

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON POLICE DEPARTMENT – COMMUNITY ROOM
397 HERNDON PARKWAY
November 9, 2021
7:00 PM**

CALL TO ORDER

1. Roll Call & Determination of Quorum
2. Comments from the Town Manager

PUBLIC HEARINGS

3. Resolution 21-G-83, to consider a special exception, SE #21-04, 148 Herndon Mill Circle, to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure
4. Resolution 21-G-84, to consider a special exception, SE #21-05, 299 Herndon Parkway, Suite 108, to permit a personal service use consisting of cosmetics and aesthetic services within the first floor of a multi-tenant commercial office building
5. Ordinance 21-O-22, to consider zoning ordinance text amendment, ZOTA #21-03, to amend Chapter 78 (ZONING), Article VII (Use Regulations), Article VIII (Accessory Uses), to revise or establish new limitations on size, bulk, and setbacks for accessory dwelling units; to eliminate the special exception requirement for accessory dwelling units in certain situations; and to eliminate the minimum age and physical, mental, or cognitive disability requirements for accessory dwelling units. **Action deferred from October 26, 2021**

GENERAL

6. Resolution 21-G-85, to approve the Town's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Jannsen, and their related corporate entities, and to direct the Town Manager and/or Town Attorney to execute the documents necessary to effectuate the Town's participation in the settlements
7. Resolution 21-G-86, to adopt the Investment and Portfolio Policy for the Town of Herndon and to establish an Investment Oversight Committee
8. Resolution 21-G-87, to endorse and approve the submission of a funding application to the Northern Virginia Transportation Authority (NVTA) for FY26-FY27 Regional Funding to be directed towards the project titled 'Herndon Parkway Improvements at Worldgate Drive Extension'

CONSENT

9. Resolution 21-G-88, to ratify a Second Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and the Board of Supervisors of Fairfax County, Virginia
10. Resolution 21-G-89, to ratify an Amendment of License Agreement pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town of Herndon and Dulles Regional Chamber of Commerce d/b/a Herndon Chamber of Commerce to delete provisions relating to portable toilets and to extend the termination date of an ice machine on Town property

DISCUSSION

11. Town Council Budget Guidance Initial Discussion

ROUNDTABLE



STAFF REPORT

Town Council

November 9, 2021

Title: Resolution, to consider a special exception, **SE #21-04, 148 Herndon Mill Circle**, to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure.

Synopsis

The requirement for a special exception for certain uses within residential zoning districts comes from the Town's Zoning Ordinance. The zoning ordinance lists which specific uses require a special exception in particular districts. The requirement for a special exception can apply to either a principal use or an accessory use.

This special exception application is to allow an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure that is zoned RTC, Residential Townhouse Cluster. The site is located within the boundaries of the Village of Herndon Mills residential subdivision. The current use of the space is building mechanical systems space and general living space a component of the existing, primary single-family residential use.

The staff and Planning Commission reviewed this application and believe that, with the recommended conditions, the application complies with the criteria listed in Section 78-155.3(e) of the zoning ordinance that apply to all special exception applications and complies with the Herndon 2030 Comprehensive Plan.

Summary Information

Address	148 Herndon Mill Circle, Herndon, VA
Fairfax County Tax Map Number	0171-27-0074
Owners	Tara M. Woodruff and Daniel W. Dukes
Applicant	Tara M. Woodruff and Daniel W. Dukes
Business	Not Applicable
Existing Zoning	RTC, Residential Townhouse Cluster
Existing Use	Single Family Residential
Land Use Designation	Neighborhood Conservation
Adjacent Land Use Designation	North: Neighborhood Conservation South: Neighborhood Conservation East: Neighborhood Conservation West: Neighborhood Conservation
Total Site Area	2,016 square feet (5.55 acres)
Building Size/Area	Three-story, 1,998 square feet (total living space)
Tenant Space Area	Not Applicable

Planning Commission Recommendation	Approval with conditions (Alternative #1)
Staff Recommendation	Approval with conditions (Alternative #1)

Location Map



Site Description

The existing 1,998 square foot (total living space) three story single-family attached townhouse sits on a typical relatively flat, 2,016 square foot lot on the northeast corner of Herndon Mill Circle, the second to last unit on the eastern section of Herndon Mill Circle. The house is located within the Village of Herndon Mills subdivision and was constructed circa 2004. Two-way vehicular circulation is achieved around Herndon Mill Circle, which is connected to Jonquil Lane which connects to the subdivision to Elden Street. Mature trees and landscaping exist throughout the site and neighborhood.

Proposal

The applicant proposes to construct a first-floor, 410 square-foot efficiency consisting of a combination living/sleeping area, full bathroom, utility space, washer/dryer, and kitchen.

The existing space is finished and has a full bathroom. It has access to the two-car garage, back patio, and stairs to the rest of the living space. The doors to the garage and patio would remain under the proposal and a new vestibule would be added at the bottom of the stairs.

The applicant has received building permits to construct a wet bar (Attachment #3) as an interim condition that is permitted by right in accordance with Zoning Ordinance Section 78-80.4. This wet bar feature will be built with room for eventual installation a two-burner cooktop and microwave, upon approval of this special exception. The secondary kitchen would also include a sink, refrigerator, dishwasher, and cabinet space.

Background

Previous Reviews

The initial submissions of this special exception were reviewed by Community Development and Public Works staff. The plan as presented to the Town Council has not changed since the Planning Commission Public Hearing on October 25, 2021.

Review Terminology

For review of special exceptions there are three distinct terms that are referenced; criteria for evaluating special exceptions, zoning standards, and conditions of approval. Each term is explained further below:

- Criteria: These are the items found in Section 78-155.3(e) of the zoning ordinance, which the zoning ordinance requires be considered when evaluating special exceptions. These are listed in the table on page 5-7 of this report. This criteria applies to all special exceptions.
- Standards: The specific standards for accessory dwelling units are listed in Zoning Ordinance Section 78-80.4. - *Standards for specific accessory uses and structures by use type(a)*. These standards are required.
- Conditions: These are the additional provisions added to a specific special exception approval that are associated with the proposed use and the means by which the town is requiring the proposed use to mitigate or manage impacts.

Required steps after the Special Exception

The special exception is a legislative land use case that enables the applicant to pursue additional required administrative approvals. Following an approval of this special exception the next step for the applicant is eligible to submit for a building permit to construct the accessory dwelling unit and complete the project as approved.

By-right Use

Under the Residential Townhouse Cluster zoning district, the primary permitted use is single-family residential. In any case of an approval or denial of this special exception, the primary single-family residential use will continue as it does today.

Staff Analysis

Zoning Ordinance Compliance

Last month ZOTA #21-03, which contained changes to the requirements for accessory dwelling units, was presented to the Town Council. This zoning text amendment has not yet been adopted by the Town Council; therefore, this application must be reviewed under the existing provisions of Section 78-80.4. - *Standards for specific accessory uses and structures by use type(a)*:

Criteria from Section 78-80.4(a)	Meets or Does Not Meet	Why the application meets or does not meet the criteria of Section 78-80.4(a)
A mobile home or recreational vehicle cannot be used as an accessory dwelling unit.	Meets	The proposed accessory dwelling unit is contained entirely within the existing residential structure.
Accessory dwelling units are limited to one per lot.	Meets	There is not another accessory dwelling unit within the existing structure or on the subject property.
Size is limited to 35% of the primary dwelling or 1,200 square feet, whichever is less. In this case, 35% of the structure is 699.3 square feet and therefore the maximum size.	Meets	The proposed dwelling unit will only occupy 410 square feet of floor area on the first floor or approximately 20.5% of the dwelling unit's total floor area.
There is a maximum of two bedrooms and two occupants in the accessory dwelling unit.	Meets	The proposed accessory dwelling unit is an efficiency for one occupant.
The unit must be accessed from the side or the rear.	Meets	The proposed accessory dwelling unit will have access from the rear of the property and the interior of the garage.
The primary or accessory dwelling must be occupied by someone over 62 or with a disability.	Meets	The proposed accessory dwelling unit will be occupied by one of the property owners with a documented disability through the US Department of Veteran's Affairs.
The property must be able to accommodate one additional parking space beyond the minimum of two required for a single-family dwelling.	Meets	The proposed modifications will not decrease the existing two-bay garage spaces or the two off-street parking spaces in an existing driveway.

The accessory dwelling unit shall not be sold apart from the principal dwelling upon the same lot where they are located.	Meets with Conditions	The proposed accessory structure will be subject to occupancy requirements and zoning inspection permit conditions found in the Zoning Ordinance.
---	-----------------------	---

The proposed accessory dwelling unit complies with the size and room limitations required by the zoning ordinance. One of the owners meets the disability requirement and will occupy the proposed accessory dwelling unit. One owner will continue to occupy the primary dwelling unit.

The zoning ordinance allows for flexibility for instances like this, when specific household circumstances create a need for an accessory dwelling unit and second kitchen in order for members of the household to better utilize the living spaces. Based upon the application, which was submitted and reviewed for compliance with the aforementioned town code sections, staff believes this proposal complies with the referenced Town of Herndon Zoning Ordinance section. Staff also evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-153.3(e):

Criteria from Section 78-153.3(e)	Meets or Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
Is consistent with the Comprehensive Plan	Meets	The Comprehensive Plan Housing section encourages policies that allows individuals to stay in their homes.
Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations	Meets with conditions	The ordinance requires parking provisions and restricts the overall size of accessory dwelling unit. Conditioning an approval would ensure parking provisions are met by limiting additional use of existing garage space for living space while ensuring accessory dwelling unit size ratios are not exceeded in the future.
Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.	Meets	The proposed use does not alter the primary use and does not increase the number of inhabitants of the dwelling. Thus, health and safety of the occupants and the neighborhood is not impacted negatively.

Minimizes adverse visual impact of the proposed use on adjacent lands	Meets	The proposed use is exclusively indoors and will not alter and not impact any adjacent lands.
Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices	Not Applicable	The only physical alterations are internal to the existing structure and thus not subject to this criterion.
Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets	The off-street parking, both in the existing driveway and internal garage bays will not be altered under this proposed use and will have no exterior alterations impacting existing conditions or adjacent properties.
Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district	Meets	The proposed use has virtually no external impacts and provides needed space utilization for the existing owners/occupants.
Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment	Meets	The proposed use is exclusively indoors and will not alter and not impact any adjacent lands.
Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site	Meets	Public transportation facilities currently service the site area / neighborhood and are adequate for the proposed use. The proposed use will not create any additional demand on these services.

Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities)	Meets	This proposal does not include physical changes to the site nor any increase in occupancy of the subject property. Public safety and infrastructure currently service the site and are adequate for the proposed use. The proposed use will not create any undue additional demand on these services.
If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.	Not Applicable	This proposal does not include physical changes to the site and is not infill development.
If located in the floodplain overlay district, meets floodplain overlay standards.	Not Applicable	This property is not located within the floodplain overlay district.

Comprehensive Plan Adherence

The proposal is consistent with the Herndon 2030 Comprehensive Plan Neighborhood Conservation land use designation and Housing sections which encourage uses that ensure there is a diverse mix of housing to meet the needs of the town residents. Most particularly, the proposal aligns with Goal #1 of the Housing Section which broadly supports diversity of housing for various housing needs of the community. Additionally, Land Use Policy #6 states that Neighborhood Conservation supports accessory uses associated with residential neighborhoods, such as home-based businesses and permitted accessory dwelling units.

Transportation

The property contains a driveway which can fit at least two vehicles and has two garage bays. Additionally, the house is located approximately 1000 feet from the nearest Fairfax Connector bus stop along Route RIBS5 on Elden Street.

Analysis of Conditions

Staff is recommending two conditions for this special exception. Those conditions are listed in the following conditions analysis table. Staff believes these conditions provide reasonable ways in which the proposed use can properly mitigate and manage impacts.

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	Substantial conformance with the submitted plan	No	This condition is what gives the town the authority to ensure the proposed use operates in the way that is presented to the Planning Commission and the Town Council.
2	Maintain a minimum number of three standard vehicle parking spaces at 8.5' by 18'. Use of garage or driveway space for any use other than parking shall not be considered maintaining a space. feet	Partially	The Town's Zoning Ordinance contains specific requirements such that the proposed accessory dwelling unit is subordinate to the primary dwelling spaces and retains two off street parking spaces for the primary dwelling and one parking space for the accessory dwelling. This condition prevents conversion of required spaces to storage or other uses.

Under the existing zoning ordinance language, any change in ownership shall require removal of the food preparation area and notice to the zoning administrator at least thirty days prior to the sale or transfer of the property. It is possible the food preparation area may not require removal depending on the outcome of ZOTA #21-03.

Any violation of the aforementioned conditions or other sections of the Herndon Town Code of Ordinances shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h).

Planning Commission Recommendation

The Planning Commission first heard this application at the Work Session on October 18, 2021 and again at the Public Hearing on October 25, 2021. During the work session, Planning Commission members discussed and requested clarification of the potential for conditioning the approval to include allowing the special exception to "run with the land" such that should the current owners dispose of the property in the future, the secondary kitchen would not be required removal or demolition by the property owner prior to any future sale of the property.

After additional review and consideration, the Town's Zoning Administrator determined that the resolution could be modified to allow the improvements to remain even in the event that ZOTA #21-03 is not adopted by the Town Council. Staff modified the draft resolution accordingly and all other recommended conditions of approval remained as presented at the Planning Commission Work Session on October 18, 2021.

The Planning Commission expressed general support of the proposed special exception, including the revised resolution with conditions. No members of the public spoke at the Planning Commission public hearing.

The commission voted 6-0 to approve the application with revised staff recommended conditions with one commissioner member absent for the vote.

Staff Recommendation

Staff recommends approval of Special Exception Application SE #21-04, that shall run with the land and not be voided or extinguished from a change in ownership in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-80.4 and 78-155.3;

1. The accessory dwelling unit shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on October 12, 2021;
2. The site shall maintain a minimum of three standard vehicle parking spaces measuring 8.5' by 18'. Use of garage or driveway space for any use other than parking shall not be considered maintaining a space.

It should be noted that this application, with the conditions, will meet the existing zoning provisions for accessory dwelling units as well as the proposed provisions for accessory dwelling units contained in ZOTA #21-03, should that zoning text amendment be approved by the Town Council.

Town Council Alternatives

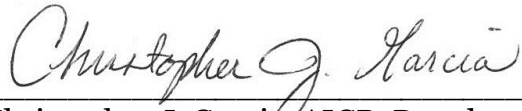
The following alternatives are available to the Town Council for its decision on Special Exception #21-04:

1. Approval with conditions as recommended by staff
2. Approval with revisions to the conditions as recommended by staff
3. Denial based on failure to meet applicable criteria
4. Continuance of the application to the next Town Council public hearing if additional information and / or time for review is necessary

Attachments

1. Town Council Draft Resolution
2. Planning Commission Resolution
3. Applicant Narrative
4. Existing Conditions and Interim Condition Plan
5. Proposed Special Exception Floor Plan, dated October 12, 2021

Staff Signatures

A handwritten signature in black ink that reads "Christopher J. Garcia". The signature is written in a cursive style with a large, looped 'C' and a distinct 'G'.

Christopher J. Garcia, AICP, Development Program Planner

A handwritten signature in blue ink that reads "David Stromberg". The signature is written in a cursive style with a large, looped 'D' and a distinct 'S'.

David Stromberg, AICP, Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

November 16, 2021

Resolution- to consider Special Exception Application SE #21-04, to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure in a Residential Townhouse Cluster, RTC, zoning district.

WHEREAS, the applicant, Daniel Dukes, has submitted a request for a special exception to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure at 148 Herndon Mill Circle and identified as Fairfax County Tax Map #0171-27-0074; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, following the public hearing, the Planning Commission has recommended that the application for the special exception be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-71.1, 78-80.4, and 78-155.3; and

WHEREAS, the Town Council has reviewed this application and the Planning Commission recommendation and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the property and associated accessory dwelling unit shall be regulated under any future amendments to Section 78-80.4 and is not limited in perpetuity to the language in effect on the date of this resolution; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to the Zoning Ordinance and this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, hereby:

Exception Application SE #21-04, that shall run with the land and not be voided or extinguished from a change in ownership in accordance with the conditions set forth below to achieve compliance with the standards found in Zoning Ordinance Sections 78-80.4 and 78-155.3;

1. The accessory dwelling unit shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on October 12, 2021;
2. The site shall maintain a minimum of three standard vehicle parking spaces measuring 8.5' by 18'. Use of garage or driveway space for any use other than parking shall not be considered maintaining a space.

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

OCTOBER 25, 2021

Resolution- to consider Special Exception Application SE #21-04, to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure in a Residential Townhouse Cluster, RTC, zoning district.

WHEREAS, the applicant, Daniel Dukes, has submitted a request for a special exception to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure at 148 Herndon Mill Circle and identified as Fairfax County Tax Map #0171-27-0074; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the Planning Commission has found that the application, SE #21-04 with conditions, meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-80.4 and 78-155.3; and

WHEREAS, the property and associated accessory dwelling unit shall be regulated under any future amendments to Section 78-80.4 and is not limited in perpetuity to the language in effect on the date of this resolution; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to the Zoning Ordinance and this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

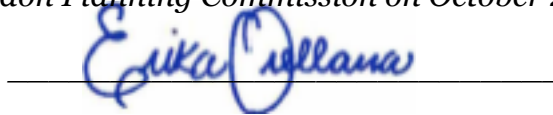
WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, hereby:

Recommends approval of Special Exception Application SE #21-04, that shall run with the land and not be voided or extinguished from a change in ownership in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-80.4 and 78-155.3;

1. The accessory dwelling unit shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on October 12, 2021;
2. The site shall maintain a minimum of three standard vehicle parking spaces measuring 8.5' by 18'. Use of garage or driveway space for any use other than parking shall not be considered maintaining a space.

This is certified to be a true and accurate copy of the resolution associated with Special Exception Application SE #21-04, adopted at a legally convened meeting of the Town of Herndon Planning Commission on October 25, 2021.*

A handwritten signature in blue ink, reading "Erika Dellana", is written over a horizontal line.

From: [Daniel Dukes](#)
To: [Garcia, Christopher](#)
Subject: Re: Basement Layout
Date: Tuesday, October 12, 2021 4:48:32 PM

EXTERNAL EMAIL

Modifications to the basement include installation of a small kitchenette, stacked washer and dryer, and a privacy partition at the 1st floor landing. The privacy partition is to prevent noise reaching the main level (and vice versa). The kitchenette will include a sink, mini-dishwasher, microwave and two-burner hotplate. A new closet adjacent to the existing bathroom will be added due to washer and dryer installation at the previous closet location. I'm a 100% P&T disabled veteran and can provide verification upon request. All work will be completed in compliance with building codes, parking will remain unaffected (no additional vehicles) and all modifications are within HOA regulations.

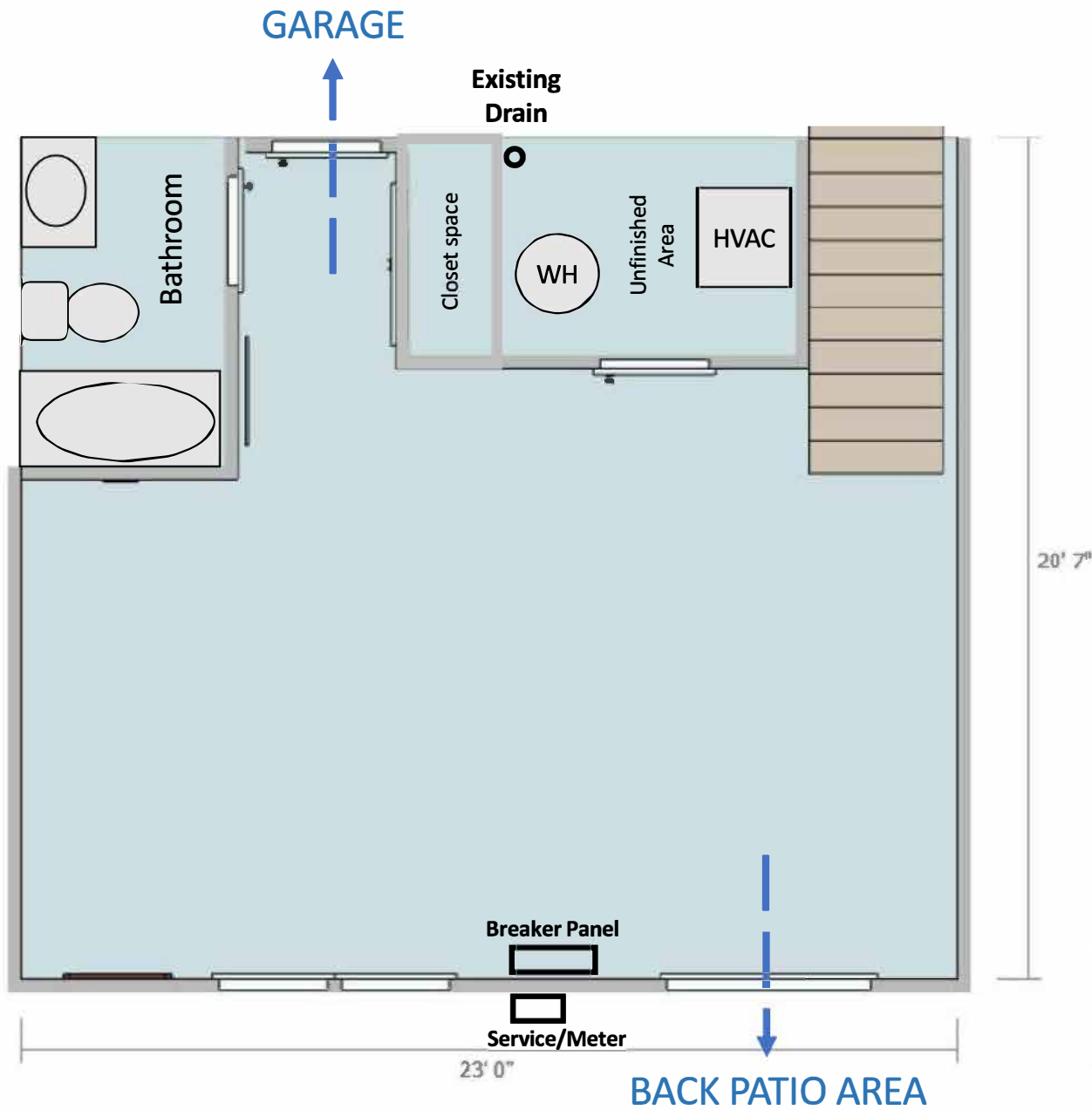
Please let me know if you require any additional information or have any questions.

Thank you,
Dan

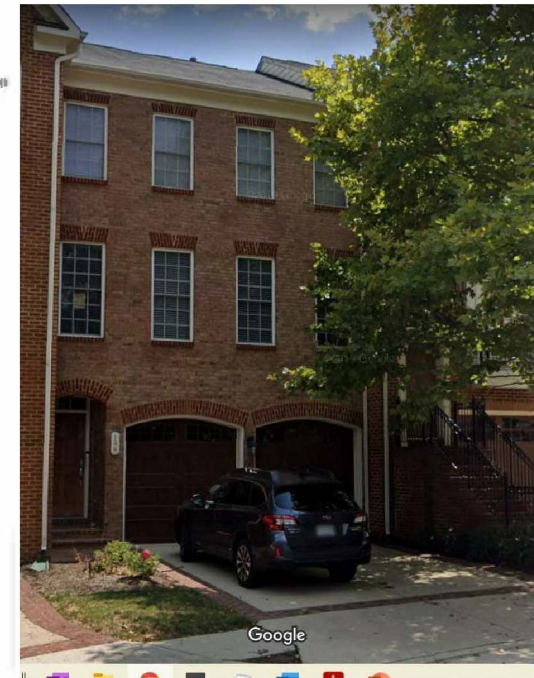
On Tue, Oct 12, 2021 at 3:57 PM Daniel Dukes [REDACTED] wrote:

Daniel W. Dukes
[REDACTED]

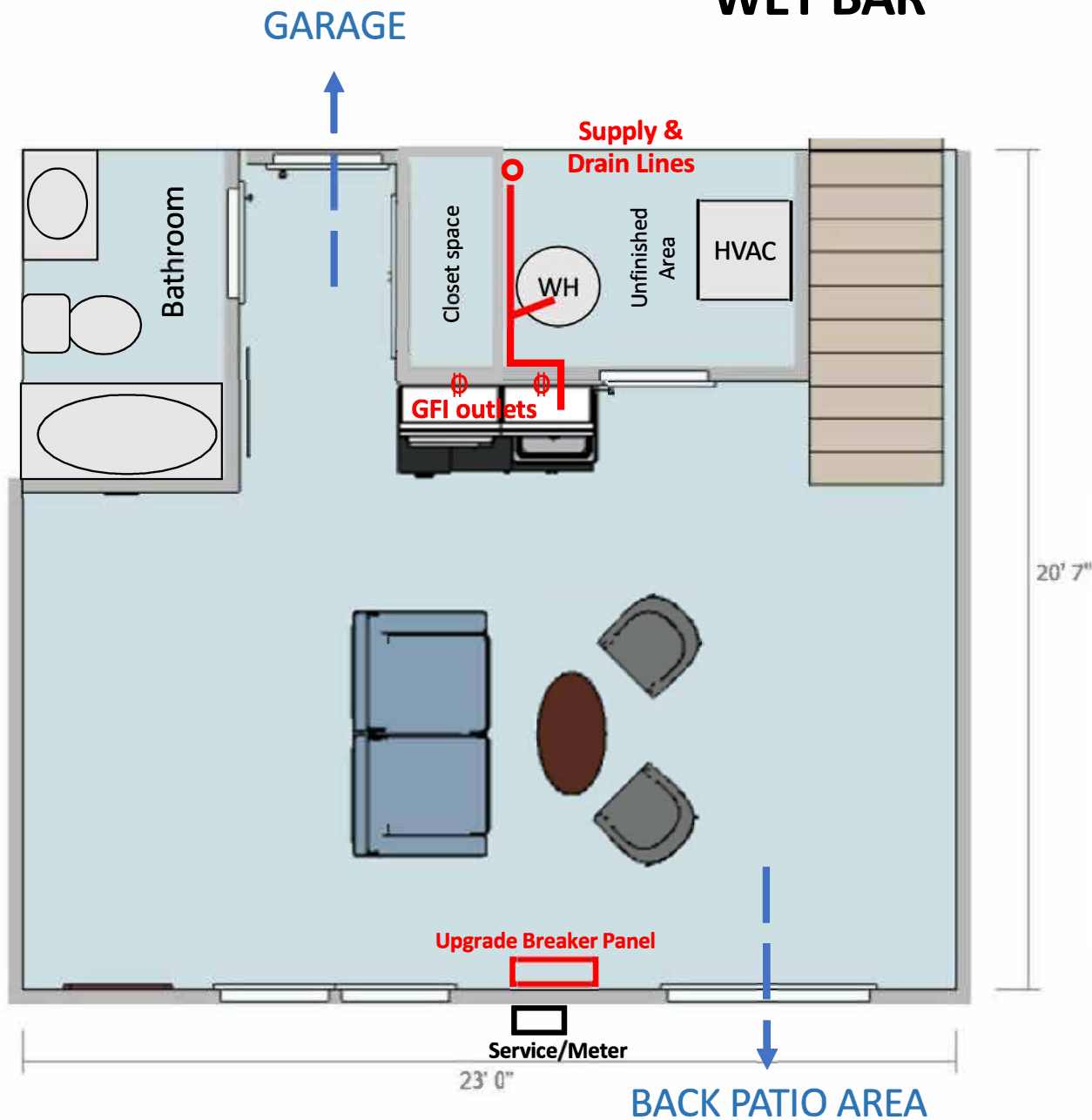
[LinkedIn](#)

**EXISTING SPACE**

- Address 148 Herndon Mill Circle, Herndon (front shown below)
- Existing space shown is rear half of ground level, approximately 410 s.f. (excluding HVAC room and stairs)
- Existing space is finished but mostly used for storage currently
- Town house is approximately 2,150 s.f. living space (excludes garage)

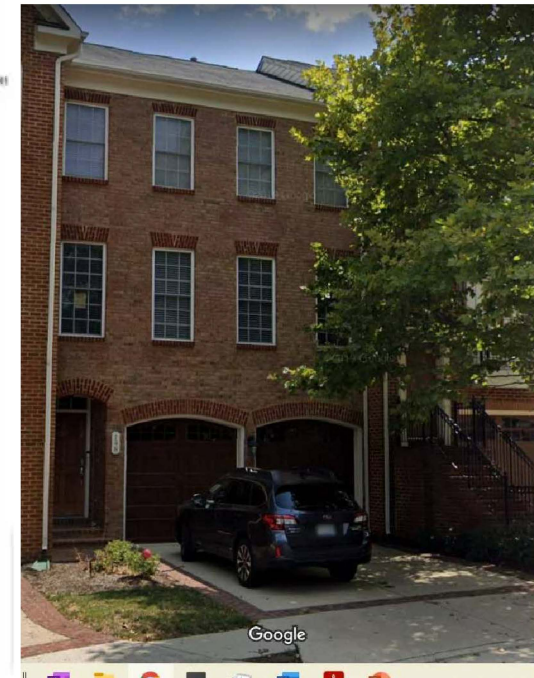


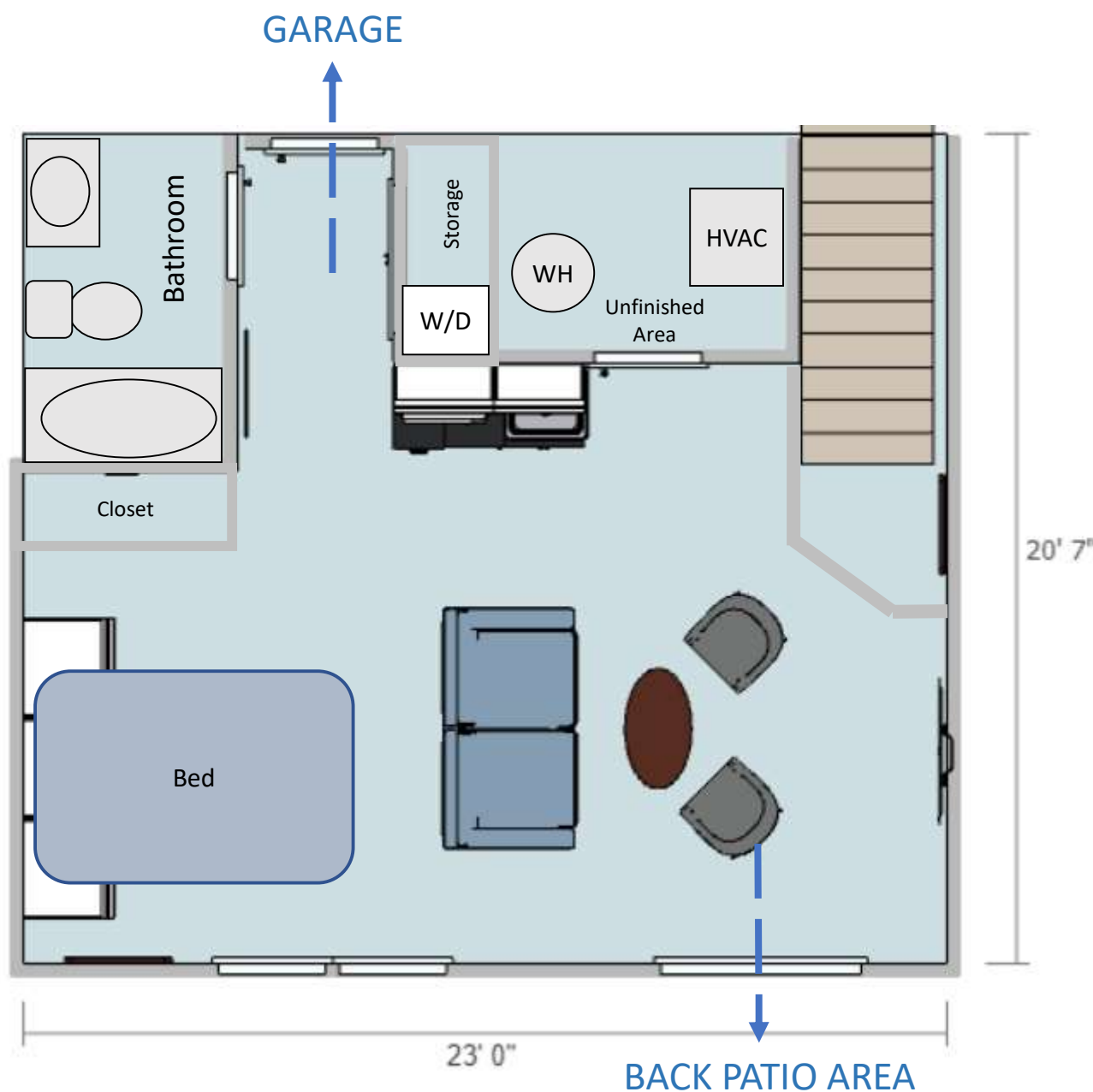
WET BAR



WET BAR

- Install supply and drain plumbing
- Install sink and faucet
- Install new GFI electrical outlets
- Increase size of electrical panel (existing panel is full capacity and requires upgrade)





PLANNED SPACE

- Intended for single support occupant, residential use consistent with existing zone [(78-80.4(a)(2), (78-80.4(a)(7), (78-80.4(a)(8)]
- VA rating letter and Schedule A letter available upon request [(78-80.4(a)(8)b]
- Converted space is approximately 410 s.f., excluding HVAC room and stairs; approximately 20% of house [(78-80.4(a)(5)]
- Access from walking path behind patio [(78-80.4(a)(6)] and Townhouse lot has four parking spaces (2 driveway / 2 garage) with additional street parking available (78-80.4(a)(9)
- Kitchenette to include sink, dishwasher, two-burner electric cooktop, and microwave
- Would require building permits for electrical (panel upgrade and additional circuits), plumbing (for sink and compact washer), and mechanical (dryer exhaust) [(78-80.4(a)(12)



STAFF REPORT

Town Council

November 9, 2021

Title: Resolution, to consider a special exception, **SE #21-05, 299 Herndon Parkway, Suite 108**, to permit a personal service use consisting of cosmetics and aesthetic services within the first floor of a multi-tenant commercial office building.

Synopsis

The requirement for a special exception for certain uses within non-residential zoning districts is promulgated through the Town's Zoning Ordinance. The zoning ordinance lists which specific uses require a special exception in particular districts. The requirement for a special exception can apply to either a principal use or an accessory use.

This special exception application is to allow a personal service use consisting of cosmetics and aesthetic services within the first floor of the multi-tenant commercial office building. The site is located within the Herndon Park Condominium Center. The tenant space is currently vacant and awaiting the conclusion of this request for a special exception to reconfigure of interior spaces to support the proposed new business.

The staff and Planning Commission reviewed this application and believe that, with the recommended conditions, the application complies with the criteria listed in Section 78-155.3(e) of the zoning ordinance that apply to all special exception applications and the with the Herndon 2030 Comprehensive Plan.

Summary Information

Address	299 Herndon Parkway, Suite 108, Herndon, VA
Fairfax County Tax Map Number	0171-13-0108
Owners	Phuong Le Tran and Tommy Nguyen
Applicant	Phuong Le Tran and Tommy Nguyen
Business	Fancy Lashes and Beyond, LLC
Existing Zoning	CO, Commercial Office
Existing Use	Commercial office, multi-tenant
Land Use Designation	Business Corridor
Adjacent Land Use Designation	North: Neighborhood Conservation South: Community Facilities East: Community Facilities West: Business Corridor
Total Site Area	Approximately 74,196 square feet
Building Size/Area	Three-story, Approximately 33,222 square feet (gross floor area)
Tenant Space Area	966 square feet

Planning Commission Recommendation	Approval with conditions (Alternative #1)
Staff Recommendation	Approval with conditions (Alternative #1)

Location Map



Site Description

The existing 966 square foot (total floor space) tenant space is contained within a three story multi-tenant commercial office building which is connected to a second similar building (297 Herndon Parkway) and is surrounded by associated business parking at the northwest corner of the intersection of Herndon Parkway and Elden Street. The two attached buildings, parking and surrounding site features comprise what is also known as Herndon Park Condominium Center and was constructed circa 1987. Two-way vehicular circulation is achieved through two-way double loaded drive aisles on the east and west sides of the site and wrapping around the northern part of the site. The site is accessed from Herndon Parkway at the northwest corner of the site and at the southeast corner of the site along Elden Street.

