



The City of
WORCESTER

Executive Office of Economic Development
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TO: Economic Development Committee

FROM: Peter Dunn, Chief Development Officer

DATE: November 28, 2023

RE: Revisions to the Zoning Ordinance Amendment Relative to Accessory Dwelling Units

Enclosed please find two versions of the refined iteration of the proposed Amendment to the City of Worcester Zoning Ordinance to allow Accessory Dwelling Units (ADUs) which includes: (1) a revised draft of the proposed ordinance text; and (2) a "redline" version of the text initially submitted for consideration reflecting the proposed changes to the ordinance text.

The changes incorporated in the enclosed versions of the ordinance text are reflective of the discussion with, and suggestions from, the Planning Board, at their November 15, 2023 meeting. The Planning Board has suggested the following changes:

- a) ADUs also be allowed in the Airport and all Manufacturing zoning districts;
- b) Elimination of the 50% cap of the principal building's gross floor area in the size limitation in favor of only a 900 SF limit; and
- c) Removal of all owner occupancy requirements from the proposed use regulations.

In addition, new changes to improve clarity have been added in response to the Planning Board discussion (e.g., application of dimensional requirements and exemption from definitive site plan review and special permits otherwise required for non-conforming structures).

Finally, new grammatical and organizational changes have been made by the Law Department to ensure the proposed amendment's consistency with the existing Zoning Ordinance language and structure.

We look forward to discussing these suggestions from the Planning Board's public hearing process with the Council at the Economic Development Committee hearing.

Sincerely,

Peter Dunn
Chief Development Officer

Enclosures - 2

**AN ORDINANCE AMENDING THE WORCESTER ZONING ORDINANCE ADOPTED
APRIL 2, 1991, RELATIVE TO
ACCESSORY DWELLING UNITS**

Be it ordained by the City Council of the City of Worcester as follows:

SECTION 1: The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the existing definition of “dwelling unit” and inserting the following new definitions in Article I, Section 2 – General Provisions:

DWELLING UNIT – A single unit within a dwelling which provides complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A Dwelling Unit shall not include an Accessory Dwelling Unit (ADU) as defined herein.

DWELLING UNIT, ACCESSORRY (ADU): An Accessory Dwelling Unit (ADU) is a self-contained housing unit which provides complete, independent living facilities for one (1) or more persons located on the same lot as an existing dwelling unit(s), that is clearly subordinate in use, size, and design to the largest existing dwelling unit(s) or principal building, and maintains separate entrances, 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. An ADU is not to be considered when determining the use classification of a lot for zoning purposes.

SECTION 2: The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article IV, Section 2, Table 4.1 – Residential Uses, the following new line 19. Accessory Dwelling Unit (ADU):

19. Accessory Dwelling Unit (ADU)

RS-10	RS-7	RL-7	RG-5	BO-1.0	BL-1.0	BG-2.0	BG-3.0	BG-4.0	BG-6.0	ML-0.5	ML-1.0	ML-2.0	MG-0.5	MG-1.0	MG-2.0	IP-.33	IN-S	IN-H	A
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y

SECTION 3: The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by adding the new Section 8G “Accessory Dwelling Units”, in Article IV- Use Regulations, as follows:

Section 8G – Accessory Dwelling Units

A. Purpose and Intent

The purpose of this Section is to advance the public good by enabling the creation and expansion of new, diverse housing opportunities intended to increase the supply of healthy, accessible, affordable, and sustainable living spaces that address varied housing needs. Accessory Dwelling Units provide flexibility for diverse housing types and enable more opportunities for intergenerational living environments and provide rental income for homeowners while encouraging the efficient use of the existing housing stock and infrastructure and preserving the character of the neighborhoods.

B. Definitions

ACCESSORY DWELLING UNIT (ADU): An Accessory Dwelling Unit is a self-contained housing unit which provides complete, independent living facilities for one (1) or more persons located on the same lot as an existing dwelling unit(s), that is clearly subordinate in use, size, and design to the largest existing dwelling unit(s) or principal building, and maintains separate entrances, 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. An ADU is not to be considered when determining the use classification of a lot for zoning purposes.

C. Notwithstanding anything to the contrary in Article IV, Section 8A-F, Article V, or Article XVI, Section 4 of this Ordinance, Accessory Dwelling Units shall be allowed by right, as an accessory use, in all zoning districts as determined by Table 4.1, in accordance with the requirements set forth herein.

