

## Accessory Dwelling Unit as approved at ATM 06/26/2021

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**Section 2.1 Definition-** 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.

### Use Regulations

<b>5.3.1 Residential</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Bed and Breakfast	P	P	P	P	P	P
Boat House, Private	P	P	P	P	P	P
Camper	O	O	O	O	O	O
Cluster Residential Development	O	PB	PB	O	O	O
Conversion of Dwelling Unit	O	A	A	O	O	O
<b>Dwelling, Accessory</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>A</b>	<b>P</b>	<b>P</b>
Dwelling, Affordable	A	A	A	O	A	A
Dwelling, Multiple-Family	O	O	O	O	A	O
Dwelling, One-Family	P	P	P	P	P	P
Garage, Private	P	P	P	P	P	P
Guest House, Private	O	P	P	P	P	P
Home Occupation	P	P	P	P	P	P
Parking, Private	P	P	P	P	P	P
Personal Services (Business)	A	O	O	O	A	O
Roadside Stand, Temporary	O	P	P	O	P	P
Service Trade Home Business (STHB)	A	A	A	A	A	A
Signs <sup>1</sup>	P	P	P	P	P	P
Stable, Private <sup>2</sup>	O	A	A	A	A	A
<b>5.3.1 Residential (continued)</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Studio, Private	P	P	P	P	P	P
Swimming Pool/Tennis Court, Private	P	P	P	P	P	P
Trailer Home/Mobil Home	O	O	O	O	O	O

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

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 the 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 UNITS (ADU) (6/29/2021)**

**6.21.1 Purpose:** To enable an increase of year-round 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 work force.

##### **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.

**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.** In order to maintain its status as an accessory use to the principal use on the same lot, the ADU must be held in the same ownership as the principal use.

**6.21.2.4.** The rights and requirements of this By-law and/or Special Permit, as they apply to each ADU, shall run with the land 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 a building permit and/or certificate of occupancy for an ADU. The Board of Health shall also review and inspect the ADU for compliance with the Health Code prior to the issuance of a certificate of occupancy. The Fire Department shall also inspect for working carbon monoxide detectors.

**6.21.3.2** Prior to the issuance of a certificate of occupancy, the ADU shall be registered with the agent designated by the Town Administrator who will administer and monitor such units, 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 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.

#### **8.1 PENALTY**

8.3 **Penalty** Any person violating any of the provisions of these Bylaws 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