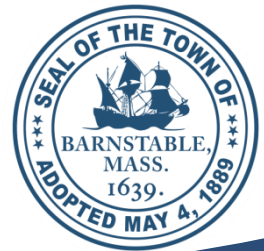


# Accessory Dwelling Units

## Item No. 2021-174

Town Council  
July 15, 2021



# What is an Accessory Dwelling Unit

An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit (independent living facilities) incorporated within a lawful principal single-family dwelling or within a detached accessory building with a separate entrance and regulations on size and proportion



# Accessory Dwelling Units

- Two companion items – 2021-174 & 2021-175
- Zoning text amendments
- Revise Section 240-128 Definitions
- Add Section 240-47.2 Accessory Dwelling Units



# Housing Needs Assessment

“To produce more rental housing throughout the community”

## LOW VACANCY PUSHES HOUSING PRICES UP



**OWNERSHIP  
UNITS VACANT**



**RENTAL  
UNITS VACANT**

A balanced market should have at least a 1.5% vacancy rate for ownership and 7% for rental vacancy rate.

## RENTERS ARE ESPECIALLY BURDENED



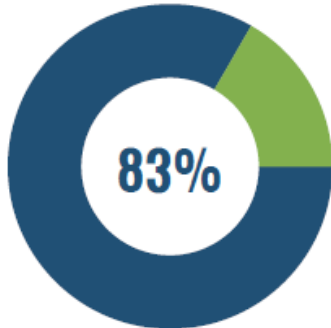
Almost **ONE IN EVERY TWO** **RENTERS** spends too much income on rent.

# Housing Needs Assessment

“More housing choice”

Mostly single-family detached housing

## CHOICES ARE LIMITED



Most of the housing stock (83%) is single family.

## HOME OWNERSHIP IS OUT OF REACH FOR FAMILIES

AFFORDABLE PRICE FOR A HOUSEHOLD OF 4  
AT BARNSTABLE'S MEDIAN HOUSEHOLD INCOME

\$209,000

2021 MEDIAN SALE PRICE

\$519,550

# Housing Production Plan

A comprehensive housing plan informed by citizen participation that serves as the local roadmap to address the costs and availability of housing in Barnstable.



# Housing Production Plan

**Allow market-rate accessory apartments  
to increase housing options**



Year-Round



Diverse Options



Intergenerational

# ADUs on Cape Cod

“The gap between the median annual income and the cost of housing continues to widen at the same time as average household size declines on Cape Cod creating a **demand for smaller units** affordable to the regional population.”

“In those areas of our region **with limited infrastructure and sensitive habitats ADUs will be an important part** of meeting Cape Cod’s housing challenge.”



CAPE COD  
COMMISSION



# CCC Model Bylaw

The Cape Cod Commission drafted a model ADU bylaw allowing ADUs ‘by right’ to support the addition of small scale housing alternatives to meet the needs of our region.



CAPE COD  
COMMISSION

# Discussions to Date

- Town Council Zoning & Regulatory Committee met several times in 2020 to discuss ADUs, review model bylaw, and discuss provisions as they may relate specifically to Barnstable
- Community Meeting on January 25<sup>th</sup>



# Housing Choice

- January 14, 2021 amendment to MGL 40A
- Promotes new housing production in the Commonwealth
- As-of-right ADUs, no larger than 900 sq.ft – allows zoning amendments by simple majority vote
- Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a 2/3 majority vote

**Item No. 2021-174**

# Purpose & Intent

The intent of permitting 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 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.**

# Definitions (2021-174)

## ACCESSORY DWELLING UNIT (ADU)

An Accessory Dwelling Unit (ADU) is a **self-contained Dwelling Unit**, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a **lawful principal single-family dwelling or within a detached building** accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a **separate entrance**, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller.

# Definitions

## DWELLING UNIT

Complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

## DWELLING, SINGLE-FAMILY

A detached residential building designed for and occupied by a single family and providing complete independent living facilities for one or more persons.

# Procedural Requirements

## B. Procedural Requirements

- 1) An ADU that conforms to the requirements contained herein shall be permitted as an **accessory use to a lawful single family dwelling use**, except that **no ADU shall be permitted on a lot at the same time as a family apartment exists** on that lot pursuant to §240-47.1.
- *Town-wide ordinance – accessory to SF*
  - *Can't have a family apartment & an ADU*



# Procedural Requirements

- 2) Prior to issuance of a **building permit** for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new buildings and improvements on a lot associated with a proposed ADU.
  - 3) The construction of any accessory dwelling unit must be in conformity with the Federal, State, and local laws and regulations, including all historic, and Old King's Highway requirements if applicable.
- *As-of-right (building permit) w/ plan submission*
  - *ADUs must comply with zoning & other regulations*

# Use & Dimensional Requirements

The Building Commissioner may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit **within a lawful existing or new single-family dwelling** to which the ADU is accessory, or in a **new or existing detached building** accessory to and **on the same lot as the principal dwelling** subject to the following:

- 1) No more than one (1) ADU may be created per lot.**  
This provision is not subject to variance.
  - *ADUs may be attached or detached*
  - *ADUs must be on the same lot as the principal dwelling*
  - *Only 1 ADU per lot*