1. Use Regulations

- a) An Accessory Dwelling Unit (ADU) shall be a complete dwelling unit, separate from the existing dwelling unit(s) located in (i) the same building as the existing dwelling unit(s); (ii) a new or existing accessory building; or (iii) a structure that is attached to the principal building or existing accessory building.
- b) The principal building and the ADU shall remain in common ownership. An ADU may not be sold separately from the principal building to which it is an accessory use.
- c) The occupants of an ADU and the occupants of the existing dwelling unit(s) need not have a familial relationship.
- d) If rented, an ADU or the existing dwelling unit shall not be let for a period of less than twenty-eight (28) consecutive days.
- e) The owner of a Lot containing a ADU allowed by right shall submit to the Building Commissioner as part of a building permit application, in accordance with Article II, Section 2B of this Ordinance, the following:
 - i. A to-scale architectural plan, depicting the location and gross square footage of the existing dwelling unit(s), the location and square footage of the proposed ADU, and the location of all ingress and egress points from the ADU and the principal building.

- ii. A to-scale site plan, prepared and stamped by a MA registered professional land surveyor, depicting the required setbacks.
 - f) ADUs shall obtain a certificate of occupancy prior to commencement of use.
 - g) ADUs shall not require definitive site plan approval.
2. ADUs shall not be permitted on a lot with four (4) or more dwelling units.
3. Dimensional Regulations

There shall be no more than one (1) ADU per lot, in accordance with the following dimensional requirements:

- a) Size: The gross floor area of an ADU shall be no greater than nine hundred (900) square feet.
- b) Setbacks:
 - i. 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- and side- lot lines and shall be located outside of the exterior-side yard setbacks otherwise specified for the existing use in the zoning district.
 - ii. ADUs in expansions or additions (not interior conversions) to lawfully 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 and in accordance with Article XVI, Section 3(F).
 - iii. ADUs shall not be located within the front-yard.
 - iv. ADUs in lawfully existing buildings to which no expansion is proposed shall be exempt from the setback requirements.
- c) 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.
- d) Height:
 - i. New detached ADUs shall have a maximum height limitation of twenty (20) feet.
 - ii. ADUs proposed within a lawfully existing structure to which no increase in height is proposed via the addition of an ADU, shall be exempt from the height requirements of this Ordinance.
 - iii. Expansions or additions (not interior conversions) to existing principal buildings for an ADU are subject to the maximum height otherwise specified for the existing use in the zoning district.

- e) Bedroom Count: An ADU may not have more than two (2) bedrooms.
- 4. ADUs shall not require additional off-street parking spaces. However, the addition of an ADU shall not eliminate existing parking spaces that are otherwise required by this Ordinance from a lot (e.g., if an ADU is constructed in an existing parking facility).
- 5. Where the standards listed above in this Section C(3)(a) through (e) and Section C(4) are not met, the Planning Board may approve modifications through a Special Permit in accordance with the requirements set forth in Article II, Section 6 of this Ordinance.

SECTION 4: The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the existing Section 7(A)(1) of Article II and inserting the following new Section 7(A)(1):

1. Special Permits

The Planning Board shall be the Special Permit Granting Authority (SPGA) for all special permits issued under Article IV, Section 8(F), Private Driveways; Article IV, Section 8(G), Accessory Dwelling Units; Article IV, Section-13, Wind Energy Conversion Facilities; Article IV, Section 14, Adaptive Re-Use of Public or Non-Profit School Buildings; and Articles VII, VIII, IX, X, XII, and XV. The Planning Board shall also be the Special Permit Granting Authority (SPGA) for all special permits issued in any Priority Development Site designated by the City Council pursuant to M.G.L. c. 43D.

SECTION 5: The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the existing Section 2(A), Uses Requiring Site Plan, of Article V and inserting the following new Section 2(A):

- A. Any structure and/or outdoor use and/or any substantial improvement, as herein defined, which requires a building permit under the State Building Code and which meets one (1) or more of the threshold standards for scale as set forth in Table 5.1 shall be subject to the site plan review standards and procedures hereinafter specified. This approval must be obtained prior to issuance of the building permit but is not a requirement for the grant of a special permit or variance. Any Accessory Dwelling Unit or exterior alterations, exterior additions, and exterior changes including fences, walls, and driveways, to residential uses which are permitted by right in Residential districts shall be exempt from the requirements of this Section.

