



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

August 6, 2024

City Council President Naomi Carney, and
Honorable Members of the New Bedford City Council
133 William Street
New Bedford, MA 02740

Re: Accessory Dwelling Unit (ADU) Ordinance

Dear Council President Carney and Honorable Members,

I am submitting for your consideration an ordinance amendment relative to Accessory Dwelling Units (ADUs). The Department of City Planning proposes revisions to the existing ordinance, as it is overly restrictive and has complicated requirements. The proposed amendment eases zoning restrictions on ADUs and makes them as-of-right on single-family properties. By doing so, we will allow for expedited permitting for these types of housing units, so long as they meet basic setback, parking, and building code requirements.

Advancing the proposed changes to ADU zoning is one of many steps our city must take to increase our housing supply, as identified in *Building New Bedford: Strategies to Promote Attainable Housing for All in a Thriving New Bedford*, our comprehensive housing plan. Further, the updated ADU zoning will follow the new mandates for ADUs set forth in the state's recent housing bond bill.

Enclosed please find the proposed ordinance amending Chapter 9 Section 2340 and associated definitions in section 1200. Also, attached is a summary brief provided by the Department of City Planning which explains in further detail the changes.

I look forward to your consideration of this proposal and support in our measures together addressing the regional housing shortage.

Sincerely,


Jon Mitchell
Mayor

Enclosed:

- Proposed Accessory Dwelling Units Ordinance Amendment
- Summary Brief – Accessory Dwelling Units



CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty-Four

AN ORDINANCE

Amending Chapter 9, Comprehensive Zoning

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1.

Section 1. Chapter 9, of the New Bedford Code of Ordinances, Comprehensive Zoning, Section 1200 (Definitions), is hereby amended by striking the definition of Accessory dwelling unit and inserting in place thereof the following:

Accessory dwelling unit: a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities, on the same lot as a principal single-family dwelling, subject to otherwise applicable dimensional and parking requirements.

Section 2. Chapter 9, of the New Bedford Code of Ordinances, Comprehensive Zoning, Section 1200 (Definitions), is hereby amended by inserting the following definition of Short-term rental:

Short-term rental: Any property or portion thereof including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least one room or unit is rented to an occupant or sub-occupant; and (ii) such accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such; and (iii) each such rental is for a period of not more than thirty-one (31) days.

Section 3. Chapter 9, of the New Bedford Code of Ordinances, Comprehensive Zoning, is hereby amended by striking Section 2340 (Accessory Dwelling Units) in its entirety and inserting in place thereof the following:

2340. Accessory Dwelling Units. Accessory dwelling units are allowed by right on all lots in single-family use, subject to the following requirements:

2341. The Inspector of Buildings may issue a building permit authorizing the creation of an accessory dwelling unit.

2341.a. The building permit application shall include a floor plan of the proposed accessory dwelling unit. The floor plan shall be drawn to scale but need not be prepared by a licensed design professional.

2341.b. If the accessory dwelling unit is to be located in a detached accessory structure or in an addition to the existing primary dwelling structure, the building permit application shall also include a plot plan, prepared by a registered land surveyor, showing the locations of all existing and proposed structures, as well as any existing and proposed septic systems, utilities, and parking. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement;

2342. Standards for All Accessory Dwelling Units

2342.a. Not more than one accessory dwelling unit may be established on a lot. The lot must contain a single-family home as the principal use and structure.

2342.b. The accessory dwelling unit shall not be larger in gross floor area than one half the gross floor area of the principal dwelling or 900 square feet, whichever is smaller. The Board of Appeals may grant a special permit for an accessory dwelling unit that is greater than 900 square feet and no more than 1,200 square feet.

2342.c. The construction of any accessory dwelling unit must conform to the State Building Code and all other applicable statutes, ordinances and regulations.

2342.d. Except as hereinafter provided, one additional off-street parking space shall be required for an accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway. The Board of Appeals may grant a special permit to waive this requirement if it determines that there is no suitable location on the lot for additional parking or such waiver is otherwise in the public interest. No additional parking shall be required for an accessory dwelling unit on a lot located within one half mile of a commuter rail station or bus station.

