



# **Planning Board Recommendations 2023 Zoning Articles**

April 13, 2023  
Select Board Briefing

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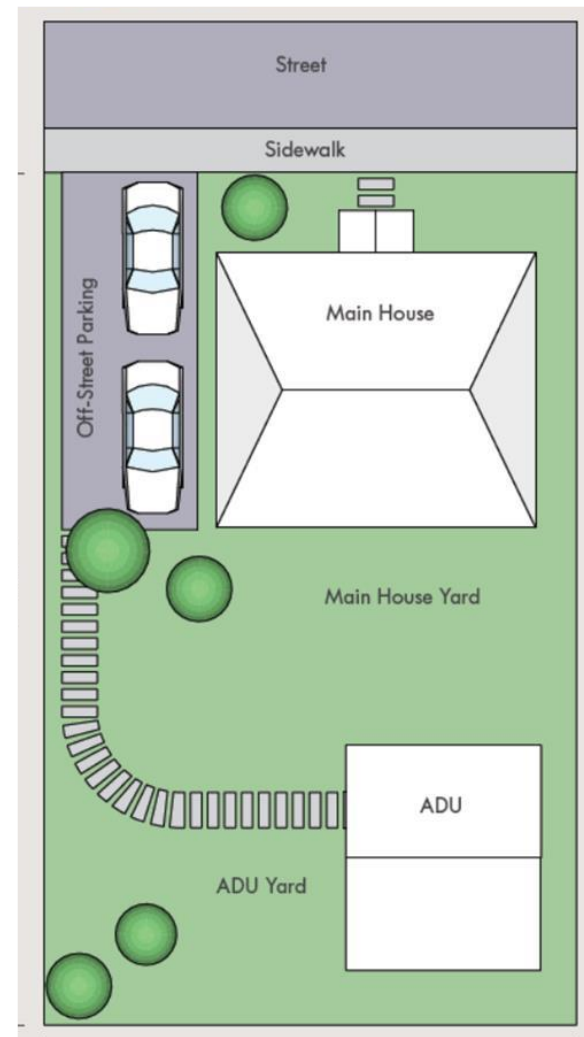
# Article 29: Accessory Dwelling Units

## Intent:

- Allow detached accessory dwelling units (ADUs)
- Adopt new or update existing regulations related to both detached and attached ADUs including the following provisions:
  - Definitions
  - Eligibility, Dimensional and Design Standards
  - Occupancy Requirements

## Background:

- 2018 - Existing ADU Regulations Adopted
- 2021 – Article 27 Citizens Petition/Study Committee
- 2021 – Housing Plan and Master Plan
- 2022 – ADU Study Committee Report
- Planning Board Review
- Recommended Motion and Quantum of Vote



# Article 29: Accessory Dwelling Units



<b>PROCESS AND ELIGIBILITY REQUIREMENTS:</b>	<b>Attached ADU Maintain or Modify</b>	<b>Detached ADU Maintain or Modify</b>
Special Permit Required	Maintain	Maintain
ADU CAP not met (2.5% single-family dwellings or approximately 155 units)	Maintain	Maintain
Applicant is owner of lot and single-family dwelling	Maintain	Maintain
Owner-occupancy of one of the units	Maintain	Maintain
Other unit occupied by family member	<i>Maintain</i>	<i>Maintain</i>
Lot area not less than 5,000 SF	Maintain	Modify - Not less than 10,000 SF
Complies with BOH or Sewer Requirements	Maintain	Maintain
Total number of dwelling units doesn't exceed two	Maintain	Maintain
Pre-existing nonconforming single-family if located in Residence D or Business A and B	Maintain	Maintain

# Article 29: Accessory Dwelling Units



<b>DIMENSIONAL AND DESIGN REQUIREMENTS:</b>	<b>Attached ADU Maintain or Modify</b>	<b>Detached ADU Maintain or Modify</b>
Single-family architectural character maintained	Maintain	Maintain
Stairways accessing ADU enclosed within building	<i>Modify – Rear exterior by waiver</i>	<i>Modify – Rear exterior by waiver</i>
Max. area the lesser of 750 SF or 30% of GFA of principal dwelling	Modify - 875 SF or 35% of GFA	Modify - 875 SF or 35% of GFA
No extension of a non-conforming building dimension including setbacks	Maintain	Maintain
Any new entrance shall be located to side or rear of building	Maintain	Maintain
Water and sewer utilities shall not be metered separately	Modify - Existing separate metering allowed by waiver	Modify - Existing separate metering allowed by waiver
Additional or modified landscaping, fences, buffers may be required to protect abutting properties	Maintain	Maintain
Parking requirement for ADU is one space/bedroom	Maintain	Maintain
ADU may not have more than two (2) bedrooms	Maintain	Maintain

