

LITTLE TO MIDDLE HOUSING TYPES



The South Shore communities participating in this report were interested in understanding the extent to which their zoning bylaws enable or impede detached accessory dwelling units, one of the housing types studied in the first Living Little report. An assessment of participating towns' zoning bylaws with regards to accessory dwelling units is included alongside relevant content from the first report, replicated here for ease of access and shown as:

PHASE 1



OVERVIEW AND HISTORY

Accessory Dwelling Units (ADUs), commonly known as “granny flats,” “carriage houses,” or “in-law apartments,” were prevalent before World War II throughout American towns and cities, serving as an attached or detached secondary dwelling for in-laws, smaller households, and house workers.

Following the end of WWII and the move towards single-family, low-density suburbanization and increased zoning restrictions, ADUs lost popularity or were zoned out of existence. Beginning in the 1970s, a handful of municipalities began to write ADUs back into zoning. Currently, ADUs are built and lived-in legally and illegally, especially in urban areas with high housing demand. Certain cities and towns have begun to see ADUs as a solution to high housing costs that prevent younger households from purchasing a house and empty nesters from downsizing their living arrangements.

Per building code regulations, for an ADU to serve as a household's main living area, there must be a bathroom, kitchen, and bedroom that is independent from the primary dwelling unit. ADUs come in four main types: carve-out or conversion of an existing living area within the primary dwelling unit, finishing an existing basement or attic within the primary dwelling unit, adding to an existing structure such as a garage, and building a new free-standing structure on site. This report focuses on the latter. Nationally, Oregon and California are at the forefront of creating flexible zoning and incentives to increase the supply of ADUs.

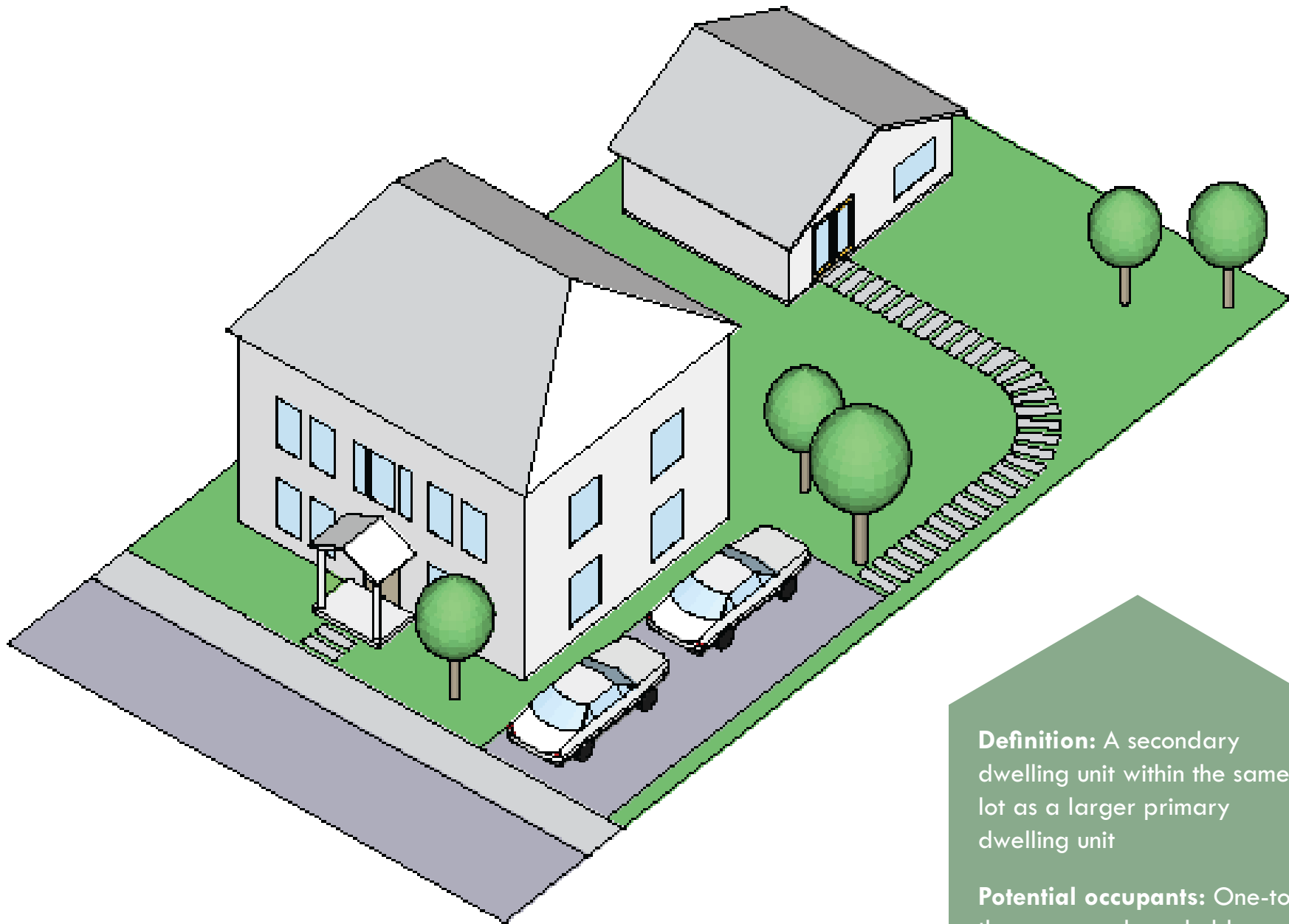
POLICY EXAMPLES:

