

# Accessory Dwelling Units (ADUs)

## Frequently Asked Questions

*The following information responds to the most frequently asked questions about Accessory Dwelling Units. This information is in response to the ordinance as proposed.*

### Why is the Town considering allowing Accessory Dwelling Units?

The intent of allowing Accessory Dwelling Units is to increase the number of dwelling units available for year-round rental in Town while remaining within our current wastewater capacity limitations; Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle; Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and Provide homeowners with a means of obtaining rental income to defray housing costs.

### What requirements are proposed for rentals on a property with an ADU?

The proposed ordinance would allow an ADU and the principal dwelling to be rented concurrently. If rented, the rental period cannot be shorter than 12 consecutive months.

An ADU can be used only as a rental, except that the owner of the property could live in the ADU while renting the principal dwelling.

Rentals of any duration less than 12 months would not be permitted, including short term rentals. This was the position voted by the Zoning & Regulatory Subcommittee of the Town Council on December 16, 2020.

### Rental to Family Members

The proposed ordinance does not restrict who an ADU can be rented to, but does require ADUs to be rented with a 12 month lease. The Town also allows the establishment of family apartments according to the regulations in Zoning Code [§240-47.1](#). Residents are encouraged to evaluate both programs and the requirements associated with both.

### Are there proposed limits to how many people can live in an ADU?

The proposed ordinance limits occupancy of an ADU to two adults (over 18). Additional adult occupants may be permitted with the grant of a Special Permit from the Zoning Board of Appeals.

### Could the ADU be turned into a condominium and sold separate from the principal dwelling?

The proposed ordinance requires the principal dwelling and ADU and lot on which they are located remain in common ownership.

### What enforcement and oversight will the Town have over ADU's?

The owner of any unit that is rented in the Town of Barnstable is required to register that unit with Town's Health Division's Rental Registration Program. All rentals units are subject to inspection and must comply with state requirements for upkeep of the unit.

Properties that successfully register with the Rental Registration Program receive a Rental Certificate which sets out the requirements for each unit. Rental certificates for ADUs would reflect the maximum occupancy requirements and minimum lease term requirements proposed in the ordinance, and require owner to produce a lease upon the request of the Town.

### What building code requirements are applicable to an ADU?

ADUs would be required to be compliant with all Building Code requirements for an independent dwelling unit. Building and occupancy permits would be required for all ADUs. There are no minimum square footage requirements for a dwelling.

### How much does it cost to build an ADU?

The cost of constructing an ADU will align with the market rate for construction materials and labor costs and will be dependent on the configuration of the ADU being constructed.

## Is the number of bedrooms in the principal dwelling and ADU limited by the size of a septic system?

All properties served by Title V Septic Systems will be required to comply with the current state and local regulations for maximum number of bedrooms. The total number of bedrooms in the principal dwelling and the ADU could not exceed the maximum allowed under Title V and local regulations. Only septic systems that are not already at this maximum are permitted to expand. Bedrooms in the principal dwelling could be eliminated in accordance with Title V standards to allow for the creation of an ADU.

Alternative septic systems are only allowed with variances from the Board of Health and DEP and may not allow for an increase of total number of bedrooms allowed on a property.

## What are the setback and height requirements for an ADU?

### Setbacks & Lot Size

An ADU would be required to comply with all applicable zoning requirements, including but not limited to building height and yard setbacks, for the zoning district in which it is located. The zoning district in which a property is located can be found by checking the Town's Property Look Up (Details > Owner Information) or by calling the Building Division at 508-862-4038.

## Does an ADU have size limitations?

### Size of ADUs

The proposed ordinance regulates the size of ADUs in two ways: Number of bedrooms and square footage.

- The number of bedrooms in an ADU is limited to two. An owner may apply to the Zoning Board of Appeals for a Special Permit for an ADU with more than two bedrooms. (If the property has a septic system, there must be adequate septic capacity to allow the increase.)
- The size of an ADU is limited to 900 square feet, or 50% of the habitable floor area of the principal dwelling, whichever is smaller. An owner may apply to the Zoning Board of Appeals for a Special Permit for an ADU that exceeds these size limitations.

## Is there a minimum lot size required to have an ADU?

The ordinance does not propose a minimum lot area requirement specific to ADUs. As noted above, any new construction is required to comply with setback requirements.

## How many ADU's are allowed on a lot?

### Number of ADUs

The proposed ordinance allows only one ADU per lot and prohibits seeking a variance from that limit.

## What permits are required to build an ADU? Do neighbors get notice when a permit application is filed?

The proposed ordinance allows ADUs "by-right" -- with administrative review and a building permit. No neighbor notice or public hearing is required or would be provided.

ADUs that would have more than two adult occupants or more than 900 sq.ft would require a Special Permit from the Zoning Board of Appeals (ZBA). A Special Permit application requires the ZBA to hold a public hearing; mailed notice to neighbors (abutters and owners within 300' of the subject property) of ZBA hearings is required.

## How does this ordinance impact private covenants or deed restrictions on individual properties?

Some properties may be subject to private covenants, homeowners' association regulations, or deed restrictions. The Town does not enforce these private restrictions.

## How will ADUs be taxed?

The Town Assessor's Office considers units with independent entrances/egresses and separately metered utilities as additional dwelling units; a single-family residential property with an ADU may be valued as a two-unit property (use code 104) or two units on one parcel (use code 109).

*If you have any additional questions, please contact Elizabeth Jenkins, Director of Planning & Development at [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us).*