**AN ORDINANCE AMENDING THE WORCESTER ZONING ORDINANCE ADOPTED
APRIL 2, 1991, RELATIVE TO
ACCESSORY DWELLING UNITS**

Be it ordained by the City Council of the City of Worcester as follows:

SECTION 1:

The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by ~~deleting the existing definition of “dwelling unit” and inserting the following new definitions in Article I, Section 2 – General Provisions adding a new subsection G “Accessory Dwelling Units” to Article IV, Section 8—Use Regulations as follows:~~

~~**DWELLING UNIT** – A single unit within a dwelling which provides complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A Dwelling Unit shall not include an Accessory Dwelling Unit (ADU) as defined herein.~~

~~**DWELLING UNIT, ACCESSORRY (ADU):** An Accessory Dwelling Unit (ADU) is a self-contained housing unit which provides complete, independent living facilities for one (1) or more persons located on the same lot as an existing dwelling unit(s), that is clearly subordinate in use, size, and design to the largest existing dwelling unit(s) or principal building, and maintains separate entrances, 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. An ADU is not to be considered when determining the use classification of a lot for zoning purposes.~~

~~**Section 1:**—The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by adding a new Subsection G “Accessory Dwelling Units” to Article IV, Section 8—Use Regulations as follows:~~

~~G.—Accessory Dwelling Units~~

~~Notwithstanding anything to the contrary in Article IV, Section 8 or Article XVI, Section 4 of this Zoning Ordinance, Accessory Dwelling Units shall be permitted by right, as an accessory use, in all Zoning Districts excepting the Manufacturing Districts and the Airport District as determined by Table 4.1, in accordance with the requirements set forth in Section 8A of this Article.~~

SECTION 2:

The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article IV, Section 2, Table 4.1 – Residential Uses, the following new line 19. Accessory Dwelling Unit (ADU):

19. Accessory Dwelling Unit (ADU)

RS-10	RS-7	RL-7	RG-5	BO-1.0	BL-1.0	BG-2.0	BG-3.0	BG-4.0	BG-6.0	ML-0.5	ML-1.0	ML-2.0	MG-0.5	MG-1.0	MG-2.0	IP-.33	IN-S	IN-H	A
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NY	NY	NY	NY	NY	NY	N	Y	Y	NY

SECTION 3:

The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by adding the new ~~accessory use as~~ Section ~~8A-8G~~ “Accessory Dwelling Units”, ~~to in~~ Article IV- Use Regulations, as follows:

Section 8A-8G – Accessory Dwelling Units

A. Purpose and Intent

The purpose of this Section is to advance the public good by enabling the creation and expansion of new, diverse housing opportunities intended to increase the supply of healthy, accessible, affordable, and sustainable living spaces that address varied housing needs. Accessory Dwelling Units provide flexibility for diverse housing types and enable more opportunities for intergenerational living environments and provide rental income for homeowners while encouraging the efficient use of the existing housing stock and infrastructure and preserving the character of the neighborhoods.

B. Definitions

ACCESSORY DWELLING UNIT (ADU): An Accessory Dwelling Unit is a self-contained housing unit, ~~which provides complete, independent living facilities for one (1) or more persons inclusive of sleeping, cooking and sanitary facilities,~~ located on the same lot as an existing dwelling unit(s), that is clearly subordinate in use, size, and design to the largest existing dwelling unit(s) or principal building, and maintains separate entrances, 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. An ADU is not to be considered when determining the use classification of a lot for zoning purposes.

~~**PRIMARY RESIDENCE:** The location of an individual’s dwelling for voting and tax purposes.~~

~~**OWNER(S):** One or more individuals who hold record title, or an established legal interest, to the lot.~~

~~Use and Dimensional Regulations~~

C. Notwithstanding anything to the contrary in Article IV, Section 8A-F, Article V, or Article XVI, Section 4 of this Ordinance, Accessory Dwelling Units shall be allowed by right, as an accessory use, in all zoning districts as determined by Table 4.1, in

~~accordance with the requirements set forth herein. the requirements set forth in Article IV, Section 8 or Article XVI, Section 4 of this Zoning Ordinance, Accessory Dwelling Units shall be allowed as an accessory use provided the following requirements are met:~~

1. Use and Dimensional Regulations

- ~~b)a) The owner(s) of the lot on which the ADU is created must occupy at least one of the dwelling units as their primary residence. The owner(s) must continue to occupy at least one of the dwelling units on the lot as their primary residence for as long as the ADU is being utilized, except for bona fide temporary absences.~~
- ~~c) Temporary absences: An owner of a lot containing an ADU who is to be absent for a period of less than one (1) year may also rent the owner's unit during the temporary absence provided that written notice thereof shall be made to the Building Commissioner on a form prescribed by the Department of Inspectional Services.~~
- ~~e) The owner(s) of a lot shall submit a notarized letter or affidavit stating that the owner will occupy one of the dwelling units on the lot as the owner's primary residence, except for bona fide temporary absences.~~
- f)b) The principal building and the ADU shall remain in common ownership. An ADU may not be sold separately from the principal building to which it is an accessory use.
- ~~g)c) The occupants of an ADU and the occupants of the existing dwelling unit(s) need not have a familial relationship.~~
- ~~h)d) If rented, an ADU, or the existing dwelling unit in the case of the ADU being the owner's primary residence, shall not be let for a period of not less than twenty-eight (28) consecutive days.~~
- e) An owner of a Lot containing a ADU allowed by right shall submit to the Building Commissioner as part of a building permit application, in accordance with Article II, Section 2B of this Ordinance, the following:
 - i. Aa to-scale architectural plan to the Building Commissioner, depicting the location and gross square footage of the existing dwelling unit(s), the location and square footage of the proposed ADU, and the location of all ingress and egress points from the ADU and the principal building.
 - A to-scale site plan, prepared and stamped by a MA registered professional land surveyor, shall be submitted depicting the required setbacks as part of a building permit application in accordance with Article II, Section 2B of this Ordinance.

