Planning Division

Proposed Zoning Amendment Fact Sheet

PU ADU Compliance Amendment

Proposed Zoning Amendment Summary

Somerville is subject to State Law 760 CMR 71.00 regarding Protected Use Accessory Dwelling Units (PU ADUS).

These proposed amendments work to bring Somerville's regulations into alignment with this state law while retaining the Backyard Cottage housing type.

The amendment updates the description of a Backyard Cottage, includes provisions for adaptive reuse of existing structures, and changes some lot, building, and dimensional standards for Backyard Cottages.

Proposed total floor area permitted for a Backyard Cottage captures recently constructed examples and is intended to instigate community conversation.

Review of 760 CMR 71.00 Protected Use Accessory Dwelling Units

State law 760 CMR 71.00 Protected Use Accessory Dwelling Units allows one Protected Use Accessory Dwelling Unit (PU ADU) in any zoning district that allows a single-family residential dwelling type. Both of Somerville's Neighborhood Residential (NR) and Urban Residential (UR) districts allow the Cottage building type, which qualifies as a single-family residential dwelling type. Therefore, under this state law, Somerville must allow a PU ADU to be developed and used in the NR and UR districts.

Under the State's PU ADU law, municipalities may impose reasonable regulations on the PU ADU, but dimensional and design standards may not be more restrictive than the applicable standards for the principal dwelling, a single-family residential dwelling, or an accessory structure (whichever is more permissive). In Somerville, the most permissive standard often lies with the principal building. However, there are a few additional amendments (submitted, or upcoming soon) that will round out Somerville's approach to accessory dwelling units, including an amendment related to the terminology of "ADU" and another related to the SZO section on Accessory Structures.

While the State PU ADU law relaxes dimensional and design standards for a PU ADU, it also allows municipalities to regulate the overall size of the PU ADU. The law offers 900 sq ft size

maximum for the PU ADU (excluding non-livable area such as garage spaces, stairs, enclosed porches, crawl spaces, attics, etc), and it further allows municipalities to set a more permissive limit.

There are other limitations to how municipalities may regulate PU ADUs, such as municipalities must allow internal or external PU ADUs. Municipalities may not place affordability requirements on the PU ADU or requirements of any kind for the occupants.

Information about this state law, as well as proposed amendments to it, is available online at Accessory Dwelling Units | Mass.gov

Approach for Compliance with State Law regarding PU ADUs

Somerville's Zoning Ordinance (SZO) currently regulates Backyard Cottages as a distinct building type with dimensional standards that differ from those applicable to principal building types. The Backyard Cottage standards are largely more restrictive than the standards for principal buildings within the Neighborhood Residential and Urban Residential districts. This represents a misalignment between the State's protections for the PU ADU and the SZO's treatment of accessory dwelling units, creating uncertainty about how these standards interact. For example, questions arise regarding whether a Backyard Cottage qualifies as a PU ADU, how PU ADUs and Backyard Cottages should be treated when determining the number and type of habitable structures permitted on a lot, and whether particular Backyard Cottage standards may be considered unreasonable or a practical difficulty when applied to a PU ADU.

The intent of this amendment is to clearly align with the SZO with the requirements of 760 CRM 71.00, to provide a clear and consistent regulatory framework for Backyard Cottages and PU ADUs, reduce ambiguity and unnecessary barriers in the permitting process, and provide a more readily administrable standard for applicants and the Inspectional Services Department (ISD) all while maintaining the feasibility of desirable Backyard Cottage development.

This amendment proposes to align the dimensional standards for the Backyard Cottage building type with the applicable standards for principal buildings. This approach reduces the potential for conflicting standards between the SZO and state law and provides a clearer framework for determining how Backyard Cottages and PU ADUs relate to one another.

This approach gives greater flexibility for the dimensions and design standards for a Backyard Cottage, but maintains the intended scale and purpose of the building type by establishing a maximum Gross Floor Area.