Barnstable, MA	Austin, TX
Cambridge, MA	Boulder, CO
Lexington, MA	Los Angeles, CA
Newton, MA	Minneapolis, MN
Orleans, MA	Portland, OR
Wellfleet, MA	Santa Cruz, CA

PHASE 1

LAYOUT

PHASE 1



Definition: A secondary dwelling unit within the same lot as a larger primary dwelling unit

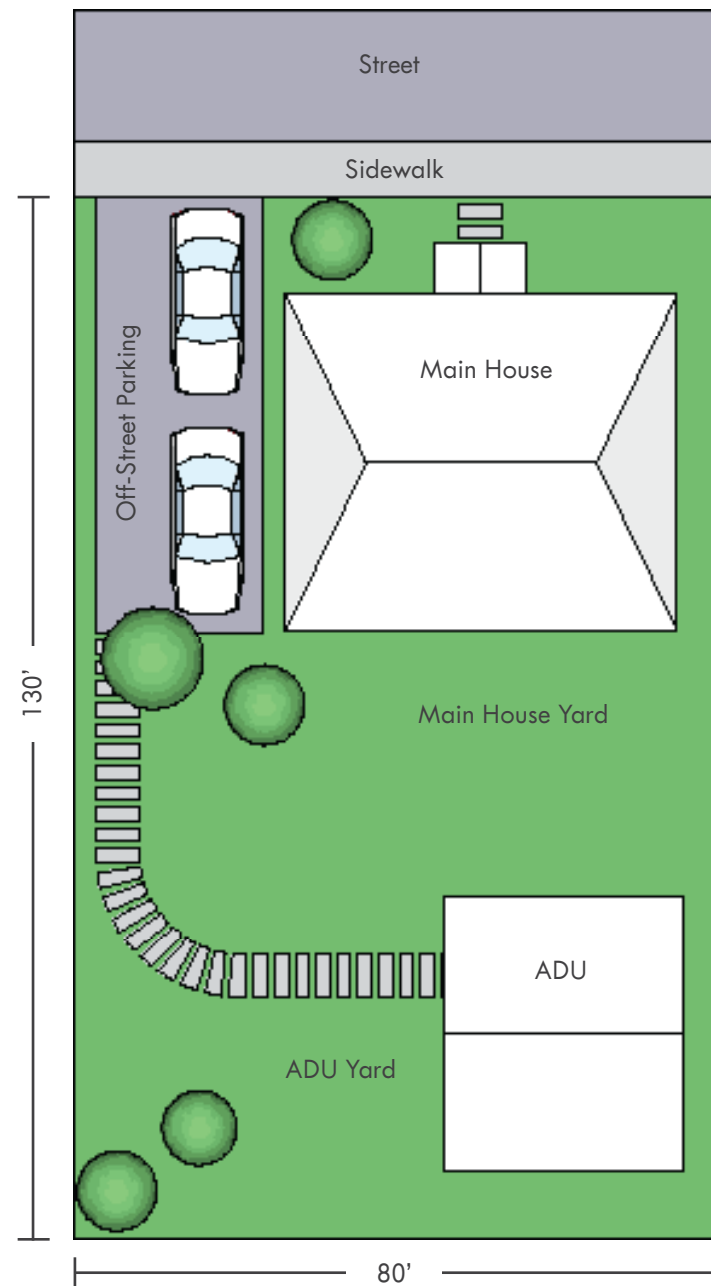
Potential occupants: One-to three-person households

