

Accessory Dwelling Units (ADUs)

Frequently Asked Questions

(Updated June 2025)

The following information responds to the most frequently asked questions about Accessory Dwelling Units. The FAQ was updated in June 2025 in accordance with amendments in compliance with revisions to Chapter 40A of the General Laws, the State Zoning Act, as set forth in the Affordable Homes Act.

Why is the Town allowing Accessory Dwelling Units?

The intent of allowing Accessory Dwelling Units is to increase the number of dwelling units in Town while remaining within our current wastewater capacity limitations; adapt 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 are the rental requirements for a property with an ADU?

The ADU cannot be used as a short-term rental. The ADU must be rented for more than 31 consecutive calendar days in accordance with [Massachusetts General Laws Chapter 64G Section 1](#). Additionally, if the owner of the principal dwelling chooses to reside in the ADU, the principal dwelling shall not be used as a short-term rental during the period in which the property owner resides in the ADU. There are no regulations on what rent can be charged for the ADU.

Is owner occupancy required for an ADU?

No. The ordinance does not require owner occupancy.

How many people can live in an ADU?

There is no limit defined within the zoning ordinance for the amount of people who can live within an ADU; however, it is recommended to coordinate with the Town's Building Division and Health Division for further guidance.

Can an ADU be turned into a condominium and sold separate from the principal dwelling?

No. The ordinance requires that the principal dwelling, the ADU, and the lot on which they are located, remain in common ownership.

What building code requirements are applicable to an ADU?

An ADU is required to be compliant with all Building Code requirements for an independent dwelling unit. Building and occupancy permits are required for all ADUs. There are no minimum square footage requirements per the zoning ordinance; however, it is recommended to coordinate with the Town's Building Division for further guidance.

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?

To add an ADU to a property with a septic system, you will need to contact the Health Division at (508) 862-4644 or health@town.barnstable.ma.us and ask to speak to a Health Inspector to verify the capacity of your septic system, coordinate a determination as to whether or not the property is located within a nitrogen sensitive area, and a determination as to how many bedrooms are allowable at the property in accordance with the State Environmental Code, Title 5 and Town of Barnstable codes. You may consider eliminating bedrooms from the principal dwelling to allow for bedrooms in an ADU. See [Options for Resolving Your Bedroom Count Issue](#) for further insight.

If the property is served by municipal sewer, the Department of Public Works (DPW) must confirm adequate capacity is available to serve the additional unit.

What are the setback and height requirements for an ADU?

Setbacks & Lot Size

An ADU is 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) and then reviewing the bulk requirements applicable to the specific zone in accordance with the Zoning Code [Article III §240](#) or by calling the Building Division at 508-862-4038.

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

There is no minimum lot size required to add an ADU; however, it should be noted that any new construction is required to comply with setback requirements.

Does an ADU have size limitations?

Size of ADUs

The ordinance strictly regulates the size of ADUs by the total square footage.

- ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that was converted to the ADU), or 900 square feet, whichever is smaller. An owner may apply to the Zoning Board of Appeals for a Special Permit for an ADU with a gross floor area that is greater than 900 square feet strictly for an existing structure. Garages, unfinished attics and basements, common entries, porches and decks are not included in floor area calculations.

How many ADU's are allowed on a lot?

The ordinance strictly allows one ADU per lot as of right and prohibits the ability to seek a variance from this limit.

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

The ordinance allows ADUs to proceed “by-right” -- with administrative review and a building permit subject to meeting size requirements. No neighbor notice or public hearing is required.

ADUs within an existing structure with a gross floor area greater than 900 square feet can be considered for 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) is required in advance of the public hearing.

How does the 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.

What enforcement and oversight does 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.

How is an ADU 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).

I want to create an ADU. What are the next steps?

If you have further questions about the ADU ordinance, please contact the Planning & Development Department at 508-862-4678.

If you have questions about permit or code requirements for an ADU, please contact the Building Department at 508-862-4038 and ask to speak with a Building Inspector about an ADU.