# Use & Dimensional Requirements

- 2) If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be **less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.**
  - 3) An ADU shall be designed so that, to the maximum extent practical, the **appearance of the property on which it is to be located remains that of a single-family residential property.** Any addition or new construction shall be **consistent in design with the principal single family dwelling**, considering the following: architectural details, roof design, building spacing and orientation, door and window location, and building materials. Any person aggrieved by the determination of a Town official with respect to a determination under this subsection may appeal said determination to the Zoning Board of Appeals.
- *Design requirements towards accessory character*
  - *Consistency in design of ADU and dwelling*

## Use & Dimensional Requirements (2021-174)

- 4) The ADU shall contain **no more than two bedrooms**. ADUs, in accordance with the definition, shall have a **maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit** (exclusive of floor area that converted to the ADU), **or 900 square feet, whichever is smaller. ADUs with more than two bedrooms may be permitted by special permit from the Zoning Board of Appeals.** Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.
- *ADUs limited to two bedrooms; additional bedrooms may be granted by ZBA Special Permit*
  - *ADU size limited to smaller of ½ of dwelling or 900 sq.ft\**

# Use & Dimensional Requirements

- 5) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.**
- *Occupancy of ADUs limited to two adult persons*
  - *Additional occupancy may be allowed by ZBA Special Permit*

# Use & Dimensional Requirements

- 6) Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
- 7) All parking for the ADU shall be off street.**
  - *ADU size limitations are the maximum; no subsequent expansion under other permits*
  - *Parking off street, on property*

# Use & Dimensional Requirements

- 8) The Board of Health must have documented to the Building Commissioner that **sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations**, including provisions for an appropriate reserve area on the site. **The principal dwelling unit and accessory dwelling unit shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot.** If the property is served by municipal sewer, the Department of Public Works shall certify adequate capacity is available to serve the additional unit.

# Wastewater Disposal

- *Properties served by Title V Septic Systems have a maximum number of bedrooms*
- *The maximum number of bedrooms for a property with an ADU cannot exceed the maximum allowed under Title V*
- *Maximum = Principal Dwelling & ADU combined*
- *No additional bedrooms allowed by this zoning*
- *Eliminate bedrooms from principal dwelling*



# Use & Dimensional Requirements

- 9) The rights and requirements of this ordinance hereby transfer upon the sale of a property containing an ADU built under the provisions of this ordinance.

# Use & Dimensional Requirements

- 10) An ADU and the principal dwelling to which it is accessory may be rented only in accordance with the terms of this section.**
- 11) An ADU shall be used only as a rental, except that the owner of the property may reside in the ADU while renting the principal dwelling. The rental period for an ADU and for a principal dwelling shall not be shorter than 12 consecutive months. Both the ADU and the principal dwelling may be rented concurrently.**

# Rental Requirements


- *Both the ADU and the Principal Dwelling may be rented*
- *Owner may reside in ADU or principal dwelling*
- *Rentals are required to be for a minimum of 12 consecutive months*
- *No other rental duration would be allowed on a property with an ADU, including short term rentals*

# Use & Dimensional Requirements

- 12) Any commercial use, with the exception of permitted home occupations, shall not be allowed on a property on which there is an ADU.

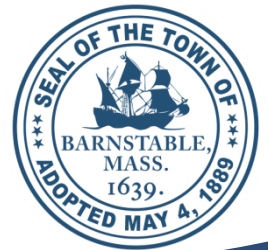
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# Planning Board Report

- May 24, 2021 public hearing
  - **Unanimous vote to recommend adoption** of this zoning amendment, with a modification to 240-47.1(C)(11) to revise the minimum rental period for an ADU and for a principal dwelling from **12 consecutive months** to **6 consecutive months**
- 

# Housing Choice

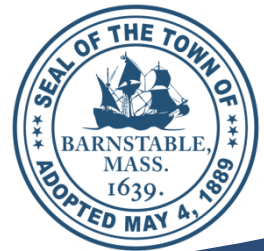
- Majority vote of full Council



# Accessory Dwelling Units

## Item No. 2021-174

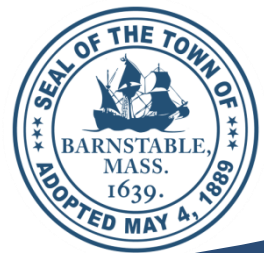
Town Council  
July 15, 2021



# Accessory Dwelling Units

## Item No. 2021-175

Town Council  
July 15, 2021





# 2021-175: Definition

## ACCESSORY DWELLING UNIT (ADU)

An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller, **unless special permit relief is granted with respect to the requirements of 240-47.2(C)(4) with regard to square footage.**

## 2021-175: Use & Dimensional Requirements

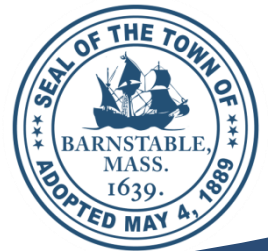
The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms **and/or a maximum habitable floor area greater than 900 square feet** may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.

# Planning Board Report

- May 24, 2021 public hearing
- **Unanimous vote to recommend adoption of this zoning amendment.**

# Vote Required

- Two-thirds majority vote of full Council



# Accessory Dwelling Units

## Item Nos. 2021-175

Town Council  
July 15, 2021