Proposal

The applicant proposes to reconfigure the existing 966 square feet of tenant space into a cosmetics and personal services business, more specifically providing cosmetic eyelashes and skin care services. The proposed business will have a small retail sales space,

customer waiting and reception areas, a unisex bathroom, storage room, spa room, two cosmetic application areas with a privacy barrier in between, and a break room area. Business operations are proposed by appointment only from the hours of 10 am to 6 pm Mondays through Saturdays and with a proposed maximum customer count of three (3) at any given time.

Background

Previous Reviews

The initial submissions of this special exception were reviewed by Community Development and Public Works staff. The plan as presented to the Town Council has not changed since the Planning Commission Public Hearing on October 25, 2021.

Review Terminology

For review of special exceptions there are three distinct terms that are referenced; criteria for evaluating special exceptions, zoning standards, and conditions of approval. Each term is explained further below:

- Criteria: These are the items found in Section 78-155.3(e) of the zoning ordinance, which the zoning ordinance requires be considered when evaluating special exceptions. These are listed in the table on page 5-7 of this report. This criteria applies to all special exceptions.
- Standards: There are no zoning standards required for the proposed personal services use and retail sales use, and are only allowed by special exception in accordance with the Town's Zoning Ordinance 78-40.3 - *CO - Commercial office district*, Table 78-40.3(c)(3).
- Conditions: These are the additional provisions added to a specific special exception approval that are associated with the proposed use and the means by which the town is requiring the proposed use to mitigate or manage impacts and meet the intent of the purpose and intent of the Commercial Office Zoning District as defined in the Section 78-40.3.

Required steps after the Special Exception

The special exception is a legislative land use case that enables the applicant to pursue additional required administrative approvals. Following an approval of this special exception, the applicant is eligible to apply for a building permit to reconfigure the interior commercial space and complete the project, if approved.

By-right Use

Under the Commercial Office zoning district, the primary permitted uses are general office uses generating low pedestrian and vehicular traffic and operating during daylight hours. In any case of an approval or denial of this special exception, the commercial office uses will continue as they do today. In addition, the list of special exception uses listed in

the Town's Zoning Ordinance 78-40.3 - *CO - Commercial office district*, Table 78-40.3(c)(3), would continue to be permissible through the special exception process.

Staff Analysis

Zoning Ordinance Compliance

The proposed personal services use, and retail sales use is only allowed by special exception in accordance with the Town's Zoning Ordinance 78-40.3 - *CO - Commercial office district*, Table 78-40.3(c)(3).

The zoning ordinance allows for flexibility for instances like this, when businesses that are traditionally located with other commercial service and retail sales uses have operational characteristics that make them appropriate to operate in traditional office park developments, provided there are adequate development and land use controls. In this case, the proposed personal services and retail sales uses are consistent with the purpose and intent of the Commercial Office Zoning District and the additional controls that can be implemented through the special exception process.

Based upon the application, which was submitted and reviewed for compliance with the aforementioned town code sections, staff believes this proposal complies with the referenced Town of Herndon Zoning Ordinance section and will be compatible with the existing uses on site and not negatively impact adjacent residential uses to the north of the site. Staff also evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-153.3(e):

Criteria from Section 78-153.3(e)	Meets or Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
Is consistent with the Comprehensive Plan	Meets	The Comprehensive Plan Land Use Section provides polices for provision of goods and services to the local community and positive economic benefits of new businesses. The proposed uses will be in conformance with the comprehensive plan polices.
Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations	Meets	The proposed special exception uses are provisioned with the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose

		and intent of the Commercial Office Zoning District.
Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.	Meets	The proposed uses are generally compatible to the site / neighborhood. This proposed project does not alter the intensity of use of the site and does not disproportionately increase the number of users or vehicular traffic on the site during limited business hours. Thus, health and safety of the occupants and the neighborhood is not impacted negatively.
Minimizes adverse visual impact of the proposed use on adjacent lands	Meets	The proposed uses are exclusively indoors and will not alter or increase impacts on any adjacent lands.
Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices	Not Applicable	The only physical alterations are internal to the existing structure and thus not subject to this criterion.
Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets with Conditions	Staff recommended conditions limit the overall capacity and distribution of customers in order to prevent negative impacts to parking, loading, and noise.
Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district	Meets	The proposed use has virtually no external impacts and provides needed space utilization for the new business owners.
Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment	Meets	The proposed use is exclusively indoors and will not alter and not impact any adjacent lands.

Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site	Meets	Public transportation facilities currently service the site area / neighborhood and are adequate for the proposed use. The proposed use will not create any additional demand on these services.
Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities)	Meets	This proposal does not include physical changes to the site nor any increase in occupancy of the subject property than what was originally design for. Public safety and infrastructure currently service the site and are adequate for the proposed use. The Department of Public Works has reviewed the application and determined the proposed use will not create any undue additional demand on these services.
If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.	Not Applicable	This proposal does not include physical changes to the site and is not infill development.
If located in the floodplain overlay district, meets floodplain overlay standards.	Not Applicable	This property is not located within the floodplain overlay district.

Comprehensive Plan Adherence

The proposal is consistent with the Herndon 2030 Comprehensive Plan Business Corridor Land Use Policies and which encourage uses that provide a variety of goods and services as well as promote economic development that helps increase employment and add to the community tax base. Most particularly, the proposal aligns with Land Use Policies for the Business Corridor #1 and #3 (Herndon 2030 Comprehensive Plan, pages III-11 through III-12).

Transportation

The property contains a parking lot with 116 spaces. Additionally, the business is located approximately 100 feet from the nearest Fairfax Connector bus stop along Route 926 on Elden Street and 200 feet from the nearest Fairfax Connector bus stop along Route 924 on Herndon Parkway.

Analysis of Conditions

Staff is recommending three conditions for this special exception. Those conditions are listed in the following conditions analysis table. Staff believes these conditions provide reasonable ways in which the proposed use can be permitted while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	Substantial conformance with the submitted plan	No	This condition is what gives the town the authority to ensure the proposed use operates in the way that is presented to the Planning Commission and the Town Council.
2	Business operations shall be conducted by appointment only and limited to 6 total people, inclusive of employees, occupying the space at any given time.	No	Personal service and retail uses typically generate more land use impacts than office uses. Conditions to limit occupancy and requiring appointments will maintain a similar intensity as uses that are allowed by-right in this zoning district.
3	Allocation of retail sales floor space shall be limited to not more than 50 square feet within the tenant space.	No	Limiting retail space will allow the owner to have accessory retail associated with their provided services without the impacts generated by a full retail outlet.

Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h). In addition, the applicant has not proposed any new exterior business signage, however the properties (297-299 Herndon Parkway) is subject to the sign standards of an approved master sign plan (MSP), MSP #26 Herndon Park, as well as sign standards contained in Article XIV – *Signs* of the Town’s Zoning Ordinance.

In this case, any new exterior signage will be subject to an administrative staff review or formal review and approval of the new signage by the Town's Architectural Review Board subsequent to approval of this special exception.

Planning Commission Recommendation

The Planning Commission first heard this application at a Work Session on October 18, 2021 and again at a Public Hearing on October 25, 2021. The Planning Commission expressed general support of the proposed special exception, though the Planning Commission did discuss the proposed business operations and the proposed conditions of approval. No members of the public spoke at the Planning Commission public hearing.

The commission voted 6-0 to approve the application with the staff recommended conditions with one commissioner member absent for the vote.

Staff Recommendation

Recommends approval of Special Exception, SE #21-05 in accordance with Alternative #1 and with the following conditions:

1. The personal services business space shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on August 17, 2021;
2. The business operations shall be conducted by appointment only and limited to 6 total people, to include employees, occupying the space at any given time; and
3. The allocation of retail sales floor space shall be limited to not more than 50 square feet within the tenant space.

Town Council Alternatives

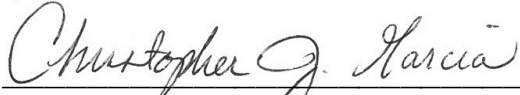
The following alternatives are available to the Town Council for its decision on Special Exception #21-05:

1. Approval with conditions as recommended by staff
2. Approval with revisions to the conditions as recommended by staff
3. Denial based on failure to meet applicable criteria
4. Continuance of the application to the next Town Council public hearing if additional information and / or time for review is necessary

Attachments

1. Town Council Draft Resolution
2. Planning Commission Resolution
3. Applicant Narrative
4. Proposed Special Exception Floor Plan, dated October 12, 2021

Staff Signatures



Christopher J. Garcia, AICP, Development Program Planner



David Stromberg, AICP, Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

November 16, 2021

Resolution- to consider Special Exception Application SE #21-05, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district.

WHEREAS, the applicants, Phuong Le Tran and Tommy Nguyen, have submitted a request for a special exception to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building at 299 Herndon Parkway, Suite 108, and identified as Fairfax County Tax Map #0171-13-0108; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, following the public hearing, the Planning Commission has recommended that the application for the special exception be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-40.3 and 78-155.3; and

WHEREAS, the Town Council has reviewed this application and the Planning Commission recommendation and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the property and special exception shall be regulated under any future amendments to Section 78-40.3 and is not limited in perpetuity to the language in effect on the date of this resolution; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to the Zoning Ordinance and this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, hereby:

Approves Special Exception Application SE #21-05, in accordance with the conditions set forth below to achieve compliance with the standards found in Zoning Ordinance Section 78-155.3;

1. The personal services business space shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on August 17, 2021;
2. The business operations shall be conducted by appointment only and limited to 6 total people, to include employees, occupying the space at any given time; and
3. The allocation of retail sales floor space shall be limited to not more than 50 square feet within the tenant space.

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

OCTOBER 25, 2021

Resolution- to consider Special Exception Application SE #21-05, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district.

WHEREAS, the applicants, Phuong Le Tran and Tommy Nguyen, have submitted a request for a special exception to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building at 299 Herndon Parkway, Suite 108, and identified as Fairfax County Tax Map #0171-13-0108; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the Planning Commission has found that the application, SE #21-05 with conditions, meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-40.3 and 78-155.3; and

WHEREAS, the property and special exception shall be regulated under any future amendments to Section 78-40.3 and is not limited in perpetuity to the language in effect on the date of this resolution; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to the Zoning Ordinance and this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, hereby:

Recommends approval of Special Exception Application SE #21-05, in accordance with the conditions set forth below to achieve compliance with the standards found in 78-155.3;

1. The personal services business space shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on August 17, 2021;
2. The business operations shall be conducted by appointment only and limited to 6 total people, to include employees, occupying the space at any given time; and
3. The allocation of retail sales floor space shall be limited to not more than 50 square feet within the tenant space.

This is certified to be a true and accurate copy of the resolution associated with Special Exception Application SE #21-05, adopted at a legally convened meeting of the Town of Herndon Planning Commission on October 25, 2021.*

A handwritten signature in blue ink, reading "Erika Dellana", is positioned above a horizontal line.

August 17, 2021

David Stromberg, Zoning Administrator, and
Town of Herndon Department of Community Development
777 Lynn Street
Herndon, VA 20172-4602

Dear Zoning Administrator and Department Members:

Please consider this letter and the application as a submission for Special Exception status for Fancy Lashes and Beyond LLC to operate at 299 Herndon Parkway, Suite 108, Herndon, VA 20170. Due to our understanding, the business space is classified as a C/O (Commercial Office) and our business is classified as a 'personal use' business. This, of course, is in conflict according to the property zoning and as mentioned by the Community Inspector, Miss Sharmane Baynard.

As we were seeking for a location to open our very first business, we stumbled across the website, [homesnap.com/VA/Herndon/299HerndonParkway/property/9838210](https://www.homesnap.com/VA/Herndon/299HerndonParkway/property/9838210). The website listed the commercial space with the 'Business Type: Medical, Hair Salon and Spa, Flex'. Our due diligence with researches on the area led us to find two similar businesses, Mimi Spa and Breeza Spa, currently operating in the same building complex. Also, there are a total of twenty car parking spaces. We contacted the listing agent, Michael Lefevere, and he confirmed the Business Type Status. After proper negotiations and we reached an agreement with the seller on the price. We formally made the offer and a deposit of a significant amount of money. Unfortunately, the zoning issue was raised by our commercial agent to Michael Lefevere most recently and he was not so forthcoming with his answer.

After I had recently made my trip to 777 Lynn Street and witnessed a very tight-knit community, it became an inspiration for both my wife, Phuong Le Tran, and I to become a part of this community in Herndon. As small business owners, we also would like to play our part inside the community and make future contributions to rebuilding this community during this challenging time.

We would like to begin the business setup and renovation soon and hope the department consider this request at its earliest possible date.

Thank you for your consideration of this matter and we are looking forward to hearing from you,

Two handwritten signatures in black ink. The first signature on the left is stylized and appears to be 'Tommy'. The second signature on the right is more cursive and appears to be 'Phuong'.

Tommy Nguyen and Phuong Le Tran
Fancy Lashes and Beyond LLC

Fancy Lashes and Beyond LLC
299 Herndon Parkway, Suite 108
Herndon, VA 20170

Community Development Department
Town of Herndon
777 Lynn Street, 2nd floor
Herndon, VA 20170

Dear Committee:

Please consider this letter as an application to the 'Special Exception' status for Fancy Lashes and Beyond LLC to conduct business at 299 Herndon Parkway, Suite 108, Herndon, VA 20170. As business owners, we gracefully accepted the challenges of running a small business and to create jobs in the Herndon community. We also understand the role of this business as a contributor to the dynamics and livelihood of the community. Fancy Lashes and Beyond LLC was initiated due to the owner, Phuong Le Tran's clientele expanding exponentially for her Lash Artistry and Aesthetic services provided to her beloved clients and the convenience which the location can provide to the clients. The business is currently operating at 21000 Southbank Street, Unit 196, Suite 16, Sterling, VA 20165 as a placeholder to serve our current clientele. However, the intended primary and permanent location will be at Herndon location pending approval from the Herndon Community Development Department. This application which brings us to the current process conducted by this committee.

Fancy Lashes and Beyond LLC went through the proper channels during this time with the Herndon Park Unit Owners Association and its due diligence for the answers to the Committee's questions during the pre-application virtual meeting. According to the floor plan of the business, it shows the layout of how the 1108 square foot space of the unit will be renovated. The renovation is currently being conducted by a licensed commercial contractor with the experience to comply with the rules and regulations issued by the local county and state government. The business will be set up to serve at a maximum of three customers simultaneously due to proper social distancing and safety measures during this pandemic. The unit is not restricted to the limitation of parking spaces by the Condo Association. However, Fancy Lashes and Beyond LLC will take the proper precaution of limiting its services to customers by appointments only. The Condo Association had not written any letter of support for any of the businesses and tenants within the complex. At the same time, the Condo Association does not discriminate against any businesses or tenants. They had referred all of the businesses and tenants to the Town of Herndon when it comes to compliances, rules and regulations. As long as proper safety measures and sanitary are practiced by each tenant then no further rules and regulations are being imposed by the Condo Association. The floor plan maps out all of the available exit points and 'EXIT' signs being placed in the front door of the unit. Air recirculation is only within the unit since it is being partitioned from the units above, left and right of it. The exhaust system includes a vent in the front of the unit for proper emission from the vacuum vent within the restroom. The electrical panel was

replaced by the previous owner and has many vacant panels for expansion. There will be two vanity sinks and a janitorial sink in the unit. The current water heater having the capacity to supply an adequate amount of hot water to each sink simultaneously. All appliances and equipment are powered by electricity. Neither natural gas nor propane is being used to power any of the equipment within. Proper sanitization will be conducted and practiced on a daily basis which will include proper anti-bacterial wipes and cleaning products. Trash disposal will be handled with the proper precaution allowed by the State Health Department and the Condo Association. Trash will be disposed into an eight cubic yard dumpster positioned outside of the building and collected on a weekly basis. The business will have the proper amount of fire extinguisher(s) and precautionary equipment recommended by the Fire Marshals once when the renovation is completed.

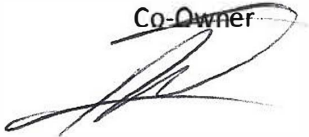
Fancy Lashes and Beyond LLC will also provide retail product sales in relation to the services provided to the clients. Retail products such as proper lash solution and skin care approved by the Dermatology Associations and FDA. Services provided to the clients include but not limited to lash artistry and aesthetic practices with highly reviewed and recommended equipment by renowned trainers and instructors. Each employee will be held to the highest standards of proper licensing, trained profession and customer service. Again, Fancy Lashes and Beyond LLC would like to give a special thank you to the Town of Herndon Community Development Department Committee and all of those taking part in this process. As a gratitude, Fancy Lashes and Beyond LLC is looking forward to become another great small business and making contributions to the Town of Herndon in the future.

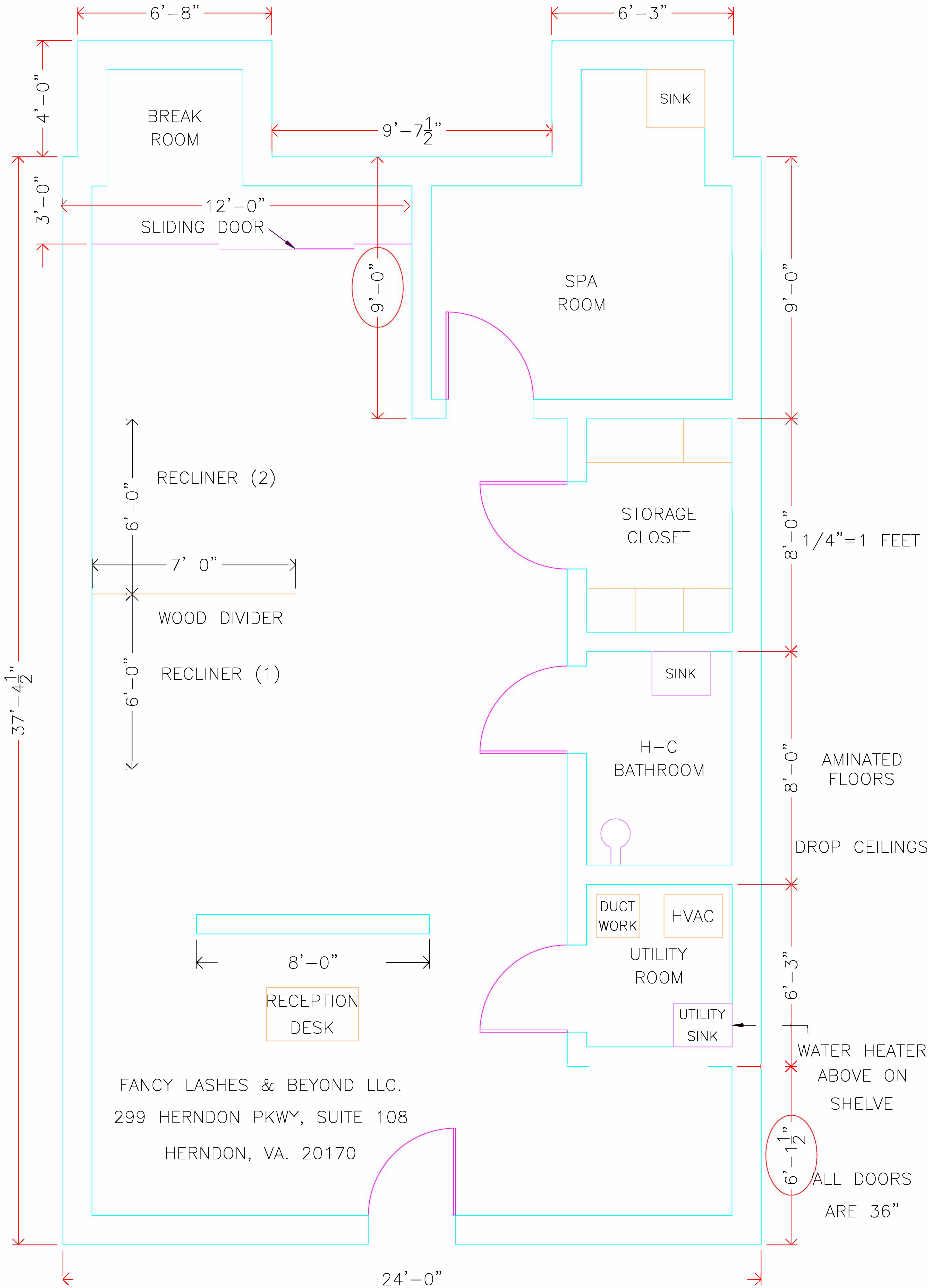
Sincerely,

Phuong Le Tran
Owner

A handwritten signature in black ink, appearing to read 'Phuong', with a long horizontal flourish extending to the right.

Tommy Nguyen
Co-Owner

A handwritten signature in black ink, appearing to read 'Tommy', with a large, stylized loop and a horizontal flourish extending to the left.





MEMORANDUM

To: Mayor Olem and Members of the Town Council

From: David Stromberg, AICP, Zoning Administrator DS

Date: November 3, 2021

Subject: ZOTA #21-03 – To revise the regulations for accessory dwelling units

This memo serves as an addendum to the staff report dated October 19, 2021 and the staff memo dated October 22, 2021.

Additional Zoning Provisions

The draft language for this zoning text amendment identifies language that is deleted, changed, new, or specific to accessory dwelling units. The amendment occurs in Articles 7 and 8 of the zoning ordinance. There are standards that would apply to accessory dwelling units in the other 16 Articles of the zoning ordinance, but that language will remain applicable and does not require amendment. The most relevant are summarized below:

Consistent with accepted or emerging planning best practices

During the October town council meetings, several members questioned how the existing and proposed draft ordinance compares to the best practices in the nation regarding accessory dwelling units. Staff explained that the proposed ordinance is more in line with accepted best practices for planning and zoning than the current language in the ordinance. Attached are a sample of recent publications related to accessory dwelling units.

Attachments

1. American Planning Association – Quick Notes
2. Twin Cities ADU Handbook – Family Housing Fund
3. Accessory Dwelling Unit Guidebook – Florida Housing
4. The ABCs of ADUs – AARP
5. Accessory Dwelling Unit Case Study – Department of Housing and Urban Development
6. Homeowners Guide to Accessory Dwelling Units – University of Kentucky, AARP, City of Lexington

QUICKNOTES

Accessory Dwelling Units

Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages on the same lot as the principal dwelling unit or a conversion of a garage or barn.

The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.

Despite the benefits, some communities resist allowing ADUs, or allow them only after time-consuming and costly review procedures and requirements. Public resistance to ADUs usually takes the form of a perceived concern that they might transform the character of the neighborhood, increase density, add to traffic, make parking on the street more difficult, increase school enrollment, and put additional pressure on fire and police service, parks, or water and wastewater. However, communities that have allowed ADUs find that these perceived fears are mostly unfounded or overstated when ADUs are actually built.

ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.

LOCALITIES AND STATES GET INTO THE ACT

Towns, cities, and counties across the country have done the right thing by proactively amending local zoning ordinances to allow ADUs. This is typically done either as a matter of right or as a special or conditional use. In either case, reasonable conditions may be imposed. Some states, including California, have enacted legislation that limits the ability of localities to zone out ADUs.

In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. *Entitled Accessory Dwelling Units: Model State Act and Model Local Ordinance*, the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.

The Model Local Ordinance suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. *The Model State Act* provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize

"Towns, cities, and
counties across the
country have done
the right thing by
proactively
amending local
zoning ordinances
to allow ADUs."



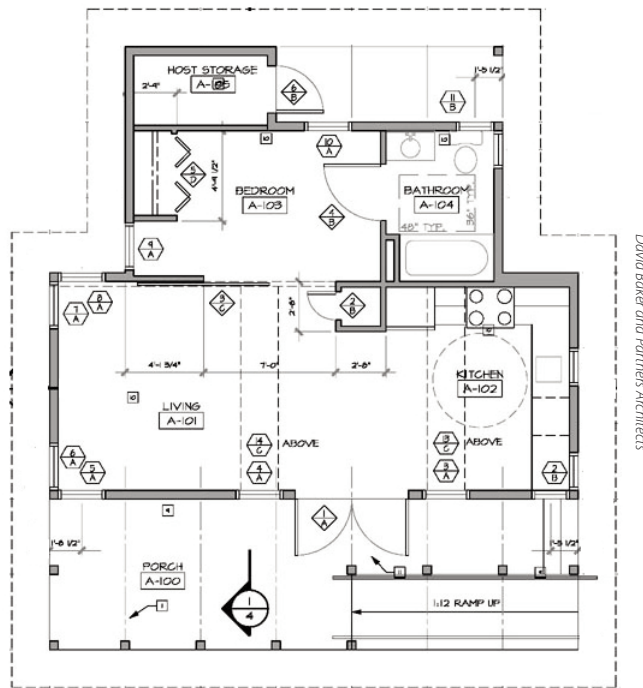
American Planning Association

Making Great Communities Happen

adoption of an ADU statute. It specifies the limits to which local governments may prohibit ADUs and outlines default permitting provisions if a locality does not adopt an ADU ordinance. It details optional approaches for adopting ADU ordinances, certifying local ADU ordinances, gathering data on ADU efforts, preparing reports and recommendations, and forming a statewide board overseeing ADUs.

WHAT ISSUES ARISE WHEN A PROPOSED ADU ORDINANCE IS CONSIDERED?

ADU ordinances offer a variety of benefits to local communities but the road to implementation may not be an easy process. While ADUs are more widely accepted now than in years past, skeptics still remain and some still oppose ADU zoning. The following describes some issues or decision points that communities must address in order to successfully navigate the perilous waters of public acceptance. The approach that is right for your city or town will be unique, based on local physical, political, social, and economic conditions.



Single story ADU floor plan.

By-right Permitting. Should permits for ADUs be issued as a matter of right (with clear standards built into the ordinance) or should they be allowed by discretion as a special or conditional use after a public hearing?

Occupancy. Should ordinance language allow an ADU only on the condition that the owner of the property lives in one of the units?

Form of Ownership. Should the ordinance prohibit converting the ADU unit into a condominium?

Preexisting, nonconforming ADUs. How should the ordinance treat grandfathered ADUs? How do you treat illegal apartments that want to apply for an ADU permit?

Unit Size: Should the ordinance limit the square footage of the ADU to assure that the unit is truly accessory to the principal dwelling on the property?

Adequacy of Water and Sewer Services. How do you guarantee there is enough capacity in sewer lines, pumping stations, and treatment facilities to accommodate ADUs?

These are not easy issues. However, communities would do well to seriously consider adopting an approach that: allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard. □

PAS QuickNotes is a publication of the American Planning Association's Planning Advisory Service (PAS). Copyright © 2009. Visit PAS online at www.planning.org/pas to find out how PAS can work for you. American Planning Association staff: W. Paul Farmer, FAICP, Executive Director and CEO; William R. Klein, AICP, Director of Research and Advisory Services; Tre Jerdon, QuickNotes Editor; Tim Mennel, Senior Editor; Julie Von Bergen, Assistant Editor; Susan Deegan, Senior Graphic Designer.

For a complete list of references visit <http://www.planning.org/pas/quicknotes/>

REFERENCES

1. Published by American Planning Association

American Planning Association. "Affordable Housing Reader: Articles from Zoning News and Zoning Practice. Available at <http://myapa.planning.org/affordablereader> (members-only access).

American Planning Association. 2006. *Policy Guide on Housing*. Chicago: American Planning Association. Available at www.planning.org/policy/guides/pdf/housing.pdf.

Baggett, Sharon, Nancy Chapman, and Deborah Howe. 1994. *Planning for an Aging Society*. Planning Advisory Service Report no. 451. Chicago: American Planning Association.

For more information on this topic visit www.planning.org.

References: Accessory Dwelling Units

1. Published by American Planning Association

American Planning Association. "Affordable Housing Reader: Articles from Zoning News and Zoning Practice. Available at <http://myapa.planning.org/affordablereader> (members-only access).

American Planning Association. 2006. *Policy Guide on Housing*. Chicago: American Planning Association. Available at www.planning.org/policy/guides/pdf/housing.pdf.

Baggett, Sharon, Nancy Chapman, and Deborah Howe. 1994. *Planning for an Aging Society*. Planning Advisory Service Report no. 451. Chicago: American Planning Association.

Baron Pollak, Patricia. 1994. "Rethinking Zoning to Accommodate the Elderly in Single Family Housing." *Journal of the American Planning Association* 60 (4): 521–531.

Gorman, Alice, and Patricia Pollak. 1989. *Community-Based Housing for the Elderly*. Planning Advisory Service Report no. 420. Chicago: American Planning Association.

Howe, Deborah A. 1990. "The Flexible House Designing for Changing Needs." *Journal of the American Planning Association* 56 (1): 69–77.

Lubell, Jeffrey. 2006. "Zoning to Expand Affordable Housing." *Zoning Practice*. December. Chicago: American Planning Association.

Meyerson, Deborah. 2007. "The Ultimate in Accessibility." *Planning*, December, 44–45.

Wittenberg, Jason. 2002. "Garages: Not Just for Cars Anymore." *Zoning News*. August. Chicago: American Planning Association.

2. Other Resources

Center for Housing Policy. 2008. Ensuring Zoning Policies Allow Housing Diversity: Accessory Dwelling Units. Available at www.housingpolicy.org/toolbox/strategy/policies/diverse_housing_types.html?tierid=42.

Cobb, Rodney, and Scott Dvorak. 2000. *Accessory Dwelling Units: Model State Act and Local Ordinance*. Washington, D.C.: AARP. Available at http://assets.aarp.org/rgcenter/consume/d17158_dwll.pdf.

Cram, Leo. 1993. Missouri Gerontology Institute. "Accessory Apartments." University of Missouri Extension. Available at <http://extension.missouri.edu/explore/aging/gg0014.htm>.

Massachusetts Executive Office of the Environment. (N.d.) *Model Bylaw for Accessory Dwelling Units*. Massachusetts Smart Growth Toolkit Bylaw. Available at www.mass.gov/envir/smart_growth_toolkit/bylaws/ADU-Bylaw.pdf.

Minnetonka (Minnesota), City of. *A Citizen's Guide to Accessory Apartments*. Available at www.eminnetonka.com/community_development/planning/brochures/accessory_apartments.pdf.

Municipal Research and Services Center of Washington. 1995. *Accessory Dwelling Units*. Report No. 33. Seattle: Municipal Research and Services Center of Washington. Available at www.mrsc.org/Publications/adu30.pdf.

Phillips, Jory. 2004. *Detached Accessory Dwelling Units: Director's Report*. Seattle: City of Seattle Department of Planning and Development. Available at www.mrsc.org/GovDocs/s42ADU rpt.pdf.

Portland (Oregon), City of. 2006. *Planning and Zoning Code*. Chapter 33.205. Accessory Dwelling Units. Available at www.portlandonline.com/auditor/index.cfm?a=53301&c=28197. Also see www.portlandonline.com/bds/index.cfm?c=dgghg.

Provo (Utah), City of. 2007. Zoning Code. Section 14.46.A. *Accessory Apartment Overlay Zone*. Available at www.provo.org/downloads/council/title_14_chapters_41-49c_combined.pdf.

Santa Cruz (California), City of. 2003. *Accessory Dwelling Unit Manual*. Available at www.ci.santa-cruz.ca.us/pl/hcd/ADU/PDF/ADU_Manual.pdf.

U.S. Department of Housing and Urban Development. 2004. "Accessory Housing is Part of the Solution." Available at www.huduser.org/rbc/newsletter/vol3iss1more.html



American Planning Association

Making Great Communities Happen

QUICKNOTES

3. Case Law

Anderson v. Provo City Corp., 2005 UT 5 (2005).

City of Wilmington v. Hill, 657 S.E.2d 670 (2008).

Coalition Advocating Legal Housing Options v. City of Santa Monica, 88 Cal.App.4th 451 (2001).

Desmond v. County of Contra Costa, 21 Cal.App.4th 330 (1993).

Harris v. City of Costa Mesa, 25 Cal.App.4th 963 (1994).

Kasper v. Town of Brookhaven, 142. A.D.2d 213 (1988).

Save Round Valley Alliance v. County of Inyo, 157 Cal. App. 4th 1437 (2007).

Sounhein v. City of San Dimas, 47 Cal.App. 4th 1181 (1996).

Village of Belle Terre v. Boraas, 416 U.S. 1 (1976).



Home + home Twin Cities ADU Guidebook

FOR HOMEOWNERS





Contents

INTRODUCTION	2
How to Use this Guidebook.....	4
What is an Accessory Dwelling Unit (ADU)?	4
Frequently Asked Questions.....	9
GET INSPIRED: WHY BUILD AN ADU?	10
ADU Stories	12
Case Studies	14
GET EDUCATED: HOW TO BUILD AN ADU	24
1. Research.....	28
2. Design Ideas.....	32
3. Team Selection	34
4. Finances	36
5. Permits	38
6. Construction	40
7. Move-In.....	42
REFERENCES.....	44
Additional Resources	44
Twin Cities Planning Departments Contact Information	45
Acknowledgements.....	46



Introduction



In this section you will...

- Learn how to use this guidebook.
- Learn what an ADU is.
- Discover the different types of ADUs.
- Find answers to common questions.

Home + home: Are you interested in building an Accessory Dwelling Unit (ADU) and creating another home in your little corner of the world? ADUs have existed historically throughout the Twin Cities, providing important space to rent out for extra income or to meet other household needs. As the metropolitan region grows and changes, homeowners and city planners alike are rediscovering the benefits of ADUs and the role they play in meeting our housing needs. Still, a homeowner thinking about building an ADU can be uncertain about where to start. This guidebook can help make your ADU dreams a reality.

How to Use this Guidebook

This guidebook is organized in two sections:

A. GET INSPIRED. Learn about the benefits of ADUs and see the ADU experiences of real Twin Cities families.

B. HOW TO BUILD AN ADU. Learn the basics of ADU development, from start to finish.

This guidebook is a resource to help you get started, but it cannot replace the knowledge and experience of local designers, builders and planners. The size and shape of your property, the rules of the city you live in, your budget and your own design needs and preferences will make your ADU-building experience unique.

What is an Accessory Dwelling Unit?

An ADU is a self-contained residential unit with its own living room, kitchen and bathroom.

ADUs are known by many names: carriage or coach houses, accessory apartments, garden apartments, mother-in-law suites, granny flats, backyard cottages and secondary dwelling units. Whatever it is called, an ADU is smaller than the primary or main house on the same lot.





self-contained
it with its own
kitchen and

ADUs ARE ALSO KNOWN AS:

*Backyard
Cottages*

*Garden
Apartments*

*Accessory
Apartments*

*Mother-in-law
suites*

*Granny
Flats*

*Secondary
Dwelling Units*

*Carriage
Houses*

A historic form of housing

Although there is a recent resurgence of interest in ADUs, they are actually a historic form of housing that was common in the Twin Cities before World War II. For example, in the Frogtown neighborhood of St. Paul, new immigrants would commonly build an alley house in the back of their lot while saving to build a larger home in the front (McClure 2018). Many carriage houses (living quarters located above garages) were built alongside larger homes and are still used for housing today. Some modest single-family homes included attic or basement apartments that helped to house larger city populations in the early- and mid-20th century.



Coach house at Minnesota Governor's Residence.

PHOTO CREDIT Minnesota Department of Administration

How are ADUs different from duplexes?

While they share some similarities, ADUs are generally differentiated from duplexes (two-family houses) in their size, construction timing and use. City building and zoning laws often treat the two housing forms differently.

