manager



TO: Eric D. Batista, City Manager

FROM: Peter Dunn, Chief Development Officer

DATE: September 12, 2023

RE: Recommend Approval of a Zoning Ordinance Amendment Relative to Accessory Dwelling Units

The Executive Office of Economic Development (EOED) respectfully recommends approval of the attached Zoning Ordinance Amendment relative to Accessory Dwelling Units. The amendment proposes to add a new subsection to the existing Article IV, Section 8 regarding Accessory Uses.

Background and Approach to the Zoning Amendment Details:

States, counties, and municipalities across the country, particularly those grappling with the housing crisis, have increasingly been adjusting zoning laws and ordinances to encourage and allow for more ADU opportunities to expand housing choices to meet the diverse needs of their residents. The parameters and restrictions within local zoning regulations have resulted in varied outcomes and effectiveness. In some cases, communities have adopted such stringent regulations that they have essentially rendered their ADU zoning useless.

One of the short-term recommendations from the work-in-progress draft of the **Worcester Now | Next Citywide Long-Range Plan** calls for a more flexible zoning environment to facilitate the creation of diverse housing types - including the explicit provision of ADUs. ADUs are an important tool to help address both housing production needs for our growing city and affordability concerns – both of which were a top theme from community input received as part of the planning process. ADUs can also create opportunities for intergenerational living and help allow community members to age in place. Without flexible provisions for ADUs we don't expect to see ADU production meaningfully help address housing needs in Worcester.

With that approach in mind, we are recommending certain parameters and restrictions that we believe are in the best interest of the community and our city's characteristics today.

It is important to note that as proposed, ADUs are considered an accessory use, and would not impact a lot's existing use classification from a zoning standpoint (i.e., single-, two-, or three-family dwelling). However, ADUs would be subject to the applicable building and sanitary code requirements for the type of construction proposed (including related life-safety requirements) and the City Assessor will assess the ADU and any real property improvements in accordance with Department of Revenue standards. As the ADU topic has been discussed at previous City Council meetings, there was a request for an opinion from the City Assessor as to the respective implications – a memo from the City Assessor is enclosed.

Summary of Zoning Amendment Highlights:

By-Right versus Special Permit

The trend in policy recommendations in the urban planning discipline has been to permit ADUs By-Right (albeit with other potential restrictions such as those listed below). Permitting ADUs

through administrative approvals (By-Right) rather than discretionary approvals (Special Permit) significantly decreases the time, cost, and risk of the development review process and encourages property owners to use their own resources to increase housing diversity and production.

We feel strongly that ADUs should be permitted By-Right and we have proposed that no more than one (1) ADU be permitted per lot where 1-3 dwelling units exist and are located in a Residence, Business, or Institutional zoning district (i.e., where residential uses are permitted today).

Owner-Occupied Host

The vast majority of communities require that either the existing single-family home or ADU be owner-occupied. While this does limit the number of eligible properties, according to feedback from communities with ADU zoning, it has been an important restriction in response to neighborly concerns. Occupancy restrictions could also help prevent investor speculation and competition with first-time homebuyers for the acquisition of the limited supply of single-family homes. We are proposing that the owner must occupy at least one of the dwelling units on the property as their primary residence. In order to be effective, this restriction requires a system to document and monitor for compliance, including after transfers of property to new owners, which is resource intensive for staff, complaint driven, and was noted as a challenge in other communities. For the City of Worcester, owners of any rental units (which would include any ADUs) will be subject to the proposed Rental Registry, which is one partial solution to compliance monitoring. We are also recommending the provision to allow bona-fide temporary absences of the owner for up to one (1) year with advance notice to the city.

Tenant Relationship to Owner

Many communities are moving away from regulations which require the tenant of the ADU be a relative of the owner, but this historically has been a popular restriction. This type of restriction can be challenging to monitor and enforce, while also significantly limiting potential ADU production and utilization. As a result, this type of restriction can undermine the intent of ADU zoning to address the shortage of rental housing and is not a recommended practice. We have **not recommended** any restriction for there to be a familial relationship between the owner and tenant(s).

