

Accessory Apartment Amendments

Docket #192-22

Zoning and Planning Committee
April 11, 2022

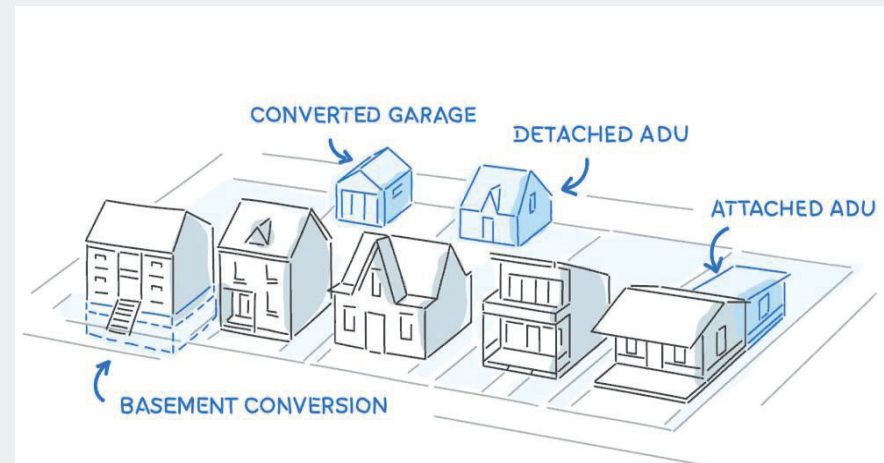



Image Source: hausable.com



Overview

- Background & History
- Benefits of ADUs
- ADUs 2017 - Today
- Current ADU Rules
- Barriers to ADU Creation

Background



What are Accessory Dwelling Units (ADUs)?

- A self-contained apartment on an existing property
- Can be attached or detached
- Many different configurations
- One ADU allowed citywide for each single- and two-family homes

Interior ADUs

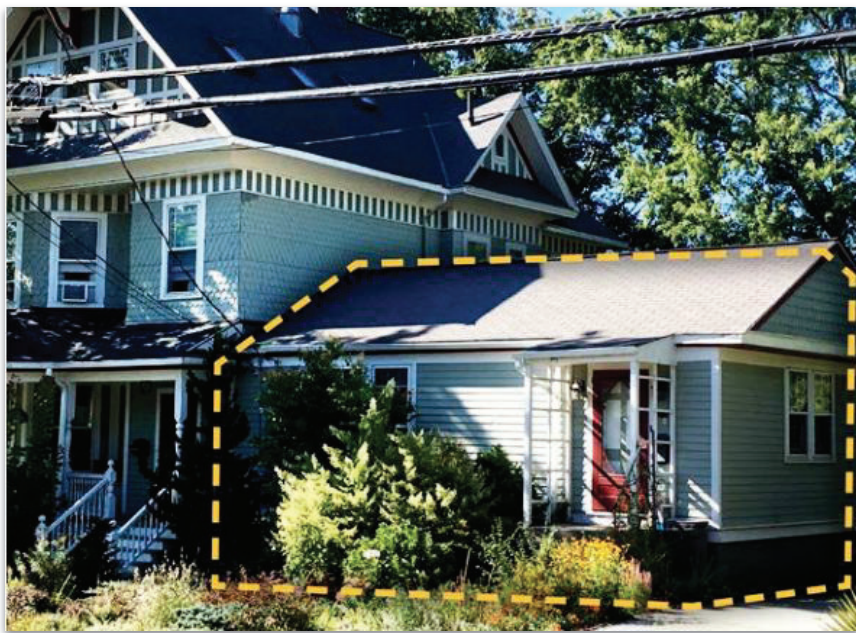


Image Source: <https://rpa.org/work/reports/be-my-neighbor>

Detached ADUs



Image Source: Google Earth



Image Source: <https://rpa.org/work/reports/be-my-neighbor>



Image Source: Somerville Zoning Ordinance



History of ADU Ordinance in Newton

ADU Ordinance
adopted

1987

- Only allowed in Single-Residence zones
- Special Permit required

No ADUs created

1990

- Amendments adopted based on ZAP subcommittee report
- Established an administrative review process
- Reduced required lot area

Further amended to
ease rules

2010

- Amended to permit the owner to occupy either the accessory apartment or principal dwelling
- Changed the look-back period