- An ADU is smaller than the main home. Units in duplexes are usually about the same size.
- Duplexes are usually in the same building, but ADUs can be located within, attached to or detached from the main home.
- Duplexes are usually built as one construction process; ADUs are often built after the main home is completed.
- ADUs are designed as flexible housing and can generate rental income, house multigenerational families or serve other uses.

Could a tiny house be an ADU?

Most tiny houses on the market are set on trailers and have wheels. These are categorized as Recreational Vehicles (RVs) and are usually not allowed as a permanent living space. However, if a tiny house meets residential building standards, is placed on a permanent foundation and is connected to utilities, it could be considered an ADU. Ask your city's building department to learn more.

Is the usable space above my garage, in my basement, or in my attic an ADU?

If the space has a living area, a kitchen, a bathroom and its own entrance, it may be an ADU. ADUs must also meet certain residential building code requirements, so check with your local planning office. See also Legalizing an Existing ADU on page 38.

Is a granny pod an ADU?

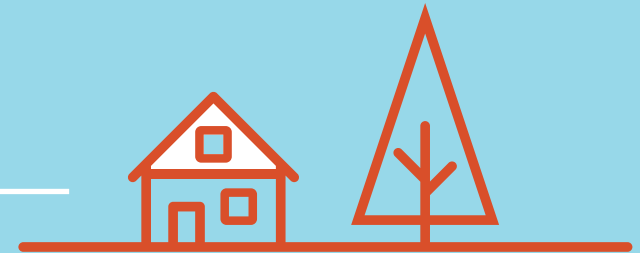
In 2016, the Minnesota Legislature approved a definition of “Temporary Family Health Care Dwellings,” the backyard dwellings sometimes called “granny pods.” The statute defines them as mobile residential dwellings or providing care for a mentally or physically impaired family member. Most Minnesota cities do not allow these temporary care dwellings, and they are treated differently from ADUs in local code (Bekker 2016).

Types of ADUs

There are three basic types of ADUs:

Internal

ADUs are located within the structure of the main house, for example, a converted basement or attic. These are generally the least expensive to build.



Attached

ADUs share one or more walls with the primary house. These ADUs are commonly constructed as additions or conversions of attached garages.



Detached

ADUs are the most visible type of ADU. They are typically the most expensive to build and include freestanding backyard structures, detached garage conversions, same-level additions to a detached garage or above-garage units.



What type of ADU works best for you?

As you go through this guidebook, return to this question and consider which type of ADU best fits your goals and budget. Local regulations may limit which type you can build.



Am I allowed to build an ADU? 28

How do I legalize an existing ADU? 38

How do I pay for it? 36

How long does it take? 26

FREQUENTLY ASKED QUESTIONS

How do I get started? 28

How do I find an architect and contractor? 34

How do I become a landlord? 42

Where can I learn more? 44

A photograph of a modern backyard. A large, mature tree stands in the center, casting a shadow over a stone path that curves around a garden bed. The garden bed is filled with dark mulch and various green plants. A blue bird bath sits in the garden bed. To the left is a tall wooden fence. To the right is a house with dark grey siding, a blue door, and a wooden staircase leading up to a second floor. String lights are hanging from the tree. The text "GET INSPIRED: ADU" is overlaid in white, italicized font on a semi-transparent blue background.

GET INSPIRED: *ADU*

PHOTO CREDIT Jill Greer photography (both pages)

Stories

In this section you will...

- Learn about the benefits of ADUs.
- Read the stories of other local homeowners who have built them.



Benefits of ADUs Building an ADU offers many benefits for you and your neighborhood. ADUs are flexible and can serve many purposes over time. While every home's story is unique, here a few examples.

ADU



EXPANDING HOUSING OPTIONS

An ADU can have a positive effect on your community. ADUs provide more housing options in neighborhoods that are already built out, which can help relieve the growing demand for housing in a way that does not alter the character of existing neighborhoods.



EARNING INCOME

Depending on the circumstances, rental income may make it possible to cover the cost of monthly loan payments and, over a number of years, pay back the initial cost of the ADU's construction. Even when financial returns are not a primary motivation, earning rental income might make it possible to work part-time, stay home with a child or save for a major expense.



AGING IN PLACE AND DOWNSIZING

Some people move into the ADU while their adult children move into the main house, or they rent out the main house for extra revenue in retirement.



Benefits



HOUSING FRIENDS, FAMILY AND CAREGIVERS

ADUs can provide important independent living space for friends, family members and caregivers.

Many homeowners are motivated to build their ADU to provide a combination of in-home care and independent living for a family member. The cost of ADU construction and maintenance may be comparable or less expensive than some assisted-living or skilled-nursing facilities, with the added benefit of keeping a loved one close by.



REDUCING ENVIRONMENTAL IMPACTS

ADUs tend to be environmentally-friendly simply because they are smaller and use less energy for heating, cooling and light (Stephan and Crawford 2016). Energy-saving designs can be incorporated into an ADU, further lowering its environmental impact. ADUs may help reduce transportation-related environmental impacts when they are located near employment centers and established public transit routes.

A 2014 study found that ADU residents in Portland were less likely than other residents to own cars (Brown and Palmeri 2014).

CASE STUDY

The case studies that follow profile real Twin Cities residents at different points along their ADU journeys—from initial planning and visioning, to construction, to completion.

ADU Under Consideration

Getting Started



TYPE

Detached

STATUS

Early planning

SIZE

TBD

BEDROOMS

TBD

BUDGET

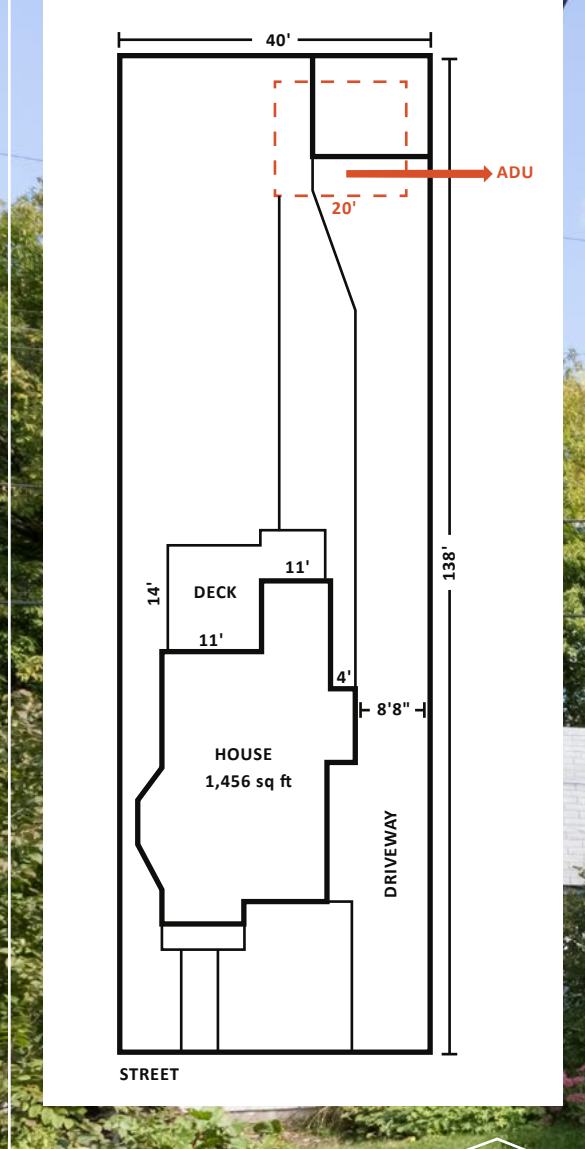
TBD

The old garage in Megan and Rob's backyard had seen better days. With no need for enclosed parking, they were hoping to put it to better use. Inspired by the tiny-house movement, Megan and Rob started looking into the possibility of building a detached backyard ADU on their roughly 5,000-square-foot lot. Not only could an ADU replace their old garage, but it could add a needed home in the popular Kingfield neighborhood. An ADU could generate rental income or give the homeowners the option to downsize.

Megan and Rob had many questions at the beginning, including what information they would need to get started. After doing some research online and sketching out a few layout ideas for the ADU, Megan and Rob scheduled a pre-application meeting with Minneapolis city planning staff. This free service allows city residents to ask planning staff questions and learn about applicable regulations and the permitting process.



After going over the general permitting process, planning staff members answered some of Megan and Rob's questions about their specific property, helping them think through how height limits and parking requirements would apply to their project. With this initial information in hand, Megan and Rob are starting to save for their project and preparing to take the next steps toward their ADU.



Not only could an ADU replace their old garage, but it could add a needed home in the popular Kingfield neighborhood. An ADU could generate rental income or give the homeowners the option to downsize.

CASE STUDY

The case studies that follow profile real Twin Cities residents at different points along their ADU journeys—from initial planning and visioning, to construction, to completion.

DIY

ADU



TYPE

*Interior,
basement*

STATUS

*Under
construction*

SIZE

702 sq. ft.

BEDROOMS

2

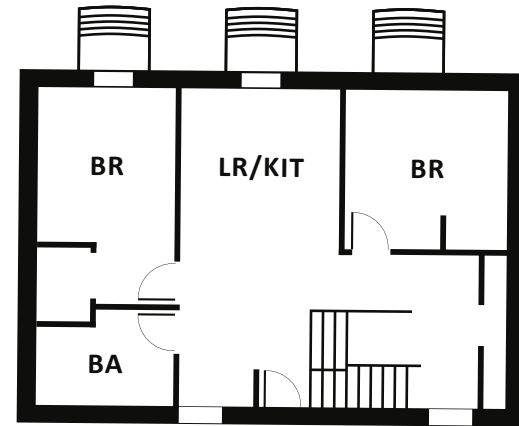
BUDGET

\$80,000

Mike started his ADU journey when his father, Dallas, decided to downsize and sell his home in St. Paul. Mike researched multigenerational living options and decided to build an internal ADU by converting the basement in his south Minneapolis home into an apartment for Dallas.

Mike took on the work of being the designer and general contractor for the ADU. He used software to model the design and then drafted plans to submit for the city permit application. Mike's design features a spacious two-bedroom unit with lots of natural light. This arrangement will allow Mike and Dallas to stay close while maintaining their own personal space.

After a few rounds of revisions, Mike's plans were approved and, with building permit in hand, he quickly got started on construction. Mike hired subcontractors to help with specialized work but



did most of the project himself. Dallas and Mike's brother have pitched in, too. While self-managing the project has extended the timeline, it has also saved money, and the new ADU is starting to take shape.

Once completed, their DIY ADU will serve as a place for Mike and Dallas to call home for years to come. Dallas says, "We've always been close, but working on this project has brought us even closer together."



“We’ve always been close, but working on this project has brought us even closer together.”

CASE STUDY

The case studies that follow profile real Twin Cities residents at different points along their ADU journeys—from initial planning and visioning, to construction, to completion.

A Dream to Downsize



TYPE

*Detached,
above garage*

STATUS

Complete

SIZE

528 sq. ft.

BEDROOMS

Studio

BUDGET

\$225,000

BUILDER

*White Crane
Construction*

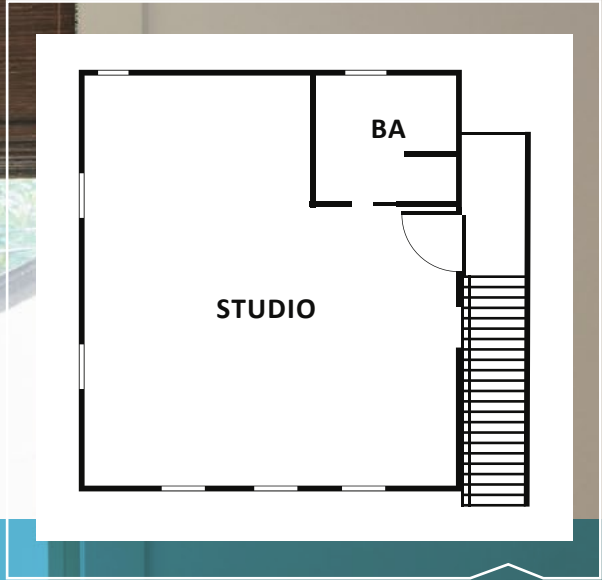
Cate and Jason loved their neighborhood near Minnehaha Creek in Minneapolis but yearned to downsize when their kids left for college. They initially planned to sell their home and move, but then they came up with a better solution: building a new unit in the backyard that they could live in while renting out their main house.

After looking into various options, including prefabricated modular designs, Cate and Jason decided to pursue a traditional site-built ADU above a two-car garage.

Cate and Jason hired a design-build firm that took them through the process from initial design to city permitting and construction. They learned that they would have to tear down their existing garage and build a new structure with frost footings in order to meet the building code. Still, they were able to cut costs by reusing their old garage door and performing some work themselves, such as ordering the appliances and painting the interior.



The completed ADU, sitting in a shaded backyard, features an open layout with new appliances and an in-unit washer and dryer. Cate and Jason plan to rent it for a few years until they are ready to move in and fulfill their dream of downsizing.



Curious about the difference between prefabricated and traditional construction? See page 32.

CASE STUDY

The case studies that follow profile real Twin Cities residents at different points along their ADU journeys—from initial planning and visioning, to construction, to completion.

ADU

in the Family



TYPE

Attached

STATUS

Complete

SIZE

540 sq. ft.

BEDROOMS

1

BUDGET

*\$40,000
part of total
development cost*

Fue Lee's family had always envisioned multigenerational living when they were on the hunt for their first house.

Working with the City of Lakes Community Land Trust (CLCLT), the Lee family had the opportunity to buy one of the very first homes in Minneapolis developed with an attached ADU.

The brand new home they purchased in the Lind-Bohanon neighborhood has the perfect layout for their close-knit family. Fue and two of his adult siblings live in the main house. His parents have their own private space in the first-floor ADU.

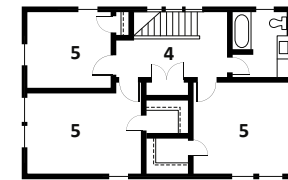
The house is designed for flexibility. While the Lees have no plans to move, any family that buys the house in the future could choose to rent out the attached unit for extra income.



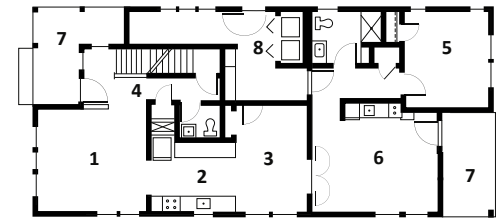
Responding to demand from its members, the nonprofit CLCLT has recently built two more multigenerational homes with ADUs. Thanks to the community land trust model, all of these homes will remain affordable for future generations of new homebuyers.

Thanks to the community land trust model, all of these homes will remain affordable for future generations of new homebuyers.

CREDIT Marnie Peichel Architecture and Design, LLC



SECOND FLOOR PLAN



FIRST FLOOR PLAN

CASE STUDY

The case studies that follow profile real Twin Cities residents at different points along their ADU journeys—from initial planning and visioning, to construction, to completion.

Flexible for the Future



TYPE

*Detached,
above garage*

STATUS

Complete

SIZE

624 sq. ft.

BEDROOMS

1

BUDGET

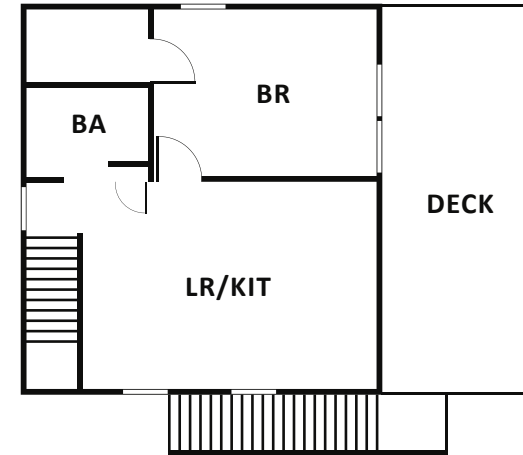
\$125,000

When Eric & Chrissi

purchased their home near a Green Line station in the Hamline-Midway neighborhood of St. Paul, they knew from the start that the house's detached garage didn't meet their needs. As they made plans to replace it, they heard from a friend about a new ordinance that gave them the option to build an ADU. Eric and Chrissi started to envision all the ways an ADU could benefit them in the future and met with a designer to develop a plan for a one-bedroom unit above a new two-car garage.

Eric and Chrissi liked the idea of having a flexible space to support more community-oriented living while still maintaining the privacy of their main home. Their ADU could be a place to host friends and family, and it could potentially generate rental revenue that would make it possible for one of them to stay home with a future child.

With experience in home remodeling, Eric decided to become the general contractor for the project. He worked full-time for six to seven months to



complete the construction of the ADU, hiring subcontractors for electrical and plumbing work. Chrissi led the interior design work, and friends and family members also helped.

Eric is pleased with the solution they arrived at for connecting water and sewer lines from the ADU to the main lines in the street. Instead of the traditional method of digging an open trench, the lines were installed through an underground, lateral drilling process that preserved more of their existing landscaping and was about one-third less expensive than trenching. Eric and Chrissi also designed the ADU for energy efficiency and for compatibility with photovoltaic panels, so that it can run mostly on solar energy.

Now that the ADU is complete, Eric and Chrissi's friends and family tell them it does not look at all like what they imagined as a "garage apartment"—the unit is spacious and feels like a home. Eric and Chrissi rent their bright, modern ADU at an affordable price to a student at a nearby university.



Eric and Chrissi's friends and family tell them it does not look at all like what they imagined as a "garage apartment"—the unit is spacious and feels like a home.

A photograph of a house with orange horizontal siding and a white door. To the left of the door is a large window with white trim. A dark brown bench with a black cushion sits on the concrete porch. The door has a decorative dragon sculpture on the left and a picture of a dog on the right. Several potted plants, including a large green plant in a pink pot, are on the porch. A black metal fence is in the foreground. The text "GET EDUCATED: How to Build" is overlaid on the right side of the image.

GET EDUCATED: *How to Build*

an ADU

In this section you will...

- Learn the basics of ADU development, from start to finish.



Inspired? The following pages will walk you through the basics of getting started and what to expect as you explore an ADU project.

1. Research..... p28
2. Design ideas p32
3. Team selection p34
4. Finances p36
5. Permits p38
6. Construction p40
7. Move-in p42

1 RESEARCH



- Clarify your goals.
- Determine if an ADU is allowed on your property.



There are printable worksheets for this step.

2 DESIGN IDEAS



- Consider your goals and design options together.
- Work on your own or with a designer to sketch out your ADU.



There are printable worksheets for this step.

3 TEAM SELECTION



- Learn about types of development teams.
- Find out what information to prepare when contacting a company.
- Review suggested considerations for hiring a company and signing a contract.

Process Overview

From Point A to Point ADU



Print out the included worksheets along the way, and start putting pencil to paper.

5 PERMITS



- Review the steps involved in a typical permitting process.
- Learn why it's important to permit an existing ADU.

4 FINANCES



- Learn about resources to help you make an informed decision.
- Learn about potential financing options.

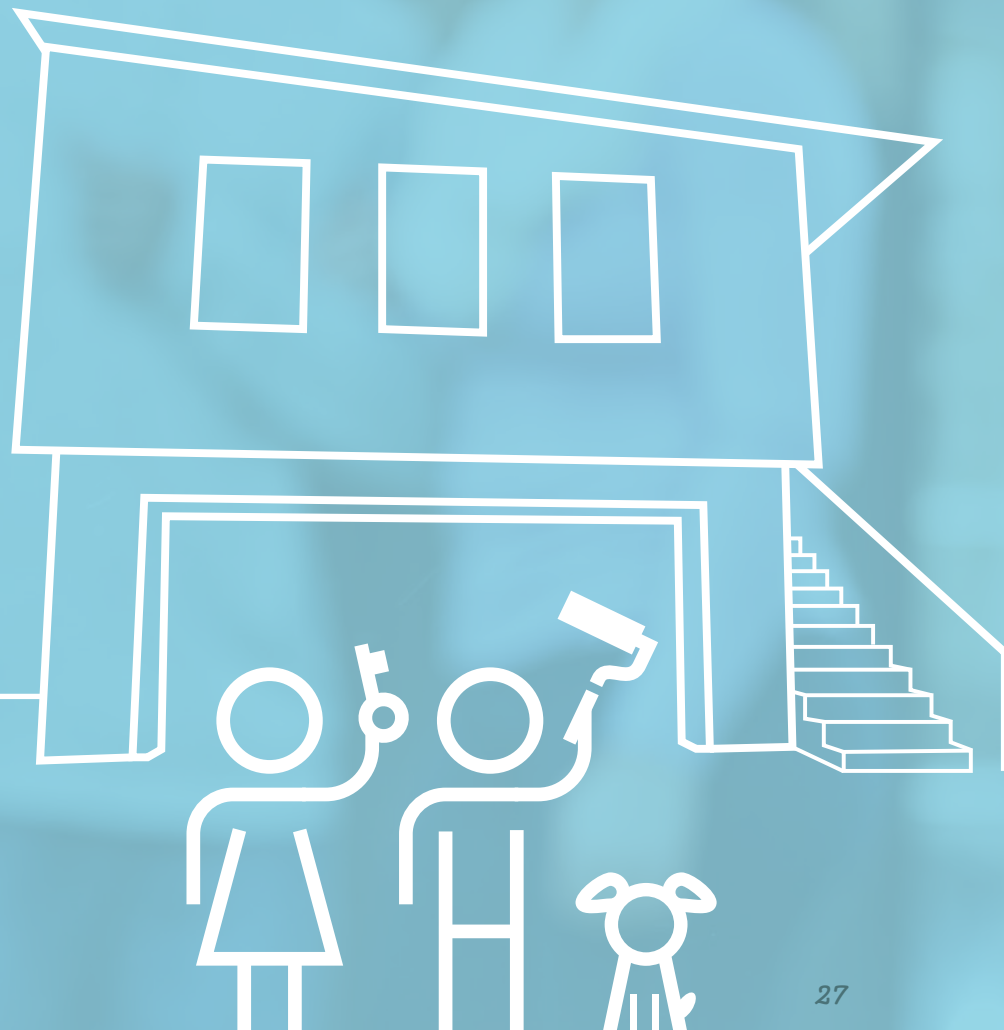
6 CONSTRUCTION



- Learn what to expect during construction.
- Understand your responsibilities.

7 MOVE IN!

- Find resources on how to be a landlord.



What story will your ADU tell?

In this step you will...

- Clarify your goals.
- Determine if an ADU is allowed on your property.

DISCLAIMER

Laws and processes are subject to change, and vary between cities, so be sure to consult with your local planners or other knowledgeable professionals as you move forward.

An ADU will become part of the story you tell about your life. But what role will it play? Will it help bring your family closer together? Provide a financial cushion? Both?

Determine if an ADU is allowed on your property

One of the first things you'll need to do is determine whether the ADU you envision is allowed on your property. There are three ways you can do this:

1. Enlist your designer

If you already have a designer or contractor in mind, enlist their help.

2. Check online

Many cities and counties have web links to city codes, zoning maps and property information on their websites.

3. Ask a city planner

This is the most direct way to get up-to-date information about what will be allowed on your property. You can get help from most cities by calling or visiting the planning department. If your city does not have a planning department, ask a representative to connect you to a staff member who is knowledgeable about land use, zoning or building permits. Tell the staff member that you are interested in building an ADU and want to know if it is allowed on your property. Also ask about the types of ADUs allowed and how big and tall they can be. The answers will affect your ADU design decisions.



Print this page and use this worksheet to write down your ideas, short- and long-term goals, and questions. Don't worry if you are unsure of some information about your property. You'll be able to fill it in throughout.

TIP Note that information you receive from your city at this stage is preliminary. Some properties have unique circumstances that can affect the outcome of decisions, but these may not be revealed without the thorough process that a formal application provides. The city staffer assigned to your application will work with you to provide solutions to issues that arise.

TIP You can find a list of cities in the region that allow ADUs, along with their contact information, at the end of this guidebook.

RESEARCH

In this step
you will...

- Clarify your goals.
- Determine if an ADU is allowed on your property.

My Property Information

ADDRESS:

PROPERTY IDENTIFICATION (PID) NUMBER:

ZONING:

BUILDING TYPE:

single-family, duplex, other

YEAR BUILT:

LOT SIZE:

LOT COVERAGE:

GROSS FLOOR AREA:

UNIQUE CHARACTERISTICS, IF ANY, OF YOUR LOT:

LOT COVERAGE CALCULATION

5,000 sq. ft. x 45% = 2,250 sq. ft. - 1,500 sq. ft. = 750 sq. ft.

LOT SIZE

MAX. ALLOWED LOT
COVERAGE %

MAX. BUILDING
FOOTPRINT ALLOWED

EXISTING BUILDING
FOOTPRINT

POTENTIAL FOOTPRINT
FOR ADU
(if not otherwise restricted)



Print these pages and use the worksheets to determine what's allowed on your property.

Suggested Questions

Is an ADU permitted on my property?

What types of ADUs are allowed? (attached, detached, internal)

Where can it be located? (required setbacks)

A setback, or required yard, is an amount of space required between two structures, or between a structure and a property line or utility line.

ADU design constraints:

How big can it be?

How small can it be?

How tall can it be?

What is the required ceiling height?

Where can the entrance be located?

If an internal ADU, are the existing stairs and windows adequate?

Is owner-occupancy required? If so, how is it defined and enforced?

Owner-occupancy: Many cities in the region require you to live in either the main house or the ADU and will require filing a covenant with the county recorder. Some, but not all, cities further define owner-occupancy to say how many days out of the year the owner must reside there. If you think you might live somewhere else temporarily, be sure to ask about these requirements and any associated fees.

What will be the address of the ADU?

Some cities require the ADU to have a separate address while others forbid it. Be sure to understand your city's rules.

What are the parking requirements?

What are the requirements for water and sewer hook-ups?

What fees should I expect?

How much work am I permitted to do and what is required to be done by a licensed subcontractor?

How does the permitting process for ADUs work?
(see also Permitting on page 38)

TIP Take photos of the exterior of the house and of the site where you want to locate your ADU.

DESIGN IDEAS

Considerations

While you may already have a vision of what your ADU will look like, it is important to spend some time thinking about function. How will the design of the ADU meet your short-term and long-term objectives?

In this step you will...

- Consider your goals and design options together.
- Work on your own or with a designer to sketch out your ADU.

Bedrooms

The number of bedrooms should reflect who you think will spend time there. Studios are attractive for their open and flexible space, but designated bedrooms offer more privacy. Units with designated bedrooms usually rent at a higher price, but they could be more expensive to build.

Universal design & accessibility

A home built with universal design means that anyone, regardless of age or ability, can live there comfortably. In addition to ensuring that there is easy access to the unit without stairs, universal design features include pull-out lower drawers, level-entry showers, lower countertops and raised electrical outlets. Building to universal design standards is a smart way to ensure the ADU will meet your needs over time.

Access

Think about how ADU residents will get to their front door. At a minimum, you'll need to provide them a stable, well-lit path. Your city may have regulations that specify where you can place the ADU entrance.

Finished materials

While you don't need to make decisions yet, keep in mind that the materials you use will affect your budget. A designer can provide cost estimates. You might also be able to save money by reusing some materials. Be aware that some selections, like doors and appliances, might affect the design of the ADU.

Environmental

You can reduce environmental impacts and save on energy costs through the layout and materials that you choose for your ADU. For instance, you can use recycled materials, insulate well and place windows in locations that will take advantage of the sun's location throughout the year. You can also incorporate solar panels so that the ADU can generate its own energy. Work with your development team to understand what's possible.

Traditional or prefabricated construction

In addition to the many design choices you have for your ADU, you also can choose whether to build your ADU using traditional "stick-built," on-site construction or some form of prefabricated assembly. Factory-built, modular, panelized and other newer construction technologies are increasingly available, and in some situations can reduce your costs or the time it takes to build. You might also be surprised by the high quality. If you are interested in a prefabricated method, consider how the building will be delivered to your lot, the delivery costs and what site-preparation work will be required.



Print this page and sketch your ADU floor and site plans.

TIP Chances are you've already come across many inspiring designs either online or perhaps in your own neighborhood. Use an old-fashioned scrapbook or an online service to help organize these inspirations so you can refer to them later or use them to convey to your designer what resonates with you.

Building a team

ADU it yourself? This section is primarily aimed at homeowners with little or no experience in construction or construction management. Homeowners who feel comfortable managing the development of their ADU may still find some helpful tips to keep in mind when hiring subcontractors.



In this step you will...

- Learn about types of development teams.
- Find out what information to prepare when contacting a company.
- Review suggested considerations for hiring a company and signing a contract.

Types of Companies and Their Roles

There are a number of ways homeowners can get the help they need to design and build their ADU. Most homeowners choose one of three types of development teams:

ARCHITECT + CONTRACTOR/BUILDER: The homeowner hires an architect to complete the design of the ADU and then hires a contractor/builder to construct it.

DESIGN-BUILD FIRM: The homeowner hires a design-build firm that will, as the name implies, design and build the ADU.

DIY: The homeowner acts as the general contractor, coordinating the overall project and hiring subcontractors for specialized work. Remember, while being your own designer and/or general contractor can save money, it is an involved process and will likely add to your overall timeline, especially if you cannot devote yourself to it full time. Consider, too, that professionals often bring problem-solving skills that save time and money.

A homeowner may also specifically look for designers and builders who specialize in modular or prefabricated-construction methods. A homeowner typically works with an architect to revise an existing ADU design template and the builder arranges for shipment of the building components, prepares the site for delivery and completes finishing touches.

What to Prepare

There are a few basics you'll want to prepare before contacting designers and builders.

GOALS: First, go back to Step 1 to review your goals. Understanding your goals will help your architect create a design that's right for you.

BUDGET: Next, you'll want an initial budget. The cost of ADU construction can vary dramatically (for example, from \$10,000 to \$350,000) depending on ADU type, site and finishes. Your builder or architect can help narrow the price range. The financing available to you will also help determine what you can afford (See Step 4).

SUPPORTING INFORMATION: Bring along your property information, a survey and any sketches you made in Step 2 to share with potential architects or builders.

Hiring a Team

An ADU is a long-term personal investment for most homeowners, so it is important to have a development team that understands your vision and with whom you can communicate well. Below are key questions to help you choose a design and development team. Be sure to get bids from multiple designers and builders.

COST AND SERVICES: What will the firm charge and what services are included?

CREDENTIALS: Has the firm built other ADUs, or completed remodels or new construction at a similar scale? Does it have experience with your municipality's permitting process? Always verify professional licenses and business addresses:

- for contractors
- for architects, designers and engineers

COMMUNICATION AND PROCESS: Do you feel that you are being heard and are you receiving responses in a timely manner?

Signing a Contract

When you've decided which firm(s) you want to hire, a final contract should detail the work they will do and all costs. The contract is a legal promise by both you and the company to complete the tasks outlined within it. The contract is a foundation for good communication between you and your team.

Make sure everything that you discussed is included in the contract. For example, if you are building an above-garage ADU and want to reuse your old garage door, make sure that's noted. You have the right to add or modify elements of the contract, even after it is signed, by using a change order.

TIP The following is a helpful list of what your contract should include:

- contractor's license number, name and address
- total project cost and payment schedule
- start date and timeline
- list of work to be accomplished and materials to be used
- work (if any) to be subcontracted
- specific terms about what constitutes substantial "completion of work"
- the terms of warranties
- a provision requiring the contractor to obtain lien releases from all subcontractors and suppliers (to protect the homeowner if a subcontractor claims they were not paid)
- a cancellation penalty (if any)
- plan for cleanup and removal of material and debris
- any special requests (such as saving scrap lumber or bricks)
- requirements for protecting property and landscaping
- areas where materials may or may not be stored
- any instructions regarding children or pets

Financing Considerations

In this step you will...

- Learn about resources to help you make an informed decision.
- Learn about potential financing options.

Obtaining financing is often the greatest challenge homeowners face in trying to build an ADU. That's because the upfront cost can be large and there are not many financial options specifically tailored to this type of development yet. Typically, homeowners use their own savings, a loan or some combination of those sources to finance their ADU.

Here is an overview of some basic considerations and available resources to help you manage or lower your costs.

Making an informed decision

Before making big financial decisions, it's a good idea to seek advice from an independent homeownership expert. One option in Minnesota is to contact a member of the non-profit [Homeownership Advisors Network](#). Advisory services are available to households of all income levels.

Remember that you don't have to get a loan from the first lender you meet. Be prepared to seek quotes from several different lenders to see which can offer you the best rate and/or terms.

Building an ADU may raise your property taxes because it will add value to your home, and rental income may affect your income taxes. The specific impacts will be unique to your home and circumstances. Be sure to consult with a qualified professional tax advisor.



Financing Sources & Resources

SPECIALIZED PROGRAMS

The Minnesota Homeownership Center offers a Rehab and Repair Program Matrix that outlines renovation loan programs available by region in the state, some of which may be targeted to specific household income levels:

www.hocmn.org/resources-for-homeowners/

Minnesota Housing, a state agency, offers home-improvement loans that could be used for ADU projects, in partnership with lenders throughout the state:

www.mnhousing.gov

TIP If you are applying for a loan, secure your financing about one month before you're ready to apply for permits.

RENTING

Renting out your ADU may earn back some of your construction costs over time. Be aware that lender guidelines may not allow consideration of your future rental income when determining your eligibility for a loan.

SWEAT EQUITY

Find opportunities to do some of the work yourself, depending on your skills. Some ideas include installing cabinets, ordering appliances, painting and landscaping.



Permitting Process Overview

In this step you will...

- Review the steps involved in a typical permitting process.
- Learn why it's important to permit an existing ADU.

Prepare and Submit Your Application

Once all your application materials are ready, submit them to the appropriate department (usually the planning department) and, if applicable, pay the application fee. After receiving the application and payment, city staff will conduct an initial review to make sure your application is complete before sending it forward for review.

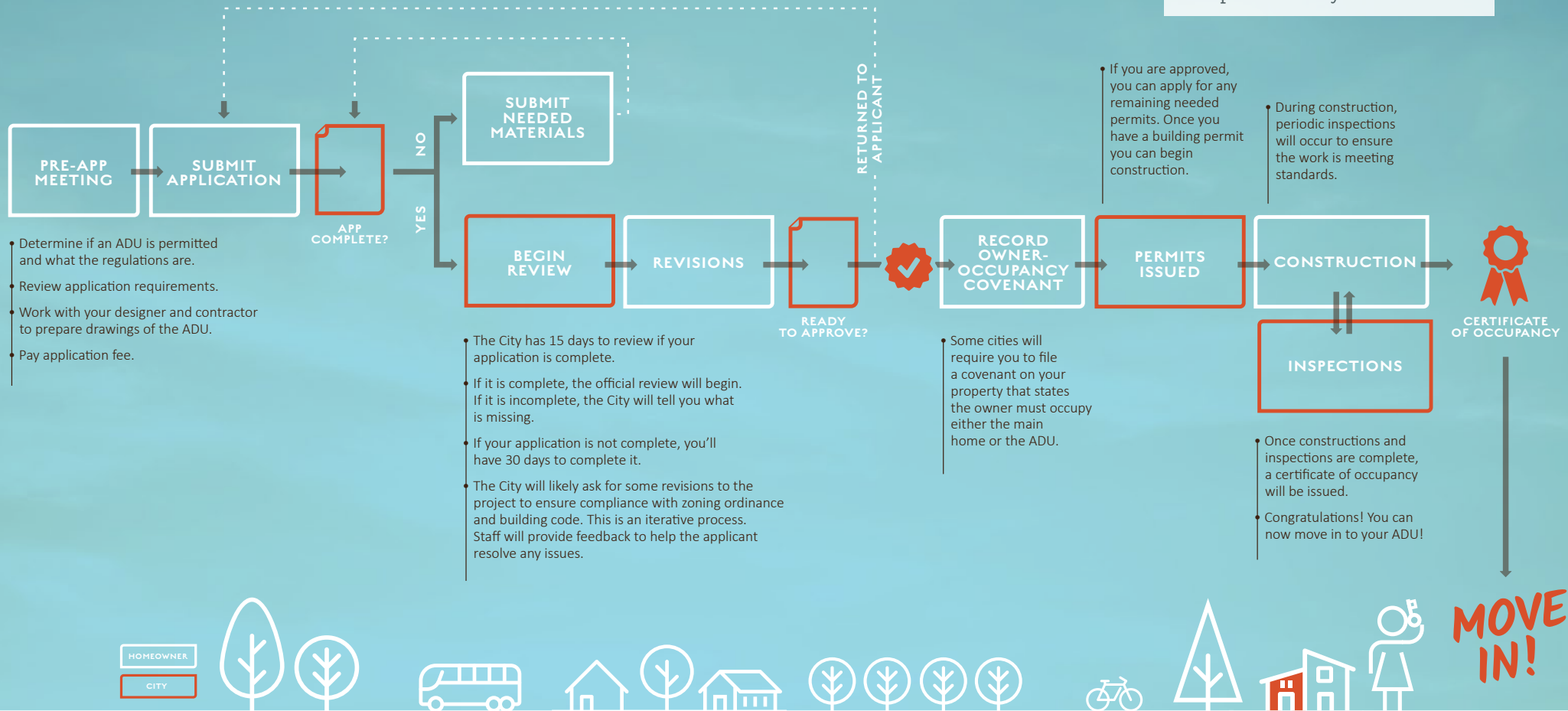
Revisions

One or more of the city departments reviewing your application will likely request revisions. Revisions are a normal and expected part of the permitting process. There may be several rounds of revisions before your application is approved.

