

Accessory Dwelling Units

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A key Smart Growth (SG) principle is to provide residents with a wide range of housing options. Concurrently, housing stock and infrastructure support can be used more efficiently. Changing demographics suggest that the need for the standard single family house may be lessening, as there is a need for smaller dwelling units. Households without children are rising. The elderly as a percentage of the American population is growing. Many older citizens are unwilling or incapable of maintaining yards and performing other upkeep required for single family house. Yet they wish to remain in familiar neighborhoods with family and friends.

Definition

Accessory Dwelling Units (ADU's), commonly known as granny flats, garage apartments, ancillary units, or carriage houses, are one means to increase housing options. ADU's represent independent living units that provide living, sleeping, eating, cooking and sanitation on the same parcel of land as the single family dwelling that it accompanies. ADU's can be attached as part of the structure of the primary residence, or in a detached structure located close to the primary residence.

Benefits:

- 1) ADU's increase the amount of affordable housing stock, and thereby make it easier to meet the goals set forth in the housing element of a Growth Management Plan. No additional government subsidies are needed.
- 2) ADU's can support greater neighborhood stability. Rental income from ADU's can allow elderly to stay in their homes or neighborhoods for a longer timeperiod.
- 3) ADU's can allow the growing numbers of baby boomers to care for their elderly parents in a semi-independent living arrangement.
- 4) ADU's can help first time home buyers to qualify for appropriate mortgage loans and help off-set mortgage payments.
- 5) ADU's can reduce neighborhood deterioration and blight by reducing absentee ownership
- 6) Residential neighborhoods can accommodate additional ADU's because in many cases there are fewer inhabitants in the neighborhood than can be supported by existing housing stock.

Issues

A variety of community concerns may be voiced by neighbors who fear that ADU's will have negative impacts on their neighborhoods. These include increased density, changes in neighborhood appearance, increased traffic congestion and parking issues. All such concerns can be effectively met through the adoption of appropriate language in zoning ordinances. The following presents the major issues, and suggested ways to alleviate

concerns. In some cases, as indicated, there are viable options that each community can choose.

1. **Owner occupied:** ADU's are permitted only if the owner occupies either the primary residence or the ADU.
2. **Sale prohibition:** the ADU can not be sold separately from the primary residence.
3. **Zoning restrictions:** ADU's are permitted only in single family residential districts.
4. ADU's should be permitted as **attached or detached** housing units
 - a. Where average lot sizes in a community are relatively small, then requiring all ADU's to be attached may be preferable to maintain neighborhood character.
 - b. A minimum lot size may be specified: e.g., ADU's must be attached unless the lot size is at least 10,000 square feet.
5. ADU's should be permitted in **existing housing and in newly constructed housing**.
6. **Review and Approval Process:** there are three choices:
 - a. **Administrative Review:** ADU is a permitted use, and no public hearing is required.
 - b. **Conditional Use:** ADU approval will require a public hearing.
 - c. **Notification of All Neighbors** within specified distance: If a planning department does not receive complaints within a given timeframe after notification, a public hearing is not required.

7. ADU/Principal Residence Size Limitations

A variety of size restrictions are found. Most refer to the size of the ADU in comparison with the primary residence; and/or provide minimum or maximum sizes. For example:

In no case shall an ADU be more than 40 percent of the building's total floor area, nor more than 800 square feet, nor less than 300 square feet, nor have more than 2 bedrooms, unless in the opinion of the (building official), a greater or lesser amount of floor area is warranted by the circumstances of the particular building.

In other instances, the minimum is set at no more than 30% of the building total floor area. In some cases, the maximum is 1200 square feet.

8. Parking Regulations:

Depending on the neighborhood, a variety of parking restrictions usually are part of ADU zoning ordinances. The options include:

- a. One off-street parking space for each ADU, in addition to the parking required for the primary residence.
- b. Parking in tandem: off street parking is required for the ADU, but it can be behind (or in front) of off street parking available for the primary residence, e.g., two cars parked behind each other in a driveway.

9. Design Characteristics

- a. Entrances: many zoning ordinances prohibit additional front entrances. Side and back entrances are only permitted.
- b. The design of the ADU should be the same as a single family residence as much as possible.

Sample Zoning Ordinance Language

Definition

An accessory dwelling unit (ADU) is a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

Permitted Use

The installation of an ADU in new and existing single-family dwellings (hereinafter principal units) shall be allowed in single-family zones subject to specific development, design, and owner-occupancy standards.

Owner Occupancy Requirements

The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, . . . and at no time receive rent for the owner-occupied unit.

Size Restrictions

The ADU, excluding any garage area and other non-living areas such as workshops or greenhouses, shall not exceed 33 percent of the total square

footage of the main building and the ADU combined after modification. The ADU shall not contain less than 300 square feet or more than 800 square feet.

Detached or Attached

Only in the same building as the principal residence unless the lot is at least 10,000 square feet in area and the allowable density of the zone is not exceeded.

Parking Restrictions

One off-street parking space, in addition to that which is required by the Ordinance for the underlying zone, shall be provided or as many spaces deemed necessary by the (building official) to accommodate the actual number of vehicles used by occupants of both the primary dwelling and the ADU. Parking spaces include garages, carports, or off-street areas reserved for vehicles.

A minimum of two (2) off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one (1) or both of the spaces if topography or existing structures makes provision of one (1) or both of the parking spaces unduly burdensome and adequate parking capacity exists.

Design Appearance Standards

The creation of an accessory living unit is subject to the following requirements: ... (5) Any additions to an existing structure for the purpose of the accessory unit do not increase the square footage of the structure by more than ten percent.

Any additions to an existing building shall not exceed the allowable lot coverage or encroach into the existing setbacks.

The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.