

**ARTICLE # 1**

**PART A:**

**(majority vote threshold)**

“To see if the Town will **Amend** Article III and Article V of the Zoning Bylaws and adopt the proposed Article IV Section 410-4.10 Accessory Dwelling Units (ADU) to the Zoning Bylaws to **Add** the following:

Article III Section 410-3.2 Single-Family Residence Districts; Permitted Uses: After Section 410-3.2.A (7),

**Add:** 8) Accessory Dwelling Units, subject to the requirements of Section 410-4.10 of this Zoning Bylaw.

Article V Section 410-5.1 Table 50, **Amend** SF-A,B,C: Maximum number of dwelling units per lot=1: **Add:** “+ADU”.

Article IV Uses. After Section 410-4.9; **Add:** Section 410-4.10, to insert the following:

Section 410-4.10 ACCESSORY DWELLING UNITS

A. PURPOSE: Consistent with MGL Chapter 358 of the Acts of 2020 Housing Choice and Hull Housing Production Plan

1) Provide a limited number of Accessory Dwelling Units without adding to the number of buildings in the Town and without reducing open space in the Town or substantially altering the appearance of the principal dwelling, and to provide for a more efficient and economic use of existing housing stock by enabling homeowners of single family dwellings larger than required for their present needs, to share space and the burdens of homeownership, while also protecting the stability, property values, and residential character of the neighborhood.

2) Provide housing units for family members, and seniors aged 60 years or more, and occupants who would qualify for an “Affordable Housing Unit” through income eligibility, with gross household income at or less than 80% of the Boston Metropolitan Area Median Income, with housing costs no more than 30% of gross household income.

3) Enable the Town to monitor Accessory Dwelling Unit (ADU) construction for code compliance.

B. DEFINITIONS:

1) An “Accessory Dwelling Unit” (ADU) is a self-contained housing unit incorporated within a single-family dwelling and clearly subordinate in size to the principal dwelling in a manner that maintains the character and structural appearance of a single-family dwelling consistent with the provisions of Section 410-4.10 and MGL Chapter 40A Section 1A Definition of “Accessory Dwelling Unit”.

2) For the purposes of this Section 410-4.10, a “Family Member” shall be a person related to the owner by blood, adoption or marriage, and may also include domestic help and caregivers.

3) A “Principal Dwelling” for the purposes of this Section 410-4.10 is a single-family dwelling exclusive of the area that constitutes the Accessory Dwelling Unit (ADU).

4) A single-family dwelling with an Accessory Dwelling Unit (ADU) should not be deemed to be a two-family dwelling.

C. DIMENSIONAL AND DESIGN REQUIREMENTS: Any Permit for an Accessory Dwelling Unit (ADU) issued pursuant to this Section 410-4.10 shall be subject to, and shall incorporate the following conditions:

1) Compliance with all applicable laws and codes of the Commonwealth of Massachusetts and the Town of Hull is required, including Hull Zoning Bylaws Article V: Table 50 Dimensional Requirements and Intensity Regulations 410-5.1.A

2) An Accessory Dwelling Unit shall not create any dimensional nonconformities.

3) An Accessory Dwelling Unit shall not be larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller.

4) An Accessory Dwelling Unit shall not have more than two bedrooms.

5) An Accessory Dwelling Unit shall not create an undue burden on the neighborhood.

6) An Accessory Dwelling Unit shall not be metered separately from the principal dwelling for electric, gas, water, or sewer utilities serving the single-family dwelling.

7) The parking requirement for an ADU is two off-street parking spaces in addition to the minimum required two off-street parking spaces for a single-family dwelling, which shall be provided on the premises, as per Section 410-5.2.A. Table 55 Parking.

8) Any new entrance for the Accessory Dwelling Unit or the principal dwelling shall be located on the side or in the rear

of the single-family dwelling, and all stairways to upper stories shall be enclosed within the exterior walls of the single-family dwelling, so as to be less visible from the street.

9) Additional or modified landscaping, fences or other buffers may be necessary to protect abutting properties from potential negative visual or auditory impacts of the ADU.

D. GENERAL CONDITIONS: Any Permit for an Accessory Dwelling Unit (ADU) issued pursuant to this Section 410-4.10 shall be subject to, and shall incorporate the following conditions:

1) The owner shall submit an application for a building permit for an Accessory Dwelling Unit, along with building plans, and survey and site plans of the existing and proposed conditions, to the Building Commissioner for his review and approval, in order to ascertain whether the proposed ADU is in compliance with this zoning bylaw Section 410-4.10, and all code requirements for residential use.

