

ADU WARRANT ARTICLE

ARTICLE 46:

MOTION: Accessory Dwelling Units

To see if the Town will vote to delete 6.21 Affordable Accessory Dwelling Units of the Wellfleet Zoning By-laws and substitute the following sections in place thereof, and to amend the Table of Contents and Sections 2.1, 5.3, 5.46, 5.47, and 8.3 as follows.

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[~~"Affordable Accessory Dwelling Units"~~ is hereby deleted and "Accessory Dwelling Units" is substituted in place thereof.]

SECTION II

2.1 DEFINITIONS

[~~Dwelling Affordable Accessory~~ is hereby deleted and the following definition is substituted in place thereof.]

Dwelling, Accessory: a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling or other principal structure that shall be leased year-round.

5.3. Use Regulations

Table 5.3.1 is amended as follows: Insert "Dwelling, Accessory" between "Conversion of Dwelling Unit" and "~~Dwelling, Affordable Accessory~~"

["P" is a permitted use. "A" is a use authorized under special permits.]

| | CD | R1 | R2 | NSP | C | C2 |
|---|--------------|--------------|--------------|--------------|--------------|--------------|
| Dwelling, Accessory Unit | P | P | P | A | P | P |
| Dwelling, Affordable Accessory | Ø | Ø | Ø | Ø | A | Ø |

[5.4.6. **Intensity of Use Application to Affordable Accessory Dwelling Units** is hereby deleted and the following section is substituted in place thereof.]

5.4.6. Intensity of Use Application to Accessory Dwelling Units

(ADU}

An Accessory Dwelling Unit shall consist of a minimum of 200 square feet of Livable Floor Area, subject to any requirements of the state.

[5.4.7 **Intensity of Use Application to the Conversion of Dwelling Units** is hereby amended and the following section in bold is inserted.]

5.4.7 Intensity of Use Application to the Conversion of Dwelling Units

No dwelling unit shall be converted into two or more units unless each resulting unit consists of a minimum of 600 square feet of livable floor area; the external appearance of the structure is not changed; the front, side and rear yard requirements of the district in which located are met; and the lot area is not less per dwelling than the lot requirement of the district in which located, **except in the case of an Accessory Dwelling Unit, as provided in Section 6.21 of these Zoning By-laws.**

6.21 Accessory Dwelling Unit (ADU)

6.21.1 Purpose: To enable an increase of year-round rental housing opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs, and to support a stable and diverse year-round community and a robust local workforce.

6.21.2 Accessory Dwelling Unit (ADU)

An Accessory Dwelling, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws is an additional dwelling unit allowed on a single lot in all districts of the Town if in compliance with all Town, Commonwealth of Massachusetts and Federal statutes, by-laws and regulations where applicable, unless otherwise allowed by this bylaw.

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6.21.2. Accessory Dwelling Units are allowed either as a Detached Building, or as a separate dwelling unit within or attached to a Dwelling, a building used for a Principal Use; or within or attached to any Accessory Building, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

6.21.2.2 Accessory Dwelling Units shall be no larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

6.21.2.3. Ownership of an Accessory Dwelling Unit cannot be separated from that of the principal use.

6.21.2.4. The rights and requirements of this By-law shall be transferred upon any transfer of ownership of a property containing an Accessory Dwelling Unit built under the provisions of this By-law.

6.21.2.5. A property owner may choose to cease to use an Accessory Dwelling Unit by formally reporting its change in use to the agent designated by the Town Administrator to administer and

monitor such units and altering it to meet the requirements of a permitted use. The agent will then register this change in use with the Building Inspector, the Health Agent and the Town Assessor.

6.21.3 Procedure

6.21.3.1 The property owner shall apply for and receive a Building Permit for an Accessory Dwelling Unit from the Building Inspector before construction or use may begin.

6.21.3.2 Once an Accessory Dwelling Unit has received a Certificate of Occupancy, it shall not be occupied or used until registered with the agent designated by the Town Administrator to administer and monitor such units who will maintain a current record of such units and register them with the Town's Assessor, Building Department, and Health Department.

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6.21.4 **Monitoring**

An Affidavit of Compliance signed by the property owner shall be submitted initially, when the unit is first occupied or used, and then annually, on September 1st or the nearest business day, to the agent designated by the Town Administrator to monitor and administer such Units to confirm that the Accessory Dwelling Unit or Units are being leased for a minimum of a year, and not otherwise leased or occupied for any other purpose, and that they shall be used as a dwelling, according to the standards and conditions of this By-law.

6.21.5 **Enforcement and Penalties**

Upon a written determination by the Building Inspector that the property owner has failed to comply with these provisions the property owner shall bring the unit or units into compliance within thirty (30) days of such written notice pursuant to Massachusetts General Law Chapter 40A Section 7. In addition, the Building Inspector shall impose any and all fines and penalties referenced in Section 8.3 of these By-laws.

6.21.6. **Opportunity for Affordable Housing Property Tax Exemption**

A property owner who leases an Accessory Dwelling Unit affordably and in compliance with this By-law, as specified by the Special Act of 2010 and adopted by Wellfleet voters in May 2011 may apply to the agent designated by the Town Administrator to administer and monitor such units to receive an application for a property tax exemption.

[8.3 **Penalty** is hereby amended and the following sections in bold are inserted therein.]

8.3 **Penalty** Any person violating any of the provisions of these By-laws may be fined not more than \$50.00 for each offense, **except in the case of violations of Section 6.21 Accessory Dwelling Units, the fine shall be \$300.00 for each offense.** Each day that such violation continues shall constitute a separate offense.

