

FREQUENTLY ASKED QUESTIONS (FAQ)
2019 Annual Town Meeting – Zoning Amendment
Article 39 – Accessory Dwelling Units
(Revised April 18, 2019)

SYNOPSIS OF PROPOSED CHANGES:

Article 39 amends the existing Accessory Apartment bylaw to promote the creation of more rental housing opportunities while keeping measures in place to regulate their placement and ensure they meet building, health and safety codes. The bylaw remains restricted to one Family-Related or Affordable Accessory Dwelling Unit through a Special Permit, with the Planning Board loosening some restrictions on Affordable Dwelling Units to reduce cost and complexity by eliminating the deed restriction and fair marketing requirements; expand eligibility to those making 100% of the Area Median income; and retain affordability by matching maximum rents to the Federal Fair Market Rental rates. The amendment also expands the description of those qualifying for a family-related accessory units to include other long-term family-like relationships that are care giving or parental in nature. The Planning Board has balanced these changes with increases in minimum lots sizes; setting minimum unit sizes for livability; further limiting maximum unit sizes to keep the accessory unit proportional to the existing building and lot; and setting a five-year sunset clause on the Affordable Accessory Dwelling Units. Additional information on Article 39 can be found on the Town Website at the following link:

<http://www.yarmouth.ma.us/1732/Draft-Zoning-Articles-2019-ATM>

FREQUENTLY ASKED QUESTIONS:

1. Why are we considering making changes to the Accessory Apartment Bylaw now?

Cape Cod Towns have been encouraged to look at increasing the number of available rental units through the development of Accessory Dwelling Units (Accessory Apartments). A Model Zoning Bylaw was developed for consideration by Towns which would ease the regulations to encourage homeowners to create such units. This initiative prompted the Planning Board to look at the existing Accessory Apartment Bylaw and consider whether any changes would be appropriate for Yarmouth.

2. Why was this initiative proposed?

Finding affordable year-round rental units on Cape Cod is very difficult. The limited housing stock drives up the rentals costs, leaving many renters housing-cost burdened, meaning they are paying more than 30% of their income on housing. Lower wages combined with higher housing costs and limited availability makes it difficult to retain workers and young people on Cape Cod. The Yarmouth Housing Production Plan provides more information on the need for housing in Yarmouth and can be found at the link below:

<http://www.yarmouth.ma.us/DocumentCenter/View/7234/Yarmouth-Housing-Production-Plan-2015-11-FINAL?bidId>

3. How many Accessory Apartments do we have now?

In 1988, Yarmouth began to allow Family-Related Accessory Apartments (also known as Accessory Dwelling Units or ADUs) by Special Permit from the Zoning Board of Appeals. In 2004, the program was expanded to include Affordable Accessory Dwelling units, also by Special

Permit. Data from the Building Department shows that the program has resulted in only a small number of mostly family-related apartments as shown in the Table below.

Accessory Apartments	Family Related	Affordable	Total
Currently in Use	44	7	51
Abandoned	<u>25</u>	<u>5</u>	<u>30</u>
Accumulated Total	69	12	81

There are only 51 accessory apartments currently in use, representing 0.4% of Yarmouth’s total year round housing stock of 12,037, which includes single-family homes, duplexes and multi-family housing. Only 7 Affordable Accessory Apartments are currently in use.

4. What analysis did the Planning Board do before proposing these changes?

The Planning Board spent months reviewing a variety of information prior to making the proposed amendments. The Board reviewed Model Bylaws; the existing Accessory Apartment Bylaw and the historical number of units created; statistical data on residential density; assessor information on number of lots of various sizes; review of the Zoning Board of Appeals applications for Accessory Apartments; review of existing and proposed ADU bylaws from other Cape Towns; met with the Affordable Housing Trust and the Community Housing Committee; and obtained input from the Housing Listening Session. The Planning Board also reviewed the brochure from Housing Assistance Corporation (HAC), entitled “*Housing on Cape Cod - The High Cost of Doing Nothing*” which can be viewed at the link below:

https://cdn2.hubspot.net/hubfs/157707/Housing%20Study%20-%20Rent%20365%20November%202018/HAC_HousingonCC18.pdf

The Planning Board noted the Town’s high residential density, the many small lots, environmental concerns regarding wastewater, and the few number of Affordable units created by the existing bylaw. The Planning Board tried to balance the need for some additional affordable rental units without having significant impacts which might come from a less restrictive bylaw. The emphasis of the proposed amendments is to reduce some of the most onerous restrictions limiting the creation of the Affordable units, but keeping restrictions in place to regulate them, such as the Special Permit requirement, limiting ADUs to family related and affordable only, and setting maximum rental rates.