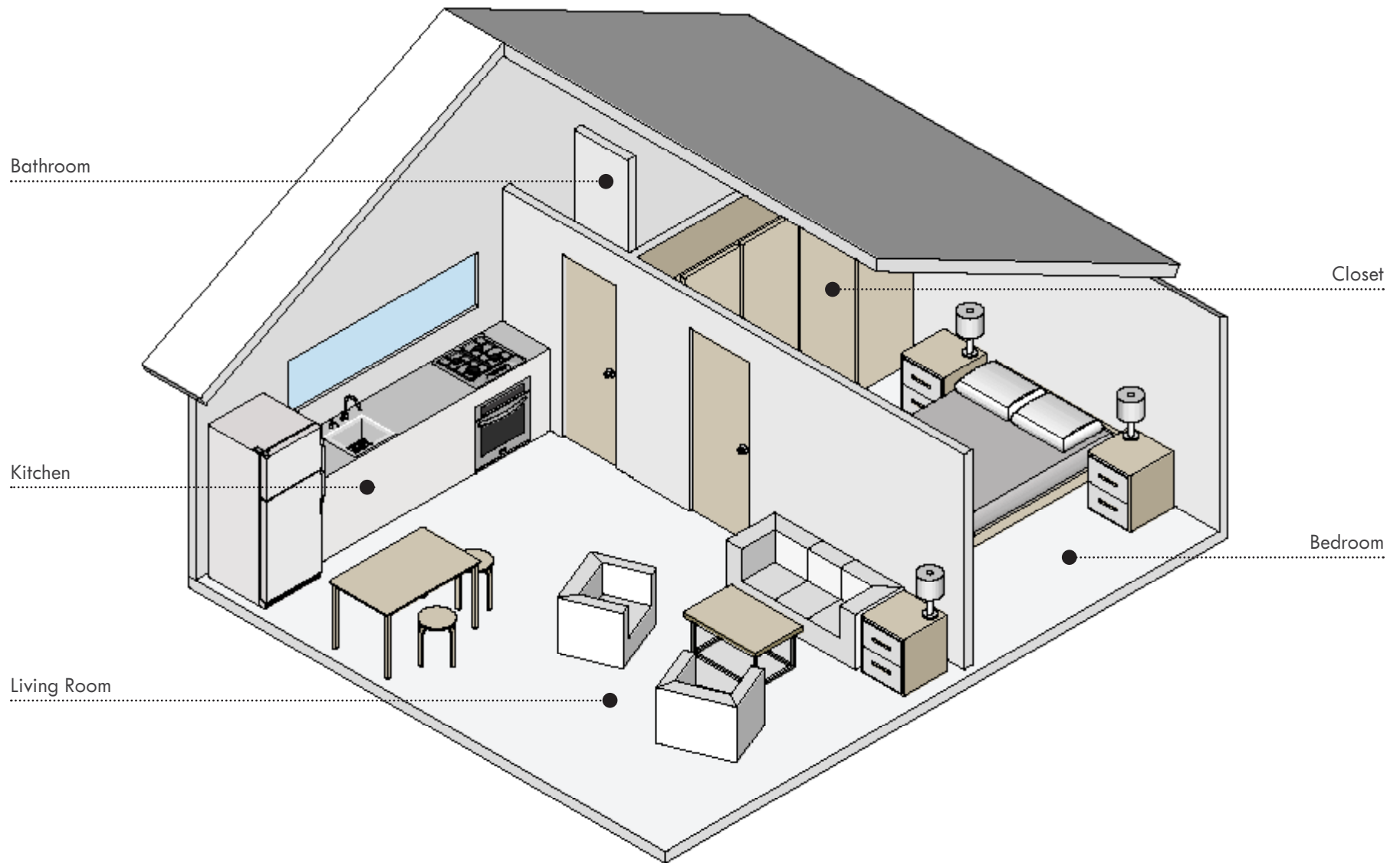
GENERAL LAYOUT:

Unit size	250 - 1,200 sf or 30% - 40% of primary DU
Lot Size	10,000 sf (approx. 1/4 acre), but depends on town's ADU zoning
Setbacks	6' - 10' from primary DU Respects other zoning setbacks
Unit interior	Kitchen: 8'x6' Bathroom: 5'x8' Living Room: 12'x15' Bedrooms (1-2): 10'x10"

SITE PLAN LAYOUT:

PHASE 1

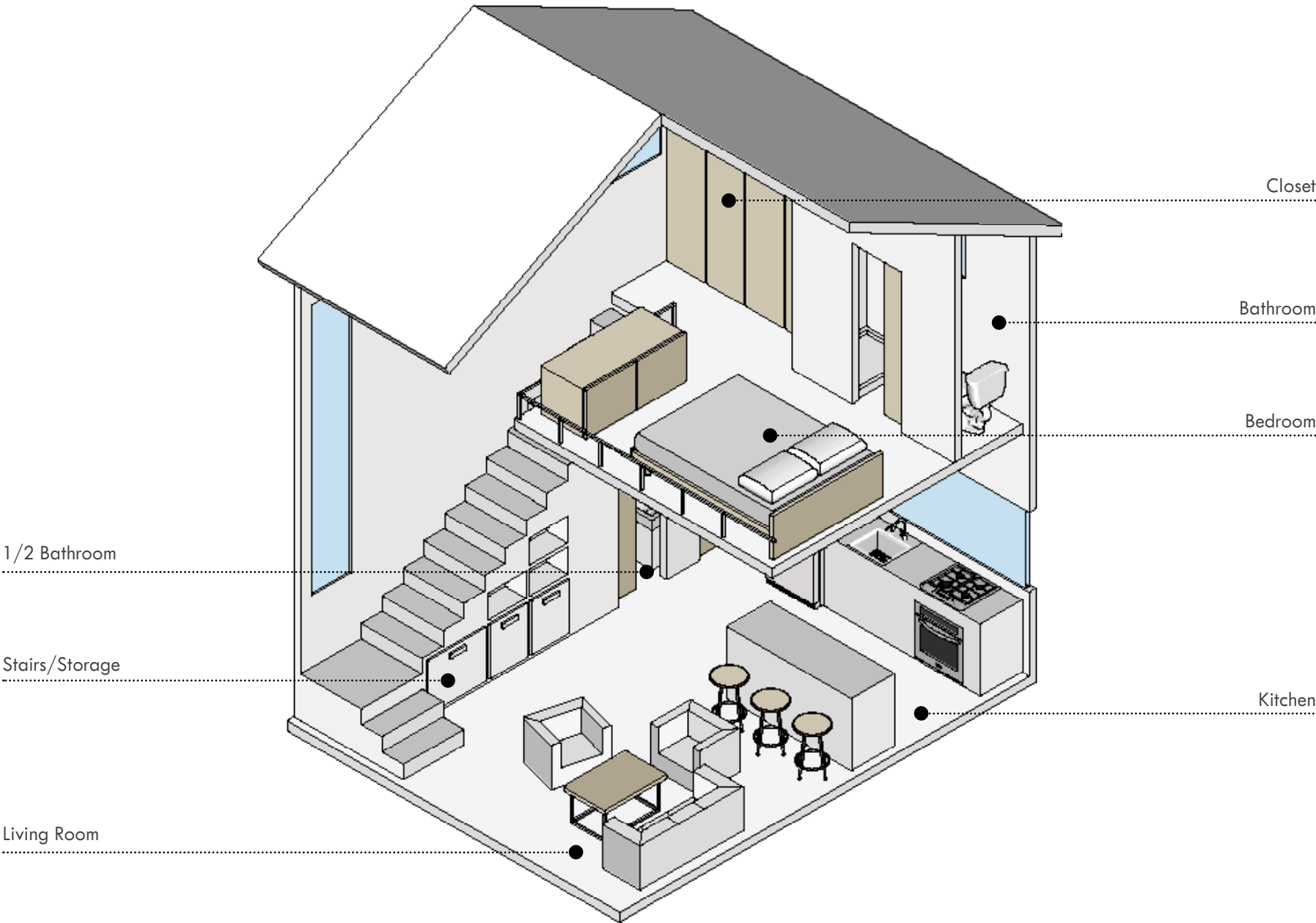




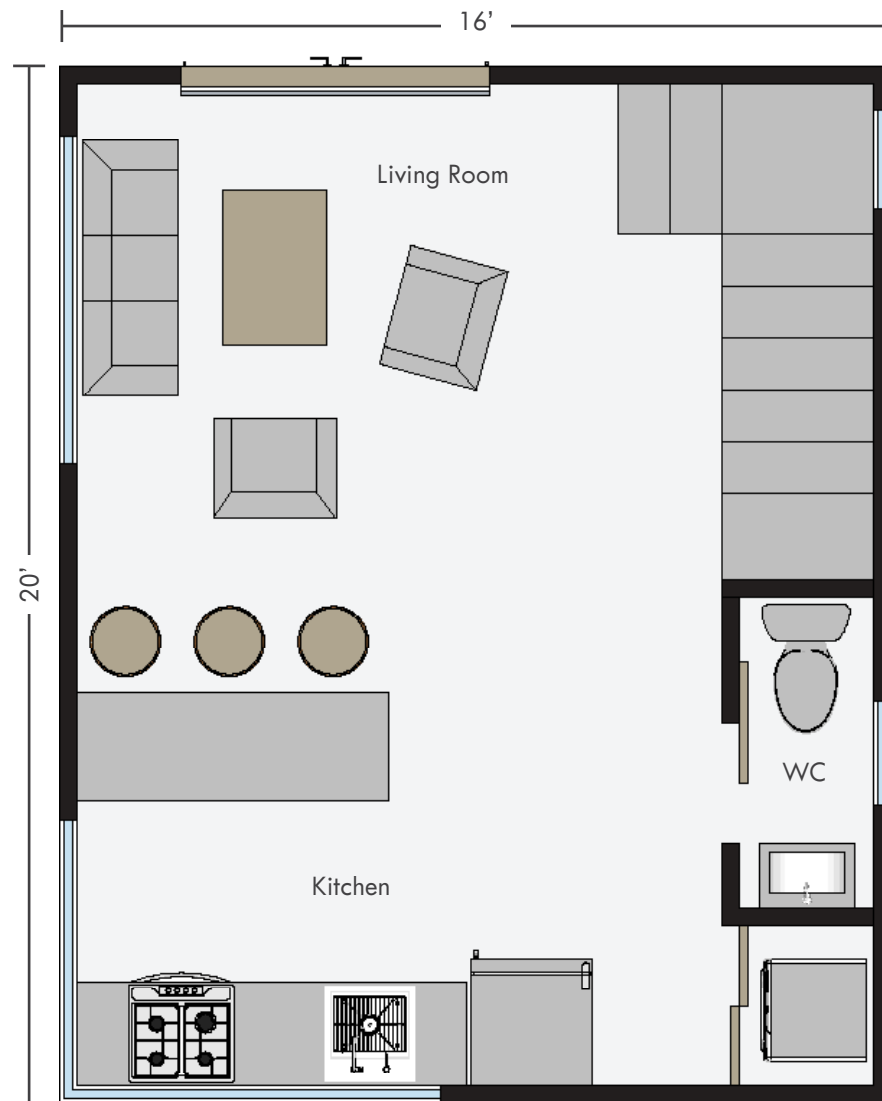


TWO-STORY FLOOR PLAN LAYOUT:

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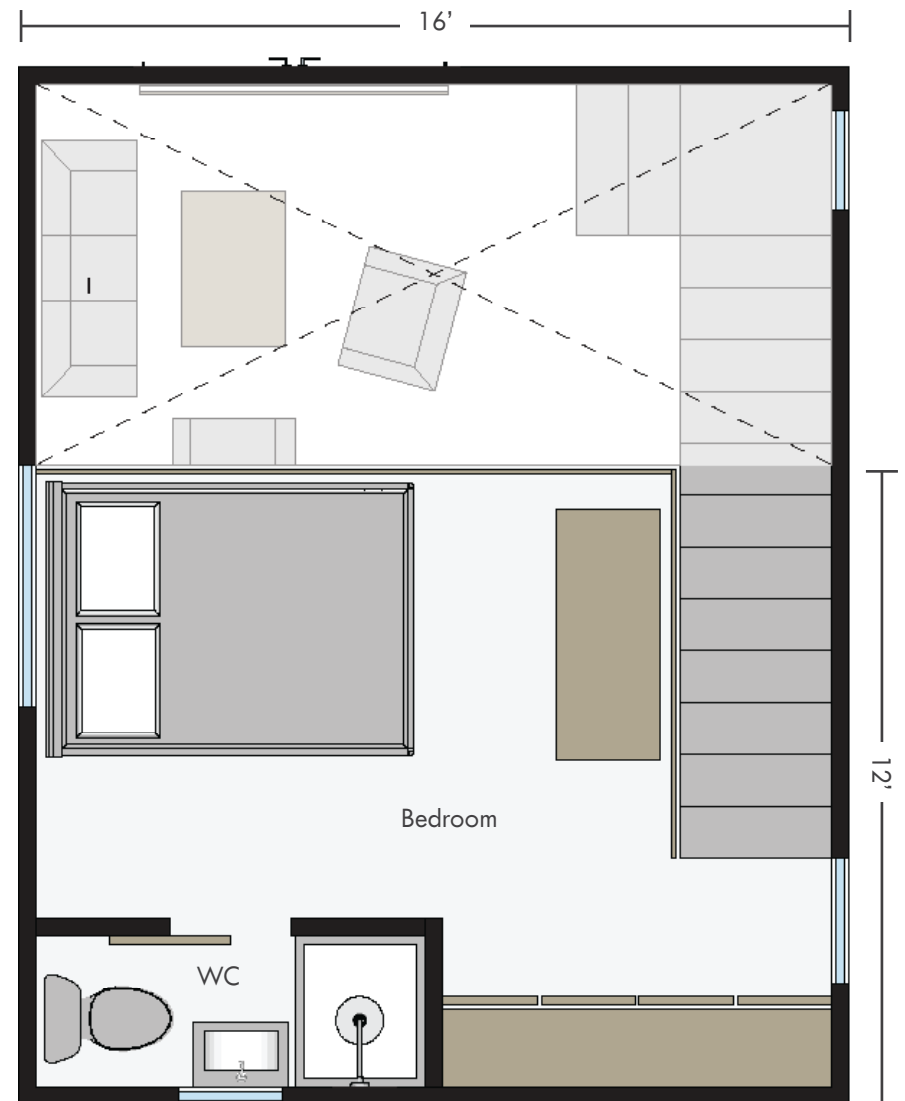


FIRST FLOOR:



SECOND FLOOR:

PHASE 1



BARRIERS

PHASE 1

There are several barriers to building the supply of detached accessory dwelling units, including regulatory, infrastructural, fiscal, financial, and educational. The main regulatory barriers are zoning bylaws that completely ban or are highly restrictive of ADUs, as well as code compliance. Fiscal barriers include permitting fees and the capacity of the town's water and sewer system. Homeowners interested in building an ADU can find it difficult to finance the permitting and construction, limiting the number of households able to take advantage of ADU bylaws. Finally, neighbors and community members may be fearful of ADU impacts on schools, traffic, and neighborhood character. Many communities have overcome these barriers to adopt ADU-friendly policies.