# Article 29: Accessory Dwelling Units



<b>ADDITIONAL REQUIREMENTS:</b>	<b>Attached ADU Maintain or Modify</b>	<b>Detached ADU Maintain or Modify</b>
Separation Standard between Single-Family and Detached ADU (10')	N/A	Add Requirement
Minimum Setback for Detached ADU from front façade of dwelling (10') and property lines (15'-20')	N/A	Add Requirement
Temporary absences of the owner for not more than 9 months	Modify - Decrease to 6 months	Modify - Decrease to 6 months
Minimum Occupancy Term (6 months) to prevent short-term use	<i>Add Requirement</i>	<i>Add Requirement</i>
<b>DEFINITIONS:</b>	<b>Attached ADU Maintain or Modify</b>	<b>Detached ADU Maintain or Modify</b>
Family Member	<i>Modify – Similar to definition for other provisions of the By-Law</i>	<i>Modify – Similar to definition for other provisions of the By-Law</i>



## Article 30: Minimum Occupancy Term for Residential Uses

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### Intent:

- Adopt a minimum occupancy term for residential dwelling units in order to prevent transient uses such as short-term rentals
- Codifies current practice of enforcing minimum 30-day lease or rental term
- Avoid implication that there is no limitation for residential uses other than ADUs
- Recognizes that many property owners lease on month-to-month basis

### Recommended Motion:

That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 By replacing Section III-A, 1. under the Schedule of Uses in its entirety as follows:

1. Residential, subject to Special Condition 4 of Section III-B

Item 2 By replacing the parenthetical in Section 4.22 under Section III-A with “(Subject to Special Condition 4 and Special Condition 7 of Section III-B)”

Item 3 By replacing Special Condition 4. under Section III-B in its entirety as follows:

4. No dwelling unit shall be leased or rented for a period of less than 30 consecutive days

# Article 31: Storage of Unregistered Vehicles



## Intent:

- Add new subsets to the Schedule of Uses in the Zoning By-Law to allow in connection with single-family and two-family uses the following:
  - Outdoor storage of one unregistered vehicle by-right
  - Outdoor storage of two or more unregistered vehicles, if screened from view, by special permit A1

Residence					Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
A	B	C	D	E	A**	B								
1.8.10 Outdoor storage of not more than one unregistered vehicle														
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
1.8.11 Outdoor storage of two or more unregistered vehicles, provided, however that such vehicles shall be screened from public view														
A1	A1	A1	A1	A1	A1	A1	A1	A1	A1	A1	A1	A1	A1	A1

- Delete Section 35 of Article 10 of the General By-laws and amend renumber subsequent sections

# Article 32: Downtown Hingham Overlay District



**Intent:** Delete obsolete reference to previously amended use to correctly refer to parking areas

## Recommended Motion:

That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by replacing the second sentence under Section III-G,6.b.(ii) with the following:

“A permitted commercial use shall be those uses permitted under Section III-G,4. Above, but excluding parking areas, except as specifically provided in subsection 7.a. below; or act on anything related thereto?”

## Current Zoning By-Law (Eligibility Requirements for Commercial/Residential Building):

*Buildings containing a permitted commercial use at the ground floor. A permitted commercial use shall be those uses permitted under Section III-G, 4 above, but excluding Parking Areas under **Section III-A, 4.18**, except as specifically provided in subsection 7.a. below...*

“4.18 Retail Sale of Alcoholic Beverages”

## Previous Zoning By-Law:

“4.18 Parking area for employees, customers, or guests of a use abutting or across the street from it, provided that service operations are not preformed at the parking area.” – Allowed by Special Permit A2



# Article 33: Hingham Harbor Overlay District



## Intent:

- Delete obsolete reference to previously amended use to correctly refer to parking areas
- Allow coastal defense structures with modified dimensional standards

## Recommended Motion:

That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

- Item 1 Amend Section III-H,5.c. to replace the first sentence with the following: "For all parcels within the Overlay District, the offsite parking provisions under Section V-A,2. are modified as follows:"
- Item 2 Amend Section III-H,5. to insert the following new subsection e:
- e. Seawalls, embankments or other coastal defense structures are permitted uses within the Overlay District, subject to the requirements of Section III-C. and resequence the existing subsection e. to subsection f.
- Item 3 Amend Section III-H,6. to insert a new subsection d. that reads: "Notwithstanding the foregoing provisions of this subsection 6, seawalls, embankments or other coastal defense structures shall be exempt from the dimensional requirements of the Overlay District and Section IV-A and IV-B, regardless of the underlying zoning district.

# Article 33: Electric Vehicle Charging Parking Requirements



## Intent:

- Create a standard for the installation of EV charging stations/future infrastructure for future charging stations for all moderate or large parking lots
- Allow parking spaces reserved for EV charging to qualify toward minimum parking requirements

## Recommended Motion:

That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 Amend Section V-A by replacing in its entirety Note d. to the Off-Street Parking Requirements with the following:

- d. No space reserved for any person, tenant, activity or purpose shall be included to satisfy the parking requirement with the following exceptions:
  - (i) Spaces reserved for “visitor” or “customer” parking; and
  - (ii) Spaces equipped with electric vehicle charging stations or infrastructure to make spaces compatible with future electric vehicle charging.

Item 2 Amend Section V-A, 5. Design Standards by inserting a new subsection p. as follows:

- p. New or redeveloped parking lots containing 20 or more parking spaces shall provide infrastructure to make a minimum of 25 percent of the spaces compatible with electric vehicle charging and a minimum of 10 percent shall be equipped with electric vehicle charging stations.



Hingham Drives Electric