Dimensional Controls

It's common for communities to stipulate parameters for development of ADUs to ensure they fit into the overall scale and fabric of the neighborhoods in which they're located. Some of these controls also help ensure the ADU is reflective of a use that is accessory to the existing structure and does not dominate the lot. Below are the controls we have recommended:

Size

The gross floor area of an ADU shall not be greater than fifty percent (50%) the gross floor area of the largest existing dwelling unit on the lot or nine hundred (900) square feet, whichever is smaller.

Bedroom Count

An ADU may not have more than two (2) bedrooms.

Setbacks

ADUs in new or expanded accessory buildings shall be setback a minimum of ten (10) feet from other buildings on the lot and a minimum of five (5) feet from each the rear-, side-, and exterior-side lot lines. Existing detached buildings that lawfully exist and are not proposed to be expanded shall be exempt from such setback requirements. Expansions or additions to existing principal buildings shall be setback in accordance with the requirements that are otherwise applicable to a principal building for the existing use in the zoning district.

Orientation:

Building expansions or new detached buildings constructed for the purpose of creating an ADU shall be located to the rear or side of the principal building. When added to the side of an existing principal building, the building shall not be within five (5) feet of the principal building's front elevation. ADUs shall not be located within the front-yard.

Height

ADUs shall have a maximum height limitation of twenty (20) feet. This height limitation shall not apply if the ADU is proposed within an existing accessory structure (e.g., carriage house, garage, etc.) which lawfully exists and to which no increase in height is proposed via the conversion to an ADU. Expansions or additions to existing principal buildings for an ADU are subject to the maximum height otherwise specified for the existing use in the zoning district.

Parking

Accessory Dwelling Units shall not require additional off-street parking spaces. However, an ADU shall not remove existing parking spaces that are otherwise required by the zoning ordinance from a lot (e.g., if an ADU is constructed in an existing parking space required for zoning compliance).

Modifications:

Where the standards listed above are not met, the Planning Board, as the Special Permit Granting Authority (SPGA) may approve modifications through a Special Permit in accordance with the applicable procedures.

Next Steps / Process:

We respectfully request this proposed zoning ordinance amendment be referred by the City Council to the Planning Board for a public hearing. The Planning Board's recommendation would be sent back to City Council, to be referred to the Economic Development Committee for a second public hearing, then return to City Council for final consideration and action.

Sincerely,



Peter Dunn
Chief Development Officer

Enclosures



The City of
WORCESTER

Assessing Division
Samuel E. Konieczny, MAA, City Assessor
City Hall, 455 Main Street, Worcester, MA 01608
P | 508-799-1098 F | 508-799-1021
assessing@worcesterma.gov

8/24/2023

To: Peter Dunn, Chief Economic Development Officer
From: Samuel E. Konieczny, MAA, City Assessor
Re: Accessory Dwelling Units

Hello Peter,

With regards to Accessory Dwelling Units and how they are assessed, it is important to have certain criteria established. The first one being that if the ADU is built within an existing structure, does not have its own means of egress, and shares common areas of the structure- i.e., hallways, garage space, or access to unit is through part of the living space of the existing structure, this use would not garner a change in class from an existing single family to two family. The bedroom, bathroom, kitchen, and overall room counts would be changed to reflect what was modified. However, if the ADU did in fact have its own separate means of egress, and was a distinct separate unit within the existing structure, or an addition was added and was again a distinct separate unit, or a detached structure was converted to an ADU, this WOULD change the class code from single family to two family (Land Use Code 101 to 104), two family to three family (Land Use Code 104 to 105), or three family to multi-family with 4 units or more (Land Use Code 105 to 111). If the class code ends up being a 111, the Income and Expense Form 38D will be sent out to the property owner annually. Given that the ADU does not have to be occupied by a relative of the property owner, it would be considered a rentable unit.

With respect to the method of valuation, any residential property with fewer than 6 units will be valued on the market-adjusted cost approach. Since the class codes would change by adding the ADU in most cases, we would have substantial sales data from which the cost approach would be modeled and adjusted. Conversely, if the ADU was added to an existing 5-unit property, the income approach would be utilized, just as it is on all residential properties with 6 units or more.