BARRIERS BY STAKEHOLDER

Town Officials

- Zoning Bylaws
- Permitting Fees
- Water + Sewer Constraints
- Building Code
- Health Code
- Fire Safety

Homeowners

- Zoning Bylaws
- Permitting Fees
- High Construction Costs
- Inadequate Building Experience
- Lack of Lending Programs
Tax Increases

Community Concerns

- Neighborhood Character
- School Capacity
- Traffic



BARRIERS FOR TOWN OFFICIALS

Zoning

The first hurdle communities have to overcome to become ADU-friendly is adding an ADU bylaw to the zoning, or amending existing ADU bylaws that may be too restrictive. In the Commonwealth, this process is more challenging due to Town Meeting form of governance employed in many smaller communities, which requires a 2/3rds majority for approval of any zoning change. Town officials will find that building pro-ADU coalitions and educating concerned community members is essential for approving progressive ADU bylaws.

Water + Sewer

By design, ADUs are not a great burden on a town's existing water and sewer capacity due to their small size and their occupancy limits. In most cases, the primary dwelling unit and the ADU may use a common water supply following a review from the proper inspection authority. Similarly, ADUs can use a common sewer line without additional fees as long as they abide by the maximum allowed connections. In California, detached ADUs require separate utility connections for water, gas, and sewer, as it can be more difficult for them to tap into the existing primary dwelling unit's connections.



Building Codes

Like any other dwelling structure, ADUs need to meet all the codes required by law. Building codes include the International Building Code as well as any state and local building requirements. Health and fire codes also need to be met, although specific requirements may be waived depending on the number of ADU occupants. Usually, two means of egress are required, as well as a sprinkler system and smoke and carbon monoxide alarms.

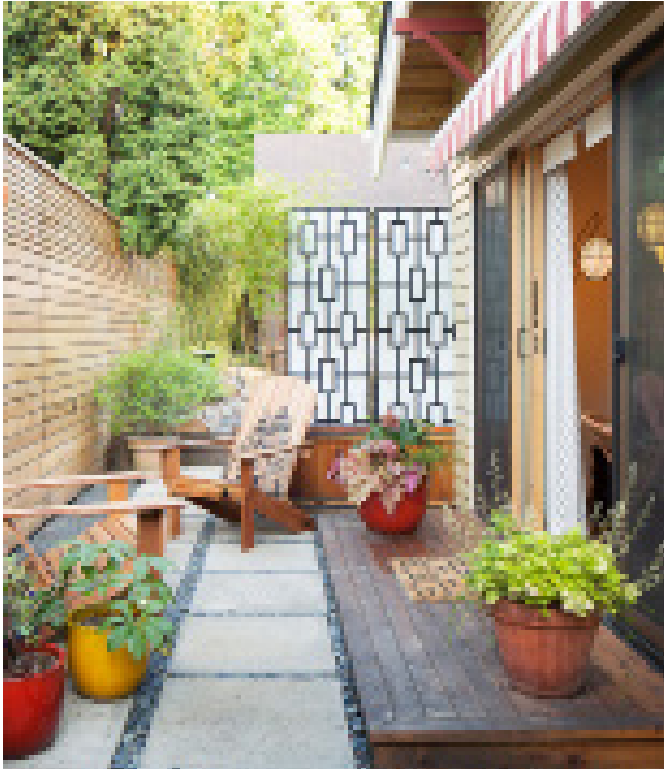
Fees

Building and connection fees for ADUs should befit the small size and low impact of the typology. In many cases, permit fees are attached to the estimated costs of construction or to the ADU's square footage. Utility connection fees are usually charged only if the ADU can be shown to have a significant impact on the existing utility connections. In Portland, OR, water service charges are only necessary when the size of the existing water or sewer line needs to be changed. In Berkeley, CA, ADUs are not considered new residential units for the purposes of calculating water and sewer fees.



PARTNER TOWNS ZONING

Accessory dwelling units (ADUs) are permitted in all five of the partner South Shore towns, and in several towns are permitted town-wide. However, each town's bylaw restricts ADUs through a variety of dimensional and occupancy restrictions that, when taken together, amount to a substantial barrier for homeowners interested in adding an ADU.



- ADUs are not allowed by-right in any of the five partner towns. Each town requires a special permit for ADUs, all using the Zoning Board of Appeals (ZBA) as the special permit granting authority except for Scituate, where special permits for ADUs are issued through the Planning Board. The ZBA typically evaluates cases where an applicant may need relief from dimensional requirements of the zoning bylaws based on specific criteria, whereas the Planning Board typically conducts a broader site plan review within the context of local land use policy. Either body can successfully review ADU applications, though Planning Boards sometimes have greater flexibility in their decision-making.
- Occupancy requirements are a common and considerable barrier to ADUs. While many homeowners might consider adding an ADU for an elderly parent or an adult child, they are unlikely to go through the expense if the ADU can no longer be used after the family member moves out. Three of the five partner towns require that ADUs be occupied by family members of the principal homeowner; only Duxbury and Scituate permit non-family occupancy. However, in Scituate these rentals must be deed-restricted Affordable Housing. While deed-restricted housing is a laudable policy goal, it is highly unlikely that a typical homeowner has access to the technical expertise and financial resources required to support a deed-restricted unit, so this realistically amounts to a de facto family occupancy requirement.
- Similarly, if an ADU permit does not run with the land and requires that the ADU be removed before the primary home is sold, homeowners will unlikely to devote their resources towards building one. Of the five partner towns, only Cohasset permits an ADU to remain when a home is sold.
- Scituate is the only participating town that allows ADUs to be detached. In the four other towns, ADUs must be internal or attached to the primary house.
- Three of the five partner towns cap the number of ADUs that can be built in a given year or overall. In many cases these caps are rarely met due to the myriad other restrictions on ADUs, however, it is unusual for a zoning bylaw to restrict the supply of a specific housing type in this way and does not help to promote the development of ADUs.

