

City of Framingham
The City Council of Framingham



ORDER NO. 2023-077-002
REQUEST OF THE PLANNING AND ZONING SUBCOMMITTEE

UPON THE REQUEST OF THE PLANNING AND ZONING SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That after holding a public hearing of the City Council on September 26, 2023 and diligent review, the Council votes to amend the Zoning Ordinances, Section I.E, Section II.B, New: Section II.G.2 Accessory Dwelling Units, as recommended by the Planning Board from its public hearing on September 21, 2023 and further amended by the Planning and Zoning Subcommittee, as attached.

FIRST READING

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Long, Mallach, Ottaviani,
Stefanini, Steiner, Stewart-Morales
NAYS: None
ABSTAIN: None
ABSENT: All were present either in person or via teleconferencing
PASSED IN COUNCIL: September 26, 2023

SECOND READING

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Mallach, Ottaviani,
Stefanini, Steiner, Stewart-Morales
NAYS: Long
ABSTAIN: None
ABSENT: All were present either in person or via teleconferencing
PASSED IN COUNCIL: October 3, 2023

City of Framingham
The City Council of Framingham



A True Record, Attest:

10/4/2023

Date Approved

Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk

OCT 5, 2023

Date Approved

Charlie Sisitsky, Mayor

Section I.E Definitions

Accessory Dwelling Unit – An accessory dwelling unit (ADU) is a self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities, attached to or within the principal dwelling. It shall be subordinate in size to the principal dwelling unit.

Section II.B. Table of Uses

USE CATEGORY	R	G	B-1 ⁱ	B-2 ⁱⁱ	B-3 ⁱⁱⁱ	B-4	CB ^{iv}	B ³	P ³	PRD ^v	M-1 ³	M ³	OSR ^{vi}	TP ^{vii}	CMU	Parking code
<u>2. RESIDENTIAL ACCESSORY</u>																
H. Accessory Dwelling Unit	SPZ	N	N	N	N	N	N	N	N	N	N	N	N	N	N	28

New: Section II.G.2 Accessory Dwelling Units

1. Purpose and Intent

The purpose and intent of allowing accessory dwelling units is to:

- Provide flexibility for families to remain in their home as their needs change over time by allowing options that address their needs and care.
- Protect the stability, property values, and residential character of Framingham's single-family neighborhoods.

2. Eligibility

Only an owner of a lawful, owner-occupied single-family dwelling on a conforming or pre-existing non-conforming lot, lawfully occupied as a single-family dwelling, may be an eligible applicant for an ADU on such lot pursuant to this Section. For the purposes of this Section, the "owner" shall be one or more individuals who hold title directly or indirectly to the dwelling and lot, and for whom the on-site dwelling is their primary residence.

3. Applicability and Procedure

a. Basic Requirements

- No ADU shall be allowed except in compliance with the provisions of this Section, and shall require a Special Permit with review and approval as set forth herein.
- The Zoning Board of Appeals (ZBA) shall be the Special Permit Granting Authority (SPGA) for Special Permits under this Section. The SPGA must determine that such conversion or new construction and the occupancy of each unit shall meet the requirements of this Section.
- A Special Permit may be granted by the SPGA pursuant of Section VI.E of this Zoning Ordinance for the conversion of a lawful, owner-occupied single-family dwelling to accommodate an ADU by the partitioning of existing interior space or the construction of an addition.
- Floor plans of the ADU and principal residence must be filed with the application for a Special Permit.

b. Permit to Construct

Upon receipt of a Special Permit from the SPGA, the applicant shall apply to the Building Commissioner for a permit to construct an ADU and shall provide written evidence that all conditions as may be part of the Special Permit decision have been satisfied. Prior to issuance of a building permit, the owner(s)

must submit an affidavit to the Building Commissioner and shared to the SPGA file of the property stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence.

4. General Standards and Requirements

- a. The owner of the property on which the ADU is to be created must occupy at least one of the dwelling units as their primary residence.
- b. No ADU shall be held in separate ownership from the primary dwelling unit.
- c. The ADU shall be limited to a maximum of 900 square feet or half the floor area of the principal dwelling, whichever is smaller.
- d. The unit will be a complete, separate housekeeping unit containing sleeping, cooking, and sanitary facilities.
- e. An ADU may not be occupied by more than two (2) people nor have more than two (2) bedrooms.
- f. No variances from Dimensional Regulations as set forth in the Framingham Zoning Ordinance shall be granted for ADUs.
- g. There shall be at least one (1) off street parking space(s) provided on the property for the occupants of the ADU in addition to the off-street parking requirements for the primary dwelling unit.
- h. An ADU shall be designed to maintain the appearance, character and scale, as viewed from the street, of the primary dwelling unit, subject to the following standards and requirements:
 - i. Exterior alterations of a structure shall maintain the architectural integrity of the existing structure, including exterior finish material, windows, roof, and trim.
 - ii. The ADU must conform to all aspects of the Massachusetts State Building Code 780 CMR.
 - iii. Where two or more entrances are included on the front façade of a dwelling, only one entrance shall appear to be the principal entrance to the structure and other entrances shall appear to be secondary.
 - iv. ADUs shall be constructed with universal design principles and design that can be easily modified for accessibility, as practical.

5. Conditions

- a. Upon receipt of the Special Permit, the owner of the property shall record with the Registry of Deeds for the Southern District of Middlesex County, or with the Land Court, a certified copy of the Decision of the SPGA authorizing the site for an ADU. Copies of the recorded document shall be filed with Inspectional Services Department, SPGA, and the Assessing Department. A Certificate of Occupancy may not be issued prior to receipt of recorded documents.
- b. When ownership of the property changes, the new property owner shall notify the Building Commissioner and the SPGA within 30 days, at which time the Building Commissioner shall conduct a determination of compliance with this Section and the filed Decision of the SPGA, and all other applicable codes. The new property owner must, within thirty (30) days of the sale, submit an affidavit to the Building Commissioner shared to the SPGA file on the property stating that they will occupy one of the dwelling units on the premises as their primary residence.
- c. If an ADU is discontinued, the owner shall provide a notarized letter notifying the Building Commissioner and the SPGA of removal of the kitchen facilities. Said unit shall be removed from the City's ADU Inventory.
- d. Property owners shall file with the Building Commissioner and SPGA, a sworn certification attesting to continued compliance with the requirements of this Section, the filed Special Permit, and all applicable

public safety codes. Such certification shall be filed every two years on the first business day of January or upon transfer to a new owner as provided above, and the property may be subject to inspection and further documentation, as requested by the Building Commissioner.

6. Administration and Enforcement

- a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Ordinance.
 - b. The Building Commissioner shall issue violations and fines for any ADUs which are not compliant with this Section.
 - c. The Building Commissioner shall keep record of all ADUs and provide a yearly report of all ADUs within the City.
 - d. No ADU shall be occupied without a Certificate of Occupancy. The initial occupancy permit shall remain in force for a period of two years from the date of issue, provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding two-year periods, provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this Section, and the Special Permit.
 - e. The Building Commissioner may, in addition to other remedies, revoke permits and order removal of the separate kitchen facilities that were installed to create the ADU, if the unlawful use of an ADU is discovered.
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