Most recent
amendment

2017

- Internal ADUs allowed by-right
- Removed parking requirements
- Ability to create ADUs no longer directly tied to lot size



ADUs 2017- Today

- Approved permits have increased, but not dramatically
- At least 10+ permitted each year
- Majority are internal units (55)

Year	Total ADUs permitted
2017	10
2018	10
2019	17
2020	17
2021	18
Total	72



Benefits of ADUs

- Diversify housing options
- Add flexibility for homeowners
- Allow for new housing without adding new buildings
- Support for aging in place & needs of a dynamic, changing community

Housing Choice Law

- Makes approval of amendments to increase ADUs easier statewide
- Progress is happening, but slowly
- Increasing interest regionally to encourage ADUs

The Boston Globe

For years, in-law apartments have been discouraged in Greater Boston. The housing shortage is changing that



Image Source: <https://www.bostonglobe.com/2021/07/11/business/years-in-law-apartments-have-been-discouraged-greater-boston-housing-shortage-is-changing-that/>

Current ADU Rules




Rules for all ADUs

- Only one ADU allowed per principal dwelling
- ADU cannot be turned into condominiums or used for short-term rental
- One of the units must be owner-occupied
- No additional parking is required for ADU
- The principal dwelling unit must have been constructed 4 or more years prior to the date of application for a building permit

Rules for Internal vs Detached ADUs

	Internal ADUs	Detached ADUs
Allowed by-right	Yes, with size restrictions	No (except historic carriage houses in non-historic districts)
Allowed size by Special Permit	Up to 1,200 sq. ft. or 40% of the total Habitable Space, whichever is less, allowed by special permit	Up to 1,500 sq. ft.
Setback requirements / Other standards	Must meet setback requirements of the principal dwelling unit, as well as FAR and other dimensional controls, except by special permit	Must meet setback requirements of the principal dwelling unit, as well as FAR and other dimensional controls, except by special permit


Barriers to ADU Creation



**Primary residence
must be at least 4
years old to get a
permit for an ADU,
except by special
permit**

Sec. 6.7.1.C.5

- Allowing ADUs from the beginning could enable more ADUs, and a greater variety of building forms
- Ability to include ADU at design stage could result in better accessibility and design



**Special permit is
required for most
detached accessory
units**

Sec. 6.7.1.E.1

- Except for some historic carriage houses, all detached ADUs require a special permit
- Very few homeowners pursued detached ADUs in new structures, or non-historic ones
- Special permit requirement has deterred some from pursuing an ADU

361 Wolcott

- Detached ADU (new)
- 616 square feet
- Designed to have all amenities on one level



Image Source: Google Earth

Special permit required to convert detached garages to ADUs

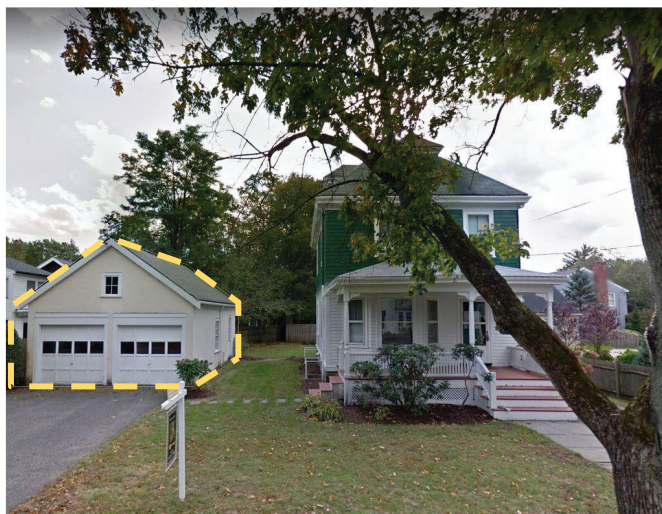



Image Source: Google Earth



A detached ADU must meet the setback requirements of the principal dwelling unit, except by special permit

Sec. 6.7.1.E.5

- Most existing accessory buildings do not meet the setback requirements of the principal dwelling
- Many special permits granted for detached accessory apartments included setback relief
- Existing detached ADUs have a median side setback of 6.85' and rear setback of 10.45'



Looking Ahead:

- Develop proposals per ZAP's guidance
- Perform data analysis to support proposals

Thank you!