2342.e. To encourage the development of housing units for individuals with disabilities and persons with limited mobility, the Inspector of Buildings may allow reasonable deviation from the requirements of this section where necessary to install features that facilitate access and mobility for such persons.

2342.f. The Planning Board may adopt design guidelines for accessory dwelling units in detached structures and additions to principal structures. Adherence to the design guidelines shall not be required for by-right accessory dwelling units but may be required as a condition of approval of any special permit granted pursuant to this section.

2343. Standards for Attached Accessory Dwelling Units.

2343.a. The external appearance of the primary dwelling structure shall not be significantly altered from the appearance of a single-family structure.

2343.b. The accessory dwelling unit shall maintain a separate entrance, either directly to the outside or through an interior entry hall or corridor shared with the principal dwelling.

2343.c. Any stairways or access and egress alterations serving the accessory dwelling unit shall be enclosed, screened, or located to minimize visibility from public ways.

2344. Standards for Detached Accessory Dwelling Units.

2344.a. Detached accessory dwelling units must be located on the lot as follows:

i. Behind the primary dwelling within the rear yard. A detached accessory dwelling unit may be no closer than eighteen (18) inches from a side lot line or any portion of a fence located along the side lot line; or

ii. Within a side yard, but at least five (5) feet behind the front façade of the principal dwelling and six (6) feet from the side lot line.

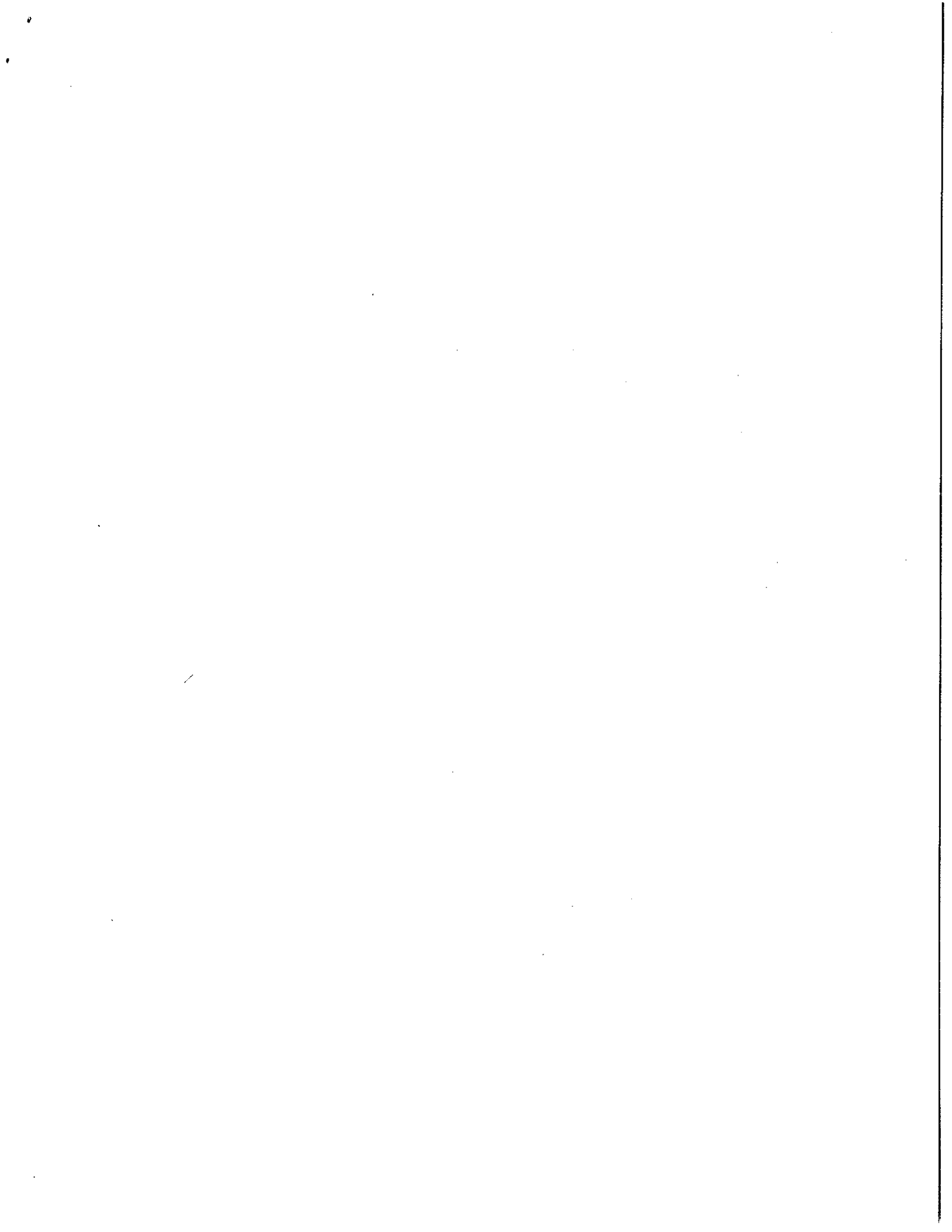
2344.b. The height of the building in which the detached accessory dwelling unit is located may be no higher than the allowable height for an accessory structure.