Permitting an Existing ADU

The easiest way to add an ADU to your property is to get a permit for the one you already have! If you're lucky enough to already have an ADU in your home, or a space that could be converted to an ADU (for example, a basement suite with a mini-bar), find out if you're legally required to have a permit for it. In some jurisdictions, an unpermitted ADU is illegal. Expect that you may need to upgrade some safety measures, such as smoke detectors, or make other improvements to bring your ADU up to code. Check with your city staff to determine what you need to do.

TIP After meeting with the relevant city staff, create a checklist of requirements and due dates for each permit to stay on track.



This diagram illustrates a typical permitting process in Minneapolis, where permits are approved by staff in the planning department. Some municipalities require the permit to be approved by a body such as a planning commission or city council. Use this diagram as an example when visiting the planning counter to gain a better understanding of how your city's permitting process works and how long each step usually takes. Be sure to clarify with your development team which steps in the process they will lead on your behalf.

Permit in hand you're ready to build!

In this step you will...

- Learn what to expect during construction.
- Understand your responsibilities.

Preparing for disruption

Part of the process of building an ADU is preparing yourself mentally for the disruption that occurs during any construction project. Construction typically lasts from a few months to a full year, during which time workers will have access to your property. There will likely be instances where the construction will reach into places that you use on a normal basis, such as a driveway, yard or basement. Talk about these details with your builder to understand what to expect.

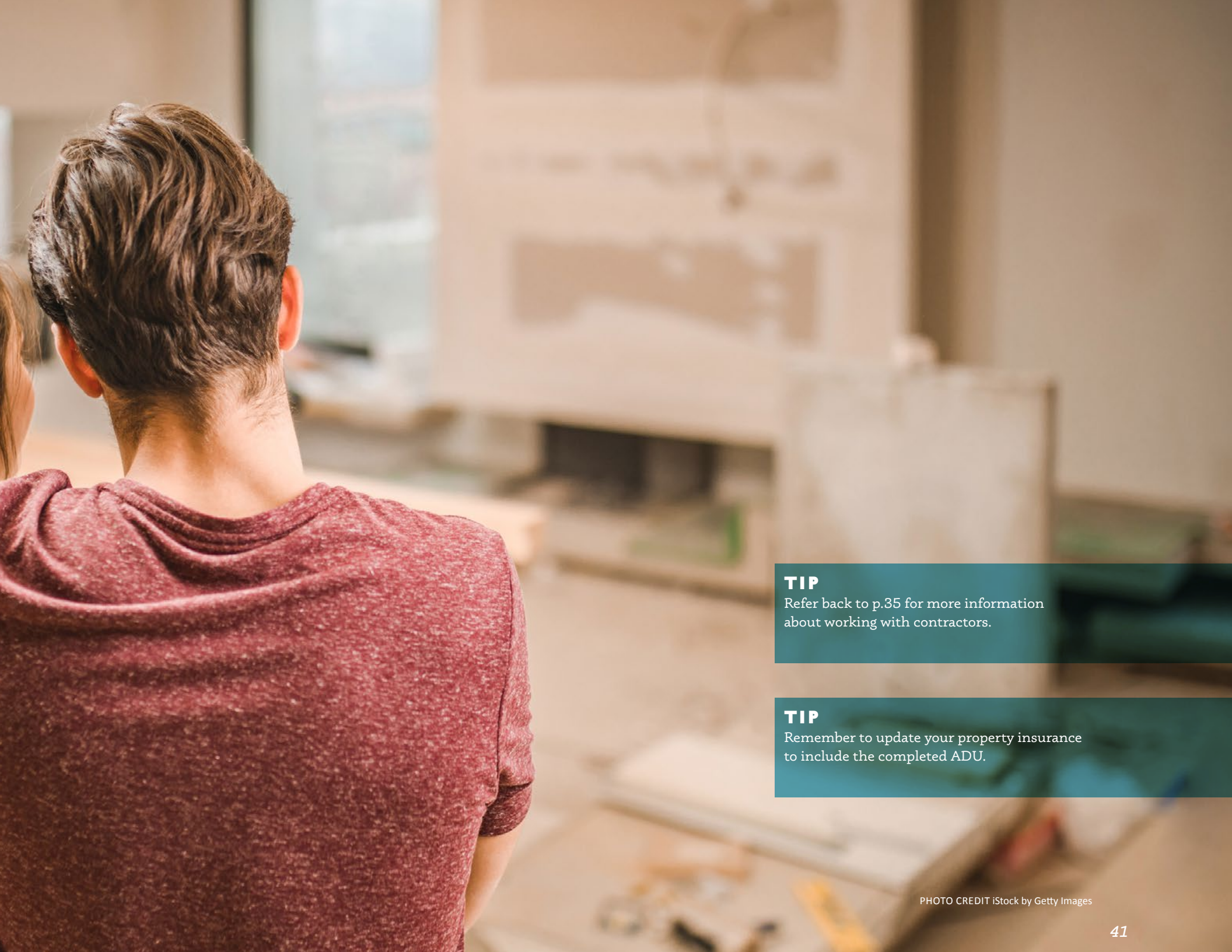
Your responsibilities

While it may feel as though you're in the backseat during construction while working with a contractor, there are many important responsibilities that you need to fulfill. You'll need to:

- Monitor the work to make certain it's progressing according to schedule and that the work quality is high.
- Make decisions in a timely manner when questions arise.
- Ensure that required inspections are occurring.

NOTE: Inspections are usually coordinated by the builder, but it is still your responsibility to confirm that they are performed.



**TIP**

Refer back to p.35 for more information about working with contractors.

TIP

Remember to update your property insurance to include the completed ADU.

Move in!

Construction is complete!

In this step you will...

- Learn what you must do before renting out your ADU.
- Find resources on how to be a landlord.
- Consider hiring property management assistance.

NOTE

This section presumes that the ADU is being rented out, but everything discussed also applies if you want to move into your ADU and rent out your main home.

After construction is complete and the final inspections are done, your ADU will be ready for you or someone else to call home. This section will provide a handful of resources for renting out your ADU, should you choose to do so.

License and Registration

Before you can rent out your ADU you'll need to know whether your city requires you to apply for a rental license or to register your unit. Typically, a short application and fee are required. These applications are managed by different departments depending on the city. Call the city's general line and asked to be directed to the right department, or ask city staff members for more information during the permitting process.

Becoming a Landlord

If you decide to rent out your ADU, you should brush up on important landlord-tenant and fair housing laws to know your legal obligations and how to resolve any issues that might arise. Having this information can help you and your tenant maintain a positive relationship. A few resources are highlighted on the next page.

If becoming a landlord isn't for you, look into hiring a property management company to take care of the details.





Landlord Resources

The Office of the Minnesota Attorney General provides a handbook that contains a thorough overview of landlord-tenant laws.

[Landlords and Tenants: Rights and Responsibilities](#)

HousingLink is a nonprofit organization with a mission of expanding housing and neighborhood choices for renters. HousingLink offers landlords the chance to advertise their rental-housing openings for free.

[List a Property](#)

The Minnesota Multihousing Association promotes high standards in the development, management and maintenance of rental and owner-occupied multi housing and offers educational programming for landlords.

[MHA Industry Education](#)

HOME Line is a Minnesota tenant advocacy organization that offers publications and trainings to help landlords and tenants understand the laws that govern their relationship

[The Landlord's Guide to Minnesota Law](#)

[Trainings](#)

Many cities offer support and training for new landlords. Check with city staff to learn what your city offers.

References

Bekker, Jessie. 2016. "Despite new law, 'granny flats' are a no-go in east metro." *Pioneer Press*, Dec. 2, 2016. www.twincities.com/2016/12/02/despite-new-law-granny-flats-are-a-no-go-in-east-metro/.

McClure, Jane. 2018. "Alley House," Saint Paul Historical, accessed August 9, 2018, saintpaulhistorical.com/items/show/273.

Brown, M. and Palmeri, J. 2014. "Accessory Dwelling Units in Portland, Oregon: Evaluation and Interpretation of a Survey of ADU Owners." Oregon Department of Environmental Quality. www.oregon.gov/deq/FilterDocs/ADU-surveyinterpret.pdf.

San Mateo County. 2018. "Second Unit Workbook." secondunitcentersmc.org/wp-content/uploads/Second-Unit-Workbook-FINAL-ONLINE.pdf.

Stephan, A. and R.H. Crawford. 2016. "The relationship between house size and life cycle energy demand: implications for energy efficiency regulations for buildings." *Energy* 116 (Part 1), 1158–1171. [dx.doi.org/10.1016/j.energy.2016.10.038](https://doi.org/10.1016/j.energy.2016.10.038).

Additional Resources

BOOK

Peterson, Kol. 2018. Backdoor Revolution: *The Definitive Guide to ADU Development*. Accessory Dwelling Strategies, LLC.

WEBSITES

Accessory Dwellings: "A one-stop source about accessory dwelling units, multigenerational homes, laneway houses, ADUs, granny flats, in-law units..." www.accessorydwellings.org

Building an ADU: "THE site for those interested in planning, designing, and building accessory dwelling units (aka ADUs)." www.buildinganadu.com

American Planning Association KnowledgeBase - Accessory Dwelling Units: "This collection catalogs resources that provide background, policy guidance, and examples of local plan recommendations and zoning standards for accessory dwelling units from across the country." www.planning.org/knowledgebase/accessorydwellings

Terner Center for Housing Innovation ternercenter.berkeley.edu

Second Unit Center San Mateo www.secondunitcentersmc.org

OTHER GUIDEBOOKS

Los Angeles, California | Building an ADU: Guidebook to Accessory Dwelling Units in the City of Los Angeles citylab.ucla.edu/adu-guidebook/

Honolulu County, Hawaii | Accessory Dwelling Unit Homeowners' Handbook: A Guide for Homeowners on Oahu Interested in Building an Accessory Dwelling Unit hawaiiadu.org/wp-content/uploads/2016/07/ADU-Manual-ver-1-FINAL-Web.pdf

San Mateo County, California | Second Unit Inspiration secondunitcentersmc.org/wp-content/uploads/ADU-Idea-Book-FINAL-ONLINE-VERSION.pdf

San Mateo County, California | Second Unit Workbook secondunitcentersmc.org/wp-content/uploads/Second-Unit-Workbook-FINAL-ONLINE.pdf

Santa Cruz, California | Accessory Dwelling Unit Manual: Growing Santa Cruz's Neighborhoods from the Inside www.cityofsantacruz.com/home/showdocument?id=8875

Santa Cruz County, California | ADU Basics www.sccoplanning.com/Portals/2/County/adu/ADU%20Basics.pdf?ver=2018-06-07-110146-073

Santa Cruz County, California | ADU Financing Guide www.sccoplanning.com/Portals/2/County/adu/ADU%20Financing%20Guide.pdf?ver=2018-06-07-110307-117

San Francisco, California | sf-ADU sfplanning.org/plans-and-programs/planning-for-the-city/accessory-dwelling-units/2015-ADU-Handbook-web.pdf

Seattle, Washington | A Guide to Building a Backyard Cottage www.seattle.gov/Documents/Departments/SeattlePlanningCommission/BackyardCottages/BackyardCottagesGuide-final.pdf

Twin Cities Planning Departments Contact Information

Contact information for cities that permit Accessory Dwelling Units (ADUs) as of 2018.

CITY OF APPLE VALLEY

Community Development/Planning
7100 147th St. W.
Apple Valley, MN 55124
952-953-2575
commdev@ci.apple-valley.mn.us
www.ci.apple-valley.mn.us/index.aspx?nid=83

CITY OF BLOOMINGTON

Planning Division
1800 West Old Shakopee Road
Bloomington, MN 55431-3027
952-563-8920
planning@BloomingtonMN.gov
www.bloomingtonmn.gov/plan/planning-division

CITY OF BURNSVILLE

Planning Department
100 Civic Center Parkway
Burnsville, MN 55337
952-895-4455
www.ci.burnsville.mn.us/index.aspx?nid=139

CITY OF CHASKA

Planning Department
One City Hall Plaza
Chaska, MN 55318
952-448-9200
www.chaskamn.com/148/Planning-Department

CITY OF CRYSTAL

Planning and Zoning
4141 Douglas Dr. N.
Crystal, MN 55422
763-531-1142
www.crystalmn.gov/resident/community-development/planning_and_zoning/

CITY OF EAGAN

Planning Division
3830 Pilot Knob Road
Eagan, MN 55122
651-675-5685
planning@cityofeagan.com
www.cityofeagan.com/accessory-dwelling-unit-registration

CITY OF INVER GROVE HEIGHTS

Community Development Department
8150 Barbara Ave.
Inver Grove Heights, MN 55077
651-450-2545
www.ci.inver-grove-heights.mn.us/55/Community-Development

CITY OF LAKEVILLE

Planning Department
20195 Holyoke Avenue
Lakeville, MN 55044
952-985-4420
planninginfo@lakevillemn.gov
lakevillemn.gov/342/Planning-Department

CITY OF LONG LAKE

City Clerk
450 Virginia Ave.
Long Lake, MN 55356
952-473-6961 x1
www.longlakemn.gov/index.asp?Type=B_BASIC&SEC={885FA881-1825-4CE7-9338-B6EBB7AB1836}

CITY OF MINNEAPOLIS

Community Planning & Economic Development
Public Service Center
250 South Fourth Street (Room 300)
Minneapolis, MN 55415
612-673-5095
www.ci.minneapolis.mn.us/cped/projects/ADU

CITY OF MINNETONKA

Planning Division
14600 Minnetonka Blvd.
Minnetonka, MN 55345
952-939-8290
eminnetonka.com/planning

CITY OF PLYMOUTH

Planning Division
3400 Plymouth Blvd.
Plymouth, MN 55447-1482
763-509-5450
planning@plymouthmn.gov
www.plymouthmn.gov/departments/community-development/planning

CITY OF RICHFIELD

Planning and Zoning
Richfield Municipal Center
6700 Portland Avenue
Richfield, MN 55423
612-861-9760
com_dev@richfieldmn.gov
www.richfieldmn.gov/departments/community-development

CITY OF ROSEVILLE

Planning and Zoning
2660 Civic Center Dr.
Roseville, MN 55113
651-792-7005
www.cityofroseville.com/307/Planning-and-Zoning

CITY OF SHOREVIEW

Planning and Zoning
4600 Victoria Street North
Shoreview, MN 55126
651-490-4680
www.shoreviewmn.gov/government/departments/community-development/planning-and-zoning

CITY OF SAINT PAUL

Safety & Inspections
375 Jackson Street Suite 220
Saint Paul, MN 55101
651-266-9008
www.stpaul.gov/departments/safety-inspections/accessory-dwelling-units

CITY OF STILLWATER

Planning and Zoning
216 North Fourth Street
Stillwater, MN 55082
651-430-8818
www.ci.stillwater.mn.us/communitydevelopment

CITY OF WHITE BEAR LAKE

Planning and Zoning
4701 Highway 61
White Bear Lake, MN 55110
651-429-8534
www.whitebearlake.org/communitydevelopment/page/planning-zoning

About the Family Housing Fund

The Family Housing Fund believes it takes all of us working together to build a strong system that supports access to decent, affordable homes for everyone. Established in 1980, we support the Cities of Minneapolis and Saint Paul, the Metropolitan Council, and Minnesota Housing in their efforts to meet the seven-county metropolitan region's affordable housing needs. We are unique in focusing on all facets of the housing system and working across sectors to ensure real change.

ACKNOWLEDGEMENTS

Family Housing Fund thanks the following people for making this guidebook possible:

Betsy Gabler, Austin Young | *Alchemy Architects*
Jason Rysavy and Cate Christenson
Chris Strom | *Christopher Strom Architects*
Andrew Frenz, Shanna Sether | *City of Minneapolis*
Josh Abrams | *Community Planning Collaborative/*
Second Unit Center San Mateo
Laurie and Larry Demos
Jeff Washburne, Staci Horwitz | *City of Lakes*
Community Land Trust
Eric and Chrissi Larsen
Fue Lee
Marnie Peichel | *Marnie Peichel Architecture*
and Design, LLC

Eric Meyers | *Minneapolis Area Association of Realtors*
Mariia Zimmerman | *MZ Strategies*
Faith Cable Kumon, Chris Wilson | *Project for Pride*
in Living, Inc.
Mike Radel and Dallas Radel
Megan and Rob Seeds
Gary Findell | *Smart Home Construction*
Karen Chapple, David Garcia | *Terner Center for*
Housing Innovation at UC Berkeley
Cathy Bennett | *Urban Land Institute Minnesota*
Renee Martinez-Stone | *West Denver Renaissance*
Collaborative
Nancy Sparrow | *White Crane Design:Build*

Homeowners, architects, and contractors who responded to a survey on ADU development
Planners and other public officials from around the Twin Cities region who helped provide information

The Family Housing Fund would also like to acknowledge the many other resources used in creating this guidebook, all of which are listed under Additional Resources.

CREDITS

WRITING: Casey Lauderdale

EDITING: Sarah Berke, Julie Jensen

GRAPHIC DESIGN: Ladywithafan Design, LLC

PHOTOGRAPHY: Min Enterprises Photography, LLC (unless otherwise noted)



FAMILY HOUSING
FUND

310 4th Ave South / Minneapolis, MN 55415
Suite 9000 MAIN 612.375.9644



Accessory Dwelling Unit GUIDEBOOK

SPONSORED BY:


Florida Housing
Finance Corporation
we make housing affordable

PRODUCED BY:



Table of Contents

Introduction 3

I. What Are Accessory Dwelling Units? 7

II. The Value of Accessory Dwelling Units 11

III. Regulatory Barriers and Practical Solutions 17

IV. Funding and Incentivizing ADU Development 27

V. Concerns over ADUs as Short-Term Vacation Rentals & Student Housing 31

VI. How to Combat Potential Neighborhood Opposition..... 33

VII. ADUs and Tiny Homes 37

VIII. Best Practices 39

IX. Model Ordinance 41

X. Examples of ADU Policies in Florida 45

XI. Other Resources for ADU Models 49

Appendix: Local Government Template for ADU Manual for Homeowners 51

Virtually every community in Florida is suffering from an affordable housing shortage. Of Florida’s three million low-income households, over 1.94 million, or 26% of all Florida households, are cost-burdened; they spend more than 30% of their income on housing. Another 1.1 million households, or 15% of all Florida households, are severely cost burdened, spending more than 50% of their income on housing. Low-income renters are hit the hardest by the lack of affordable housing. A staggering three-quarters of these households are cost-burdened.¹ When households spend this much of their income on housing, they have little left for life’s other necessities. They are typically unable to withstand a rent increase and may be one missed paycheck away from homelessness.

¹ Florida Housing Coalition, Home Matters for Florida Report 9 (2018).



Intended Audience

As communities and local governments consider meeting the demand for affordable housing by tapping into the vast single-family housing stock to create accessory dwelling units (ADUs), this document will be a reference guide. Elected and appointed officials, government employees and affordable housing advocates will quickly understand the pros and cons of allowing and encouraging ADUs. They will be able to sort through the potential regulatory changes and incentives to be implemented.

Local Government Planning Staff	AHAC Members	SHIP Administrators	Local Government Administrators and Elected Officials	Developers and Builders	Affordable Housing Stakeholders
------------------------------------	-----------------	---------------------	---	----------------------------	---------------------------------------



Introduction

Every county and entitlement community in Florida receives SHIP funds. Most of those communities are required to have an Affordable Housing Advisory Committee (AHAC) to make recommendations for regulatory reform at least once every three years. The Florida Housing Coalition provides training and technical assistance to counties and municipalities to help with the implementation of regulatory reform and land use planning tools to produce and preserve affordable housing.

Florida Housing Coalition also developed a guidebook, *Affordable Housing Incentive Strategies: A Guidebook for Affordable Housing Advisory Committee Members and Local Government Staff*, that provides information for each of the 11 affordable housing incentives that AHACs must consider. Permitting accessory residential units in residentially zoned areas has been on the list of statutorily enumerated items found in Section 420.9076 (4)(e), Florida Statutes, since the passage of the William E. Sadowski Act in 1992. And yet we find that, by and large, ADUs are not permitted in most residentially zoned areas. Encouragingly, what we have found, is that local government planners and affordable housing advocates would like to include ADUs in their affordable housing toolkit but could use more information about how to do it. This guidebook, produced by the Florida Housing Coalition, with funding from the Florida Housing Finance Corporation's Catalyst Program, provides local government planners and affordable housing advocates with the "How To".

Historically, ADUs were commonly used to mitigate the shortage of affordable housing, providing smaller rental dwelling units ancillary or secondary to the principal residence. In the 1950s and 1960s with the rise of suburbs catering to nuclear families, ADUs fell out of favor. However, changing demographic trends showing continuing increases in smaller households, one-person households, elderly households, and households with disabled members are creating a surging interest in ADUs.

ADUs can provide a stable affordable housing option for those in vulnerable housing situations. Persons living in ADUs benefit financially as the lower rents allow them an affordable option for decent, safe housing. Additionally, those renting out the ADUs also benefit financially from the rental income stream which often provides the additional income owners, particularly those on a fixed income, need to make ends meet.

This guidebook addresses the challenges and benefits a community might face as it considers allowing the implementation of ADUs; it presents a range of alternatives to consider and evaluate. There is a compilation of best practices and a model ordinance. A community considering implementation of regulations allowing ADUs can find suggestions for how to manage public participation. Additionally, there is a template local governments can use to help homeowners who want to create an ADU.

Section Overview

The remaining sections of the guidebook are described below.

I

What are ADUs? Florida Statutes (Section 163.31771(2)(a)) define ADUs as “an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing either within the same structure, or the same lot, as the primary dwelling unit.”

II

ADUs provide an affordable housing alternative by tapping into Florida’s large stock of single-family homes. Changing demographics make ADUs an attractive alternative to the elderly, persons with disabilities, families in transition, and to others needing safe, decent housing.

III

Most regulatory barriers to ADUs deal with local land use regulation. This section explores those barriers and provides practical solutions to get beyond them.

IV

Local governments have the tools to fund and incentivize ADU development. Waiving impact fees and providing financial assistance can be the key to establishing ADUs.

V

The increasing number of short-term vacation rentals through Airbnb and similar platforms can increase community concerns about the viability of long-term ADU rentals. While ADUs can be used as short-term rentals, through deed restrictions, local governments can require ADUs to be used as long-term rentals if the unit benefits from impact fee modifications or other financial assistance.

VI

Proposals to allow ADUs in single-family residential zoning districts may bring out neighborhood opposition. Local governments can ease community concerns through educational campaigns and by addressing legitimate objections.

VII

ADUs and Tiny Homes are alternative housing solutions. ADUs are always accessory to the primary unit. Tiny Homes can stand alone. As a result, different regulations apply.

VIII

This section provides a best practices chart for a successful ADU program.

IX

Local land use regulations must be devised to allow ADUs to flourish broadly as a smart growth tool. With the right local ADU ordinance, ADU construction may increase to the community's benefit. This section provides a Model Ordinance to encourage and facilitate ADU growth.

X

Several local governments in Florida have model ordinances for ADU development. This section highlights several local ordinances with an analysis of each.

XI

ADU development is of great interest to local governments, policymakers, and think-tanks across the country. Other works have been written highlighting best practices and describing the benefits of ADUs.

A

Allowing ADUs is only half the equation; this appendix provides a template for local governments to design an ADU Manual for homeowners. With this tool, local governments can help homeowners navigate the development, design, and operation of an ADU rental.



I. What are ADUs?

Accessory dwelling units (ADUs) are additional living quarters typically on single-family lots that are independent of the primary dwelling unit. An ADU can be an apartment within a primary residence or it can be an attached or freestanding home on the same lot as the primary residence.¹

Accessory dwelling units are commonly referred to as granny or mother-in law flats and are also sometimes referred to as accessory apartments, garage apartments, carriage houses, and backyard cottages. ADUs were a common feature of early 20th century development in America but their use dwindled with the onset of the single-family suburb. ADUs were rarely included as an eligible use in municipal codes regulating land use, zoning, and general land development standards.

Florida is one of only a few states to pass legislation that incentivizes local governments to create ADU permitting ordinances.² In 2004, the Florida Legislature passed Section 163.31771 of the Florida Statutes to “promote the use of accessory dwelling units as a tool to help local communities address deficits in the supply of affordable rental housing for very-low-, low-, and moderate-income residents.”³ In enacting this statute, the Legislature found that the median price of homes in Florida had increased steadily over the last decade at a greater rate of increase than the median income in many urban areas.⁴ The Legislature also found that the cost of rental housing had increased steadily to the point that there was a “critical shortage of affordable rentals in many urban areas in the state.”⁵ While the statute does not require local governments to adopt ADU ordinances, it does promote ADUs as a tool for affordable housing development for very-low, low, and moderate-income persons.

HIGHLIGHTS

Florida Statutes (Section 163.31771(2) (a)) define ADUs as “an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing either within the same structure, or the same lot, as the primary dwelling unit.”

In this section, you’ll learn about:

- Characteristics of ADUs
- ADU Regulations

1 Jaimie Ross, Accessory Dwelling Units: A Smart Growth Tool for Providing Affordable Housing, Housing News Network Journal Vol. 32, No. 2 (July 2016).

2 Sarah A. Gottlieb, Florida’s Accessory Dwelling Unit Laws: Mitigating Florida’s Housing Woes Through State-Encouraged Expansion of ADU Permitting, 46 Stetson L. Rev. 627, 630 (2017).

3 Fla. Department of Community Affairs, Accessory Dwelling Units: Report to the Florida Legislature 6 (2007).

4 Fla. Stat. § 163.31771(1) (2018).

5 Id.



Characteristics

ADUs are smaller in size than the primary residence and are generally located toward the rear of the parcel. Typically, the owner lives in the primary residence, but unless restricted by the local government, the owner may choose to live in the smaller unit and rent out the primary residence. The ADU is ancillary and accessory to the primary unit and is often similar in appearance to the primary. An ADU is typically for one or two persons but may house more depending on its size.

Under Section 163.31771(2)(a) of the Florida Statutes, ADUs are defined as “an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing either within the same structure, or on the same lot, as the primary dwelling unit.”⁶

⁶ Fla. Stat. § 163.31771(2)(a) (2018).

ADU Regulations

Regulation of ADUs is within the purview of zoning and land use planning. Local governments can allow ADUs while providing helpful regulations to ensure that ADUs enhance rather than detract from the character of a neighborhood. Some examples, described more in depth later, include the following:



Occupancy

An ADU is more useful to homeowners if occupancy is not restricted to family members or temporary, non-paying guests.



Construction

Allowing the construction of ADUs concurrently with new primary residences or as part of a subdivision or master planned community maximizes the efficient use of land without needing additional infrastructure.



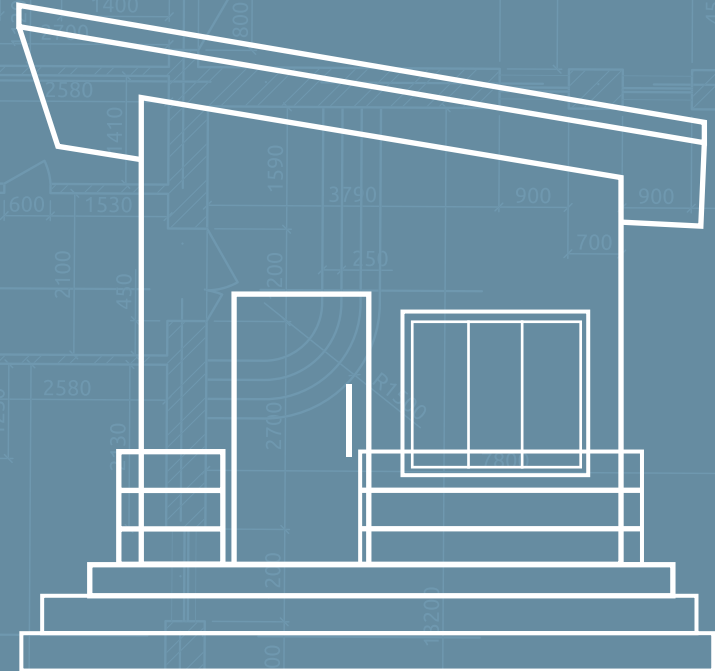
Parking Requirements

A successful ADU ordinance balances congestion concerns and the concern that parking may be too burdensome for a homeowner due to cost and lot configuration.



Size, Setback, Minimum Lot Size, and Other Structural Requirements

These regulations can bring desired community aesthetics while also allowing the greatest number of lots to contain lawfully permitted ADUs.





II. The Value of Accessory Dwelling Units

In a nation dominated by single-family units, many people struggle to find suitable living arrangements.⁷ As of 2015, 64% of occupied units in the state of Florida were single-family homes.⁸ ADUs capitalize on the prominence of the single-family home by allowing more residents to live on single-family lots at an affordable price. Additionally, the small size of the ADU reflects the changing demographics and needs of those looking for housing. The number of people per household in the United States continues to decrease.⁹ Between 1970 and 2012, the average number of people per household declined from 3.1 to 2.6. With smaller households, due to a variety of factors, smaller housing options are in higher demand. For those that are not looking for a large single-family home and yet want to live in a residential neighborhood, the ADU is a great option.

Accessory dwelling units are also beneficial for elderly and disabled populations that strive for continued independence. An elderly or disabled individual could remain in their home and use an ADU for their caregiver. ADUs can also provide for family flexibility. With an ADU, a young adult could continue to live with their parents, but in a separate unit, as he or she works towards economic independence. When developed close to employment centers, an ADU can reduce a person's reliance on transportation, providing additional benefits to society through environmental and energy cost savings. ADUs also promote mixed-income communities where lower-income households can find an affordable home in an area that may have greater employment and educational opportunities.

Affordability

Accessory dwelling units are a valuable affordable housing tool for low- and moderate-income individuals. Because they do not require additional land or major new infrastructure, ADUs are cheaper to build than the traditional single-family home. Further, the rental income from the ADU can subsidize the cost of the primary unit – making ADUs an affordable housing tool for both the renter and the homeowner. When both households are spending less of their income on housing, quality of life is improved, and more money is invested in the broader local economy.

HIGHLIGHTS

ADUs provide an affordable housing alternative by tapping into Florida's large stock of single-family homes. Changing demographics make ADUs an attractive alternative to the elderly, persons with disabilities, families in transition, and to others needing safe, decent housing.

In this section, you'll learn about:

- Affordability
- Care for the Elderly and Persons with Disabilities
- Family Flexibility
- Environment/Infill Development
- Integration of Income Levels
- Workforce Housing Development

⁷ See Gottlieb, *supra* note 2, at 628-29; U.S. Census Bureau, Historical Census of Housing Tables (2011), <https://www.census.gov/hhes/www/housing/census/historic/units.html>.

⁸ Shimberg Center for Housing Studies, Overview of Housing in Florida 4 (2015), <http://www.shimberg.ufl.edu/publications/tab2.pdf>.

⁹ U.S. Census Bureau, America's Families and Living Arrangements: 2012 (2013), <https://www.census.gov/prod/2013pubs/p20-570.pdf>.

Care for the Elderly and Persons with Disabilities

An ADU can be utilized so that an elderly or disabled individual who wishes to remain in their home can stay in their house and have their caregiver reside in the ADU, or vice versa. Elderly and disabled individuals often struggle to live comfortably due to the traditional ways in which communities are planned.¹⁰ For these folks, ADUs can provide an opportunity to live on the same lots as their parents or other caregivers.

ADUs can assist the elderly to “age in place.”¹¹ ADUs are particularly well suited for lower-income elderly persons because in addition to receiving a source of income they may not otherwise receive, the elderly homeowner may obtain companionship and needed services from the tenant in the ADU. As the state’s lower-income elderly population continues to increase, ADUs can be a vital tool for meeting the increased need for elderly care. Family members may also live in the ADU or primary unit to provide this care.

In 2000, AARP worked with the American Planning Association to develop a model state act and local ordinance as a resource for meeting the affordable needs of elder Americans. Both organizations have endorsed ADUs as a valuable tool for elderly Americans.¹²

Further, if an ADU is constructed for family members of at least 62 years of age, Section 193.703, Florida Statutes, provides that a county may provide for a reduction in the assessed value of homestead property after the new construction.¹³ This section of the Florida Statutes implements section 4(f) of Article VII of the Florida Constitution.¹⁴ This section was passed to encourage municipalities to provide tax incentives to homeowners who build living spaces for a parent or grandparent.¹⁵ Thus, the Florida Statutes encourages ADUs as a housing alternative for the elderly.

Family Flexibility

ADUs can also provide for family flexibility. If a young adult is not financially able to move out and wants to maintain a semblance of independence, he or she can live in an ADU on the same lot as their parents – coming and going as they please and entertaining their own guests, while remaining tightly bound to their family.¹⁶ Once the young adult moves out, the parents can then utilize the ADU as an affordable rental unit for other individuals. An ADU may also be used by older family members as a “granny flat.” In this arrangement, a family can care for their elderly parents or grandparents who are now in close proximity. ADUs allow for family flexibility in that multiple family members can live on the same lot in separate units. A family member living in an ADU also reduces the competition for the scarce inventory of affordable rental apartments in the community.

10 Gottlieb, *supra* note 2, at 627 (citing Robin Paul Malloy, *Land Use Law and Disability: Planning and Zoning for Accessible Communities* 3-5 (2015)).

11 AARP Livable Communities, *Making Big Sense of Small Homes* (Aug. 2015) <https://www.aarp.org/livable-communities/network-age-friendly-communities/info-2015/domain-3-accessory-dwelling-units-portland-oregon.html>.

12 AARP Livable Communities, *Creating Room for Accessory Dwelling Units* (Nov. 2017), <https://www.aarp.org/livable-communities/housing/info-2015/accessory-dwelling-units-model-ordinance.html>.

13 Fla. Stat. § 193.703 (2018).

14 *Id.*

15 Gottlieb, *supra* note 2, at 646.

16 Jonathan Coppage, *Accessory Dwelling Units: A Flexible Free-Market Housing Solution*, R Street Policy Study No. 89 (Mar. 2017), <http://www.rstreet.org/wp-content/uploads/2017/03/89.pdf>.

Environment/Infill Development

For many communities, undeveloped land close to the city center is hard to come by. ADUs are a smart growth tool because they are typically infill units built where there is existing infrastructure, making greater use of the already developed land. When ADUs are built near employment centers, more people will have the opportunity to live closer to where they work – reducing transportation costs and the associated environmental impacts.

