



A true copy attest:

TOWN OF HULL
COMMONWEALTH OF MASSACHUSETTS

Lori West
Lori West-Town Clerk of Hull

6/4/24
Date

2024 ANNUAL TOWN MEETING

CERTIFIED VOTE OF ARTICLE 29

To Whom It May Concern:

I hereby certify the following action taken under Article 29 of the Warrant for the Annual Town Meeting held on May 6, 2024 and adjourned on May 8, 2024.

MOVED: That the Town amend the Zoning Bylaw to establish Accessory Dwelling Unit zoning establish §410-4.10 ACCESSORY DWELLING UNITS; and amend §410-5.1 Table 50, with any necessary numbering to be done by the Town Clerk as follows:

ARTICLE 29: To see if the Town will amend the Zoning Bylaw to establish §410-3.2.A(8) Accessory Dwelling Units;

§410-3.2. Single-Family Residence Districts A, B and C

A. Permitted uses for Single-Family Residence Districts A, B and C

(8) Accessory Dwelling Units, subject to the requirements of §410-4.10 of this Zoning Bylaw.

§410-4.10 ACCESSORY DWELLING UNITS

A. PURPOSE:

The purpose of this Bylaw is to provide:

- (1) Accessory dwelling units without significantly adding to the number of buildings in the Town or substantially altering the appearance of the residential property and for the purpose of enabling owners of single-family dwellings to share space and the burdens of homeownership with others while also protecting the stability, property values and residential character of the surrounding neighborhood.
- (2) Owner occupants of single-family homes with a means of obtaining rental income, companionship, and/or security, thereby enabling them to remain more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- (3) A limited number of Accessory Dwelling Units via special permit which allows for orderly development and ultimately limited impact on the community;
- (4) The Town the ability to monitor Accessory Dwelling Unit (ADU) construction and use for code compliance.

B. DEFINITIONS:

ACCESSORY DWELLING UNIT (ADU)

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 §410-4.10 and G.L. Chapter 40A §1A Definition of "Accessory Dwelling Unit."

Principal Dwelling

For the purposes of this §410-4.10 is a single-family dwelling exclusive of the area that

constitutes the Accessory Dwelling Unit (ADU).

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

C. PROCEDURES

- (1) Accessory Dwelling Units created under this by-law shall require a special permit from the Board of Appeals.
- (2) 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 review.
- (3) If the Building Commissioner determines the proposed ADU is in compliance with this zoning bylaw §410-4.10, and all code requirements for residential use the application may be submitted to the Board of Appeals for review and decision.

D. GENERAL CONDITIONS

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

(1) Owner Occupation

- (a) 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.
- (b) The owner shall recertify annually, by submission of a notarized affidavit 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 D(1)(a).
- (c) 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 affidavit 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.

(2) ADU Limit

- (a) 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.
- (b) ADU Permits shall be restricted to ten (10) per calendar year as determined by the Building Commissioner

(3) Compliance – 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) Transfer - Neither the principal dwelling nor the Accessory Dwelling Unit may be sold or otherwise conveyed or transferred separately from the other.

- (5) Short Term Rental - A Principal Dwelling or Accessory Dwelling Unit shall not be used for boarding and lodging, or other commercial use. A Principal Dwelling or ADU may be rented for periods not shorter than 6 months at a time, and are prohibited from any use as rental units on a weekly or daily basis.

E. DIMENSIONAL AND DESIGN REQUIREMENTS:

Any special permit for an Accessory Dwelling Unit (ADU) issued pursuant to this §410-4.10 shall be subject to, and shall incorporate the following conditions:

- (1) Any property/structure that has received a special permit or variance to expand square footage of the structure after the date of adoption of the ADU bylaw is not eligible for an ADU special permit.
- (2) 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.
- (3) An Accessory Dwelling Unit shall not have more than two bedrooms.
- (4) An Accessory Dwelling Unit shall not create an undue burden on the neighborhood.
- (5) 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.
- (6) The parking requirement for an ADU is one off-street parking space per bedroom 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.
- (7) 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.
- (8) 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.

F. SEVERABILITY:

All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

§410-5.1 Table 50 (addition is underlined)

	SF-A	SF-B	SF-C
Maximum Number of Dwelling Units per Lot	1+ <u>ADU</u>	1+ <u>ADU</u>	1+ <u>ADU</u>

VOTED: Motion passed by 2/3 vote of 240 to 79 on May 6, 2024.

Witness my hand and seal of the Town of Hull on this 4th day of June, 2024.

Attest:

**Lori West
Town of Hull Town Clerk**