Regards,

Samuel E. Konieczny, MAA

Exhibit B

From: [Bryan Milward](#)
To: [Planning](#)
Subject: ADU public hearing comments
Date: Friday, November 3, 2023 3:17:25 PM

Caution: This email came from outside the City of Worcester. Do not click on links or open attachments unless you are sure you recognize the sender and you know the contents are safe.

Good afternoon,

My name is Bryan Milward and I'm a homeowner in district 1. I would like to express my strong support for the ADU proposal as written. ADUs can provide high quality but affordable housing options for the city and this proposal will be the best way to speed their production to help the city deal with a housing crisis. In particular I want to express support for the by right approval which will streamline the process and bring units to market much faster. Many other communities (including those that are predominately single family communities) have already adopted these kinds of regulations and they have not changed the underlying character of neighborhoods in a significant way. Thank you for your consideration.

Best,

Bryan Milward

Exhibit C



The City of
Worcester

George J. Russell
District 3 City Councilor

City Hall Room 310
455 Main Street Worcester, MA 01608
Office: 508-799-1049
Fax: 508-799-1194
RussellG@WorcesterMA.gov

November 14, 2023

Albert LaValley
455 Main St., Room 404
Worcester, MA 01608

Chairman LaValley and Members of the Worcester Planning Board:

I am writing in support of amending the Zoning Ordinance to allow for Accessory Dwelling Units (ADUs) in certain circumstances and to outline my recommendations relative to ADUs. I have been vocal about my support of ADUs and I am glad to hear the Planning Board is considering allowing for ADUs, even if the City Administration's version of ADUs is different than what I intended when I filed the original order to allow this zoning change.

I urge the Planning Board to allow for the ADUs in all zones, except for Single-Family zones. In Single-Family zones, I recommend ADUs be allowed by a Special Permit issued by the Zoning Board of Appeals, or the Planning Board, after notice is given to abutting property owners. This would allow for abutting neighbors to weigh in and recommend conditions that the Board could consider, such as parking restrictions, lighting, fencing, or the number of allowed occupants. Without such options and conditions, it would actually allow two-family homes in single-family zones BY RIGHT. By allowing ADUs in single-family zones on certain conditions via a Special Permit, the Planning Board would allow for abutting neighbors to offer their recommendations as well. The City Council supported to send a similar recommendation to the Standing Committee on Economic Development for discussion, which I brought forth as part of my original order on the Council floor earlier this year.

When the Administration's draft ordinance was forwarded to your Honorable Body, I specifically made motions outlining additional measures and strategies relative to ADUs. I also brought forth the following request, "That the Standing Committee on Economic Development be and is hereby requested to consider the feasibility of amending the proposed zoning ordinance amendment relative to accessory dwelling units to eliminate the proposed thresholds for dimensional requirements." Proposed thresholds for dimensional units may be detrimental to the expansion of ADUs. As such, I have requested the Planning Board consider eliminating these requirements.

Unfortunately, I may be unable to attend the November 15th meeting of the Planning Board due to a conflicting meeting of the Public Works Committee, which I chair and an important Neighborhood Meeting in District 3. It is my hope that this letter clearly explains my recommendations and support for ADUs. In the event you, or any members of the Planning Board have questions, please feel free to reach out.

Sincerely,

George J. Russell
Worcester City Councilor – District 3

cc2023sep13104440

CITY OF WORCESTER

ORDERED: That

The Standing Committee on Economic Development be and is hereby requested to consider the feasibility of amending the proposed zoning ordinance amendment relative to accessory dwelling units to allow for said units to be built through special permit only in single family zones.

cc2023sep13104812

CITY OF WORCESTER

ORDERED: That

The Standing Committee on Economic Development be and is hereby requested to consider the feasibility of amending the proposed zoning ordinance amendment relative to accessory dwelling units to eliminate the proposed thresholds for dimensional requirements.