Additionally, as ADUs are smaller than single-family or even some multi-family units, their overall impact on the environment is also lessened. It takes less building material to construct an ADU and costs less in utilities for daily operation.

Integration of Income Levels

As the former Florida Department of Community Affairs, now known as, Department of Economic Opportunity, noted in its 2007 report to the Florida Legislature, ADUs can be integrated into a community resulting in the development of “mixed-income neighborhoods rather than enclaves of affordable housing.”¹⁷ Integrating lower-income families within mixed-income areas can create positive benefits in terms of employment, mental health, and educational opportunities.¹⁸ With the creation of ADUs as infill development in single-family districts, lower-income households can enjoy a greater quality of life in areas of town which may have previously been closed off to them.

Workforce Housing Development

With ADUs, the lower paid workforce can live closer to their places of work. Rather than being forced to commute long distances for their jobs, people can live affordably within the community. Because ADUs do not require additional land, they can be incorporated into existing, built-out neighborhoods in parts of the community that are closer to employment centers. Proximity to employment can result in very substantial savings when it is possible for a two-person household to share one car and save the expense of owning a second car.

¹⁷ Fla. Department of Community Affairs, *supra* note 7, at 6.

¹⁸ Diane K. Levy et al., *Effects from Living in Mixed-Income Communities for Low-Income Families*, Urban Inst. (Nov. 2010), <https://www.urban.org/sites/default/files/publication/27116/412292-Effects-from-Living-in-Mixed-Income-Communities-for-Low-Income-Families.PDF>.

The Value of ADUs

ADUs provide an affordable housing alternative by tapping into Florida's large stock of single-family homes. Changing demographics make ADUs an attractive alternative to the elderly, persons with disabilities, families in transition, and to others needing safe, decent housing.



Affordability

Accessory dwelling units are a valuable affordable housing tool for low- and moderate-income individuals. Because they do not require additional land or major new infrastructure, ADUs are cheaper to build than the traditional single-family home. Further, the rental income from the ADU can subsidize the cost of the primary unit – making ADUs an affordable housing tool for both the renter and the homeowner. When both households are spending less of their income on housing, quality of life is improved, and more money is invested in the broader local economy.



Care for the Elderly & Persons with Disabilities

An ADU can be utilized so that an elderly or disabled individual who wishes to remain in their home can stay in their house and have their caregiver reside in the ADU, or vice versa. Elderly and disabled individuals often struggle to live comfortably due to the traditional ways in which communities are planned. For these folks, ADUs can provide an opportunity to live on the same lots as their parents or other caregivers.



Family Flexibility

ADUs can also provide for family flexibility. If a young adult is not financially able to move out and wants to maintain a semblance of independence, he or she can live in an ADU on the same lot as their parents – coming and going as they please and entertaining their own guests, while remaining tightly bound to their family.



Environment/Infill Development

For many communities, undeveloped land close to the city center is hard to come by. ADUs are a smart growth tool because they are typically infill units built where there is existing infrastructure, making greater use of the already developed land. When ADUs are built near employment centers, more people will have the opportunity to live closer to where they work – reducing transportation costs and the associated environmental impacts.



Integration of Income Levels

As the former Florida Department of Community Affairs noted, now the Florida Department of Economic Opportunity, noted in its 2007 report to the Florida Legislature, ADUs can be integrated into a community resulting in the development of “mixed-income neighborhoods rather than enclaves of affordable housing.” Integrating lower-income families within mixed-income areas can create positive benefits in terms of employment, mental health, and educational opportunities.



Workforce Housing Development

With ADUs, the lower paid workforce can live closer to their places of work. Rather than being forced to commute long distances for their jobs, people can live affordably within the community. Because ADUs do not require additional land, they can be incorporated into existing, built-out neighborhoods in parts of the community that are closer to employment centers.



III. ADUs in Florida: Regulatory Barriers and Practical Solutions

This section describes some of the barriers to ADU development and offers solutions to overcome these barriers. Most of the barriers relate to local land development regulations. There may be aspects of a local government's land development regulations that are so restrictive that few permitted ADUs can be built.¹⁹

As of this writing, 16 of the 67 Florida counties did not address any accessory dwelling unit – a guest house, accessory apartment, ADU, cottage house, and other similar units – in their land development codes. For the remainder of counties that did address some type of ADU, most of them had onerous use restrictions. Of the counties that mentioned a type of ADU, at least 25 of them explicitly bar their use for long-term rental purposes or for use by persons that are not an immediate family member or worker. Only 20 counties speak of ADUs as a tool for long-term rental housing. Virtually all counties, except for a few, require the owner to occupy the principal dwelling if the ADU is used. One county requires lot sizes to be above 15,000 square feet before allowing an ADU. Further, at least 12 counties explicitly do not allow ADUs to be built in single-family zoning districts. Several jurisdictions allow ADUs only as a conditional use. These types of barriers have the effect of restricting the ADU as a tool for affordable housing development.

Florida cities tend to have more flexible ADU ordinances than counties. Of the 15 most populous cities in Florida, 11 of them explicitly allow ADUs in single-family districts (one of these cities only allows ADUs on a conditional use basis). Although Florida cities allow ADUs more broadly, issues exist regarding minimum lot size, ADU size, parking, owner-occupancy, and other standards. ADU regulations should be as flexible and open as possible to give landowners the freedom to utilize their property as a site for affordable housing development. If restrictions are too burdensome, landowners will be deterred from building ADUs to the community's detriment.

HIGHLIGHTS

Most regulatory barriers to ADUs deal with local land regulations. This section explores those barriers and provides practical solutions to get beyond them.

This section will discuss and offer recommendations for:

- Euclidean Zoning & the Single-Family District
- Owner-Occupancy Restrictions
- Long-Term Rental Use Restrictions
- As-of-Right versus Conditional Use
- Size, Density, & Other Structural Requirements
- Utility Hookup Requirements

¹⁹ Kol Peterson, Backdoor Revolution 135 (Accessory Dwelling Strategies, LLC 2018).

Regulatory Barriers

Barrier:

Euclidean Zoning: premise of separation of incompatible uses by zoning restriction

Solution:

F.S. 163.1777: ADUs are compatible with single family residential uses. Allow ADUs in all single-family districts.

Barrier:

ADUs permitted but overly restricted as to become impractical or impossible

Solution:

Reduce minimum lot size and amend setback and other structural requirements to allow the most possible lots to contain ADUs

Barrier:

ADUs not included as an allowable use in land development codes

Solution:

Incorporate ADUs into land use regulations by adoption of ADU specific ordinance

Barrier:

Requirement for property owner to occupy the principal residence

Solution:

Allow property owner to occupy the ADU by right

Barrier: Prohibition of ADU for long-term rental

Solution: Allow ADUs to be rented on the long-term market

Barrier: Excessive minimum lot size requirements

Solution: Lower minimum lot size requirements

Barrier:

Residential land uses are based on density (dwelling units/acre). When ADUs are counted as a dwelling unit the parcel might be over density and the ADU may be disallowed.

Solution:

Exempt ADUs from density calculations

Barrier:

Parking requirements that may render development impractical

Solution:

Require off-street parking only if on-street parking is not available within a certain number of feet from the parcel. If off-street parking is required, utilize stacked parking (one car in front of the other) or other design solutions to allow parking in areas other than designated driveways.

Barrier:

Prohibition of non-family members from occupancy

Solution:

Allow ADUs to be rented on the long-term market to any tenant

Barrier:

ADUs permitted only as conditional use

Solution:

Allow ADUs as a permitted use

Barrier:

New construction ADUs are assessed an impact fee comparable to a multi-family dwelling unit.

Solution:

Waive or modify impact fees for ADUs

Market Type Barriers

Barrier: Perception that ADUs decrease property values

Solution: Educate residents that ADUs do not decrease property values and may increase these values.

Barrier: Vacation Rental concerns

Solution: Enter into agreements with homeowners that receive governmental incentives to rent ADUs on the long-term market



Euclidean Zoning and the Single Family District

Certain zoning and land use regulations can be detrimental obstacles to ADU development. Traditional “Euclidean” zoning separates what are thought of as incompatible land uses from being on nearby or the same lots.²⁰ For example, a local government may not consider a smaller, second housing unit to be compatible with a traditional single-family land use designation. This type of policy is a barrier to ADU development. As evidenced by the Florida Legislature²¹, ADUs are compatible with single-family homes. Local governments should treat them as such.

A neighborhood zoned as Single Family Residential, for example, would generally allow only one single-family dwelling unit per lot. Historically, without explicit allowances for ADUs, if two or more residences are situated on a single lot, they would need to be in a more intensive residential zone, such as one that permits duplexes or multi-family housing. Today, some single-family zoning districts may permit an accessory dwelling unit but mandate that certain requirements are met or that special circumstances be shown to warrant the use.

Accessory dwelling units should be permitted in all single-family zone districts. As mentioned in the above section describing the need for ADUs, as of 2015, 64% of occupied units in the state of Florida were single-family homes. However, traditional single-family zoning procedures no longer fit the needs of the newer generations of our communities as more young people are looking for smaller, affordable places to live with access to opportunity.²² These same zoning procedures restrict the needs of Florida’s growing elderly population – a population that could use ADUs and other smaller units to help them age in place. ADUs capitalize on the dominance of the single-family home by providing an additional family or person’s access to an affordable dwelling unit on the same lot – typically in areas of our communities that are closer to centers of opportunity. A regulatory atmosphere that increases the number of ADUs will bring a positive impact to Florida’s housing stock and to our communities.²³

Barring ADUs from single-family districts severely curtails their prevalence from the outset. If local governments are concerned about ADUs changing the character of the single-family district, they should consider reasonable minimum lot size, setback requirements, or other reasonable structural regulations rather than an outright ban. Allowing ADUs in single-family districts is a necessity if the benefits of ADUs are to be realized. As already noted, many households believe they need ADUs for economic or family reasons. If ADUs are not permitted, some households may erect them without pulling building permits and create potentially serious life and safety hazards for themselves and their neighbors. A local government that provides sensible ADU regulations is likely to be protecting the welfare of the community.

Recommendation

- Allow ADUs as a permissible use in all single-family districts.

²⁰ Ross, *supra* note 1, at 2.

²¹ Fla. Stat. § 163.31771 (2018).

²² Gottlieb, *supra* note 2, at 633.

²³ See David Garcia, ADU Update: Early Lessons and Impacts of California’s State and Local Policy Changes, UC Berkeley Turner Ctr. for Hous. Innovation (Dec. 2017).

Owner-Occupancy Restrictions

Much has been written about the dangers of a strict owner-occupancy requirement for accessory dwelling units. A strict policy may dis-incentivize ADU development and foreclose many of the benefits they provide.²⁴ Many jurisdictions in Florida currently require that the owner occupy the primary unit if an ADU is used on the property. Others require that the ADU only be used by family members or non-paying guests. Some, however, are more flexible and allow the owner to occupy either the primary unit or the ADU.

By allowing homeowners to live in the ADU and rent out the primary dwelling, local governments grant them the option to earn more income on the primary unit and gain additional flexibility in their living arrangements.

Some cities do not require owner-occupancy at all. Portland, Oregon is one of those cities. Just as local governments do not mandate that all homeowners be on the property of single-family homes that they rent out, Portland and others take the position that local government should not mandate that owners live on the property of ADUs that they rent.

Local governments and communities may fear that a lack of restriction on owner-occupancy requirements may cause neighboring owners of single-family homes to object to having renters in their neighborhood. Communities may perceive a threat to their property values if some lots have two houses where only one is used by the homeowner. However, the addition of a lawfully permitted ADU may increase a property's value – as there is an additional unit for the homeowner to rent out for income. There are also reasonable concerns that without the homeowner present in the primary unit, ADU development may cause unwanted nuisances.

Requiring an owner to be on site may discourage ADU development by negatively impacting that homeowner's flexibility to rent their property and ultimately sell their property. If there are strict owner-occupancy requirements, a homeowner may be forced to sell their entire property instead of having the option to separately rent out the units. If a homeowner is unsure of the return on their investment before building an ADU because of the possible effect of owner-occupancy requirements, they might not build an ADU at all.

Recommendations

- An owner-occupancy requirement should be flexible enough to encourage ADU creation. At a minimum, the owner should be allowed to occupy the ADU.
- Resolve community concerns through other land use controls and code enforcement mechanisms that are less onerous than owner-occupancy restrictions. Minimum lot sizes, setback requirements, and other land use controls can work to ensure that areas with ADUs are in keeping with the character of the community.

²⁴ See, e.g., Peterson, *supra* note 19; Coppage, *supra* note 16, at 6.

Long Term Rental Use Restrictions

In our survey of Florida counties, of the counties that regulate accessory dwelling units in some fashion, at least 22 do not allow ADUs to be rented long-term. These counties only allow ADUs for temporary guests, family members, caretakers, laborers, and in conjunction with certain commercial, industrial, or agricultural uses. ADUs are explicitly allowed to be rented as long-term units in only 21 counties.

Recommendations:

- Allow accessory dwelling units to be rented to whomever the homeowner chooses to live in the ADU.
- Allow accessory dwelling units to be rented long-term.

As-of-Right vs. Conditional Use

Another barrier to ADU development occurs when ADUs are only allowed as a conditional use rather than “as-of-right.” If an ADU is a conditional use, a public hearing is required, and the local government undergoes a discretionary review to determine if the ADU can be constructed in a particular area. While a required public hearing may be good for educating the public on the impacts of ADU development and for providing a forum for neighborhood input, the onerous, unpredictable, and costly nature of the conditional use process may discourage homeowners from constructing ADUs. When allowed as a permitted use, the development review process is more predictable, as requirements are established up-front.

In a typical conditional use process, the homeowner may spend thousands of dollars on application fees, designs, and other requirements, and may still not be approved to add an ADU. As it is, when ADUs are rented at market-rate value, it may take years for the homeowner to break even on their investment. With the additional time and monetary burden of the conditional use process, homeowners may be dissuaded from constructing ADUs entirely or choose to construct illegal ADUs.

Recommendations

- Allow ADUs as a permitted use in all single-family residential land use classifications.
- To encourage ADUs as a tool to increase the housing stock, establish transparent and predictable requirements as opposed to a conditional use process that may be too unpredictable.

Size, Density, and Other Structural Requirements

Minimum lot size, setbacks, and other structural requirements can be used to achieve a compromise with neighborhood concerns about ADU development. Each area of the state is different and providing a one-size-fits-all policy in this area will not be feasible.

1. Minimum Lot Size

There is one county in Florida that requires a parcel of land to be a minimum of 15,000 square feet for a homeowner to lawfully construct an ADU. This effectively bars ADU development on many single-family lots. Austin, Texas, for example, changed its code in 2015 to reduce the minimum lot size requirements from 7,000 square feet to 5,750 square feet. This increased the number of lots that could have an ADU by 8,900.²⁵

Recommendations:

- Local governments should study the current single-family home lot sizes of their jurisdiction and taken with public input, reach a solution that satisfies residential concerns while also allowing ADUs to flourish broadly. Minimum lot size requirements should be constructed to allow the most possible lots to contain a lawful ADU.

2. Size

In determining the allowable size of an ADU, most local governments regulate by reference to the ADU being a set maximum percentage of square footage in comparison to the primary unit. Maxing the size limit of an ADU in relation to the primary unit may have the effect of restricting the use of ADUs on smaller single-family lots. For example, if a local government restricts the size of an ADU to no more than 25% of the principal and a principal unit is 1,750 square feet, the ADU could only be roughly 440 square feet in size. This would not be enough for a two-person household to occupy the ADU safely and comfortably.

From our study of ADU ordinances and of ADU advocates across the country, it is recommended that there be around 400 square feet of living space per person. Therefore, to target ADUs as a tool for long-term affordable rental housing, a maximum square footage requirement should be from 800-1200 square feet. For sizable lots that can contain a larger ADU, local governments should make allowances for a larger unit.

Recommendations:

- Use a set number of allowable square footage rather than a rule that mandates the ADU be a certain proportion of the primary unit.
- Allow ADUs up to 1,200 square feet with additional size allowances depending on lot size.

²⁵ Tyler Whitson, Council Loosens Rules on Accessory Dwelling Units, Austin Monitor (Nov. 20, 2015), <https://www.austinmonitor.com/stories/2015/11/council-loosens-rules-accessory-dwelling-units/>.

3. Density

Residential land uses are based on density. If ADUs are counted in the density calculation, this may push the parcel over the density restrictions for a particular zone and disallow an otherwise lawful ADU from being built.

Recommendations:

- Exempt ADUs from density calculations.

4. Setback Requirements

Any restriction on physical locational density should be dictated by setback and minimum lot size requirements. Setback requirements are a tool local governments can use to forge a compromise between neighboring landowners that may be concerned about ADU development. As with other structural regulations, setback requirements should not be designed in a manner that discourages ADU development. If a setback requirement is too stringent, the homeowner may be forced to build a smaller ADU and miss out on the opportunity to use it as a long-term rental for a two-person household. Most counties in Florida simply require the ADU to satisfy the setback requirements of the principal dwelling. Some local governments have different setback rules depending on if the door of a detached unit faces a side street or other properties. These are reasonable offerings.

Recommendations

- For maximum flexibility in setback standards, consider zero-lot line configurations in which an ADU would be allowed up to, or very near to, the edge of property lines.
- To ensure smaller lots are not inadequately burdened by setback requirements, utilize variance procedures to amend certain setback rules.

Utility Hookup Requirements

Requiring an ADU to hookup to its own water, sewer, or other utility may be overly burdensome and deter lawful ADU development. Local governments can facilitate an application to attach to the primary unit's utilities to save the homeowner thousands of dollars in costs.

Recommendations

- Allow the ADU to file an application to connect to the utilities of the primary residence.

Parking Requirements

Parking requirements can be particularly burdensome to ADU development and if too stringent, may serve to discourage the construction of ADUs. Parking spaces may be very costly for a homeowner and are a challenge from a planning perspective. For smaller lots, a requirement for additional parking could render an ADU impractical – as a lot may not have enough space for both an ADU and a parking spot. These spots can cost thousands of dollars to construct – pushing the costs on to the renter and lowering the prospects for an ADU to be used as an affordable unit.

One local government in Florida does not require a parking space for ADUs that are 500 square feet or less. One county reduces parking requirements for multifamily developments that have units of 900 square foot or less. These are good compromises if residents are concerned with on-street parking congestion. California has a law stating that local governments may not impose parking requirements for an ADU if the ADU is located “within one-half mile of public transit,” is “part of the existing primary residence or an existing accessory structure,” or when “on-street parking permits are required but not offered to the occupant of” the ADU or if “a car share vehicle [is] located within one block” of the ADU.²⁶ Most county ordinances in Florida that mention parking requirements have a “one spot per ADU” requirement.

In all likelihood, ADUs will be dispersed throughout neighborhoods – they will not be centered on one particular street. Therefore, it is likely that on-street parking could satisfy the parking needs of an ADU without overly congesting the neighborhood and without burdening the homeowner with the costs of an additional parking space. Alternatively, design solutions might be considered to provide additional parking. For instance, stacked parking spaces (one in front of the other) or allowing parking in other areas of the parcel (not just the driveways) can be considered. If parking is a genuine issue, the local government should still avoid a “one spot per ADU” rule and consider requiring parking for locations where it may be impractical to park on the street. It is important to strike a balance between the cost burden placed on homeowners and genuine street congestion concerns.

Recommendations

- When devising parking requirements, study the impact that permitted ADUs have on the parking supply. A blanket “one spot per ADU” rule without an impact study may hinder ADU development. For example, require one off-street parking spot only if there is no available on-street parking within a certain number of feet from the parcel.
- If one parking space is generally required, consider exempting ADUs 500 square feet or less.
- After successful implementation of an ADU ordinance, continually monitor parking impacts to assess congestion concerns.

26 Cal. Gov’t Code §§ 65852.2(d)(1)-(5).



IV. Funding and Incentivizing ADU Development

Local governments have the tools to assist in funding and incentivizing ADU development. This section provides some ideas about how local governments can help homeowners create ADUs. As discussed throughout this Guidebook, ADUs are an excellent tool to expand and diversify a community's housing stock. To increase their prevalence, communities should consider ways to incentivize ADU development.

Impact & Applicant Review Fees

The current standard practice in Florida for assessing impact fees on an ADU is to charge the unit as a multi-family unit. If a homeowner is required to pay the same impact fee for their ADU as a developer would pay for a multi-family unit of any size, the homeowner may be discouraged from ADU development. Further, if a homeowner is required to pay the same impact fee for a 500 square foot as an 800 square foot ADU, a homeowner may be inclined to construct the larger unit instead – deterring a smaller, lower-priced ADU from being built.

A solution offered by Hillsborough County, provides for a fixed “de minimus” impact fee of \$100. If not used for long-term affordable housing and if the local government does not want to waive impact fees entirely, ADUs should be assessed by square-footage rather than by unit.²⁷ With an assessment by square-footage, a developer of a smaller ADU would pay less in impact fees than a developer of a larger ADU. Any waiver or reduction of impact fees can be paid for by the local government's affordable housing fund or other revenue sources.

Local governments can also streamline the review and permitting process to save itself administration costs and save the homeowner both time and money. By streamlining and removing certain development review processes, the cost of development should go down. For example, Leon County passed an ordinance in 2016 that eliminated several steps in the development review process which saved applicants a minimum of \$1,697 in permitting fees.²⁸ Additionally, this Ordinance had the planned effect of reducing ADU approval time by more than 45%. Similar expedited permitting processes should be considered in every local government.

HIGHLIGHTS

Local governments have the tools to fund and incentivize ADU development. Waiving impact fees and providing financial assistance can be the key to establishing ADUs.

This section will offer insight on:

- Impact & Applicant Review Fees
- Financial Assistance
- Marketing the ADU Option to Homeowners

²⁷ See Florida Housing Coalition, *Affordable Housing Incentive Strategies: A Guidebook for Affordable Housing Advisory Committee Members and Local Government Staff*, available at <http://www.flhousing.org/wp-content/uploads/2012/03/AHAC-Guidebook-2017.pdf>.

²⁸ Leon County, *Florida Board of County Commissions Regular Meeting Minutes 360* (May 10, 2016), available at http://cwebweb.clerk.leon.fl.us/finance/board_minutes/minutes/pdfs/20160510%20Official%20Minutes.pdf.

Recommendations

- Waive or otherwise modify impact fees for ADUs that are used for long-term affordable housing or charge a “de minimus” impact fee rate of \$100.
- If not used for long-term affordable housing, assess impact fees.
- Another possible, but less desirable alternative, is to charge an ADU in the same impact fee category as a mobile home.
- Streamline and create transparent ADU development processes to the greatest extent possible to lower administration and development costs.

Financial Assistance

Homeowners who want to create an ADU may not have all the funds they need to build the unit. Through the SHIP program, local governments could explore the possibility of establishing an affordable housing strategy to provide a subsidy for ADUs for very-low, low-, or moderate-income households. The subsidy would be secured with a recorded lien on the rental property to ensure that an affordable rent is charged for a period of at least 15 years. Residents of the ADUs would be income certified yearly. Local governments should be able to loan funds to homeowners for the construction of ADUs if the homeowner utilizes the ADU for long-term affordable housing. A loan program for creating ADUs that has a long history of implementation is found in Santa Cruz, California.

To assist homeowners develop rental ADUs for persons at 80% or below the City’s median household income, the City of Santa Cruz, California has an ADU loan program by which homeowners can receive loans of up to \$100,000 at a 4 ½% interest rate for ADU construction.²⁹ The County of Santa Cruz, California allows for forgivable loans of up to \$40,000 at a 3% interest rate.³⁰ To receive the financing at the City level, the homeowner must agree to keep the rental unit affordable to low-income tenants for a period of at least 15 years. At the County, the homeowner must enter into a deed restriction for a period of 20 years that keeps the ADU or main house at a cost affordable to low-income households. If the homeowner backs out, they must repay the full amount of the loan plus interest. With loan and deed restrictions and the threat of default, local governments can ensure that ADUs they assist financially are used for long-term affordable rental housing for low- to moderate-income persons.

Recommendations

- Develop a program which loans funds to homeowners who agree to keep their ADU affordable to lower-income tenants. These funds can be derived from the local government’s affordable housing funds. Upon repayment, these funds can be recycled for the ADU program or used for other affordable housing purposes. Local governments can be creative in how to raise additional revenue for their affordable housing funds to help finance ADU development.

29 City of Santa Cruz, CA, Accessory Dwelling Units: Loan Program, <http://www.cityofsantacruz.com/Home/ShowDocument?id=3700>.

30 County of Santa Cruz, CA, Accessory Dwelling Unit Forgivable Loan Program (Apr. 2018), available at <http://sccoplanning.com/Portals/2/County/adu/Forgivable%20Loan%20Program.pdf>.

Marketing the ADU Option to Homeowners

If a local government allows ADUs by right in all single-family zones or otherwise makes positive changes to facilitate the development of ADUs, the next critical step is to ensure that developers and homeowners are aware that they now have the option of building ADUs. An advertising campaign to educate the community about the benefits and the process for building ADUs is a key component for increasing the stock of ADUs.

Building an ADU may be one of the largest projects a homeowner undertakes on his or her property. Further, most homeowners may be unfamiliar with what it takes to build an ADU on their lot. Therefore, local governments could provide educational materials to ease the learning curve for homeowners interested in ADU development. This may include an easy-to-navigate checklist of the application development review process, development cost projections, zoning and land use regulations, and ADU design considerations.

The City of Santa Cruz, which proves to be a model for ADU regulation across the country, provides an ADU manual and a set of ADU design prototypes to encourage development.³¹ The manual connects homeowners to local architects with ADU construction experience. These materials make it easier for homeowners to construct ADUs. The current design prototypes manual offers seven working drawings by local architects to be used as templates by homeowners. The ADU manual contains a step-by-step guide on how to plan, design, and obtain permits for an ADU. Appendix A of this Guidebook contains a template Manual for local governments to use to educate homeowners.

Recommendations

- Provide user-friendly brochures and information to homeowners on the benefits of ADUs and the rules and regulations that apply to ADUs.
- Provide education on what financial resources are available to assist in developing an ADU.
- Connect homeowners to local architects with ADU expertise.
- Provide education on how to manage an ADU including landlord tenant laws, leasing, and maintenance.

³¹ City of Santa Cruz, CA, ADU Prototype Architects, <http://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program/adu-prototype-architects>.



V. Concerns Over ADUs as Short-Term Vacation Rentals & Student Housing

There are justifiable concerns about the use of ADUs as short-term vacation rentals. Some critics argue that the use of ADUs for Airbnb and other vacation rental platforms poses a serious threat to their beneficial use as long-term rental units, places for elderly housing, and family flexibility. The proliferation of short-term vacation rentals may negatively affect the supply of long-term affordable housing for residents of the community.

As of this writing in 2019, local governments may not create a new law, ordinance, or regulation prohibiting vacation rentals or regulating the duration or frequency thereof.³² This statutory provision, however, does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.³³ Thus, unless already placed in a local government's code before this grandfathered date, a local government may not prohibit ADUs as short-term vacation rentals through the zoning code. Local governments can, however, regulate short-term rentals through life safety and building codes.

For the past several Legislative sessions (including the 2019 Session), there have been bills to preempt local governments from regulating short-term rentals altogether.³⁴ Thus, local governments should be tuned in to how they may or may not regulate short-term vacation rentals.

Options for Local Governments to Regulate the Use of ADUs

One way to overcome the short-term vacation rental preemption, is by providing local government assistance that comes with a land use restriction agreement to ensure that ADUs are used for affordable housing. Land use restriction agreements, also known as deed restrictions, can be an important tool if the ADU is built using governmental assistance or through a modification of impact fees. For example, a local government could condition the reduction of impact fees on an ADU's use as a long-term affordable housing unit. In this scenario, if the ADU is used for short-term vacation rental, the homeowner will have violated the deed restriction and will have to repay the full cost of the impact fees, and perhaps suffer additional consequences imposed by the local government.

HIGHLIGHTS

The increasing number of short-term vacation rentals through Airbnb and similar platforms can increase community concerns about the viability of long-term ADU rentals. While ADUs can be used as short-term rentals, through deed restrictions, local governments can require an ADU to be used as a long-term rental if the unit benefits from impact fee modifications or other financial assistance.

³² Fla. Stat. § 509.032(7)(b) (2018).

³³ *Id.*

³⁴ Fla. HB 987 (2018), available at <https://www.flsenate.gov/Session/Bill/2019/00987>; Fla. SB 1400 (2018), available at <https://www.flsenate.gov/Session/Bill/2018/01400>.



If not done already, local governments should enter into tax agreements with Airbnb and other short-term vacation rental platforms to recover Tourist Development Tax revenue. Under current law, local governments can only use this tax revenue for authorized uses. Affordable housing is not an authorized use. If the Tourist Development Tax statute is amended to allow local governments to use this revenue for affordable housing, they can use the tax revenue from short-term vacation rentals towards affordable housing purposes.³⁵ These rentals are booming, and local governments should be allowed to use this new stream of revenue for affordable housing. For example, in 2017, Broward, Brevard, Hillsborough, and Polk County received \$1.87 million, \$419,000, \$562,000, and \$610,000 in tax revenue from Airbnb, respectively.³⁶ If local governments are concerned about the proliferation of ADUs as short-term vacation rentals (and in regards to affordable housing broadly), they should be able to use the tax revenue from vacation rentals for incentivizing affordable long-term ADUs in the form of loans, reduction of impact fees, and other costs associated with development. Legislation amending the Tourist Development Tax statute would allow local governments to address this issue.

Ultimately, although strict owner-occupancy requirements are not advisable if the ADU is used for affordable housing, strict requirements can be necessary if the ADU is used as a short-term vacation rental.

³⁵ See Fla. Stat. § 125.0104 (2018). The legislation would amend this statute to allow local governments to use revenue from a Tourist Development Tax for affordable housing purposes.

³⁶ Florida Trend, Airbnb Releases 2017 Florida Tax Report (Feb. 13, 2018), <http://www.floridatrend.com/article/23942/airbnb-releases-2017-florida-tax-report>.

VI. How to Combat Potential Neighborhood Opposition

The construction of new accessory dwelling units in single-family districts may bring neighborhood or community resistance. The owners of single-family homes may object to having renters in their neighborhood; they may fear increased traffic and parking, or perceive a threat to their property value.³⁷ The Not in My Backyard (NIMBY) syndrome connotes objections made to stop the development of affordable or otherwise new housing for reasons such as fear and prejudice.³⁸ NIMBYism presents an obstacle to a successful ADU regulatory structure and can result in fewer affordable housing options at a time when Florida is in desperate need of more rental housing.

Education Campaign

The first thing the local government should do to ease neighborhood opposition toward ADU development is to educate the community about the benefits of ADUs. The more informed the public, local government staff, and elected officials are about the need for affordable rental housing and how ADUs can ease that need, the more leverage advocates will have to advance the development of ADUs.

The local government should be equipped with current data about its specific needs for affordable housing and how ADUs can be used to help community members. Here are some of the questions the local government should consider:

- How many residents are cost-burdened?
- How many cost-burdened residents are forced to live far away from the places they work?
- How many of these cost-burdened residents are essential members of the lower-paid workforce, such as home health aides?
- How much of the community is zoned single-family?
- If ADUs were allowed in all single-family districts, how many new affordable rental units would be possible?

Anecdotal information about the successes of existing ADUs as sources of affordable rental housing, elderly and disabled care, and/or workforce housing can support this message.

In shaping the message, it is important to demonstrate that ADU development may not be best for everyone;

³⁷ Jaimie Ross, *Avoiding and Overcoming Neighborhood Opposition to Affordable Rental Housing*, Nat'l Low Income Hous. Coal. Advocates' Guide (2018), available at http://nlihc.org/sites/default/files/AG-2018/Ch02-S10_Avoiding-Opposition_2018.pdf.

³⁸ Id.

HIGHLIGHTS

Proposals to allow ADUs in single-family residential zoning districts may bring out neighborhood opposition. Local governments can ease community concerns through educational campaigns and by addressing legitimate objections.

This section will offer some solutions such as:

- Education Campaign
- Garner Support from a Broad Range of Interests
- Address All Legitimate Opposition

Shape the Message

It is important to make clear that thousands of ADUs will not sprout up overnight from the successful implementation of an ADU ordinance.

- ADUs will not dramatically alter the landscape of existing neighborhoods
- ADU development will be relatively slow and scattered throughout communities
- Assure constituents that studies to assess the strengths and weaknesses of ADU development will be used to inform the decision-making process.

some people do not want to utilize their backyards for affordable rental housing. Some folks may only want to utilize their ADUs for family members, guests, or elderly housing and not have their ADUs on the public marketplace. Sensible ADU regulations would go a long way to help households help themselves to solve their own affordable housing problems by providing additional living quarters to family members. It is important to make clear that thousands of ADUs will not sprout up overnight from the successful implementation of an ADU ordinance.

The local government should share these points with the community and help residents understand that ADUs will not dramatically alter the landscape of existing neighborhoods. ADU development will be relatively slow, scattered throughout communities, and if a successful ordinance is implemented, local governments can assure their constituents that they will undergo a study to assess the strengths and weaknesses of ADU development.

The City of Boston, Massachusetts provides a good method by which to study ADU impacts. Several years ago, Boston began allowing what are called “micro-units” – units with a minimum size of 350 square feet – in a limited area of the city. Simultaneously, the City teamed up with Harvard University’s Rappaport Institute to study the impacts of the first batch of units.³⁹ Local governments in Florida might consider a similar type of study with University partners in Florida to measure the results of an ADU program.

Garner Support from a Broad Range of Interests

Local governments should partner with local organizations that are interested in affordable housing development. They should look for members of the business community, clergy, social services agencies, and others who are outspoken about the need for affordable housing and form partnerships to support ADU development. The media can also be a crucial ally. Local governments should contact the media so the public can better understand ADUs and their development processes, their public purpose, and the population served.

With these allies, the local government will be in a better position to convince their community that ADUs are a beneficial housing tool. For instance, nurses and public safety workers can attest to the need for housing closer to the places in which they work – a need which ADUs in single-family districts can address. Elderly individuals can describe how an ADU may have helped them age in place. With allies from a broad range of interests, more connections between ADU development and community concerns can be voiced.

³⁹ Casey Ross, Housing-Starved Cities Seek Relief in Micro-Apartments, Boston Globe (Mar. 26, 2013), <https://www.bostonglobe.com/business/2013/03/25/micro-apartments-tight-squeeze-but-livable/vDRdMnChgdhCdFOrmupnyN/story.html>.

Address All Legitimate Opposition

The key to overcoming community opposition to establishing a regulatory structure for ADUs is to address the community's legitimate concerns. The local government should be prepared to describe the numerous community benefits of ADUs and willingness to address legitimate concerns. For example, ADUs architectural and design compatibility with the neighborhood may be an issue. Local governments could include a modest and simple set of design guidelines to assure compatibility with the surroundings. For instance, the guidelines could deal with mass, scale, height, and site position of the ADUs to gain community support. Guidelines would make the overall design of the ADU more predictable and compatible with the principal structure and neighborhood.

Parking

Parking may be an issue a local government will need to address. Some community members may oppose ADU development specifically in terms of parking. However, requiring new parking may be too costly to homeowners looking to build an ADU. It is unlikely that 1) dozens of ADUs will sprout up overnight after implementation of a flexible code; and 2) even if they did sprout up overnight, it is unlikely they would all be located on the same block or in the immediate vicinity. As mentioned previously, the parking problem for ADUs in single-family areas can be solved through innovative design solutions. Local governments should be prepared to advocate for their methods.

The City of Orlando provides a potential compromise in this area. Orlando requires parking for ADUs 500 square feet or more but does not require parking to be built for ADUs less than 500 square feet. This solution was designed to encourage smaller units and in recognition of the complexity of building a new parking space on a parcel while meeting setback, maximum lot coverage, and other structural requirements.

Garner Support

Partner with local organizations interested in affordable housing such as:

- Business community,
- Clergy, and
- Social services agencies.