Research and Engagement Efforts

This amendment was informed by research and engagement efforts conducted to evaluate existing Backyard Cottage development, understand implementation challenges, and identify an approach that balances State requirements with local planning objectives. These included internal workshops with staff experts at ISD, Housing, and other divisions, an analytical report of Backyard Cottages (and other ADUs) built in Somerville from Feb 2022 - July 2026, informational interviews conducted with industry experts (such as Reframe), and multiple focus groups with architects and developers who are experienced in building Backyard Cottages in Somerville.

There were over 50 building permits for Backyard Cottages from February 2022 – July 2026, largely built in NR lots spread all across Somerville. The typical backyard cottage uses the dimensions of 24' by 24', making a floor plate of 576'. They often include a basement, which protrudes about 4' above the average grade of the lot. They also include a half story above the first floor. This half story typically has a gabled roof, extending the full width and depth of the structure. The half story is often 4' taller than the first story, to capture the maximum amount of livable space under the gabled roof possible under current standards.

According to stakeholders, Backyard Cottages at their current size are both feasible and in high demand in Somerville. Developers receive frequent inquiries from homeowners and prospective buyers, and this housing type is viewed as relatively rare in Somerville's housing market. Backyard Cottages also represent one of the few housing types that continues to see development in the current economic cycle. They provide a relatively affordable option for a standalone unit and can support a range of household needs, including multigenerational living, growing families, and working couples. Three-bedroom Backyard Cottages are particularly marketable because they can accommodate young families as well as shared living arrangements.

For Backyard Cottage development, current challenges tend to relate more to specific dimensional requirements than to the overall maximum size. Stakeholders indicated that dimensional flexibility can be more valuable than simply increasing maximum square footage, particularly for modular units and development on irregular lots. Because construction costs do not necessarily decrease proportionally as building size decreases, stakeholders viewed the current maximum size allowance as important to project

feasibility. Greater flexibility in dimensions could therefore enable more Backyard Cottage development without necessarily requiring an increase in the maximum permitted floor area.

Engagement feedback also indicated that adaptive reuse projects are currently challenging. Designers expressed interest in making it easier to convert existing garages and other accessory structures into ADUs, which could provide additional opportunities for creating accessory units without constructing entirely new buildings. More broadly, stakeholders identified ambiguity in the zoning ordinance as a source of legal uncertainty and a significant deterrent to development. Uncertainty in the approval process can increase project costs and delays, making clear and predictable zoning standards particularly important for the feasibility of smaller-scale ADU projects.

Summary of the Redlines

This amendment impacts 2 sections of the SZO: 3.1 Neighborhood Residence & 3.2 Urban Residence. The amendments are organized into the following categories:

- Allow the adaptive reuse of existing structures into Backyard Cottages
- Clarify treatment of external and internal accessory dwelling units
- Remove orientation restrictions
- Simplify description of backyard cottage
- Relax dimensional standards and limit the gross floor area maximum for the Backyard Cottage
- Relax building components for Backyard Cottage

Allow Adaptive Reuse of Existing Structures into Accessory Dwelling Units

The amendment would update Sections 3.1.3 (Purpose) and 3.1.16 (Use Provisions) to clarify that existing structures, including nonconforming structures, may be adaptively reused as accessory dwelling units. The amendment would not permit an increase in an existing nonconformity, and any resulting ADU would be required to meet applicable fenestration standards along the front façade. The amendment is intended to align the Somerville Zoning Ordinance with CMR 71.00, which expressly allows the adaptive reuse of existing structures, including nonconforming structures, as accessory dwelling units.

3.1.3 Purpose

a. To permit the development of one-, two-, and three-unit detached and semi-detached residential buildings on individual lots.

b. To permit contextual modifications to existing detached and semi-detached residential buildings.

c. To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.

d. To create dwelling unit types, sizes, and bedroom counts ideal for larger households in houses, Semi-Attached Houses, Duplexes, and Triple Deckers.

e. To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in Cottages and Backyard Cottages.

f. To permit the adaptive reuse of existing accessory structures, including nonconforming structures, for accessory dwelling units.

