

Cape Cod Accessory Dwelling Units (ADU): Survey of Current Bylaws

PD=principal dwelling AADU=Affordable Accessory Dwelling Unit

Town	ADU By Right (max ft ²)	ADU by Special Permit		Owner Occupied (PD or ADU)	Lease Term	Bedrooms	Off Street Parking (#)	Affordable Requirements	Notes Annual Documentation/Inspection
		Inside Apt (max ft ²)	Detached ADU						
Barnstable	Yes (1,000 ft ²) Building Permit			No	1 year	2	Yes no # specified	no	No annual inspection or documentation Abutters may appeal to Zoning Board Occupancy of 2 adults 18 + max Rights transfer with sale.
Sandwich	Apt (800 ft ²) not to be rented		Yes 1,000 ft ² inside PD or attached to PD or garage lot min 40,000 ft ²	Yes 8 mo. min	Apts cannot be rented Dwellings?	Apt - 1 br	1 apt 2 dwelling	Housing Authority Approval Low to moderate	Apt - deed rider: non-rental in perpetuity parking screened from view Bd Health permit septic
Mashpee		Yes 40% of PD max	Yes; to PD or garage	Yes: PD only		2	1	no	Annual proof of owner occupancy in PD SP ends with sale of property
Eastham	Yes (1,200 ft ²) Residential; VWater Resource Districts	Prohibited: Marina and Well Head Districts Yes: Seashore	Prohibited: Marina and Well Head Districts Yes: Seashore	Yes	1 year	2	1	no	Annual rental Certificate Amnesty provision Must maintain privacy of abutter
Ptown	Yes (600 ft ²)	Shore Zone Building Permit		No	1 year			no	Annual rental Certificate; Deed restricted prove septic capacity;
Harwich		Yes (900 ft ²)	Yes (900 ft ²)	Yes	6 months	2	1		only 1 unit can be rented Bi annual Affidavit proof of owner residency
Chatham	Apt (900 ft ²) 10 ADUs /year		Yes 10 ADUs /year	Yes	1 year			no	
Wellfleet		Yes 1,200 ft ² 2 programs: AADU & Affordable Housing Property Tax Exemption	Yes AADU 3 units max; inside PD or attached to PD or garage	Yes	1 year			120% median income; rents capped	Owner submits rents charged and signed lease each year; .Tax break to owner.
Brewster	Yes 20 ADUs/year	Public Drinking Water Areas and certain watershed areas require Special Permit by Zoning Bd of Appeals; may require special N septic systems		Yes	12 months		1 space/BR	no	Annual Affidavit proof of owner residency Cert of Occupancy required Includes commercial and residential properties
Falmouth	Apt 600 ft ² Planning Board 7500 ft ²	Coastal Zone requires sewer or special N septic	Special Permit Zoning Bd of Appeals	Yes; 7 mo/yr min or non-profit AADU only 1 unit can be rented	6 mo. min	ADU 2 max	on site	no	Water Resource Protection or Coastal Pond Overlay Districts bedrooms 1/10,00 ft ² unless sewerd or special N septic Annual Affidavit proof of owner residency submitted to the Building Commissioner
Yarmouth		Yes; 800 ft ² family or affordable only inside PD or attached to PD or garage lot min 10,000 ft ² Bd of Appeals		Yes	1 year	1?	3 2 separate for AADU	Rents capped Low to moderate income	Notarized owner letter stating family relationship Covenants required Family connection certified every 2 yrs by Building Commissioner Special Permit expires with sale of property Amnesty provision Building Commissioner inspects every 2 years

Common Requirements

1 ADU per lot
must sell ADU with PD
no separate ownership as so stated in the Declaration of Covenants
no condo conversions
new owners must reapply for permits

Common Requirements

no boarders
ADU architecturally compatible with PD
clearly subordinate to primary dwelling
ADU kitchens removed if conditions not met
maintain appearance of single family residence
Declaration of Covenants w/ Deed

Other ideas

number of panel trucks
no vehicles in excess of gvw 13,000 lbs
amnesty sunset clause for existing illegal rentals