Contact the media to inform the public so that they can learn more about:

- How ADUs are developed,
- Their public purpose, and
- Populations served



VII. ADUs and Tiny Homes

Tiny homes are increasing in popularity; local governments may be asked how tiny homes and ADUs differ. ADUs and tiny homes have many similarities. Both are relatively small in size compared to traditional dwelling units, are flexible in where and how they are built, and cause relatively little impact on the environment and existing infrastructure. However, there are differences in the two housing types which require different rules and regulations from a zoning and land use standpoint.

Simply put, ADUs can be tiny homes and tiny homes can be ADUs. Yet, this is not always the case. Here are some main distinctions between the two housing types:

1. By Definition

By definition, ADUs are accessory to a primary unit and under the same ownership. An ADU cannot exist on a lot by itself. This contrasts with a tiny home which can stand on a lot independently. Because of this, local governments regulate the location, size, and structural requirements of tiny homes differently from ADUs.

A tiny home can be an ADU if built in the backyard of a single-family home and under the same ownership. An ADU can be considered a tiny home based the size of the unit. If a tiny home is built as a backyard unit, it will need to follow ADU regulations. Otherwise, local governments tend to regulate tiny homes separately.

2. Size

Tiny homes are generally smaller in size than the typical ADU. A tiny home is usually defined as a habitable structure of less than 500 square feet. This square footage definition depends on the jurisdiction. ADUs, by contrast, are typically up to 1,000 square feet or larger in some circumstances.

Thus, when local governments regulate stand-alone tiny homes without reference to a primary unit, they tend to max the size requirement at 400 or 500 square feet. If it is considered an accessory dwelling unit, the tiny home can be larger in size.

3. Mobility

One main distinction between the two housing types is that tiny homes can be built on wheels. Tiny homes on wheels (THOW) are typically allowed in areas zoned for mobile homes. If a tiny home is on wheels, it likely cannot be an ADU as local governments generally require ADUs to be on a foundation. THOWs will need to be registered with the Florida Department of Highway Safety and Motor Vehicles.

HIGHLIGHTS

ADUs and Tiny Homes are alternative housing solutions. ADUs are always accessory to the primary unit. Tiny homes can stand alone. As a result, different regulations apply.

Tiny homes and ADUs differ by:

- Definition
- Size
- Mobility

If the tiny home is an on-site structure, it will be subject to the same zoning requirements as a single-family home, ADU, or clustered site, depending on the circumstances.

In sum, a tiny home can be an accessory dwelling unit and an ADU can be considered a tiny home. Different rules and regulations apply whether the tiny home is a backyard unit, whether it is a stand-alone unit, and whether it is on wheels. If a backyard unit, the tiny home will need to follow the relevant ADU regulations. If a tiny home is a stand-alone unit on a single-family site, multi-family cluster site, or on wheels within a mobile home park, different standards apply based on zoning districts and location.

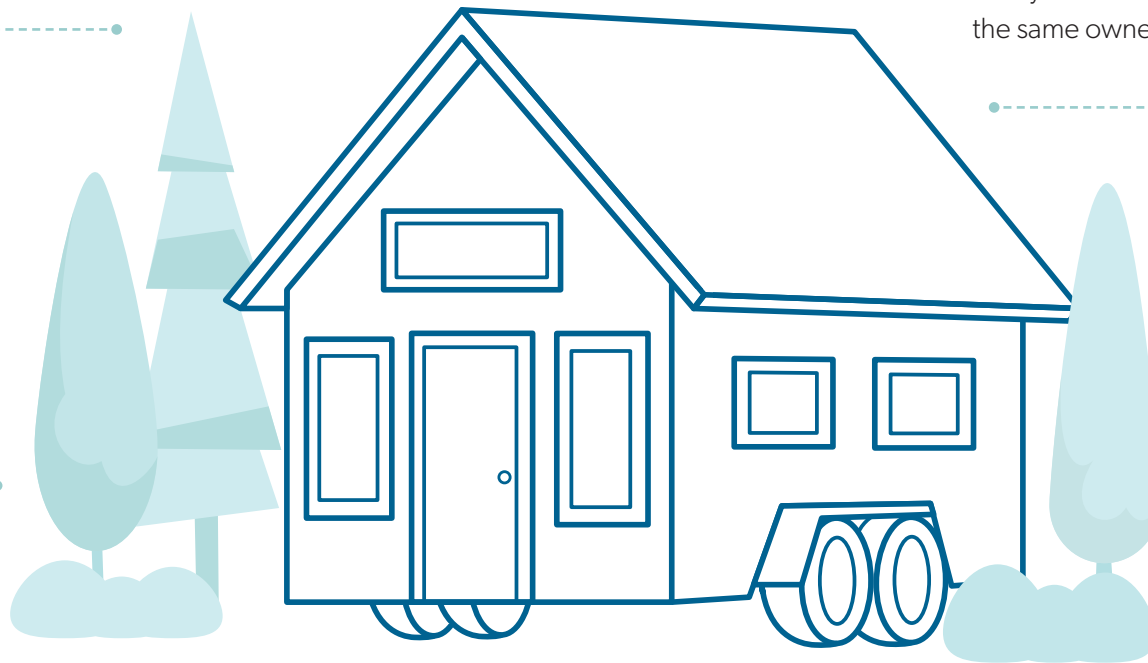
A tiny home can be an accessory dwelling unit and an ADU can be considered a tiny home. However, different rules and regulations often apply.

Tiny homes are generally less than 500 square feet which is smaller than the typical ADU.

A tiny home can be an ADU if built in the backyard of a single-family home and under the same ownership.

Tiny homes can be built on wheels, and are typically allowed in areas zoned for mobile homes. Generally, ADUs are required to be on a foundation.

An ADU cannot exist on a lot by itself. A tiny home, however, can exist by itself.



VIII. Best Practices

Below you'll find best practices chart for a successful ADU program.

CATEGORY	BEST PRACTICES
Zoning	• Allow ADUs in all single-family districts as an accessory use • Owner must occupy either the primary or accessory dwelling unit • No rental restrictions • No parking requirement if there is on-street parking available • 375-1200 sq. feet with allowances for an increased maximum if lot a certain size • Must meet district setback requirements • Exempt from density calculations • Shall connect to existing utility connections
Development Review, Fees, & Incentives	• Waiver of impact fees if used as affordable rental; if not, "de minimis" impact fee of \$100 or by square footage • Streamlined and transparent permitting process • ADU Loan Program for affordable rental construction w/funds from local housing trust or other revenue pool
Administration	• Monitoring system to study local ADU impact on parking, nuisances, property values, etc. • Homeowner & Community Education program

HIGHLIGHTS

This section provides a best practices chart for a successful ADU program, including:

- Zoning
- Development Review, Fees, & Incentives
- Administration



IX. Model Ordinance

This Model Ordinance combines our findings with the recommendations as provided in Section 163.31771 of the Florida Statutes. Certain requirements will depend on the unique nature of each community. This Model Ordinance contains the baseline of requirements to ensure an ADU-friendly regulatory structure. Local ordinances may contain greater or fewer requirements than what is provided here. At minimum, local governments should allow ADUs in all single-family districts and adhere to owner-occupancy flexibility regulations.

After creating an ADU regulatory structure, it is essential for the local government to have a system in place to track the total number and location of each permitted ADU. For an ADU system to work, the local government ought to continuously monitor the progression of the program.

The numbers provided here, especially in reference to lot size and size of the ADU overall, are reflective of what are considered best practices. Fundamentally, when devising an ADU ordinance, it is essential that local government regulations do not hinder the potential of ADUs as a source of affordable housing.

Accessory Dwelling Units

(a) Purpose — The intent and purpose of this section is to allow accessory dwelling units to be permitted in all single-family districts and other zone districts as _____ (City/County) finds necessary. It is also the intent and purpose of this section to create a regulatory framework that encourages the development of accessory dwelling units that are rented on the local housing market to members of the community. _____ (City/County) adopts the view of the Florida Legislature as stated in Section 163.31771 of the Florida Statutes pertaining to the need to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

- (1) Accessory dwelling units are intended to provide additional housing that is incidental to a primary use. Accessory dwelling units are intended to be used as a necessary smart growth tool to increase the supply of affordable housing, elderly and disabled care units close to family members and caretakers, and/or workforce housing development. Accessory dwelling units are unique housing tools that provide for infill development with low environmental impacts that can connect to existing infrastructure.

HIGHLIGHTS

This section includes a Model Ordinance with baseline requirements to ensure an ADU-friendly regulatory structure.

- (2) With surging housing costs and lack of affordable housing stock, accessory dwelling units capitalize on the prominence of the single-family home by providing an additional family or persons access to an affordable dwelling unit on the same lot – typically in areas of our community that are closer to areas of greater opportunity. Creating a regulatory atmosphere that encourages increasing the number of accessory dwelling units will have a positive impact on our community’s housing shortage and on the property rights of homeowners.
- (3) These standards are devised to ensure that the development of accessory dwelling units do not cause negative impacts on the character or stability of single-family neighborhoods.

(b) Definitions

- (1) “Accessory dwelling unit” means an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing within the same structure, or on the same lot, as the primary dwelling unit. The accessory dwelling unit may be a separate and detached unit, an attached unit to the principal structure, a repurposed existing space within the principal structure, an apartment over a garage, or a similar structural form.
- (2) “Affordable rental” means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.
- (3) “Lot requirements” means restrictions on lot size, setbacks, building coverage, and similar zoning requirements.
- (4) “Short-term rental” means the rental of a primary or accessory unit for thirty days or less.

(c) Standards

- (1) Accessory dwelling units are to be permitted as accessory uses to single-family homes in all residential districts and all other districts as _____ (City/County) deems necessary.
- (2) Unless the accessory dwelling unit is used as a short-term rental, the owner must occupy either the principal or accessory dwelling unit.
 - (A) If used as a short-term rental, the owner must occupy the primary unit.
- (3) No more than one accessory dwelling unit shall be allowed on any residential lot or within any principal nonresidential structure.
- (4) An accessory dwelling unit may be constructed with or after the construction of the primary unit.
- (5) The establishment of a new accessory dwelling unit shall only be allowed if the lot area of the principal building is at least 5,000 square feet.
- (6) The accessory dwelling unit shall be subordinate to the principal building as to location, height, square footage, and building coverage. The design of the accessory dwelling unit shall be uniform, compatible, or complementary in appearance to the primary residence.
- (7) The floor area of the accessory dwelling unit shall be no less than 300 square feet and no greater than 1,200 square feet. A variance to increase this amount may be requested provided that the total building coverage does not exceed district standards.

- (8) All accessory dwelling units shall meet the applicable zoning district setbacks. Total building coverage on the lot shall not exceed district standards. The accessory dwelling unit shall comply with the requirements of all applicable housing or buildings codes.
- (9) No additional parking spaces are required if there is on-street parking available within _____ feet of the parcel. If there is no on-street parking available, one off-street space is required unless the ADU is 500 square feet or less.
- (10) Accessory dwelling units are exempt from zone district density calculations.
- (11) The accessory dwelling unit may connect to existing water, sewer, and other existing utility connections.

(d) Development Review Procedures

- (1) Applications for accessory dwelling unit development shall be streamlined to the greatest extent possible.
- (2) Applicants may seek a variance from all structural and lot requirements.

(e) Impact Fees

- (1) If used for affordable rental, impact fees shall be waived. An application for a building permit to construct an affordable rental must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income or moderate-income person or persons. _____ (City/County) will enter into deed restrictions or other agreements as necessary to ensure that the ADU is used for affordable housing purposes.
- (2) If not used for affordable rental or the application does not include an affidavit which attests to the accessory dwelling unit as an affordable rental, impact fees will be assessed at a "de minimis" impact fee of \$100.



X. Examples of ADU Policies in Florida

Orlando

The City of Orlando recently adopted an ADU ordinance with a clear intent to promote the use of ADUs. The ordinance allows ADUs in all single-family districts, does not require parking if the ADU is 500 square feet or less, and does not have a strict owner-occupancy requirement. The staff report presented in support of the ordinance demonstrates the local government's understanding of ADUs as a tool for affordable housing and the need to create a regulatory atmosphere that encourages their use.⁴⁰ The staff report includes an excellent description of the benefits ADUs provide, a survey of comparative local governments and their ADU policies, and a comprehensive analysis of how the new ADU ordinance lessens the land-use restrictions on local governments.

Elements of the Ordinance⁴¹:

- Type of Use: Accessory
- Zone Districts Allowed: All residential districts as well as mixed use and office districts.
- Size: Maximum of 50% of the size of the principal unit and can be no larger than 1,000 square feet.
- Minimum Lot Size: Correlated with the size of the ADU and depends on the zoning district. Residential districts require a lot size of a minimum of 5,500 square feet for an ADU of up to 500 square feet and 8,250 square feet minimum for an ADU of up to 1,000 square feet.
- Parking: No required parking for ADUs of 500 square feet or less. One additional off-street parking space is required for ADUs above 500 square feet.
- Owner-Occupancy: Not explicit in the ordinance.

Pinellas County

Pinellas County's ordinance has an important element that is worth showcasing: ADUs are exempt from density calculations. This is a best practice as it allows more single-family lots to construct lawful ADUs. Further, Pinellas County allows the owner of the property to occupy either the primary unit or ADU. This flexibility in owner-occupancy is essential to a successful ADU Ordinance.

HIGHLIGHTS

This section provides examples of ADU policies.

Examples are from the following jurisdictions:

- City of Orlando
- Pinellas County
- Alachua County

40 City of Orlando, Staff Report to the Municipal Planning Board, LDC Amendment – Accessory Dwelling Units (ADUs) (May 15, 2018), available at http://www.cityoforlando.net/city-planning/wp-content/uploads/sites/27/2018/05/MPBStaffReport2018-05_LDC2018-10004.pdf.

41 Orlando, Fla. Code of Ordinances CH 58, Part 3A (2018).

Elements of the Ordinance⁴²:

- Type of Use: Accessory
- Zone Districts Allowed: All single-family districts and multi-family residential
- Density: ADUs are exempt from density calculations
- Size: Shall not exceed 750 square feet or 50% of the living area of the primary, whichever is less
- Owner-Occupancy: Owner must occupy either the primary unit or ADU

Alachua County

As with Pinellas County, Alachua County does not include the size of an ADU in gross residential density calculations and allows the homeowner to live in either the primary unit or ADU. The Alachua County ordinance is similar to Pinellas' in many respects and is also a model for local governments around the state. A change a county like Alachua could make is to consider zero-lot line configurations when establishing setback requirements. A relaxed setback requirement can encourage healthy ADU development on lots that may be otherwise unable to build a lawful ADU.

Elements of the Ordinance⁴³:

- Type of Use: Accessory
- Zone Districts Allowed: Single-family districts and agricultural districts
- Density: ADUs are exempt from density calculations
- Size: Maximum of 50% of principal residence or 1,000 square feet, whichever is greater
- Setbacks: Must meet applicable zoning district setback requirements
- Owner-Occupancy: Owner must occupy either the primary unit or ADU

42 Pinellas County Land Development Code § 138-1 (2018).

43 Alachua County Code § 404.24 (2018).

EXAMPLES OF ADU POLICIES IN FLORIDA

Elements of the Ordinance	City of Orlando	Pinellas County	Alachua County
Type of Use	Accessory	Accessory	Accessory
Zone Districts	All residential districts as well as mixed use and office districts.	All single-family districts and multi-family residential	Single-family districts and agricultural districts
Density	-	ADUs are exempt from density calculations	ADUs are exempt from density calculations
Size	Maximum of 50% of the size of the principal unit and can be no larger than 1,000 square feet	Shall not exceed 750 square feet or 50% of the living area of the primary, whichever is less	Maximum of 50% of principal residence or 1,000 square feet, whichever is greater
Minimum Lot Size	Correlated with the size of the ADU and depends on the zoning district. Residential districts require a lot size of a minimum of 5,500 square feet for an ADU of up to 500 square feet and 8,250 square feet minimum for an ADU of up to 1,000 square feet.	-	-
Parking	No required parking for ADUs of 500 square feet or less. One additional off-street parking space is required for ADUs above 500 square feet.	-	-
Setbacks	-	-	Must meet applicable zoning district setback requirements
Owner-Occupancy	Not explicit in the ordinance	Owner must occupy either the primary unit or ADU	Owner must occupy either the primary unit or ADU



XI. Other Resources for ADU Models

Santa Cruz, California Accessory Dwelling Unit Program

- Santa Cruz offers its residents assistance through loans, an ADU Manual, and ADU design prototypes.
- <http://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/accessory-dwelling-units-adus>

Family Housing Fund – Twin Cities ADU Guidebook for Homeowners

- Family Housing Fund is an affordable housing organization based in Minneapolis, Minnesota that has released ADU Guidebooks for Homeowners, ADU Developers, and Policy Leaders.
- <http://www.fhfund.org/adu/>

Decatur, Georgia

- Decatur allows ADUs on all single-family lots and recognizes the use of ADUs as a tool to supply the “missing middle” of the housing stock.
- <http://www.decaturga.com/city-government/city-departments/planning-and-zoning-redesign/permits-and-zoning/accessory-dwelling-units>

Urban Land Institute Study – Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver

- This study describes in detail how these three cities removed barriers to ADU development and the increase in construction that occurred.
- http://turnercenter.berkeley.edu/uploads/ADU_report_4.18.pdf

NYU Furman Center – Responding to Changing Households: Regulatory Challenges for Micro-Units and Accessory Dwelling Units

- This work dives through several cities and their ADU regulations and discusses some barriers to ADU development.
- http://furmancenter.org/files/NYUFurmanCenter_RespondingtoChangingHouseholds_2014_1.pdf

R Street Policy Study No. 89

- This study provides an introductory overview to ADU development, discusses ADU benefits and their barriers to full implementation.
- <http://www.rstreet.org/wp-content/uploads/2017/03/89.pdf>

Department of Housing and Urban Development Accessory Dwelling Units: Case Study

- This 2008 study by HUD is outdated in some respects but does provide examples of how local governments have regulated ADUs around the country.
- <https://www.huduser.gov/portal/publications/adu.pdf>



Appendix: ADU Manual for Homeowners

This document is intended to be a template for local governments to assist homeowners who may want to create an ADU.

Table of Contents

- What are ADUs? Introduction to ADU development
- Zoning and Design Standards Land Use/Zoning Regulations and Local Assistance
- Designing your ADU Neighborhood compatibility, ADU planning, financing, and design
- Permitting and Building your ADU Navigating the Local Development Process
- Managing your ADU Landlord/Tenant laws, leasing, and maintenance
- More Resources

Chapter One: What are ADUs?

Introduction

Walking around your neighborhood, you may have seen windows and a door above a garage or a cottage sized home in the backyard of your neighbor's house. What you have seen is likely an accessory dwelling unit. Interested, you may be wondering how the unit was built, if it is lawful, and how you can build your own for your elderly relative, collegiate son or daughter, or as a rental unit.

Accessory dwelling units (ADUs) are additional living quarters typically on single-family lots that are independent of the primary dwelling unit. An ADU can be an apartment within a primary residence or it can be an attached or freestanding home on the same lot as the primary residence.

Accessory dwelling units were formerly referred to as granny or mother-in law flats and are also sometimes referred to as accessory apartments, garage apartments, carriage houses, and backyard cottages. ADUs were a common feature of early 20th century development in America but their use dwindled with the onset of single-family suburb. ADUs were rarely included as an eligible use in municipal codes regulating land use, zoning, and general land development regulations.

The tide is changing. Increasingly, local governments around the State of Florida see the benefits that ADUs provide and are changing their zoning codes to allow ADUs as a lawful use in single-family neighborhoods. CITY/COUNTY allows ADUs as-of-right in single-family neighborhoods. This Manual answers questions you may have about ADU development and how you can construct a lawful unit on your property.

What are the benefits of an ADU?

ADUs provide many benefits for the homeowner and the community. If rented on the long-term market (typically, with a minimum six-month lease), an ADU can provide a homeowner additional income to help pay down a mortgage, meet other expenses, or provide income for investment. Due to the relatively small size of the unit and because it does not require additional land or major new infrastructure, an ADU can be a valuable affordable housing tool for low-to moderate-income individuals. ADUs promote mixed-income communities where lower-income households can find an affordable home in an area that may have greater employment and educational opportunities.

If not rented, an ADU can provide numerous other benefits. ADUs can be used by elderly or disabled individuals that strive for continued indepen-

dence. An elderly or disabled individual could remain in their home and use an ADU for their caregiver. ADUs can also provide for family flexibility. The ADU can be used as a "granny flat" for elderly members of a family to help them age-in-place near the comfort of the family unit. With an ADU, a young adult could continue to live with their parents, but in a separate unit, as he or she works towards economic independence.

Further, when developed close to employment centers, an ADU can reduce a person's reliance on transportation, providing additional benefits to society through environmental and energy cost savings.

Who can build an ADU in (CITY/COUNTY)?

This Section should contain the basics of your ADU ordinance. Include basic details about minimum lot size, zoning, maximum lot coverage, owner-occupancy, and setback requirements. Below is an example.

Any homeowner within CITY/COUNTY who has a lot that is DESCRIBE MINIMUM LOT SIZE REGULATION or more in an area that is zoned for single-family dwellings may be able to build an ADU. An ADU must meet setback, lot coverage, and other land use regulations as described in Chapter Two of this Manual. The homeowner must live in either the main house or the ADU and only one ADU per single-family lot is allowed. The ADU may be detached from the main dwelling or attached.

What do I need to know to build an ADU?

Building an ADU may be one of the largest projects a homeowner undertakes on their property. First, decide whether you want to utilize the ADU as a long-term rental unit or for family members or other guests. If you choose the former, be aware of the landlord-tenant legal obligations and financial implications of leasing an ADU. Then, assess your finances and utilize this Manual to see if your lot is suitable for ADU development. Be sure that developing an ADU on your lot will meet zoning standards. If unsure that ADU development is right for you, CITY/COUNTY can assist in making this decision.

Chapter Two: Navigating ADU Development

This Chapter should describe the zoning and design standards as described in the local government's ADU Ordinance. It should provide easy-to-read charts on what properties are eligible to build a lawful ADU.

CITY/COUNTY has developed zoning standards for ADUs. These standards were established with community input to allow ADUs on the most possible lots. The table below provides a summary of CITY/COUNTY standards for an ADU located in a single-family zone.

The Table can contain more zoning standards as the local government finds necessary.

Zoning Standard	Requirement for ADUs	Other Comments
Minimum Lot Size		
Side-yard Setback		
Front-yard Setback		
Rear-yard Setback		
ADU Size		
Parking		
Owner-Occupancy		
Maximum Lot Coverage		
Impact Fees		
Density Calculations		
Maximum Height		
ADU Entrance		

It is important to make sure that your lot can contain a lawful ADU. CITY/COUNTY can provide this guidance. You can also contact a local engineer to inspect your property for compatibility with these regulations. If you have further questions, please contact the RELEVANT DEPARTMENT at PHONE NUMBER/OTHER CONTACT INFORMATION to schedule an appointment to discuss the possibility of including an ADU on your property.

Local Government Assistance

This section should describe, in detail, any assistance that the local government offers for ADU development. It can include items such as an ADU loan program, impact fee reduction for long-term affordable units, technical assistance, and other financial assistance.

Chapter Three: Designing your ADU

Once I figure out the zoning standards for ADU development, what should I do next?

For this portion of the Manual, the local government should consider partnering with local architects and provide information on who has expertise in ADU development.

As with any construction or remodeling in CITY/COUNTY, appropriate building permits are required to develop an ADU. Chapter Four of this Manual provides information on how to navigate the permitting requirements. The permitting process will require drawings and models of your ADU. This Chapter discusses how to design your ADU.

Once you are sure that you can build a lawful ADU on your property, contact a local architect to begin designing the ADU. It will be beneficial to work with a qualified designer, builder, or engineer to make sure your project meets your needs as well as CITY/COUNTY permitting requirements. It is important to select professionals that are familiar with local development processes to ensure maximum ease of development. Local professionals can better anticipate the types of technical and regulatory issues you will need to address.

How should I begin designing the ADU?

First, it is important for your ADU to be a good fit with your home and the surrounding neighborhood. Consider talking to your neighbors to see how your ADU can best fit on your site and into your neighborhood. You should walk around your neighborhood and gather as much information as you can to make sure the ADU is compatible with the surrounding environment. Here are some good questions to consider before designing your ADU:

- What is the predominant height of homes in the neighborhood?
- How much space is there between homes?

- How many neighboring properties have accessory units in their backyard?
- Do these accessory units blend in with the surrounding buildings? Are they attached or detached?
- Is there one material or color that is predominately used for the homes on your block?
- Where do most of the homes have their garages? Are they detached or attached?
- What do the backyards in your neighborhood typically contain?
- How private are the backyards in the neighborhood? Does vegetation exist on the sides or rear of homes?

Answering these questions will help you design an ADU that can blend in with the neighborhood. Understanding this fit will allow the ADU to exist within the fabric of the existing community.

Privacy of Adjoining Properties. It is also important to understand the privacy aspects of building an ADU. Your neighbors may not want a dwelling in the backyard next to theirs that can potentially see into their home. You can resolve privacy issues with additional vegetation, careful planning, and communication with your neighbors. The orientation of an ADU can solve privacy issues. You may think about which way your unit faces and where the windows and doors are located.

Privacy for ADU residents. When designing your ADU, there is the opportunity to plan for which parts of the parcel will be used exclusively for the homeowner, the tenant, and for shared use. You will need to consider how tenants can access the ADU to limit passing by private rooms on route to the ADU. The location of parking and the ADU can also have a noise and physical impact on the primary unit and surrounding properties. You may

want to be sure that tenants of the ADU need not walk near surrounding dwelling units on the way to the ADU.

Design Compatibility. You will also need to consider the architectural compatibility with your primary unit. The ADU should be similar in appearance to the primary unit to create an aesthetic and ownership connection between the main house and the ADU. You should also be careful in designing the ADU in a manner that restricts the view of the primary unit or neighboring units. A larger ADU, for example, may restrict visual and/or physical access to a lake or other natural spaces. At a fundamental level, it is important that the ADU blend into the surrounding neighborhood and not be cause for concern from a design and planning standpoint.

Fundamentally, you will need to decide:

- **Where** the ADU will be located your property
- The **size** of the ADU
- Which **direction** the ADU faces
- How to access the ADU with the **least impact** on surrounding properties
- How to minimize **privacy** concerns
- **Design compatibility** with the primary unit and surrounding neighborhood
- **When** you are going to schedule the work

All these decisions should be made with the underlying goal to design your ADU in a way that fits into the existing community. Work with your site engineer/architect or contact **CITY/COUNTY** for more information on designing your ADU.

How much will an ADU cost?

At this point in process, you will also need to figure out the financing and development costs for your ADU. If you plan to use the ADU as a long-term rental unit, you may want the rent to cover the cost of development while keeping the monthly rent low enough to be attractive to renters. If you are building the ADU for other reasons, such as to house a caregiver, you may weigh the costs and benefits of building the ADU in comparison to the costs and benefits of moving to an assisted living facility, for example.

First, you will need to consider the “**hard costs**” of ADU development. These costs are expenses directly related to the physical construction of the building. These costs cover the material and labor that will go into ADU development. The material hard costs include items such as cement, drywall, carpet, windows, and doors. Labor hard costs can include landscaping, site excavation, carpentry, and general building of the ADU.

To lower your hard costs, you have some control over your destiny. Rather than building a detached ADU, for example, you can save money converting your garage into an apartment or by building an attached ADU. You can also choose the materials that you use to build the ADU. If parking is not required and you are able to connect to existing utilities, you can save costs there as well. You can also decide to do part of the work yourself instead of hiring additional labor. Below is an example ADU budget provided by the City of Santa Cruz, California. This is only a sample of what tools you will be dealing with as the prices will likely be different based on material selection, your customization needs, and the current pricing of these supplies in Florida.

Topic		Total Dollars
Off Site Improvements	Water Service	\$3,500
Foundation	Grading/Excavating/Backfill/Compaction Concrete & Rebar, Anchoring	\$2,500 \$7,500
Framing	Studs, joists, rafters, sheathing, beams, headers, connectors	\$24,500
Plumbing	Rough Finish	\$2,500 \$900
Roofing	Asphalt shingle	\$3,500
Doors	Interior, exterior, shower encl.	\$3,500
Windows	Wood	\$4,500
Finishes	Drywall Carpeting Resilient Flooring Countertops (laminated) Cabinets Ceramic Tile Painting (interior and exterior)	\$3,250 \$900 \$800 \$750 \$1,200 \$1,200 \$5,000
Metalwork	Piperail Guardrails (Int.) Gutters, downspouts	\$2,500 \$1,000
Mechanical	Tankless Water Heater Gas Fired Wall Heaters Garbage Disposal	\$750 \$800 \$200
Landscaping	Allowance	\$500
Total Preliminary Estimation of Construction Cost		\$76,000

Next, you will need to consider the “soft costs” of ADU development. These costs are expenses indirectly related to the construction of the ADU. These include development fees, planning costs, utility hook-up fees, and professional design and engineering services. If you work with a local engineer with experience with the local development process, these costs may be easy to calculate.

Other soft costs include the maintenance of the ADU. Be sure to consider ongoing repairs as a part of your cost calculation and decide on materials up-front that may bring less maintenance costs down the road.

How can I finance my ADU?

If you do not have enough cash on hand, traditional mortgage products are regularly used to construct ADUs. First, you could seek a Home Equity Line of Credit (HELOC) or a Home Equity Loan. Both of these products are essentially second mortgages backed by the equity you own in your home. A Home Equity Loan provides a fixed amount of cash on a fixed repayment schedule backed by the equity in your home. A HELOC is similar but is structured as revolving lines of credit, like a credit card, that has shorter repayment terms and only charges interest on the balance you have drawn. You can typically borrow up to 85% of the value of your home minus the amount you owe. This product typically has a 10-year draw period followed by a 20-year repayment period.

Similarly, you can seek cash-out refinancing. This method is similar to home equity financing except that it replaces your current mortgage, has a fixed

interest rate over the life of the loan (instead of an adjustable interest rate) that is typically lower than a HELOC, has greater initial payments, and is typically more cumbersome to receive. This method allows you refinance your current mortgage for more than what you currently owe in order to receive a lump-sum of cash to build your ADU. An advantage to this option is you can set the loan term for thirty years, lowering the monthly payments by spreading the cost of the ADU over a longer period.

A construction loan can also be used. This loan can be utilized if you do not have sufficient equity based on your current home value. This type of loan looks at the improved value of the home rather than the current home value, allowing you to receive a greater loan if you lack necessary home equity. The closing costs and interest rates for a construction loan are typically higher than a standard refinance.

If the local government offers a loan program for ADUs used as long-term affordable housing units, include that information here. For instance, the local SHIP program could be used for a loan program for ADUs, and the additional benefit of using SHIP would be the assurance that the ADU would serve an income eligible renter (could not be used for tourist vacation rental) and would be monitored for compliance.

Contact your financial advisor, lender, or **RELEVANT DEPARTMENT** at **PHONE NUMBER/OTHER CONTACT INFORMATION** for more information on the best financing options for your ADU.

Chapter Four: Permitting and Building Your ADU

The Land Development Process

Once you have your ADU design and financing figured out as described in Chapter 3, you will need to begin navigating the local development process. Contact **RELEVANT DEPARTMENT** at **PHONE NUMBER/OTHER CONTACT INFORMATION** for more information on starting the development process for your ADU.

In this section, include information on the local land development process with in-depth information on how a homeowner can navigate relevant procedures.

Building Your ADU

Once your permits are finalized, you can begin building your ADU! First, you will want to hire a licensed and insured residential building contractor. You should ask two or three contractors to bid on your ADU. All bids should be based on the same set of plans and specifications and with the same materials, appliances, windows, and similar tools. Discuss the bids in detail with each contractor and gather as much as you can about the success and reputation of each. It is important to choose a contractor that is perfect for you. Ask the contractor for local references to see if former clients were satisfied with the work.

Construction Contract

Once you have a contractor in place, make sure you have a written contract in place and do not sign anything unless you completely understand what you are signing. Consult with an attorney if possible. Be as specific as possible and be sure the terms of the contract are clear. The contract should include the total price, when payments will be made, and whether there is a cancellation penalty. Include all aspects of the work that you consider important, including complete cleanup, removal of debris and materials, and when the work shall be done.

After the contract is signed, be aware that modifications can be made with mutual agreement. Always use a signed “change order” if you add or delete work, substitute materials or equipment, or change the completion date. It is very important to have all modifications signed by both parties.

Inspections

This section should contain information on the local inspection process.

Chapter Five: Managing Your ADU

Renting your ADU

This section applies if you decide to rent your ADU. If you intend to rent your ADU, you will be a landlord and there are many items you will need to consider.

Choosing a tenant for your ADU may be the most important thing you do as a landlord. You will be choosing a person or household that will be living on your property. To ensure the right tenant, you can first establish a screening process to attract responsible and honest applicants. Choose criteria by which to judge applicants and apply the criteria consistently for all applicants. Here are some potential screening points:

- Require contact information for most recent landlords
- Require submittal of a complete application
- Run a credit and criminal background check
- Personal references

It is important to use a written rental application when selecting tenants. A good application gives you access to verifiable information. Contact a local rental housing association or legal counsel for copies of sample rental applications. There are many resources at your disposal in this context. Before potential tenants submit their application, it is a good time to distribute your tenant selection criteria as well as specific information about security deposits, vehicles, pet policy, maximum occupancy, and other issues related to the rental of the ADU. If the applicant rides a bicycle, consider providing a secure location for the bike.

After receiving applications, request a credit check on each tenant who will be signing the lease. Credit checks reveal information about installment and revolving credit lines, court records, collection accounts, judgments, liens, and may be used to determine whether you think an applicant has the ability to pay rent. You can also check with the applicant's previous

landlords to determine whether the applicant will be a tenant who pays in a timely fashion and keeps the property in good order. If the applicant is local, you can also ask permission to visit their current residence to assess their housekeeping. In choosing your ADU tenant, be sure to use a process that is simple and fair. Follow all relevant civil rights laws which are designed to prevent discrimination based on issues that are unrelated to a person's qualifications to be a good tenant.

Once you have chosen the tenant, execute a written lease. First, decide how long the lease-term will be. If the lease term is for six months or less, you must remit Florida's 6% sales tax plus any applicable discretionary sales surtax. Lease terms of longer than six months are exempt from sales tax. The lease agreement is vital to forming the understanding between the two parties. Responsibilities should be comprehensive and as clear and concise as possible, and spell out all expectations and responsibilities of each party. Consult with an attorney when devising a lease agreement. Finally, consult with your insurance agent to make sure you have adequate coverage for your ADU.

Obligations as a Landlord

Being a landlord in Florida brings responsibilities. In exchange for receiving rent and the right to have the ADU returned to you undamaged at the end of the lease term, you must satisfy your duties as a landlord. If unsure of your obligations, consult with an attorney before renting your ADU.

As a landlord, you have the duty under Section 83.51 of the Florida Statutes to provide a home that is safe and meets applicable housing, building, and health codes. You must make reasonable repairs as necessary to make sure the structural components of the ADU are in good repair and capable of resisting normal forces and loads. This may include fixing broken pipes, windows, doors, and other items that impair the safety of the

home. You must make sure the plumbing is in reasonable working condition and provide for functioning facilities for heat during winter, running water, and hot water. Florida law also proscribes affirmative disclosures you must make to your tenant.

It is also your duty to respect the tenant's rights as defined in Chapter 83 of the Florida Statutes and pursuant to the Lease. One of the most important tenant rights is the right of peaceful possession. You must not interfere with the tenant's leasehold without first consulting the tenant and providing reasonably timed notice. You have the right to protect your ADU through inspection, but you must give a reasonable notice of at least 12 hours. You may not show prospective buyers or tenants the ADU without notice to and with the agreement of the existing tenants.

Further, it is unlawful to increase or decrease services in a discriminatory manner or threaten to bring an action for possession in retaliation. Retaliation may be presumed if it occurs after a tenant has complained about housing conditions. It is also unlawful to lock the tenant out, shut off utilities, or remove tenant's property from the ADU.