PARTNER TOWNS ZONING

	COHASSET	DUXBURY	HINGHAM	NORWELL	SCITUATE
Zoning District	All	All single-family districts excluding RCC and PUD	All	All	All residential districts and above ground in all business districts. Affordable ADUs in R-1, R-2, R-3, and business districts.
Year Updated	2018	2011	2018		
By Right or Special Permit	Special Permit (ZBA)	Special Permit (ZBA)	Special Permit (ZBA)	Special Permit (ZBA)	Special Permit (PB)
1 ADU Per Lot	X	X	X		One per lot in Residential Districts and three per lot in Business Districts
Off-street Parking Required	One space per bedroom	One space per housing unit			One space per bedroom
Restricted to Family Members	X		X	X	Affordable ADUs can be rented to non-family
Owner Occupancy Required	X	X	X		Affordable ADUs can be rented to non-family
Matching Exterior to Primary DU	X			X	X
Primary Must be Built or Occupied for at least 10 years	X	X			
Must be Internal or Attached	X	X	X	X	
Separate Entrance Required			X		
Total ADU Cap	10% of single-family housing units in town		2.5% of single-family housing units in town		15 permits per year for Affordable ADUs
ADU Runs with the Land	X				
Yard Dimension Requirements	1,200 sf	20,000 sf	5,000 sf		Underlying Zone
ADU Size Restrictions	900 sf or 25% of principal GFA, whichever is less	850 sf max	750 sf or 30% of primary GFA		750 sf or 40% of principal GFA, whichever is less. Unrestricted in business zones.
Max Bedrooms			Two bedrooms		



ACCESSORY DWELLING UNITS

CASE STUDIES

ACCESSORY APARTMENT NEWTON, MA

Population

88,994 (2017 ACS)

Households

30,898 (2012-16 ACS)

Zoning

ADUs allowed for all single- and two-family detached houses by special permit

Size

250 - 1,200 sf for 40% of primary DU

Building Height

22' (pitched roof) or 18'

Floors

1.5

Setbacks

6' from primary DU

Parking

No additional parking required

Design

In keeping w/ primary DU + neighborhood

Occupancy

Homeowner must occupy one unit

Rent

Minimum 30 days

In 2017, the City of Newton passed one of the most progressive accessory dwelling unit (ADU) bylaws in the Commonwealth. It allows attached ADUs by right and detached ADUs by special permit in all single and two-family lots. Newton had first allowed ADUs in 1991, but virtually none were built due to the restrictiveness of the ordinance. The previous ordinance tied ADUs to lot sizes that were larger than what was common in the city, and as a result only homeowners with large lots were allowed to build ADUs. As a result, eligible homeowners tended to be wealthier individuals who were not inclined to build ADUs. City officials were also aware that anywhere from 600 to 1,000 illegal ADUs were scattered around the community, posing serious health and fire risks.

According to interviewed City staff, one of the main factors of success was the interest of City Council members, who were willing to work together in order to pass a new ordinance. The City also engaged with supporters to build a coalition that would reach out to the City Council and the media. The coalition included the Council on Aging, which was interested in the ordinance's connection to aging in place; environmental groups supportive of ADUs as a smart growth strategy; and housing advocates interested in increasing the city's housing supply. Additionally, the City carried out public meetings to identify other supporters that were willing to speak in support during public hearings.

The City also had to compromise with opposing factions in order to get the ordinance approved. Compromises included requiring a special permit for detached accessory dwelling units, allowing the maximum ADU size to be 1,000 square feet instead of 900 square feet to satisfy seniors who wanted a larger unit to move into, and limiting the total number of people in the primary and accessory units to that allowed in the primary dwelling unit (one family and 3 unrelated individuals) to avoid overcrowding.

Despite the improved ADU ordinance, the City of Newton believes the number of ADUs will not dramatically increase for a number of reasons. First, the cost of building an ADU is high, ranging from an estimated \$90,000 for an internal unit to \$200,000 for an external unit, according to Newton's building commissioner. The high investment, coupled with the lack of available financing, will disincentivize many homeowners from building a unit. Additionally, the ordinance restricts ADUs from being used as a short-term rental unit for less than 30 days, limiting homeowners who may be interested in generating rental income from the ADU. Maneuvering the special permitting process for a detached ADU may also deter households from going through the lengthy, costly process. Finally, many homeowners will find the construction process overwhelming, especially those with little to no background in design and development. This is confirmed by building data: In the year following the passing of the ordinance, only 6 applications for ADUs were filed.