3.1.16 Use Provisions

b. Adaptive Re-use of Specific Building Types

i. The use of any commercial building type constructed before the adoption date of this Ordinance, as established by permit records or other historical documents accepted by the Building Official, is permitted only as specified in the second column of Table 3.1.16 The following standards apply:

a). Business operations are permitted only between the hours of 7:00am to 9:00 pm.

b). In addition to the review criteria for all Special Permits specified in §15.2.1.e Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a Special Permit authorizing a Veterinarian or Health Care Services specific use to occupy a commercial building.

i). Compatibility with the level of activity associated with the surrounding properties.

ii). The existing concentration of uses from the same use category within the neighborhood.

iii). The availability of the same services within the neighborhood.

iv). The availability of comparable commercial spaces within the neighborhood.

ii. An existing accessory structure, such as garage or outbuilding, may be adapted for use as an accessory dwelling unit provided that;

a). The conversion does not increase the structure's existing nonconformity

b). The conversion does not create a new nonconformity

c). The minimum front-facing fenestration requirements are met

iii. Any modification that results in greater conformity to this Ordinance is permitted.

Clarify Treatment of Internal and External Accessory Dwelling Units

The amendment would update Sections 3.1.6 and 3.2.6 to clarify that a Backyard Cottage is an accessory dwelling unit and to establish clear limits on the number of principal buildings and accessory dwelling units permitted on a single lot. Specifically, the amendment would clarify that a lot may contain one principal building and one accessory dwelling unit, while also clarifying how external and internal accessory dwelling units are treated. This approach reflects 760 CMR 71.00, which requires only one protected-use accessory dwelling unit per lot and applies to both NR and UR zoning districts.

3.1.6 Building Types

a. One (1) principal building and one (1) accessory dwelling unit ~~building~~ are permitted on each lot.

b. Unless otherwise specified, the following principal building types are permitted by right in the Neighborhood Residence district:
   i. Cottage
   ii. Detached House
   iii. Semi-Detached House
   iv. Duplex
   v. Detached Triple Decker

c. The following ~~accessory~~ building types for external accessory dwelling units are permitted by right in the Neighborhood Residence district:
   i. Backyard Cottage

d. An internal accessory dwelling unit located within, or as an attached part of, a principal structure is permitted by right in the Neighborhood Residence district provided it:
   i. Complies with all applicable requirements of 760 CMR 71.00.
   ii. Does not create a new nonconformity or increase the extent of an existing nonconformity.

e. Accessory structures are regulated according to Article 10: Development Standards of this Ordinance.

(Ord. 2023-23, 11/21/2023)

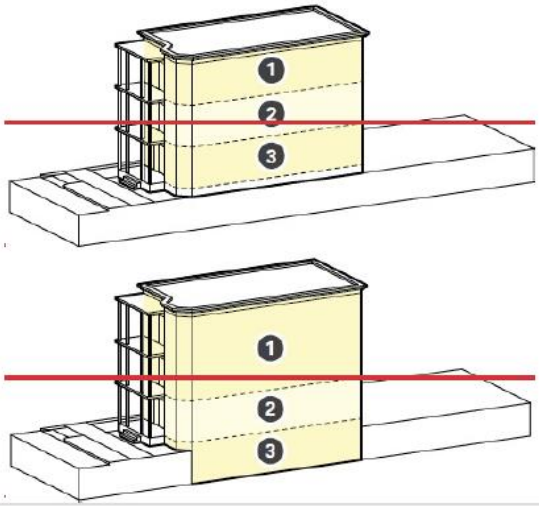
Remove Orientation Restrictions

The amendment would update Sections 3.1.8, 3.1.9, 3.1.10, and 3.1.11 to remove orientation restrictions for accessory dwelling units. This change would provide greater flexibility in how accessory dwelling units are configured within a principal building, while continuing to allow internal accessory dwelling units as required by 760 CMR 71.00. The current orientation requirements can unnecessarily restrict how units are arranged within a building, without affecting the character of the public realm.

a. Housing

i. Multiple dwelling units within a Detached Triple Decker building type must be, generally, stacked one over the other. ~~Common examples are shown in Figure 3.1.11. Dwelling units that are side-by-side or front-to-back in orientation are not permitted.~~

~~Figure 3.1.11 DU Orientation Examples~~



Simplify Description of the Backyard Cottage

The amendment would update Section 3.1.12 to align its language with Section 3.1.6 and remove example language that has created ambiguity in interpretation. The existing examples have introduced some uncertainty about how the provision should be applied, creating a potential grey area in the zoning ordinance. Removing the examples would not change what is permitted; rather, it would eliminate unnecessary ambiguity and provide a clearer, more consistent standard.