A landlord must follow all lease terms in accordance with the termination of the lease. If there is no written rental agreement or if the lease does not state otherwise and unit is rented on a month-to-month basis, you must give at least 15 days- notice in writing to end the tenancy. A week-to-week rental period requires seven days- notice. The notice may be posted on the door of the ADU if the tenant is absent from the premises.

If the lease agreement is violated by the tenant, certain circumstances must be met before the tenant can be evicted. Section 83.20 of the Florida Statutes lists the causes for removal of tenants. If the tenant fails to pay rent or refuses to move out, you may evict the tenant, but only after you have taken

the proper steps to commence an action for possession. These include notifying the tenant and if the tenant does not cure the violation within three days after receiving notice, the landlord may file for eviction. Other steps follow. Because these steps are so technical, you should consult with an attorney when engaging in the eviction process.

The purpose of this information is not to dissuade you from creating and renting an ADU, but rather to provide a full picture of the landlord obligations that come with renting any home or apartment.

Maintaining the ADU

The ADU must be maintained in accordance with housing, building, and health codes.

If your ADU is a rental unit, be sure to respond to any tenant complaints in a swift manner. Follow the lease terms as to maintenance of the ADU. Most leases will state a procedure for repairs and damages in the event of a breach of contract. Under Section 83.201 of the Florida Statutes, if the lease is silent on the procedure to be followed to effect repair or maintenance and the tenant places the obligation on the landlord, the tenant may withhold rent after notice to the landlord if the landlord fails to repair the unit. If the landlord does not fix the issue within 20 days, the tenant may withhold rent until the repair has been performed. Once the repair is completed, the tenant shall then pay the amounts of rent withheld. The lease may provide for a longer period of time for repair or maintenance.

Chapter Six: More Resources

In this section, include resources as the local government finds necessary to round out this educational material. This section should include a copy of the ADU ordinance and other applicable laws including, but not limited to, landlord-tenant laws and civil rights laws. This section may include local contractors, engineers, and architects that have expertise in ADU development as well as the contact information of all relevant departments of the local government. It may contain permit fees, a local ADU development checklist, other building codes, and other useful websites for homeowner education. If you would like assistance in developing your local government's Homeowner ADU Manual, please contact the Florida Housing Coalition.

Notes

[illegible]

SPONSORED BY:
The Florida Housing Finance Corporation



ACCESS AN ELECTRONIC VERSION OF THE
Accessory Dwelling Unit
GUIDEBOOK

AND OTHER VALUABLE RESOURCES UNDER THE PUBLICATIONS TAB
ON THE FLORIDA HOUSING COALITION'S WEBSITE AT:

FLhousing.org



The ABCs of ADUs

A guide to
Accessory Dwelling Units
and how they expand housing options
for people of all ages



BASEMENT ADU



DETACHED ADU



ATTACHED ADU



SECOND-STORY ADU



GARAGE-CONVERSION ADU



Websites: AARP.org and AARP.org/Livable
Email: Livable@AARP.org
Facebook: /AARPLivableCommunities
Twitter: @AARPLivable
Free Newsletter: AARP.org/Livable-Subscribe

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.



Website: OrangeSplot.net
Email: eli@OrangeSplot.net

Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the *New York Times*, *Sunset Magazine* and on NBC's *Today* show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 250 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website AccessoryDwellings.org and serves as a vice chair of Portland, Oregon's Planning and Sustainability Commission.

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages

WRITTEN AND EDITED BY: Eli Spevak, Orange Splot LLC | Melissa Stanton, AARP Livable Communities
ART DIRECTOR: Mimi Park, Design Park, Inc.
COPY EDITOR: Don Armstrong | **ART PRODUCTION:** Steve Walkowiak

PROJECT ADVISERS AND REVIEWERS:

Danielle Arigoni, Director, AARP Livable Communities
Karen Chapple, Professor, University of California, Berkeley
Lina Menard, Founder, Niche Consulting
Heather Peters, Senior Housing and Community Development Policy Analyst, San Mateo County, California
Kol Peterson, Cofounder, AccessoryDwellings.org | Caravan: The Tiny House Hotel | ADU Tour: Portland, Oregon
Denise Pinkston, Partner, TMG Partners
Harriet Tregoning, past Principal Deputy Assistant Secretary, U.S. Housing and Urban Development
Jake Wegmann, Assistant Professor, University of Texas at Austin

COVER IMAGE CREDITS (clockwise from top left)

Front: Communitecture: Architecture, Planning, Design | Alex Hayden | AccessoryDwellings.org | AccessoryDwellings.org | Melissa Stanton, AARP
Back: Kol Peterson, BuildingAnADU.com | Eli Spevak, Orange Splot LLC | Schuyler Smith, Polyphon Architecture & Design, LLC

A NOTE TO READERS: Many of the photographs and project examples in this publication are from Portland, Oregon, one of the first municipalities in the nation to encourage the creation of accessory dwelling units.

Visit AARP.org/ADU to download or order this free guide and find more resources about accessory dwelling units.

Welcome! Come On In

AARP surveys consistently show that the vast majority of people age 50 or over want to remain in their homes and communities as they age rather than relocate

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall and decrease in households with children — will continue to boost the demand for smaller homes in more compact neighborhoods.

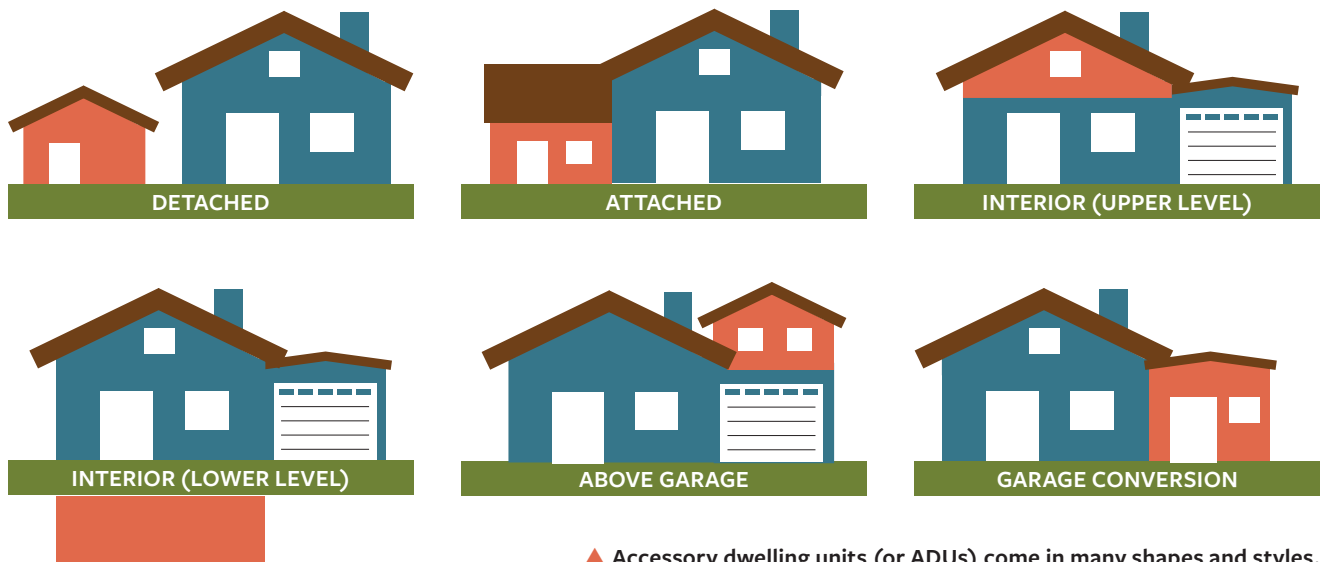
As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2018 AARP Home and Community Preferences Survey, people age 50-plus who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (84%)
- provide housing for relatives or friends (83%)
- feel safer by having someone living nearby (64%)
- have a space for guests (69%)
- increase the value of their home (67%)
- create a place for a caregiver to stay (60%)
- earn extra income from renting to a tenant (53%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and even states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs.



The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can include ADUs in their mix of housing options.

ADUs Come in Many Shapes and Styles

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what's being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs can be found in cities, in suburbs and in rural areas, yet are often invisible from view because they're positioned behind or are indistinct from the main house
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can provide rental income to homeowners and an affordable way for renters to live in single-family neighborhoods
- An ADU can enable family members to live on the same property while having their own living spaces — or provide housing for a hired caregiver
- Unlike tiny houses (see page 17), ADUs are compact but not teeny, so they're a more practical option for individuals, couples and families seeking small, affordable housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if older, an age-restricted community
- ADUs can help older residents remain in their community and “age in place”



CREATIVE COMMONS

▲ Accessory dwelling units show up in neighborhoods throughout the country — and even in pop culture. One example: In the sitcom *Happy Days*, Fonzie (right) rented an above-garage ADU from the Cunningham family in 1950s-era Milwaukee, Wisconsin.

ADUs are also known as ...

Although most local governments, zoning codes and planners in the United States use the term *accessory dwelling unit* or *ADU*, these small homes and apartments are known by dozens of other names. The different terms conjure up different images. (Who wouldn't rather live in a “carriage house” than in an accessory or “ancillary” unit?) Even if you've never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted at right.



▲ Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot's primary residence, pay her home mortgage.

- accessory apartment
- alley flat
- back house
- backyard bungalow
- basement apartment
- carriage house
- coach house
- garage apartment
- granny flat
- guest house or cottage
- in-law suite
- laneway house
- mother-daughter house
- multigenerational house
- ohana unit
- secondary dwelling unit
- sidekick

PHOTO AND LIST FROM ACCESSORYDWELLINGS.ORG

Since ADUs can be created in many different shapes and styles, they're able to fit discreetly into all sorts of communities, including suburban subdivisions, row-house streets (either with or without back-alleys), walkable town or urban neighborhoods — and, of course, large lots and rural regions.



◀ A **DETACHED ADU** (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon | Photo by David Todd



▶ An **ATTACHED ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear. Such units can have a separate or shared entrance.

Location: Davidsonville, Maryland | Photo by Melissa Stanton, AARP



◀ A **GARAGE ADU** makes use of an attached or detached garage by converting the space into a residence. Other options involve adding a second-story ADU above a garage or building a new structure for both people and cars.

Location: Portland, Oregon | Photo by Radcliffe Dacanay

An **INTERNAL ADU** is created when a portion of an existing home — an entire floor, part of a floor, or an attic or basement — is partitioned off and renovated to become a separate residence.

▶ Access to an **UPPER-LEVEL ADU** can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU sits atop a 1,900-square-foot primary dwelling.

Location: Portland, Oregon | Photo by Eli Spevak, Orange Splot LLC



▲ A **LOWER-LEVEL ADU** is typically created through the conversion of a home's existing basement (provided that height and safety conditions can be met), during construction of the house, or (see page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Derin Williams

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an affordable housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only. The lot is, in a sense, free.
- ADUs are typically owned and managed by homeowners who live on the premises. Such landlords are less likely to raise the rent once a valued tenant has moved in. Many ADUs are created for family members to reside in for free or at a discounted rate.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the *only* affordable rental choices in single-family neighborhoods, which typically contain no studio or one-bedroom housing options at all.
- Some municipalities are boosting ADUs as part of affordable housing and anti-displacement strategies. Santa Cruz, California (see opposite), is among the cities with programs to help lower-income households build ADUs or reside in them at reliably affordable rents.

ADUs are able to house people of all ages

- An individual's housing needs change over time, and an ADU's use can be adapted for different household types, income levels, employment situations and stages of life.
- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a neighborhood than other options, such as multistory apartment buildings. As a result, it's often easier to get community support for ADUs than for other housing types.

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2017
Average square footage of new single-family homes	983	2,571
Number of people per household	3.8	2.5
Square feet of living space per person	292	1,012

Fact: ADUs house more people per square foot of living area than single-family homes do.

SOURCE: NATIONAL ASSOCIATION OF HOME BUILDERS (AVERAGE HOME SIZES), U.S. CENSUS BUREAU (AVERAGE HOUSEHOLD SIZES)

HOME VISIT #1

Attached ADU Addition

Santa Cruz, California

Size: 500 square feet



▲ The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.

◀ ▼ The Whitleys' ADU (that's Carrie showing off the front yard's new paths and plantings) has its own entrance on the side of the home and is being rented to the couple's daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than \$15,000. Nearly 50 years later, similar homes on their street have sold for more than \$1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don't want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," Brenda says.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: \$158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (AARP 2018)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

ADUs Are an American Tradition

While today's interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation's households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people with land built as many homes as they wished. There were few or no zoning rules, municipal services or infrastructure (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the “carriage house,” or “coach house.” Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers and stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were

converted into rental homes. By becoming landlords, the owners gained income from their otherwise unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing ADUs — but only if the residences remained consistently occupied. In Houston's historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

But elsewhere, even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings. Many communities today don't allow new ADUs, even if they did in the past — and even if ADUs currently exist there. (Countless units in single-family homes or yards are technically illegal or are allowed simply because they were created when such residences had been legal.)

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release an influential model state act and local code for ADUs.

More recently, there's been renewed interest at the state and local levels (see page 8) in legalizing and encouraging the creation of ADUs, driven by the increasingly high cost of housing and, in some places, the belief that homeowners with suitable space shouldn't be so restricted in the use of their property.

▼ **This carriage house containing a one-bedroom, one-bath ADU above a two-car garage sits behind a six-level, Gilded Age, Hoboken, New Jersey, townhome that was built in 1883. The dual residence property was on the market in 2018 for \$5 million.**



HOME VISIT #2

Garage Apartment ADU

Denver, Colorado

Size: 360 square feet



▲ The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.

“I see our ADU as something very similar to a student loan,” says Mara Owen. “It’s something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It’s great knowing we can check in on her whenever.”

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home’s many residents would be to remove their “leaky and defunct” garage and build a new two-car garage with an apartment above it.

WISE ADVICE: “Get a really great builder and architect,” says Owen. “Interviewing architects was similar to a first date. It’s not just who you feel connected with. That’s important, but get to the values. It’s a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different.”

FUTURE PLANS: The stairs to Diane’s apartment are wide enough for a stair lift, if it’s ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: \$167,000 in 2016 | Photo by Mara Owen | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org. Visit the website to read about and see photographs of more ADU projects.

HOME VISIT #3

Basement ADU

Portland, Oregon

Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.

TEACHING MOMENT: “Here’s a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!” declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company’s website, he says the project provides a lesson in how to “adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home.”

HOW’D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.



▲ By lifting the house and digging beneath it, designers, engineers and builders turned a two-story, single-family home into a three-story, multifamily residence.



THE ACHIEVEMENT: Adds Lakeman: “Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment.”

Design: Communitecture | Home Lift: Emmert International | Builder: Tom Champion | Cost to build: \$125,000 in 2015 | Photos by Communitecture (before) and Chris Nascimento (after)

The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met.

Other communities start with those basic standards and then layer on extra requirements (see page 14) that can make it challenging to create an ADU.

Municipalities nationwide have been relaxing their restrictions against ADUs, and some states have been encouraging their creation by requiring communities to allow them.

- In 2017, California required all of its cities and counties to allow ADUs so long as the property owner secured a building permit. In Los Angeles, Mayor Eric Garcetti has said ADUs could provide the city with a needed 10,000 housing units. He's touted ADUs as a "way for homeowners to play a big part in expanding our city's housing stock and make some extra money while they're at it."
- That same year, a New Hampshire law established that local zoning codes had to allow ADUs nearly everywhere single-family housing was permitted. The change stemmed in large part from the frustration of builders who couldn't construct the type of amenities, such as backyard cottages and garage apartments, that their clients desired.
- Oregon requires cities and counties of certain sizes within urban growth boundaries to allow ADUs in all single-family neighborhoods.
- As of 2019, major cities that allow ADUs include Anchorage, Alaska; Atlanta, Georgia; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Philadelphia, Pennsylvania; Phoenix, Arizona; Seattle, Washington; and Washington, D.C. Communities in Massachusetts, Kentucky, Illinois, Indiana and Oregon have sought advice from AARP and Orange Spout about revising their zoning codes to allow ADUs.

► **The unique floor plan of this single-family Maryland farmhouse allows for a first floor residence (accessed through the door on the right) and an upper-level ADU that can be reached through the entrance at left.**

To Encourage ADUs

LOCAL OFFICIALS can ...

- allow all ADU types (detached, attached, interior)
- simplify the building permit process for ADUs
- waive or reduce permit and impact fees
- let garages be converted into ADUs without requiring replacement off-street parking
- allow a second ADU if one of the homes on the property meets accessibility standards

COMMUNITY PLANNERS can ...

- adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can ...

- work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can ...

- organize tours of completed ADUs in order to inform and inspire the community
- educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can ...

- educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can ...

- report on how and why homeowners build ADUs



PHOTO BY MELISSA STANTON, AARP

HOME VISIT #4

Internal ADU (Main Level)

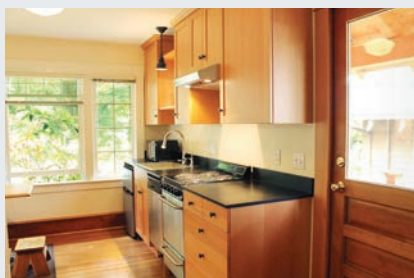
Portland, Oregon

Size: 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

AH-HA MOMENT: According to Joan Grimm, who owns the home with Rita Haberman: “What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn’t have to be complicated.”

REAL LIFE: “Creatively carving out an ADU from the main floor of our house saved on design and construction costs,” Grimm adds. “It provides an opportunity for rental income, with no significant compromise to the livability of our home.”



▲ The steps and side entrance (top) lead to the studio apartment ADU, which was crafted out of an existing space. The covered porch to the right leads to the primary residence. The ADU contains a kitchen, small dining and living area, sleeping area, bathroom and laundry area.

*Design: Rita Haberman | Builder: RS Wallace Construction | Cost to build: \$55,000 in 2015 (with some work done by the homeowners)
Photos courtesy Billy Ulmer | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

HOME VISIT #5

Internal ADU (Lower Level)

Portland, Oregon

Size: 795 square feet

“We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process,” Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. “An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can’t handle the stairs any longer.”

THE SOUND OF SILENCE: Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that’s below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: “Think about how you live in your home and

▼ The door to the right of the garage leads to a ground-floor ADU with windows along the back and side walls. The upper-level windows seen below are part of the main residence.



how having downstairs neighbors will change what you can and can’t do with your space and what investment you are prepared to make in sound insulation.”

AN ADDED BONUS: “We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home.”

Design: DMS Architects | Builder: Weitzer Company | Cost to build: \$261,000 in 2016 | Photo by Melissa Stanton, AARP | Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org

Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby



▲ The zoning code in Evanston, Illinois, permits accessory dwelling units, creating an opportunity for the owners of this 1911 home with an outbuilding in the backyard.

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated *amateurs*.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality's planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren't cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about \$50,000, new detached ADUs often exceed \$150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that's the plan, it's worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.



▲ Walt Drake's Southern-style, one-bedroom ADU has an outdoor, wraparound porch that can be accessed without using steps. The design is in keeping with other buildings in the neighborhood.

HOME VISIT #6

Detached ADU (One-Story)

Decatur, Georgia

Size: 800 square feet

When Walt Drake decided to downsize, his son Scott purchased his dad's house for himself and his family and built a detached ADU (or DADU) for Walt.

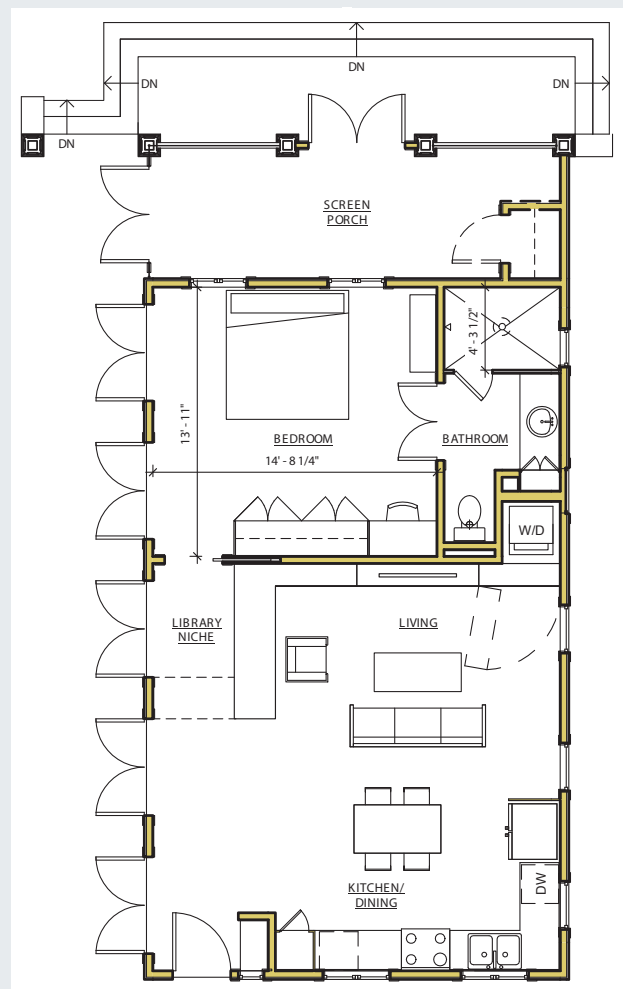
"From not finding what we wanted for Dad, we decided to create it," says Scott. "Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years."

NEAR AND FAR: "We wanted the houses to be separate and to feel like we're each on our own property, but we're there for each other," says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn't have to sell his home and leave his neighborhood. "He was able to keep his own stuff and turn over what he didn't need to us," says Scott. "It kept my dad in place, which I think was important."

FUTURE PLANS: Scott says the ADU is "serving its intended purpose" but that someday down the road it could be used as a long- or short-term rental. "The ADU could turn into lots of different things over the course of its lifetime."

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: \$350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org



ADUs Are Age-Friendly Housing

New-construction ADUs can be created with “universal design” features

An “age-friendly” home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Garage conversions (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they’re preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the *AARP HomeFit Guide* at AARP.org/HomeFit.

HOME VISIT #7

Detached ADU (Two-Story)

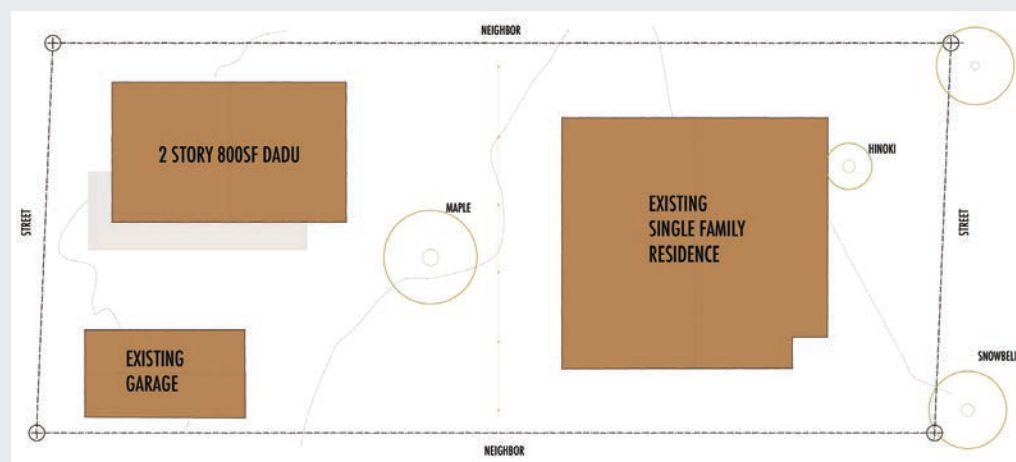
Seattle, Washington

Size: 800 square feet

Evelyn Brom’s plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that *she* wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The \$3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. “Being laid off has made this arrangement a lifesaver,” Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. “Now I have options,” she says.



▲ There’s a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.

◀ Although Brom’s property is only 0.13 acres, it’s large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.

Design: Chrystine Kim, NEST Architecture & Design | Builder: Ian Jones, Treebird Construction | Photo by Alex Hayden | Cost to build: \$250,000 in 2014
Article adapted from Where We Live: Communities for All Ages (AARP 2018)

HOME VISIT #8

Detached Bedroom

St. Petersburg, Florida

Size: 240 square feet

Bertha and her son John talked about someday buying a house with a mother-in-law suite. “Then one day someone came along and wanted my house, so I up and sold it,” she explains. “But that left me homeless. I asked John if I could build a small house in his backyard and he agreed.”

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that’s what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT’S INSIDE: Bertha’s home contains a sleeping and living area and a full bathroom. “I paid for the little house and it’s on my son’s property. So I figured, if I’m cooking I can do it at my son’s house,” she says. (Her laundry is also done at his house.)



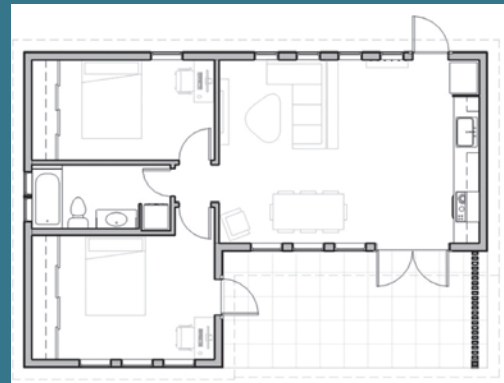
▲ A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.

REAL LIFE: “Having access to my son’s house makes it livable. Otherwise, I personally would not be happy. It’s very comforting to know that John is close by. Hopefully this will be my home forever.”

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: \$50,000 in 2017 | Photo by Historic Sheds | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

A Sustainable and Sunny ADU

Tired of living in a house with so many walled off and dark spaces that the sun couldn’t shine in, the home’s owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. (The original, larger home has become a rental.) The ADU is located within a conservation district and was constructed using sustainable materials and environmentally friendly techniques. One such feature is the deck trellis, which allows light in while diffusing the heat of the afternoon sun.



▲ Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: \$185,000 in 2017 | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

Practical Solutions for ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. Regulations about ADUs are typically written or adopted at the local government level.

Where it's legal to build ADUs, homeowners still need to follow rules about where it can be done, how tall they can be, how many square feet they can contain, what they can look like and how they can be used. These rules can be found in the local zoning code.

Over the past few decades it has become clear that there's a balance to strike between the strictness of ADU regulations and how often ADUs get built.

For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to \$12,000), the number of ADUs built there increased from about 30 per year between 2000 and 2009 to practically one ADU a day in 2015.

Changes in California's ADU laws allowed Los Angeles to achieve an even more dramatic increase, going from 80 permit applications in 2016 to nearly 2,000 in 2017. Allowing both an ADU and a "Junior ADU," or JADU — an interior ADU of 500 square feet or fewer — on properties in Sonoma County were among the urgent

policies adopted in the wake of Northern California's many devastating fires.

Meanwhile, in many jurisdictions, well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that they actually get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing could establish occupancy rules.

Every community has its own priorities and concerns, and there's a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.)

Rules that discourage ADUs

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain geographic areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

TRADING SPACES: An ADU is always the smaller of two dwellings on a property, but it's possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling.

Are ADUs allowed in your community?

Find out by calling the office in charge of land use and permits or stopping by in person. You can also search for and read the zoning code through the local government's website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed in your community and you want them to be, ask an elected official or the local department of zoning and planning for information about how the codes can be updated. Then get organized and start advocating!

Creating (or Understanding) an ADU Zoning Code

The ADU section of a community's zoning code needn't be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. A Definition: A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: “An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.”

2. The Purpose: This is where the code describes key reasons a community allows ADUs. They should:

- increase the number of housing units while respecting the style and scale of single-dwelling development
- bolster the efficient use of existing housing stock and infrastructure
- provide housing that's affordable and respond to the needs of smaller, changing households
- serve as accessible housing for older adults and people with disabilities

3. Eligibility: Who can build an ADU and on what type of property? A statement in this part of the code clarifies that an ADU can be placed only on a “residentially zoned, single-family lot.” (Some communities provide lot size standards, but many don't.)

4. Creation: This is where the code sets out how an ADU can be built. For instance: “An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site.”

5. Quantity: Most municipalities that permit ADUs allow one per lot. Vancouver, British Columbia; Sonoma County, California; and Tigard, Oregon, are among the few that allow two per lot (typically one internal and one external). Some communities also allow duplexes or townhomes to have ADUs, either in the backyard or on the ground floor.

6. Occupancy and Use: A code should state that the use-and-safety standards for ADUs match those that apply to the primary dwelling on the same property. (See page 17 for more about ADU uses.)

7. Design Standards:

- **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance, “an ADU may not exceed 1,000 square feet

or the size of the primary dwelling, whichever is smaller.” Codes often limit detached ADUs to 1.5 or 2 stories in height. (An example of that language: “The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.”)

- **Parking:** Most zoning codes address the amount and placement of parking. Some don't require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
- **Appearance:** Standards can specify how an ADU's roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more about making sure that ADUs fit into existing neighborhoods.)
- **Entrances and stairs:** Communities that want ADUs to blend into the background often require that an ADU's entrance not face the street or appear on the same facade as the entrance to the primary dwelling (unless the home already had additional entrances before the ADU was created).

8. Additional Design Standards for Detached ADUs:

- **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached structures that don't meet that standard.) Although this sort of rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
- **Building coverage:** A code will likely state that the building coverage of a detached ADU may not be larger than a certain percentage of the lot that is covered by the primary dwelling.
- **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules.

Visit [AARP.org/ADU](https://aarp.org/ADU) to see examples of ADU zoning codes from selected cities.

ADU “Hot Topics”

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they'll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors. Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticed when looking at the house

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.

▼ A top floor ADU can be a suitable rental for a student or someone who travels a lot for work. ADU expert Kol Peterson grew up in a home with an attic ADU that was usually rented to law school students. “They had to walk up the primary house’s interior stairs in order to access the affordable attic unit,” he writes in *Backdoor Revolution: The Definitive Guide to ADU Development*. “Over the years that each of them lived there, the tenants became parts of our family.”



Providing places to park

ADU regulations often include off-street-parking minimums on top of what’s already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there’s insufficient physical space to accommodate the parking. However, additional parking often isn’t needed.

Data from Portland, Oregon, shows that there are an average of 0.93 cars for each ADU, and that about half of all such cars are parked on the street. With fewer than 2 percent of Portland homes having ADUs (the highest percentage in the country), there is about one extra car parked on the street every six city blocks. This suggests that any impacts on street parking from ADUs are likely to be quite small and dispersed, even in booming ADU cities.

More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling’s existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using some combination of off-street parking, curb parking, and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It’s not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren’t reflected in certificates of occupancy or by safety inspections.

Some cities have found that legalizing ADUs, simplifying ADU regulations and/or waiving fees can be effective at getting the owners of illegal ADUs to “go legit” — and address safety problems in the process.

Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities take a simple approach, regulating ADUs just as they do other homes. So if a home-based childcare service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples include:

Limiting short-term rentals

ADUs tend to work well as short-term rentals. They're small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that's affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they “greatly value the ability to use an

ADU flexibly.” For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visiting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals often regulate them across all housing types. If there are already rules like this, special ones might not be needed for ADUs. An approach employed in Portland, Oregon, is to treat ADUs the same except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

Requiring owner-occupancy

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by filing an annual statement confirming residency. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate.

While not technically ADUs, tiny houses can serve a similar purpose

► Because tiny houses — such as the 100-square-foot “Lucky Penny,” pictured — are built on a trailer with wheels rather than on a fixed foundation, they are typically classified as recreational vehicles (RVs) rather than permanent residences. Although tiny homes are usually smaller than 400 square feet, many of them do contain a kitchen and bathroom.



Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Ditilh, PhotoXplorer



ABOVE-GARAGE ADU



DETACHED-BEDROOM ADU



DETACHED ADU

- An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)
- ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.
- An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.
- Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.
- ADUs help to improve housing affordability and diversify a community's housing stock without changing the physical character of a neighborhood.
- ADUs are a beneficial — and needed — housing option for people of all ages.

Learn more about ADUs and
order or download

The ABCs of ADUs
by visiting
AARP.org/ADU

Sign up for the free, weekly
**AARP Livable
Communities
e-Newsletter**

Be among the first to learn when
AARP releases more livability
guides and resources.

AARP.org/Livable-Subscribe

AARP®
Real Possibilities



Accessory Dwelling Units: Case Study



U.S. Department of Housing and Urban Development
Office of Policy Development and Research



Visit PD&R's website

www.huduser.org

to find this report and others sponsored by HUD's Office of Policy Development and Research (PD&R). Other services of HUD USER, PD&R's Research Information Service, include listservs; special interest reports, bimonthly publications (best practices, significant studies from other sources); access to public use databases; hotline 1-800-245-2691 for help accessing the information you need.

Accessory Dwelling Units: Case Study

Prepared for:
U.S. Department of Housing and Urban Development
Office of Policy Development and Research

Prepared by:
Sage Computing, Inc.
Reston, VA

June 2008

Table of Contents

Introduction..... I

History of ADUs..... I

Types of Accessory Dwelling Units.....2

Benefits of Accessory Dwelling Units.....2

Examples of ADU Ordinances and Programs.....3

Conclusion.....7

Appendix A.....A-I

Appendix B.....B-I

Appendix C.....C-I

Appendix D.....D-I

Appendix E.....E-I

Appendix F.....F-I

Accessory Dwelling Units: Case Study

Introduction

Accessory dwelling units (ADUs) — also referred to as accessory apartments, second units, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence.¹ This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs.

History of ADUs

Development of accessory dwelling units can be traced back to the early twentieth century, when they were a common feature in single-family housing.² After World War II, an increased demand for housing led to a booming suburban population. Characterized by large lots and an emphasis on the nuclear family, suburban development conformed to Euclidean-type zoning codes, a system of land-use regulations that segregate districts according to use.³

Suburbs continued to be a prevalent form of housing development throughout the 1950s and 1960s. The rapid growth of suburbs reinforced the high demand for lower-density development, and ultimately led most local jurisdictions to prohibit ADU construction. In spite of zoning restrictions, illegal construction of ADUs continued in communities where the existing housing stock was not meeting demand; San Francisco was one such community. During World War II, the Bay Area experienced a defense boom that created a high demand for workforce housing, resulting in a large number of illegally constructed second units. By 1960, San Francisco

housed between 20,000 to 30,000 secondary units, 90 percent of which were built illegally.⁴

In response to suburban sprawl, increased traffic congestion, restrictive zoning, and the affordable housing shortage, community leaders began advocating a change from the sprawling development pattern of suburban design to a more traditional style of planning. Urban design movements, such as Smart Growth and New Urbanism, emerged in the 1990s to limit automobile dependency and improve the quality of life by creating inclusive communities that provide a wide range of housing choices. Both design theories focus on reforming planning practices to create housing development that is high density, transit-oriented, mixed-use, and mixed-income through redevelopment and infill efforts.⁵

In the late 1970s to the 1990s, some municipalities adopted ADU programs to permit the use and construction of accessory units. Many of these programs were not very successful, as they lacked flexibility and scope. Although a number of communities still restrict development of accessory dwelling units, there is a growing awareness and acceptance of ADUs as an inexpensive way to increase the affordable housing supply and address illegal units already in existence.



Interior ADU — located in attic space
Photo credit: Town of Barnstable, Massachusetts

¹ Municipal Research and Services Center of Washington, *Accessory Dwelling Units*, October 1995, <http://www.mrsc.org/Publications/textadu.aspx#tenant>.

² Transportation and Land Use Coalition, *Accessory Dwelling Units*, <http://www.transcoalition.org/ia/acssdwel/01.html#body>.

³ Transportation Research Board, *The Costs of Sprawl Revisited*, 1998, http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_39-a.pdf.