ACCESSORY APARTMENT LEXINGTON, MA

Population

32,936 (2012-16 ACS)

Households

11,602 (2012-16 ACS)

Zoning

ADUs allowed for all single-family houses by special permit

Size

Maximum 1,000 sf

Building Height

25' to 30' depending on district

Bedrooms

2

Setbacks

6' from primary DU

Parking

No additional parking required

Design

SPGA determines if exterior appearance is compatible w/ primary DU and neighboring dwellings

Occupant

Homeowner must occupy one unit, can be absent and rent both units for up to 2 years

The Town of Lexington passed its current accessory apartment bylaw in Spring of 2016 through Town Meeting. Prior to the most recent iteration, Lexington had a 15-year-old accessory apartment bylaw with lot and occupancy requirements that made it unusable by most homeowners. Following a year of community engagement and bylaw design, the Planning Board successfully proposed a new ADU bylaw that was approved at Town Meeting.

A year prior to introducing the bylaw, the Planning Board held an informal, open-ended community forum on residential policy. Community members freely commented on the challenges, opportunities, and successes of the existing residential zoning, as well as on what other towns were doing. The main themes that surfaced from the forum were the homogenous housing supply, lack of options for empty nesters, and absence of housing for younger households. Later that year, the Planning Board held a second forum where they showcased possible changes to the zoning that would address the main concerns of community members. Some of the proposed changes included two-family houses, ADUs, modified height of structures, and neighborhood conservation districts.

The Planning Board presented the proposed residential zoning changes as a package in the 2016 Spring Town Meeting. Although some of the amendments, including two-family housing, were voted down, the accessory apartments bylaw passed.

Although Lexington's accessory apartment bylaw is one of the most permissive in the Commonwealth, the Town has not seen an overwhelming number of applications since its approval. Since 2016, a total of 11 units have been permitted. Anecdotal evidence suggests that these units are being built for family members, especially younger residents moving back to Lexington after completing their post-secondary studies.

ACCESSORY DWELLING UNIT PORTLAND, OR

Population

647,805 (2017 ACS)

Households

256, 432 (2012-16 ACS)

Zoning

ADUs allowed in all Residential, Commercial, and Central Employment Zones

Size

75% of living area or 800 sf

Building Height

20'

Setbacks

40'

Parking

No additional parking required

Design

Must match primary dwelling unit

Building Code

Abide by state building code

Utilities

Can connect to existing systems or have a separate connection for an additional fee

The City of Portland is often hailed as a national leader for accessory dwelling units, and has over 20 years of iterative ADU regulations. The primary objective of ADUs in Portland is to make more efficient use of the existing housing stock and provide a greater mix of housing options, while maintaining overall neighborhood character. In Portland, ADUs can take the form of an existing space conversion (garage, accessory structure, space within a house), an attached addition to an existing building, or a new detached building. Partly due to their progressive regulations, the City has permitted over 2,000 ADUs since 2010.

Portland's first ADU reforms for minimum square footage and owner occupancy requirements were enacted in 1997, but it took further reforms for homeowners to take advantage of the regulations. In 2004, the City allowed ADUs to be built citywide, including in converted garages, and eliminated on-site parking requirements. Then, the City waived system development charges (SDC) for ADUs, which are usually charged for any new construction. After removal of the SDC fees, the number of ADU permits doubled from 2010 to 2014. In 2014, ADUs were officially allowed to function as short-term rentals (STRs). The City Commissioner is now pushing to limit the number of STRs by requiring homeowners building an ADU for STR purpose to pay the SDC fee. Lastly, in 2015 the City once again relaxed the design and setback standards to further incentivize homeowners to add ADUs.

Despite Portland's relatively relaxed ADU requirements, the City still has control over a variety of aspects. A detached ADU cannot cover more than 15% of the total lot size and must be set back 40 feet from the front lot line. This ensures that ADUs remain a secondary structure to the main house, both in size and placing. ADUs taller than 15 feet must have exterior finishes, roof, and windows that visually match those of the primary house. Moreover, the total number of residents that can live in both the primary and secondary units is limited to the total allowed for a household.¹

Despite fears of ADUs being used as STRs, anecdotal evidence and data show that most are used for housing family or long-term renters. According to a 2014 survey, 70% of ADUs in Portland are owner-occupied, and only 4% are used as STRs.² In 2016, following increased deregulation of ADUs, there were approximately 1,359 ADUs in the city, of which about 200, or 15%, were used as STRs.³

¹ Defined as one or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus no more 5 additional persons

² Office of Policy Development and Research. Accessory Dwelling Units. U.S. Department of Housing and Urban Development. <https://www.huduser.gov/portal/casestudies/study-09082016.html>

³ Will short term rentals actually reduce long term housing in granny flats? Accessory Dwellings. <https://accessorydwellings.org/2016/04/04/adustr/>