

# 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 approved ordinance, [Chapter 240-47.2 Accessory dwelling units \(ADUs\)](#).*

### Why is the Town 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 are the rental requirements for a property with an ADU?

The approved ordinance allows either the ADU or the principal dwelling, but not both, to be rented at a given time. The rental period for an ADU and for a principal dwelling cannot be shorter than 12 consecutive months.

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

Rentals of any duration less than 12 months are not permitted, including short term rentals (of the principal dwelling or ADU).

There are no regulations on what rent can be charged.

### Rental to Family Members

The approved ordinance does not restrict who an ADU can be rented to or what the rental rate can be, but it 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.

### Is owner occupancy required for an ADU?

*“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. **Either the principal dwelling or ADU, but not both, may be rented at any given time.**”*

The ADU ordinance states that either the principal dwelling or the ADU, but not both, may be rented at any given time. The only restriction for the dwelling that is not permitted as an ADU is that it cannot be rented. The dwelling not in use as an ADU can be vacant (as is the case with seasonal dwellings, occupied for only a portion of the year); it does not have to be the property owner’s primary residence.

### How many people can live in an ADU?

The approved 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.

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

No. The approved ordinance requires the principal dwelling and ADU, and lot on which they are located, to 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 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 are 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 cannot 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 Department of Environmental Protection (DEP) and may not allow for an increase of total

number of bedrooms allowed on a property. If the property is served by municipal sewer, the Department of Public Works (DPW) must certify 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 approved 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 in total bedrooms.)
- 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 with a habitable floor area greater than 900 square feet. 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 approved ordinance strictly allows one ADU per lot 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 approved ordinance allows ADUs to proceed "by-right" -- with administrative review and a building permit. No neighbor notice or public hearing is required.

ADUs that have more than two adult occupants, more than two bedrooms, or a habitable floor area greater than 900 square feet require a Special Permit from the Zoning Board of Appeals (ZBA). A Special Permit application requires the ZBA to hold a public hearing and mailed notice to neighbors (abutters and owners within 300' of the subject property) of the hearing is required.

### 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. Rental certificates for ADUs reflect the maximum occupancy requirements and minimum lease term requirements as defined in the approved ordinance, and require the owner to produce a lease upon the request of the Town.

### 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 or Housing Coordinator Ryan Bennett at [ryan.bennett@town.barnstable.ma.us](mailto:ryan.bennett@town.barnstable.ma.us).

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.