



# **2022 Proposed Zoning Amendments**

January 24, 2022

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# Residential Accessory Uses

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

Item 1: By deleting Section III-J, 1.a. and reformatting Section III-J, 1.b as Section III-J.a;

Item 2: By replacing Section III-J, 2. in its entirety as follows:

“2. Additional Requirements for all Residential Accessory Uses

- a. Applicability. Uses considered customarily incidental to residential uses shall be those accessory uses permitted under Section III-A, 1.8. Such uses shall also be permitted in buildings accessory to Single-Family and Two-Family Dwellings located in nonresidential districts.
- b. Maintenance of Residential Character. Accessory uses shall not alter the character of the premises on which they are located or impair the neighborhood. Factors to be considered potential impairment to the neighborhood may include, but are not limited to the following:
  - (i) Noise
  - (ii) Light
  - (iii) Odor
  - (iv) Sound
  - (v) Traffic congestion and pedestrian safety, frequency of deliveries

or act on anything related thereto?

# Redlined Section III-J



Item 1:

## III-J. Accessory Uses

1. [No changes]

~~a. Uses considered customarily incidental to residential uses shall be those accessory uses permitted under Section III-A, 1.8. Such uses shall also be permitted in buildings accessory to Single-Family and Two-Family Dwellings located in nonresidential districts.~~

~~b.a. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a Special Permit A2, provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.~~

Item 2:

## III-J.2. ~~Additional Requirements~~

~~a. Accessory uses may be located in any area contained within a non-conforming residential building (whether primary or accessory) existing as of April 26, 2004.~~

~~b. Notwithstanding the provisions of Section III-A, 1.8.4, 1.8.5 and 1.8.6, regarding resident offices, studios, or customary home occupations, as described in those subsections, no more than three persons, including the resident professional(s), or business owner(s), shall be employed on the premises at any one time.~~

~~c. Such uses shall be clearly incidental and secondary to the primary use.~~

~~d. Such uses shall not alter the character of the premises on which they are located or impair the neighborhood.~~

## Additional Requirements for all Residential Accessory Uses

a. **Applicability.** Uses considered customarily incidental to residential uses shall be those accessory uses permitted under Section III-A, 1.8. Such uses shall also be permitted in buildings accessory to Single-Family and Two-Family Dwellings located in nonresidential districts.

b. **Maintenance of Residential Character.** Accessory uses shall not alter the character of the premises on which they are located or impair the neighborhood. Factors to be considered potential impairment to the neighborhood may include, but are not limited to the following:

- (i) Noise
- (ii) Light
- (iii) Odor
- (iv) Sound
- (v) Traffic congestion and pedestrian safety, frequency of deliveries

# Suggested Changes

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**New Item 3: By inserting in the first sentence of Section III-J, 1. after “Accessory uses shall be those that are customarily incidental...” the words “...and clearly secondary...”**

Item 1: By deleting Section III-J, 1.a. and reformatting Section III-J, 1.b as Section III-J.1.a;

Item 2: By replacing Section III-J, 2. in its entirety as follows:

“2. Additional Requirements for all ~~Residential~~ Accessory Uses

- a. Maintenance of ~~Residential~~ Character. Accessory uses shall not alter the character of the premises on which they are located or impair the neighborhood. Factors to be considered potential impairment to the neighborhood may include, but are not limited to the following:
  - i. Noise
  - ii. Light **and/or visual impacts**
  - iii. Odor
  - iv. Sound
  - v. Traffic congestion and pedestrian safety, availability and safety of parking, and frequency of deliveries
  
- b. Applicability for Residential Accessory Uses. Uses considered customarily incidental to residential uses shall be those accessory uses permitted under Section III-A, 1.8. Such uses shall also be permitted in buildings accessory to Single-Family and Two-Family Dwellings located in nonresidential districts.