2344.c. An accessory dwelling unit may be constructed within an existing non-conforming accessory structure, provided the Inspector of Buildings determines that the nonconforming nature of said structure will not be increased. If the Inspector of Buildings determines that the nonconforming nature of such structure would be increased, the Board of Appeals may by majority vote approve the proposal after a public hearing if it determines that it will not be substantially more detrimental to the neighborhood.

2345. Prohibition of Short-Term Rental. No accessory dwelling unit may be used as a short-term rental, as defined in Section 1200. Definitions. Accessory dwelling units, if rented, shall have a lease term of more than thirty-one (31) days.

Section 4.

This ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.



ACCESSORY DWELLING UNITS (ADUs)

- **Accessory Dwelling Units or ADUs** are small, independent dwelling units located on the same lot as a single-family home.
- **Attached ADUs** are within the existing structure or an addition.
- **Detached ADUs** are on the same lot but separate from the primary building and can be created by converting existing accessory buildings (such as garage or carriage house) or through new construction.

WHAT'S CHANGING?

New Bedford currently allows ADUs, but they are overly restricted and have complicated requirements.

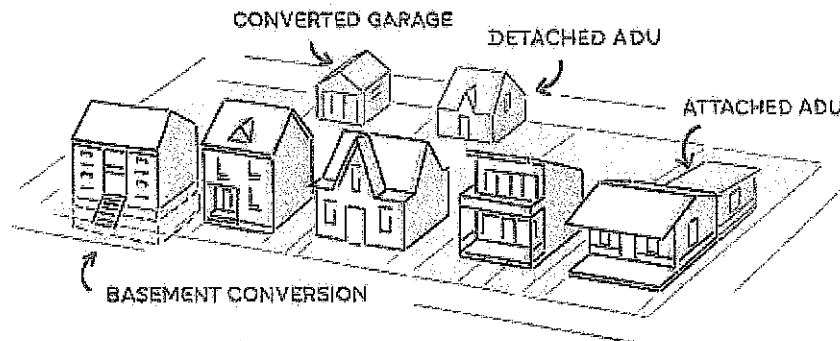
The ordinance today...

1. Requires a Zoning Board special permit, renewed every two years.
2. Only allows for attached ADUs.
3. Lacks design standards.
4. Limits size to 1,000 ft².
5. Is silent on short-term rental of ADUS



Proposed update...

1. Allows ADUs by-right on lots with single-family homes.
2. Allows detached ADUs.
3. Includes a process to adopt more specific standards.
4. Allows by-right up to 900 ft² and by special permit up to 1,200 ft².
5. Prohibits short-term rental of ADUs



- Easing zoning restrictions on ADUs allows for **more housing production** and simplifies the creation of “in-law” units for **multigeneration living**.
- Dimensional and parking requirements ensure **modest increases in housing density without impacting neighborhood character**.
- The proposed changes **align with a new state law** requiring ADUs by-right in single-family zones, and are comparable to ADU zoning in other communities