2) The owner of the single-family dwelling shall occupy either the principal dwelling or the ADU as the owner's primary residence. Temporary absences of the owner for a period of not more than six months in the aggregate in any twelve-month period and active military service of the owner for any length of time shall not be deemed a violation of this requirement provided that the dwelling units may only be occupied by family members of the owner during the owner's absence.

3) The owner shall recertify annually, by application for Board of Health Housing Code Division Certificates of Occupancy and comply with the rules and regulations of the Board of Health.

4) The owner shall recertify annually, by submission of a notarized letter to the Building Commissioner: that the owner shall continue to occupy either the principal dwelling or the ADU as the owner's primary residence, except for bona fide temporary absence as provide above in subsection E.2.

5) Upon the sale or other conveyance or transfer of a single-family dwelling which has been issued an ADU Permit, the new owner shall, within thirty (30) days of such transfer, submit a notarized letter to the Building Commissioner certifying that the owner will continue to occupy either the principal dwelling or the ADU as the owner's primary residence and comply with all conditions of the ADU Use, if the owner intends to maintain the ADU permit.

6) Neither the principal dwelling nor the Accessory Dwelling Unit may be sold or otherwise conveyed or transferred separately from the other.

7) An Accessory Dwelling Unit shall not be used for boarding and lodging, or other commercial use. An ADU may be rented for periods not shorter than 180 days at a time, and are prohibited from any use as rental units on a weekly or daily basis.

E. ELIGIBILITY REQUIREMENTS:

1) As of the date that the application for a Permit for an Accessory Dwelling Unit is filed, the total number of ADU Permits shall not exceed 100, and ADU Special Permits shall be restricted to ten (10) per calendar year.

2) A Building Permit for an Accessory Dwelling Unit (ADU) may be issued as of right, provided that:

(a) The premises is in compliance with all zoning requirements in this Section 410-4.10, including parking.

(b) The applicant shall be the owner of the premises and must submit a notarized affidavit certifying occupancy of either the principal dwelling or the ADU as the owner's primary residence immediately upon issuance of the Permit for an ADU.

(c) The applicant shall submit a notarized affidavit certifying occupancy of either the principal dwelling or the ADU as a Housing unit for family members, or seniors aged 60 years or more, or occupants who would qualify for an "Affordable Housing Unit" through income eligibility, with gross household income at or less than 80% of the Boston Metropolitan Area Median Income, with housing costs no more than 30% of gross household income. (\*Unless otherwise prohibited by a Federal or State agency under a financing or other subsidy program).

(d) The Area of the Lot on which the existing single-family dwelling is located shall not be less than the minimum Lot Area for the Zoning district.

**PART B: (2/3 super-majority vote threshold)**

3) The Board of Appeals may only issue a Special Permit for an Accessory Dwelling Unit (ADU) provided that:

(a) The premises is pre-existing, non-conforming and meets the following minimum eligibility requirements as per Hull Zoning Bylaw Article VIII Administration: Section 410-8.1 If the Board of Appeals finds that the use involved will be in harmony with the general purpose and intent of this bylaw and shall not be substantially more detrimental to the established or future character of the neighborhood and Town and subject to appropriate conditions or safeguards if deemed necessary.

(b) The applicant shall be the owner of the premises and must submit a notarized affidavit certifying occupancy of either the principal dwelling or the ADU as the owner's primary residence immediately upon issuance of the Special Permit for an ADU.

(c) The applicant shall submit a notarized affidavit certifying occupancy of either the principal dwelling or the ADU as a Housing unit for family members, or seniors aged 60 years or more, or occupants who would qualify for an "Affordable Housing Unit" through income eligibility, with gross household income at or less than 80% of the Boston Metropolitan Area Median Income, with housing costs no more than 30% of gross household income. (\*Unless otherwise prohibited by a Federal or State agency under a financing or other subsidy program).

(d) As per Hull Zoning Bylaw Article VI General Regulations Section 410-6.2.B(6): "Pre-existing Structures. Pre-existing non-conforming structures or uses may be extended, changed or altered, provided that no such extension, change or alteration shall be permitted unless there is a special permit granted by the Board of Appeals making a finding that such change, extension or alteration is not substantially more detrimental than existing non-conforming use to the neighborhood".

Or take any other relative action thereto;"