ii.

f) ADUs shall obtain a certificate of occupancy prior to commencement of use.

g) ADUs shall not require definitive site plan approval.

2. ~~Accessory Dwelling Units~~ADUs shall not be permitted on a lot with four (4) or more ~~existing~~ dwelling units.

3. Dimensional Regulations

There shall be no more than one (1) ADU ~~permitted~~ per lot, in accordance with the following dimensional requirements:

a) Size: The gross floor area of an ADU shall ~~not be~~ ~~no~~ 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.~~

b) Setbacks:

i. 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- ~~and~~, side-, ~~and exterior side~~ lot lines and shall be located outside of the exterior-side yard setbacks otherwise specified for the existing use in the zoning district. Existing detached buildings that lawfully exist and are not proposed to be expanded shall be exempt from such setback requirements

ii. ADUs in ~~e~~Expansions or additions (not interior conversions) to lawfully 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 and in accordance with Article XVI, Section 3(F).

iii. ADUs shall not be located within the front-yard. ~~A to-scale site plan prepared and stamped by a MA registered professional land surveyor shall be submitted depicting the required setbacks as part of a building permit application.~~

iv. ADUs in lawfully existing buildings to which no expansion is proposed shall be exempt from the setback requirements.

c) 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.~~

d) Height:

- i. New detached ADUs shall have a maximum height limitation of twenty (20) feet.
 - ii. ~~This height limitation shall not apply if the ADU is proposed within an lawfully 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 addition of an ADU, shall be exempt from the height requirements of this Ordinance.~~
 - iii. Expansions or additions (not interior conversions) to existing principal buildings for an ADU are subject to the maximum height otherwise specified for the existing use in the zoning district.
 - e) Bedroom Count: An ADU may not have more than two (2) bedrooms.
4. ~~Accessory Dwelling Units~~ ADUs shall not require additional off-street parking spaces. However, the addition of an ADU shall not ~~remove-eliminate~~ existing parking spaces that are otherwise required by ~~the zoning is~~ Ordinance from a lot (e.g., if an ADU is constructed in an existing parking facility).
 5. Where the standards listed above in this Section C(3)(a) through (e) and Section C(4) are not met, the Planning Board, may approve modifications through a Special Permit in accordance with the requirements set forth in Article II, Section 6 of this Ordinance. ~~as the Special Permit Granting Authority (SPGA) pursuant to Article II, Section 7, may approve modifications through a Special Permit in accordance with the requirements set forth in Article II, Section 6 of this ordinance.~~

SECTION 4:

The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the existing Section 7(A)(1) of Article II and inserting the following new Section 7(A)(1):

1. Special Permits

The Planning Board shall be the Special Permit Granting Authority (SPGA) for all special permits issued under Article IV, ~~Section 8(A), Accessory Dwelling Units~~, Section 8(F), Private Driveways; Article IV, Section 8(G), Accessory Dwelling Units; Article IV, Section-13, Wind Energy Conversion Facilities; Article IV, Section 14, Adaptive Re-Use of Public or Non-Profit School Buildings; and Articles VII, VIII, IX, X, XII, and XV. The Planning Board shall also be the Special Permit Granting Authority (SPGA) for all special permits issued in any Priority Development Site designated by the City Council pursuant to M.G.L. c. 43D.

SECTION 5:

The City of Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the existing Section 2(A), Uses Requiring Site Plan, of Article V and inserting the following new Section 2(A):

- A. Any structure and/or outdoor use and/or any substantial improvement, as herein defined, which requires a building permit under the State Building Code and which meets one (1) or more of the threshold standards for scale as set forth in Table 5.1 shall be subject to the site plan review standards and procedures hereinafter specified. This approval must be obtained prior to issuance of the building permit but is not a requirement for the grant of a special permit or variance. Any Accessory Dwelling Unit or exterior alterations, exterior additions, and exterior changes including fences, walls, and driveways, to residential uses which are permitted by right in Residential districts shall be exempt from the requirements of this Section.