3.1.12 Backyard Cottage

A small floor plate, detached~~, accessory~~ building type ~~typically~~ providing space for one (1) ~~small~~ accessory dwelling unit~~, a home occupation, a playhouse for children, or vehicular parking~~ on the same lot as a principal building type.

The following images are examples of the Backyard Cottage ~~accessory~~ building type and are intended only for illustrative purposes.

Relax Dimensional Standards and Limit the Gross Floor Area Maximum for the Backyard Cottage

The amendment would update Section 3.1.12 to align the dimensional standards for accessory dwelling units with the least permissive standards applicable to the principal building. It would also establish a maximum size for accessory dwelling units based on Total Gross Floor Area, providing a clear and consistent limit on the overall size of the unit.

a. Lot Standards

Lot Dimensions	
A Lot Width (min)	–
No Driveway Access	32 ft
Side or Rear Driveway Access	32 ft
Front Driveway Access	34 ft

Lot Development	
C Lot Coverage (max)	Per Principal Building
D Green Score	Per Principal Building

b. Building Placement

Building Setbacks	
A Primary Front Setback (min~~/max~~)	~~60 ft~~10 ft
B Secondary Front Setback (min~~/max~~)	10 ft
C Side Setback (min)	3 ft
E Rear Setback (min)	3 ft
Alley	3 or 20 ft
No alley	3 ft
E ~~Building Separation (min)~~	~~10 ft~~

c. Massing & Height

Main Massing	
A Width (max)	~~24 ft~~ Per Principal Building
B Depth (max)	~~32 ft~~ Per Principal Building
C ~~Floor plate (max)~~ Total Gross Floor Area (max)	~~576 ft~~ 1,750 ft
D Story Height (max)	~~12 ft~~ Per Principal Building
E Number of Stories (max)	~~1.5 stories~~ Per Principal Building
Roof Type	Flat, Gable, Per Principal Building

d. Uses & Features

Facade Composition	
A Ground Story Fenestration (min/max)	–
Residential Use	15% 50%
Vehicular Parking	0% 50%
B Upper Story Fenestration (min/max)	15% 50%

Use & Occupancy	
Dwelling Units (max)	1

Setbacks

Currently, Backyard Cottages are subject to a 60-foot primary front setback. This is more restrictive than the primary front setbacks that apply to principal building types in the Neighborhood Residence District. Under 760 CMR 71.00, dimensional standards applicable to a Protected Use ADU may not be more restrictive than the applicable standard for the principal dwelling.

The amendment would reduce the primary front setback for Backyard Cottages to 10 feet, consistent with the applicable primary front setback for other building types in the Neighborhood Residence District. This would provide greater flexibility in locating a Backyard Cottage while maintaining a minimum front setback. The additional flexibility may be particularly useful on irregular lots or lots with multiple frontages, where a fixed 60-foot setback can significantly limit the locations available for a Backyard Cottage.

The amendment would also remove the separate Building Separation requirement for Backyard Cottages. The existing requirement can create uncertainty when determining how the SZO's zoning standards interact with other applicable building requirements. Building Code requirements address building separation in connection with fire safety and other life-safety considerations. Removing the separate zoning requirement would avoid duplicating these requirements and provide a clearer distinction between zoning standards and Building Code requirements.

Backyard Cottage Size

Currently, Backyard Cottages are limited to a maximum width of 24 feet, a maximum depth of 32 feet, and a maximum floor plate of 576 square feet. These dimensional limitations are more restrictive than the corresponding standards for principal building types in the Neighborhood Residence District. Under 760 CMR 71.00, dimensional standards for a PU ADU may not be more restrictive than the applicable standards for the principal dwelling.

The amendment would therefore remove these separate width, depth, and floor plate limitations and instead regulate the overall size of a Backyard Cottage through a maximum Gross Floor Area. The proposed maximum is 1,750 square feet. This value matches the size of the typical Backyard Cottage built in Somerville over the past 3 years or so. The value includes the floor plate of the ground story, any basement, and any additional story, with no deductions for half stories.