5. What is the larger goal that the town hopes to achieve through this proposed amendment?

The Planning Board is hoping to provide some additional affordable rental options by reducing the cost and complexity of creating an Affordable Accessory Dwelling Unit (ADU), and by allowing for some expansion in the definition of a Family-Related ADU, as what defines a family has evolved in recent years.

6. How many new units does the town anticipate being created and was a build-out analysis completed?

The current bylaw has generated an average of 3 ADUs per year (assuming no units were abandoned). Although some restriction would be lifted by the proposed amendments, these are

not sweeping changes to the existing bylaw and an overwhelming number of new units are not anticipated. It is anticipated that the proposed amendments may help to create 10-15 new units per year. Much of the limitations on creating an ADU is related to the expense of meeting Building, Plumbing and Health Codes. In addition, many property owners do not want to have an ADU on their property or may not be comfortable with being a landlord and all the legal requirements that entails. In deference to public concerns, the Planning Board added a 5 year sunset clause for Affordable Units only (not the family related).

Due to the small number of units anticipated, a build-out analysis was not completed. Build out analyses are typically done for large scale zoning changes, usually affecting commercial zones.

7. What will be the rental rates for the Affordable Accessory Units?

The maximum rents allowed match the Federal Fair Market Rental Rates which include utilities and are set annually by the U.S. Department of Housing and Urban Development (HUD). These rates vary depending on the number of bedrooms and are summarized in the Table below. Due to the size limitations on ADUs, most of the units are anticipated to have no more than two bedrooms, with most being single bedroom units.

No. of Bedrooms	2019 Federal Fair Market Rents Including All Utilities
Studio	\$979
One	\$1,152
Two	\$1,524
Three	\$1,931

8. What is the maximum income someone could make and still be eligibility for an Affordable Accessory Unit?

The proposed amendments increase the income eligibility from 80% to 100% of the Area Median Income (AMI) which is set annually by U.S. HUD. The change was made to expand housing opportunities for our workforce, and for young professionals who may have higher incomes but also have a higher debt burden due to student loans. Income eligibility is related to household sizes as outlined in the Table below.

Household Size	Current Bylaw 2018 Income Eligibility at 80% of AMI	Proposed Amendment 2018 Income Eligibility at 100% of AMI
1	\$48,300	\$60,375
2	\$55,200	\$69,000
3	\$62,100	\$77,625
4	\$68,950	\$86,188

9. What will be the impact on septic systems and how does the proposed zoning amendment impact the town's sewer system plans?

All septic systems will need to meet current Board of Health Regulations. This may require a removal of a bedroom within the main structure to allow for a bedroom within the ADU, depending on the size and location of the property. The Town's proposed sewer system plans allow for some increased build-out for residential properties, in addition to commercial properties, and will be constructed in phases over the next 40 years.

10. How will the town enforce these changes and will addition staff be required?

This is an existing program that is enforced through the Building and Health Departments. The Building Department does inspections every 2 years and ADUs must receive an annual rental certificate from the Health Department. The Town does not anticipate expanding staff as an overwhelming number of new units is not anticipated.

11. How will the changes to the ADU Bylaw impact the tax base and real estate values?

Due to the limited changes being proposed and the small number of units anticipated, the proposed amendments will not significant impact the tax base or real estate values.

12. What is the minimum size lot that will be allowed to be developed?

The current bylaw allows for Accessory Dwelling Units on 10,000 square foot lots. To balance other amendments, the Planning Board increased the minimum lot size to 15,000 square feet (sf).

13. What size structure can be added to the existing lot?

The maximum size of the ADU is 800 sf, or 50% of the existing dwelling unit, whichever is less, to keep the unit proportional to the building and lot size. The minimum size of the unit is 400 sf to ensure the creation of a functional living space. These units can be located within the existing structure, an attached addition or a detached structure. ADUs must be designed to be consistent with a single-family residence with the ADU being subordinate to the main residence.

14. Can this structure be a fully functioning housing unit, complete with kitchen and bathrooms? How many ADUs can you have?

The Accessory Dwelling Unit (ADU) is a separate fully functional housing unit with kitchen and bathroom. Only one ADU is allowed on a single family lot. The ADU does not apply to condominiums or commercial properties.

15. What other protections are in place to preserve neighborhoods?

- Special Permit process requires a Public Hearing with abutter notifications.
- Property owner must reside in either the primary dwelling or the ADU (only the identified ADU may be rented).
- Minimum on-site parking requirements include 3 for family-related and 4 for Affordable.
- Declaration of Covenants identifying ADU as Family-Related or Affordable is required to be recorded at the Registry of Deeds. The ADU Special Permit terminate upon sale of the property unless the new owners file a new Covenant within 45-days. These requirements help the Town keep track of all legal apartments.