Summary:

The purpose of this bylaw is to enable an increase of year-round rental opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs; and to support a stable and diverse year-round community with a robust local workforce.

Wellfleet's year-round housing crisis is well documented. The need for year-round rentals has become increasingly pressing as more and more year-round homes are converted to short term and seasonal use. There are often no year-round rentals available at any price. From young people and families to seniors and well-paid professionals, finding and keeping a year-round rental is less and less possible. Our shellfishing families are particularly vulnerable as they are required by regulations to be domiciled in Wellfleet. Businesses of all types and even the Town's departments struggle to find employees because of the high cost and lack of year-round housing. This will impact both residents and visitors as it is already affecting the quality of life and economic sustainability of the town.

This By-law would allow Accessory Dwelling Units (ADUs) which are additional size-restricted dwellings, on a single lot with an existing dwelling or structure or other Principal use, in all Zoning districts if in compliance with all applicable By-laws and regulations. Properties in the National Seashore Park would require a Special Permit. Such dwellings can be no larger than 1,200 square feet of Livable Floor Area. Before an ADU can be used or occupied it must be registered with an agent designated by the Town Administrator to administer and monitor such units. Such units **MUST** be leased and occupied year-round with an Affidavit of Compliance filed annually with the Town by the property owner. ADUs do not have limits on who can rent based on income, and there is no set rent for ADUs. The property owner may lease the unit at market rates or may take advantage of the Affordable Housing Tax Exemption if leased affordably as determined by the Town. ADUs cannot be rented seasonally, weekly or daily. The property owner may live in the unit year-round themselves after filing the required Affidavit of Compliance.

PETITIONED ADU ARTICLE

ARTICLE 47: Petitioned Article

We, the undersigned, do support the following proposed Zoning By-law change and request that it be placed on the 2021 Annual Town Meeting Warrant.

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5.3. Use Regulations

[Table 5.3.1 is amended as follows: Insert Dwelling, Accessory between "Conversion of Dwelling Unit" and "Dwelling, Affordable". Delete ~~Dwelling Affordable Unit.~~"]

["P" is a permitted use". "A" is a use authorized under special permits.]

| | | | | | | |
|--|----------|----------|----------|----------|----------|----------|
| 5.3.1 Residential | CD | R1 | R2 | NSP | C | C2 |
| Dwelling, Accessory | P | P | P | A | P | P |
| Dwelling Affordable Accessory | A | A | A | A | A | A |

5.4.6. Intensity of Use Application to Affordable Accessory Dwelling Units is hereby deleted and the following section is substituted in place thereof.]

5.4.6. Intensity of Use Application to Accessory Dwelling Units (ADU)

An Accessory Dwelling Unit shall consist of a minimum of 200 square feet of Livable Floor Area.

[5.4. 7 Intensity of Use Application to the Conversion of Dwelling Units is hereby amended and the following section in bold is inserted.]

5.4.7 Intensity of Use Application to the Conversion of Dwelling Units

No dwelling unit shall be converted into two or more units unless each resulting unit consists of a minimum of 600 square feet of livable floor area; the external appearance of the structure is not changed; the front, side and rear yard requirements of the district in which located are met; and the lot area is not less per dwelling than the lot requirement of the district in which located, except in the case of an Accessory Dwelling Unit, as provided in Section 6.21 of these Zoning By-laws.

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6.21.2.2 Accessory Dwelling Units shall be no larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

6.21.2.3. Ownership of an Accessory Dwelling Unit cannot be separated from that of the principal use.

6.21.2.4. The rights and requirements of this By-law shall be transferred upon any transfer of ownership of a property containing an Accessory Dwelling Unit built under the provisions of this By-law.

6.21.2.5. A property owner may choose to cease to use an Accessory Dwelling Unit by formally reporting its change in use to the agent designated by the Town Administrator to administer and monitor such units and altering it to meet the requirements of a permitted use. The agent will then register this change in use with the Building Inspector, the Health Agent and the Town Assessor.

6.21.3 Procedure

6.21.3.1 The property owner shall apply for and receive a Building Permit for an Accessory Dwelling Unit from the Building Inspector before construction or use may begin:

6.21.3.2 Once an Accessory Dwelling Unit has received a Certificate of Occupancy, it shall not be occupied or used until registered with the agent designated by the Town

Administrator to administer and monitor such units who will maintain a current record of such units and register them with the Town's Assessor, Building Department, and Health Department.

6.21.4 Monitoring

An Affidavit of Compliance signed by the property owner shall be submitted initially, when the unit is first occupied or used, and then annually, on September 1st or the nearest business day, to the agent designated by the Town Administrator to monitor and administer such Units to confirm that the Accessory Dwelling Unit or Units are being leased for a minimum of a year, and not otherwise leased or occupied for any other purpose, and that they shall be used as a dwelling, according to the standards and conditions of this By-law.

6.21.5. Opportunity for Affordable Housing Property Tax Exemption

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6.21.6. Enforcement and Penalties

Upon a written determination by the Building Inspector that the property owner has failed to comply with these provisions the property owner shall bring the unit or units into compliance within thirty (30) days of such written notice pursuant to Massachusetts General Law Chapter 40A Section 7. In addition, the Building Inspector shall impose any and all fines and penalties referenced in Section 8.3 of these By-laws.

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\$50.00 for each offense, except in the case of violations of Section 6.21 Accessory Dwelling Units the fine shall be \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

Proposed Accessory Dwelling Unit By-law

We, the undersigned, do support the above article and request that it be placed on the 2021 Annual Town Meeting Warrant.