Similarly, the height of a Backyard Cottage is currently regulated by stories, with a maximum allowance of 1.5 stories. This value is lower than all principal building types in the Neighborhood Residential District. Under 760 CMR 71.00, dimensional standards for a PU ADU may not be more restrictive than the applicable standards for the principal dwelling.

The proposed amendment would align the maximum number of stories permitted for a Backyard Cottage with the applicable standard for the principal building. The overall size of the building would instead be controlled through the proposed Gross Floor Area maximum, which counts the floor area of all stories toward the maximum.

The existing approach of regulating height through stories and half stories can create incentives to maximize usable floor area within the permitted building envelope through features such as taller roof forms or protruding basements. By regulating height through the gross floor area maximum, developers see no added benefit to using their given square footage as an extra tall gabled roof on the second story, or as a basement.

Roofs

Backyard Cottages are currently limited to gable and flat roofs, while principal building types in the Neighborhood Residence District may use a broader range of roof forms. Under the State PU ADU law, the zoning ordinance may not treat a PU ADU more strictly than it treats the principal building. This amendment proposes to add "per Principal Building" to the Backyard Cottage roof provision. This change brings the SZO into conformance with the State law and allows flexibility in design so Backyard Cottages can mimic the design of the principal structure. Under this amendment, if the principal structure has a mansard roof, the Backyard Cottage on that lot would also be permitted to have a mansard roof. This would also allow potential for Backyard Cottages with gambrel and hipped roofs. Flat or gable roofs would remain permitted on any Backyard Cottage.

Building Components

This amendment also proposes to relax the Building Components standards for Backyard Cottages in SZO Section 3.1.13. Under 760 CMR 71.00, design standards applicable to the principal building also apply to the accessory dwelling unit. Backyard Cottages would still be required to comply with other applicable lot and building standards, including setbacks and lot coverage. Additionally, because the proposed approach moves away from regulating building dimensions by story or half-story, features such as dormers and gables have less impact on the overall form of the building. As an alternative approach, the current "P" designation could instead be replaced with **"Per Principal Building"** to more explicitly clarify how the standards apply.

3.1.13 Building Components

a. Building components are accessory elements attached to the main massing of a ~~principal~~ building.

b. Building components are permitted as specified on Table 3.1.13.

c. Building components that are not identified on Table 3.1.13 are prohibited.

d. Unless otherwise specified, building components may attach to other building components to create assemblies of components.

Table 3.1.13 Building Components

	Cottage	Detached House	Semi-Detached House	Duplex	Detached Triple Decker	Backyard Cottage
Entry Canopy	P	P	P	P	P	P
Stoop	P	P	P	P	P	P
Portico	P	P	P	P	P	P
Projecting Porch	P	P	P	P	P	P
Engaged Porch	P	P	P	P	N	~~N~~ P
Bay	P	P	P	P	P	~~N~~ P
Gable Dormer	P	P	P	P	N	~~N~~ P
Shed Dormer	P	P	P	P	N	~~N~~ P
Cross Gable	P	P	P	P	N	P
Projecting Gable	P	P	P	P	N	~~N~~ P

Desired Adjustments to the Proposed Redline Text

A few additional adjustments are proposed to the presented redlines in the zoning amendment. First, based on recent amendments by EOHLC to 760 CMR 71.00, the **Lot Dimensions** section and **Utilities** requirement in SZO Section 3.1.12, Backyard Cottage, are no longer applicable. Removing these provisions would clarify their status and avoid retaining requirements that are no longer applicable. Second, based on stakeholder feedback, the term **"Total Gross Floor Area (max)"** would be revised to **"Gross Floor Area (max)"** to avoid confusion that the gross floor area of multiple buildings must be combined to establish a total for the lot. Finally, the presented PDF is missing a page that includes the proposed removal of the **Orientation Restrictions** in Section 3.1.10. These edits would align with the removal of orientation restrictions proposed for other building types in the Neighborhood Residence (NR) districts.