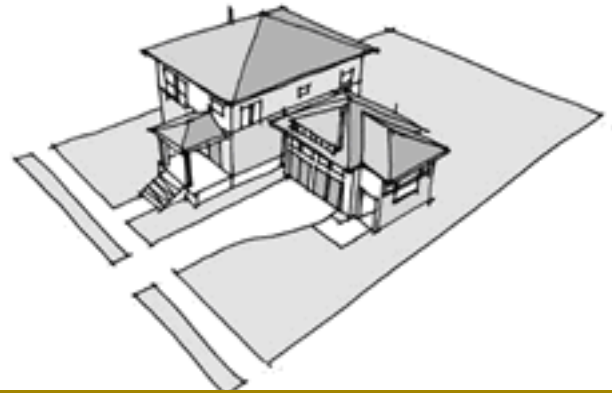
⁴ San Francisco Planning and Urban Research Association, *Secondary Units: A Painless Way to Increase the Supply of Housing*, August 2001, <http://www.spur.org/newsletters/0801.pdf>.

⁵ New Urban News, *The New Urbanism — An alternative to modern, automobile-oriented planning and development*, July 2004, <http://www.newurbannews.com/AboutNewUrbanism.html>.

Types of Accessory Dwelling Units

Depending on their location relative to the primary dwelling unit, ADUs can be classified into three categories: interior, attached, and detached.⁶ Interior ADUs are located within the primary dwelling, and are typically built through conversion of existing space, such as an attic or basement.

Attached ADUs are living spaces that are added on to the primary dwelling. The additional unit can be located to the side or rear of the primary structure, but can also be constructed on top of an attached garage. Detached ADUs are structurally separate from the primary dwelling. They can be constructed over existing accessory structures, such as a detached garage, or they can be built as units that are separate from accessory and residential structures.



ADU attached to the side of a garage addition
Illustration: RACESTUDIO and city of Santa Cruz

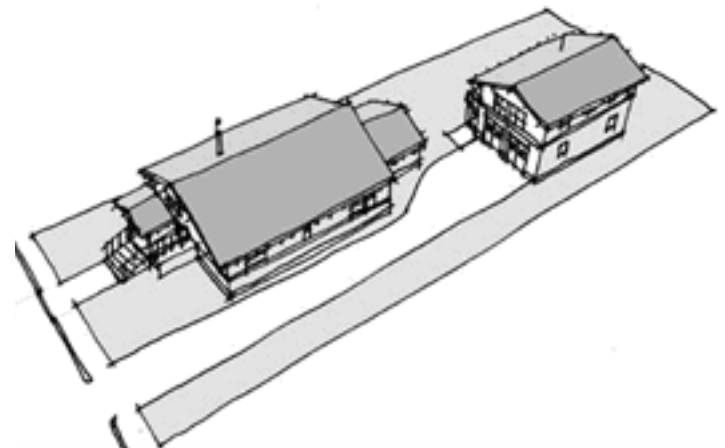
Benefits of Accessory Dwelling Units

Accessory dwelling units offer a variety of benefits to communities. They help increase a community's housing supply, and since they cost less than a new single-family home on a separate lot, they are an affordable housing option for many low- and moderate-income residents.⁷ Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults just entering the workforce find ADUs convenient and affordable.⁸ In addition to increasing the supply of affordable housing, ADUs benefit homeowners by providing extra income that can assist in mitigating increases in the cost of living.



Attached ADU
Photo credit: <http://mass.gov>

Accessory dwelling units have other advantages as well. They can be designed to blend in with the surrounding architecture, maintaining compatibility with established neighborhoods and preserving community character. Furthermore, there is no need to develop new infrastructure, since ADUs can be connected to the existing utilities of a primary dwelling. Allowing ADUs facilitates efficient use of existing housing stock, helps meet the demand for housing, and offers an alternative to major zoning changes that can significantly alter neighborhoods.⁹



Detached two-story ADU over garage
Illustration: RACESTUDIO and city of Santa Cruz

⁶ Transportation and Land Use Coalition.

⁷ Atlanta Regional Commission, *Accessory Dwelling Units*, August 2007, http://www.atlantaregional.com/documents/Accessory_Dwelling_Units_.pdf.

⁸ Ibid.

⁹ Municipal Research and Services Center of Washington.

Examples of ADU Ordinances and Programs

The following section of the case study provides an overview of ADU ordinances that have been adopted by five communities from across the nation. To gain a wider understanding of ADU programs in practice, the five communities have been chosen to represent a diverse range of geographic, demographic, and socioeconomic characteristics with different land use and growth control policies.

Lexington, Massachusetts

Lexington, Massachusetts is an affluent historic town, located 11 miles northwest of Boston, with a population of 30,355.¹⁰ According to the town's 2002 Comprehensive Plan, Lexington has largely exhausted its vacant unprotected land supply and is a highly built-out suburb with less than 1,000 acres of land available for new development.¹¹ Approximately 18 percent of the households in Lexington are eligible for affordable housing of some sort, and with a median home sales price of over \$600,000, many residents are being priced out of the housing market.¹² This limited growth potential and strong demand for affordable housing has led to the adoption of accessory apartment programs. The town implemented its first accessory unit bylaw in 1983, resulting in the construction of 60 units. In February of 2005, Lexington amended its bylaws to improve the clarity and flexibility of its ADU program.¹³ The town affirmed that the purpose of promoting ADUs is to increase the range of housing choices, encourage population diversity, and promote efficient use of the housing supply while maintaining the town's character.

The amended bylaws reduce or eliminate minimum lot size requirements, allow ADUs 'by-right' in homes built as recently as five years ago, and allow second units by special permit in new construction, or as apartments in accessory structures. The Lexington Zoning Code allows two ADUs per lot, provided the primary dwelling is connected to public water and sewer systems.¹⁴ Provisions allow absentee ownership for two years under special circumstances. In addition, a minimum of one off-street parking space

must be provided for every accessory unit. The by-right accessory apartments must be located within the primary dwelling and are allowed on lots that are at least 10,000 square feet. The maximum gross floor area of a by-right accessory apartment is 1,000 square feet and the unit cannot have more than two bedrooms.¹⁵

Increased flexibility in the program has proven beneficial to Lexington in the development of ADUs. According to Aaron Henry, Senior Planner for Lexington, the town's Housing Partnership Board is launching an education and outreach campaign for their ADU program to raise public interest.

Santa Cruz, California

Santa Cruz, California is a seaside city with a population of 54,600; it is one of the most expensive cities in the country in which to live. In 2006, the median price for a single-family home in Santa Cruz was \$746,000, which only 6.9 percent of the city residents could easily afford.¹⁶ In spite of the high cost of living, the city continues to be a desirable destination on account of its scenic location and proximity to San Francisco and the Silicon Valley. The location of a campus of the University of California — the area's largest employer — also adds to the demand for housing in Santa Cruz.¹⁷ Another contributing factor is the limited amount of land allowed for development within the city's



Detached ADU over garage — design by Boone/Low Architects and Planners

Illustration: RACESTUDIO and city of Santa Cruz

¹⁰ U.S. Census 2000, www.census.gov.

¹¹ Town of Lexington, *Comprehensive Plan*, 2002, <http://ci.lexington.ma.us/Planning/CompPlan.htm>.

¹² Town of Lexington, *Lexington Housing Strategy*, October 2007, [http://ci.lexington.ma.us/Planning/Documents/Housing%20Strategy%20\(Oct%202007\).pdf](http://ci.lexington.ma.us/Planning/Documents/Housing%20Strategy%20(Oct%202007).pdf).

¹³ The Massachusetts Smart Growth/Smart Energy Toolkit, *Accessory Dwelling Units (ADU) Suburban Case Study*, http://www.mass.gov/envir/smart_growth_toolkit/pages/CS-adu-lexington.html.

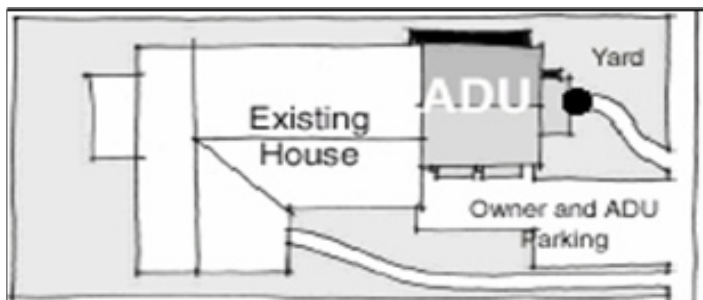
¹⁴ See Appendix A.

¹⁵ Town of Lexington, <http://ci.lexington.ma.us>.

¹⁶ City of Santa Cruz, <http://www.ci.santa-cruz.ca.us>.

¹⁷ Fred Bernstein, *Granny Flats for Cool Grannies*, February 2005, <http://www.fredbernstein.com/articles/display.asp?id=91>.

greenbelt. In order to preserve the greenbelt while accommodating new growth, promoting public transportation, and increasing the supply of affordable housing, the city adopted a new ADU ordinance in 2003.



Prototype site layout for attached ADU – ADU Manual
Illustration: RACESTUDIO and city of Santa Cruz

This ordinance sets forth regulations for the location, permit process, deed restrictions, zoning incentives, and design and development standards for ADUs. Accessory dwelling units are permitted in designated residential zones on lots that are at least 5,000 square feet in area. No more than one ADU per lot is allowed and the property owner must occupy the primary or accessory dwelling unit. ADUs that do not meet the permitting requirements stipulated in the ordinance must undergo a public hearing process. Development fees are waived for ADUs made available for low- and very-low-income households.¹⁸

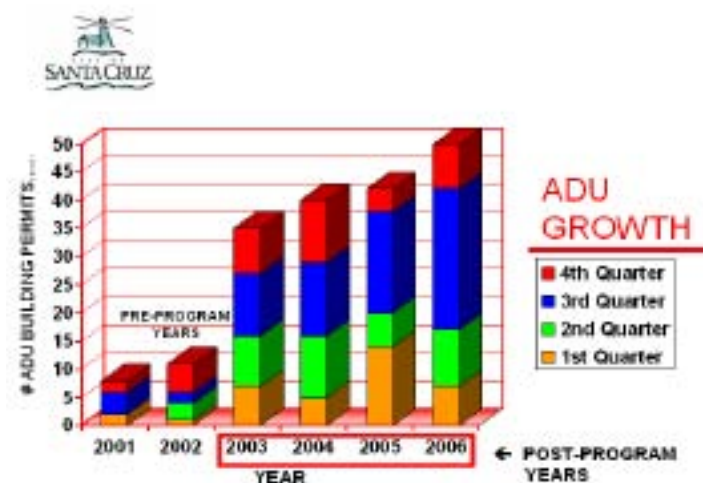
In addition to the ordinance that regulates the development of ADUs, Santa Cruz has established an ADU development program with three major components: technical assistance, a wage subsidy and apprentice program, and an ADU loan program.¹⁹ As part of the technical assistance program, the city published an ADU Plan Sets Book that contains design concepts developed by local and regional architects. Homeowners can select one of these designs and receive permits in an expedited manner. In addition, the city offers an ADU Manual, which provides homeowners with information on making their ADU architecturally compatible with their neighborhood, zoning regulations relevant to ADUs, and the permitting process.

Santa Cruz's ADU Development Program has won numerous awards and has been used as a model by other communities. According to Carol Berg, who is the housing and community development manager for the city, an average of 40 to 50 ADU permits have been approved every year since the start of the program. She attributes the program's success primarily to zoning changes that were adopted to facilitate development of ADUs, such as the elimination of covered parking requirements.

Portland, Oregon

With a population of approximately 530,000, Portland is the most populous city in the state of Oregon, and is noted for its strong land use control and growth management policies. Although Portland has had an ADU program in place for several years, ADU development was not effectively promoted until 1998, when the city amended its laws to relax the regulations governing ADUs.²⁰ The amendments eliminated the minimum square footage and owner-occupancy requirements. ADUs are now allowed in all residential zones with relaxed development standards.

Portland's regulations permit the construction of ADUs on lots with a single-family home, as long as they are smaller, supplementary to the primary residence, and no more than 800 square feet.²¹ They can be created by conversion of an existing structure or by construction of a new building. An early assistance process is available to help with project development for ADUs created through the conversion of an existing structure. ADUs that meet all the standards are permitted by right and do not require a land use review. No additional parking is required for accessory



ADU Permits approved for the city of Santa Cruz
Source: City of Santa Cruz

¹⁸ See Appendix B.

¹⁹ City of Santa Cruz, *Accessory Dwelling Unit Development Program*, <http://www.ci.santa-cruz.ca.us>.

²⁰ Barbara Sack, city of Portland.

²¹ See Appendix C.

units. Portland's ADU program guide outlines ways to bring existing nonconforming units into compliance.

The city considers ADUs to be more affordable than other housing types because of the efficiency of the units in using fewer resources and reducing housing costs. City planner Mark Bello notes that allowing more ADUs did increase the housing supply, and that city residents viewed ADUs positively and were satisfied with the changes made. He also added, "There were no significant negative issues that arose from liberalizing Portland's code."

Barnstable, Massachusetts

With seven villages within its boundaries and a total population of 47,821, the town of Barnstable is the largest community in both land area and population on Cape Cod.²² Approved in November 2000, Barnstable's Accessory Affordable Apartment or Amnesty Program is a component of its Affordable Housing Plan.²³ The program guides creation of affordable units within existing detached structures or new affordable units within attached structures. Eligibility for the program is limited to single-family properties that are owner-occupied and multifamily properties that are legally permitted.

Barnstable's amnesty program is seen as a way to bring the high number of existing illegal ADUs into compliance with current requirements. In order to bring a unit into compliance, the property owner must agree to rent to low-income tenants — those earning 80 percent or less



ADU over detached garage
Photo credit: Town of Barnstable



ADU on lower level of primary dwelling
Photo credit: Town of Barnstable

of the area median income — with a minimum lease term of one year. The amnesty program offers fee waivers for inspection and monitoring of units and designates town staff to assist homeowners through the program's administrative process. The town can access Community Development Block Grant funds to reimburse homeowners for eligible costs associated with the rehabilitation or upgrade of an affordable ADU. Homeowners are also offered tax relief to offset the negative effects of deed restrictions that preserve the affordability of the units.²⁴

Through its Amnesty Program, the town of Barnstable has successfully brought many of its illegal accessory units into compliance, with the added benefit of increasing the supply of affordable housing. Since the start of the program, Barnstable has approved 160 affordable ADUs. Beth Dillen, Special Projects Coordinator for the town's Growth Management Department, noted that "the ADU program has been very well received and there has been no neighborhood opposition." The program has been successful in converting existing illegal accessory apartments into code-compliant ADUs. According to Building Commissioner Tom Perry, "The benefit to this program is twofold. It is increasing the affordable housing supply and it also makes units, that before were unsafe and illegal, safe and legal."

Wellfleet, Massachusetts — Home of Oysters...and ADUs

Wellfleet is located in Barnstable County, Massachusetts. Located on Cape Cod, Wellfleet is a tourist town with a

²² U.S. Census 2000, www.census.gov.

²³ See Appendix D.

²⁴ Town of Barnstable, *Accessory Affordable Apartment Program*, http://www.town.barnstable.ma.us/GrowthManagement/CommunityDevelopment/AssessoryHousing/AAAP-BROCHURE_rev041206.pdf.

year-round population of 3,500, which increases to 17,000 in the summer months. Sixty-one percent of the land area in Wellfleet is part of the Cape Cod National Seashore and about 70 percent of the entire land area is protected from development.²⁵ Wellfleet also has a growing concentration of elderly residents 65 years and older. A housing needs assessment study conducted by the town in 2006 recommended the adoption of an affordable ADU program to meet elderly housing needs and to increase the supply of affordable multifamily rental units.²⁶



Interior ADU – Town of Wellfleet
Photo credit: Town of Wellfleet

The affordable ADU bylaw for Wellfleet allows up to three ADUs per lot in any district, but requires approval of a special permit from the Zoning Board of Appeals. Secondary units may be within, attached to, or detached from a



Detached ADU – Town of Wellfleet
Photo credit: Town of Wellfleet

primary structure, and may not be larger than 1,200 square feet. Homeowners with pre-existing attached and nonconforming accessory apartments may only make changes that increase the conformity of the structures.²⁷

Unless the provisions are specifically waived, the construction of new ADUs must conform to all zoning bylaw provisions and the owner of the property must occupy either the ADU or the primary dwelling. Detached units must comply with all setback requirements. Owners are required to rent to low- or moderate-income households. Maximum rents follow the Fair Market Rental Guidelines published by HUD and the property owners must submit annual information on rents to be charged.

To encourage participation in the ADU program, Wellfleet has instituted a new affordable accessory dwelling unit loan program.²⁸ The program offers interest-free loans for homeowners to develop affordable accessory units. The funds can also be used by homeowners to bring their ADU up to code. Wellfleet offers tax exemptions to homeowners on the portion of the property that is rented as an affordable unit. According to Nancy Vail, Assessor for the Town of Wellfleet, the combined tax savings for all ADU property owners totaled \$7,971.17 for fiscal year 2008. Sixteen units have been approved since the start of the program in November 2006.

Fauquier County, Virginia

Fauquier County is a largely rural county located about 50 miles outside of Washington, D. C. Beginning in 1967, Fauquier County adopted strict zoning regulations to limit growth to nine defined areas as a means of preserving farmland and open space; in effect, establishing growth boundaries.²⁹ However, the county population is rapidly increasing. The 2006 U.S. Census population estimate for Fauquier County was 66,170, a 20 percent increase from 2000. A needs assessment study by the Fauquier County Affordable Housing Task Force found that between 2000 and 2006, the median housing price in Fauquier County increased 127 percent, while the median household income increased 21 percent. To accommodate its growing population, especially the need for workforce housing, the county encourages infill development within the nine defined areas, and is active in reducing barriers to affordable housing.

²⁵ Town of Wellfleet, <http://www.wellfleetma.org>

²⁶ Town of Wellfleet, *Housing Needs Assessment*, 2006, http://www.wellfleetma.org/Public_Documents/WellfleetMA_LocalCompPlan/Appendix8.pdf.

²⁷ See Appendix E.

²⁸ Town of Wellfleet, *Affordable Accessory Dwelling Unit Program*, http://www.wellfleetma.org/Public_Documents/WellfleetMA_WebDocs/AADU.pdf.

²⁹ Keith Schneider, *New Approaches to Shaping Community Futures*, March 1997, Michigan Land Use Institute, <http://www.mlui.org/growthmanagement/fullarticle.asp?fileid=3862>.

Fauquier County recognizes three different types of accessory units: family dwellings, efficiency apartments, and tenant houses.³⁰ Family dwelling units are detached accessory units constructed for use by the homeowner's family member(s); they must be occupied by no more than five people, at least one of them related to the owner. Family dwelling units may be as large as 1,400 square feet in size and are permitted in both rural and many residentially zoned areas. Efficiency apartments are alternatives to family dwelling units and are attached to either the primary residence or to an accessory structure, such as a garage. The size is limited to 600 square feet or 25 percent of the gross floor area of the main dwelling, whichever is greater. Efficiencies may not be occupied by more than two unrelated people and are allowed in rural and residential-zoned areas. Tenant houses are detached dwellings built on the property for the purpose of supporting agricultural land uses. At least one person occupying the tenant house must work on the property. Tenant houses have no size limits. They are allowed only on rurally zoned areas or properties of at least 50 acres, with one tenant house for every 50 acres of a property.

Development of ADUs in Fauquier County depends on the zoning, the size of the property, and availability of septic/sewer and water services. Each of the unit types is approved by the Fauquier Office of Zoning Permitting and Inspections, with a building permit, provided that the units meet zoning requirements. According to the county's zoning office, 155 accessory dwelling units and 37 efficiency apartments were permitted from 1997 to 2007.

Conclusion

At the height of the suburbanization of the United States in the 1950s and 1960s, high-density development became undesirable. Instead, communities favored low-density development defined by large-lot single-family homes. Accessory apartments that were once a common feature in many homes were excluded from zoning ordinances. However, growing demand for affordable housing (coupled with the limited amount of land available for development in many communities) has led to changing attitudes about the use and development of accessory apartments. An

increasing number of communities across the nation are adopting flexible zoning codes within low-density areas in order to increase their affordable housing supply.

Communities find that allowing accessory dwelling units is advantageous in many ways. In addition to providing practical housing options for the elderly, disabled, empty nesters, and young workers, ADUs can provide additional rental income for homeowners. ADUs are smaller in size, do not require the extra expense of purchasing land, can be developed by converting existing structures, and do not require additional infrastructure. They are an inexpensive way for municipalities to increase their housing supply, while also increasing their property tax base. By providing affordable housing options for low- and moderate-income residents, communities can retain population groups that might otherwise be priced out of the housing market.

The examples provided in the previous section involve communities that have to rely on existing housing stock to meet rising demand, either due to lack of developable land or strict growth management regulations. Portland and Fauquier County have adopted ADU ordinances to increase housing supply within their growth boundaries. Communities that are built out or have limited available land benefit from allowing the development of accessory units, as in Lexington and Wellfleet. Barnstable's amnesty program shows how to successfully bring a large number of existing illegal accessory units into compliance. In addition to allowing ADUs in all residential zones, Santa Cruz has attracted interest in ADU development by publishing an ADU Manual and Plan Sets Book with seven prototype designs for accessory units.

A community can tailor ADU ordinances to suit its demographic, geographic, and socioeconomic characteristics. The communities discussed in this case study provide loan programs, tax incentives, streamlined permitting, and reduced development fees as part of their ADU programs. In order for an ADU program to succeed, it has to be flexible, uncomplicated, include fiscal incentives, and be supported by a public education campaign that increases awareness and generates community support.

³⁰ See Appendix F.

Appendix A — Town of Lexington, Massachusetts, Article V, 135-19, Accessory Apartments

§ 135-19. Accessory apartments. [Amended 5-2-1988 ATM by Art. 41; 4-10-1989 ATM by Art. 41; 4-4-1990 ATM by Art. 36; 4-4-2005 ATM by Art. 10]

An accessory apartment is a second dwelling subordinate in size to the principal dwelling unit on an owner-occupied lot, located in either the principal dwelling or an existing accessory structure. The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures. Three categories of accessory apartments are permitted: by-right accessory apartments, which are permitted as of right, and special permit accessory apartments and accessory structure apartments, which may be allowed by a special permit.

A. General objectives. The provision of accessory dwelling units in owner-occupied dwellings is intended to:

- (1) Increase the number of small dwelling units available for rent in the Town;
- (2) Increase the range of choice of housing accommodations;
- (3) Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.

B. Conditions and requirements applicable to all accessory apartments.

(1) General.

- (a) There shall be no more than two dwelling units in a structure, and no more than two dwelling units on a lot.
- (b) There shall be no boarders or lodgers within either dwelling unit.
- (c) No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.
- (d) The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units, except for temporary absences as provided in Subsection B (1) (e). For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence...

(2) Exterior appearance of a dwelling with an accessory apartment. The accessory apartment shall be designed so that the appearance of the structure maintains that of a one-family dwelling....

(3) Off-street parking. There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the accessory apartment....

C. By-right accessory apartments shall be permitted so long as the requirements set forth in the §135-19B are satisfied and the following criteria in this section are met:

- (1) The lot area shall be at least 10,000 square feet.
 - (2) The apartment shall be located in the principal structure.
 - (3) The maximum gross floor area of the by-right accessory apartment shall not exceed 1,000 square feet.
 - (4) There shall not be more than two bedrooms in a by-right accessory apartment.
 - (5) There shall be no enlargements or extensions of the dwelling in connection with any by-right accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.
 - (6) The entire structure containing the by-right accessory apartment must have been in legal existence for a minimum of five years at the time of application for a by-right accessory apartment.
- D. Special permit accessory apartments. If a property owner cannot satisfy the criteria for by-right accessory apartments that are set forth in § 135-19C above, the property owner may apply for a special permit from the Board of Appeals....
- E. Accessory structure apartments. Notwithstanding any provisions of this Zoning By-Law that state an accessory apartment shall be located in a structure constructed as a detached one-family dwelling and the prohibition in § 135-35D against having more than one dwelling on a lot, the Board of Appeals may grant a special permit as provided in § 135-16, Table I, line 1.22C, to allow the construction of an accessory apartment in an existing accessory structure which is on the same lot in the RS, RT, KO, RM or CN District as an existing one-family dwelling provided:
- (1) Lot area is at least 18,000 square feet if in the RS, RT, or CN District, at least 33,000 square feet if in the RO District, and at least 125,000 square feet if in the RM District;
 - (2) The structure containing the accessory structure apartment was in legal existence for a minimum of five years and had a minimum of 500 square feet of gross floor area as of five years prior to the time of application;
 - (3) The maximum gross floor area of the accessory structure apartment does not exceed 1,000 square feet. An addition to an accessory structure may be permitted, but no addition shall be allowed which increases the gross floor area of the structure to more than 1,000 square feet. The gross floor area for the accessory apartment shall not include floor area used for any other permitted accessory use. The accessory apartment cannot contain floor area that has been designed, intended or used for required off-street parking to serve the principal dwelling;...

Appendix B — City of Santa Cruz, California, Title 24, Zoning Ordinance, Chapter 24.16, Part 2: ADU Zoning Regulations

24.16.100 Purpose.

The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Thus, it is found that accessory units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities that are compatible with single-family development...

24.16.120 Locations Permitted.

Accessory dwelling units are permitted in the following zones on lots of 5000 square feet or more...

24.16.130 Permit Procedures.

The following accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.160.

1. Any accessory dwelling unit meeting the same development standards as permitted for the main building in the zoning district, whether attached or detached from the main dwelling.
2. Any single story accessory dwelling unit.

Any accessory dwelling unit not meeting the requirements above shall be conditionally permitted uses within the zoning districts specified in Section 24.16.120 and shall be permitted by administrative use permit at a public hearing before the zoning administrator, subject to the findings per Section 24.16.150 and the development standards in Section 24.16.160...

24.16.160 Design and Development Standards.

All accessory dwelling units must conform to the following standards:

1. **Parking.** One parking space shall be provided on-site for each studio and one bedroom accessory unit. Two parking spaces shall be provided on site for each two bedroom accessory unit. Parking for the accessory unit is in addition to the required parking for the primary residence. (See Section 24.16.180 for parking incentives.)
2. **Unit Size.** The floor area for accessory units shall not exceed five hundred square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an accessory unit may be up to 640 square feet and, for lots in excess of 10,000 square feet, a unit may be up to 800 square feet. In no case may any combination of buildings occupy more than thirty percent of the required rear yard for the district in which it is located, except for units which face an alley, as noted below. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.
3. **Existing Development on Lot.** A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.
4. **Number of Accessory Units Per Parcel.** Only one accessory dwelling unit shall be allowed for each parcel...

24.16.170 Deed Restrictions.

Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory unit shall not be sold separately.
2. The unit is restricted to the approved size.
3. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence...

26.16.180 Zoning Incentives.

The following incentives are to encourage construction of accessory dwelling units.

1. **Affordability Requirements for Fee Waivers.** Accessory units proposed to be rented at affordable rents as established by the city, may have development fees waived per Part 4 of Chapter 24.16 of the Zoning Ordinance...
2. **Covered Parking.** The covered parking requirement for the primary residence shall not apply if an accessory dwelling unit is provided...

24.16.300 Units Eligible for Fee Waivers.

Developments involving residential units affordable to low or very-low income households may apply for a waiver of the following development fees:

1. Sewer and water connection fees for units affordable to low and very low income households.
2. Planning application and planning plan check fees for projects that are one hundred percent affordable to low and very-low income households.
3. Building permit and plan check fees for units affordable to very-low income households.
4. Park land and open space dedication in-lieu fee for units affordable to very low income households.
5. Parking deficiency fee for units affordable to very-low income households.
6. Fire fees for those units affordable to very-low income households.
(Ord. 93-51 § 6, 1993).

24.16.310 Procedure for Waiver of Fees.

A fee waiver supplemental application shall be submitted at the time an application for a project with affordable units is submitted to the city.
(Ord. 93-51 § 6, 1993)

Appendix C — City of Portland, Oregon, Title 33, Chapter 33.205: Accessory Dwelling Units

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

33.205.020 Where These Regulations Apply

An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R zone, except for attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

33.205.030 Design Standards...

C. Requirements for all accessory dwelling units. All accessory dwelling units must meet the following:

- I. Creation. An accessory dwelling unit may only be created through the following methods:
 - a. Converting existing living area, attic, basement or garage;
 - b. Adding floor area;
 - c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house, or manufactured home; or
 - d. Constructing a new house, attached house, or manufactured home with an internal or detached accessory dwelling unit.
2. Number of residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a household...
5. Parking. No additional parking is required for the accessory dwelling unit. Existing required parking for the house, attached house, or manufactured home must be maintained or replaced on-site.
6. Maximum size. The size of the accessory dwelling unit may be no more than 33% of the living area of the house, attached house, or manufactured home or 800 square feet, whichever is less...

D. Additional requirements for detached accessory dwelling units. Detached accessory dwelling units must meet the following.

- I. Setbacks. The accessory dwelling unit must be at least:

- a. 60 feet from the front lot line; or
 - b. 6 feet behind the house, attached house, or manufactured home.
2. Height. The maximum height allowed for a detached accessory dwelling unit is 18 feet.
3. Bulk limitation. The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the house, attached house, or manufactured home. The combined building coverage of all detached accessory structures may not exceed 15 percent of the total area of the site...

33.205.040 Density

In the single-dwelling zones, accessory dwelling units are not included in the minimum or maximum density calculations for a site. In all other zones, accessory dwelling units are included in the minimum density calculations, but are not included in the maximum density calculations.

Appendix D — Town of Barnstable, Massachusetts, Chapter 9, Article II - Accessory Apartments and Apartment Units

§ 9-12. Intent and purpose.

- A. The intent of this article is to provide an opportunity to bring into compliance many of the currently unpermitted accessory apartments and apartment units in the Town of Barnstable, as well as to allow the construction of new dwelling units accessory to existing single-family homes to create additional affordable housing.
- B. This article recognizes that although unpermitted and unlawfully occupied, these dwelling units are filling a market demand for housing at rental costs typically below that of units which are and have been lawfully constructed and occupied.
- C. It is in the public interest and in concert with its obligations under state law, for the Town of Barnstable to offer a means by which so-called unpermitted and illegal dwelling units can achieve lawful status, but only in the manner described below.
- D. It is the position of the Town of Barnstable that the most appropriate mechanism for allowing for the conversion of unlawful dwelling units to lawful units is found in MGL c. 40B, §§ 20 to 23, the so-called “Comprehensive Permit” program. This provision of state law encourages the development of low- and moderate-income rental and owner-occupied housing and provides a means for the Board of Appeals to remove local barriers to the creation of affordable housing units. These barriers include any local regulation such as zoning and general ordinances that may be an impediment to affordable housing development.
- E. The Local Comprehensive Plan states that the Town should commit appropriate resources to support affordable housing initiatives. Under this article, the Town commits the following resources to support this affordable housing initiative:
 - (1) Waiver of fees for the inspection and monitoring of the properties identified under this article;
 - (2) Designation of Town staff to assist the property owner in navigating through the process established under this article;
 - (3) To the extent allowable by law, the negative effect entailed by the deed restriction involved will be reflected in the property tax assessment; and
 - (4) To assist property owners in locating available municipal, state and federal funds for rehabilitating and upgrading the properties identified under this article.
- F. The Local Comprehensive Plan supports, in conjunction with a variety of other strategies, the conversion of existing structures for use as affordable housing...

§ 9-14. Amnesty program.

Recognizing that the success of this article depends, in part, on the admission by real property owners that their property may be in violation of the Zoning Ordinances of the Town, Editor’s Note: See Ch. 240, Zoning. the Town hereby establishes the following amnesty program:

- A. The threshold criteria for units being considered as units potentially eligible for the amnesty program are:
 - (1) Real property containing a dwelling unit or dwelling units for which there does not exist a validly issued variance, special permit or building permit, does not qualify as a lawful, nonconforming use or structure, for any or all the units, and that was in existence on a lot of record within the Town as of January 1, 2000; or

(2) Real property containing a dwelling unit or dwelling units which were in existence as of January 1, 2000, and which have been cited by the Building Department as being in violation of the Zoning Ordinance; and...

B. The procedure for qualifying units that meet the threshold criteria for the amnesty program is as follows:

(1) The unit or units must either be a single unit accessory to an owner occupied single-family dwelling or one or more units in a multifamily dwelling where there exists a legal multifamily use but one or more units are currently unpermitted;

(2) The unit(s) must receive a site approval letter under the Town's local Chapter 40B program;

(3) The property owner must agree that if s/he receives a comprehensive permit, the unit or units for which amnesty is sought will be rented to a person or family whose income is 80% or less of the area median income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and shall further agree that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Barnstable Housing Authority shall be deducted from HUD's rent level.

(4) The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit or units for which amnesty is sought, prepared by the Town of Barnstable, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of one or more units as rental units to a person or family whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area (MSA)...

§ 9-15. New units accessory to single-family owner-occupied dwellings.

For a proposed new unit to be eligible for consideration under the local chapter 40B program, it must be a single unit, accessory to an owner-occupied single-family dwelling, to be located within or attached to an existing residential structure or within an existing building located on the same lot as said residential structure and comply with the following:

A. The unit(s) must receive a site approval letter under the Town's local Chapter 40B program;

B. The property owner must agree that if s/he receives a comprehensive permit, the accessory dwelling unit will be rented to a person or family whose income is 80% or less of the area median income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and shall further agrees that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Barnstable Housing Authority shall be deducted from HUD's rent level.

C. The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit, prepared by the Town of Barnstable, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of the one unit as a rental unit to a person or family whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area (MSA)...

Appendix E — Town of Wellfleet, Massachusetts, 6.21 Affordable Accessory Dwelling Units

Purpose: For the purpose of promoting the development of affordable rental housing in Wellfleet for year-round residents, a maximum of three affordable accessory dwelling units per lot may be allowed subject to the requirements, standards and conditions listed below:

6.21.1 Up to three affordable accessory dwelling units per lot may be allowed in any district by Special Permit from the Zoning Board of Appeals.

6.21.2 Affordable accessory dwelling units created under this by-law shall be occupied exclusively by income-eligible households, as defined by the guidelines in numbers 6.21.4 and 6.21.5 below. The affordability requirements of this by-law shall be imposed through conditions attached to the Special Permit issued by the Zoning Board of Appeals. No accessory apartment shall be constructed or occupied until proof of recording is provided to the Inspector of Buildings.

6.21.3 Requirements and Standards

- A. Affordable accessory dwelling units may be located within or attached to a principal dwelling, principal structure, a garage or constructed as a detached unit.
- B. Affordable accessory dwelling units shall not be larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section II of this Zoning By-law.
- C. Affordable accessory dwelling units within or attached to a principal dwelling, principal structure or garage that is pre-existing nonconforming shall not increase the nonconforming nature of that structure, except that any pre-existing accessory building may be eligible for conversion to an affordable accessory dwelling unit.
- D. Newly constructed detached accessory units shall comply with all applicable provisions of the Zoning By-law unless they are specifically waived by this by-law. Newly constructed detached accessory units shall comply with all setback requirements listed in Sections 5.4.2 of this Zoning By-law.
- E. Owners of residential property may occupy as a primary residence either the principal or accessory dwelling. For the purposes of this section, the “owner” shall mean one who holds legal or beneficial title.
- F. Septic systems are required to meet current Title 5 standards and shall be reviewed and approved by the Health Agent.
- G. The Inspector of Buildings and Health Agent shall inspect the premises for compliance with public safety and public health codes.
- H. No affordable accessory dwelling unit shall be separated by ownership from the principal dwelling unit or principal structure. Any lot containing an affordable accessory dwelling unit shall be subject to a recorded restriction that shall restrict the lot owner’s ability to convey interest in the affordable accessory dwelling unit, except leasehold estates, for the term of the restriction.

6.21.4 All occupants of the affordable accessory dwelling unit shall upon initial application and annually thereafter on the first of September, submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit. Specifically, all dwelling units must be rented to those meeting the guidelines for a low or moderate-income

family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Wellfleet median family income, and moderate income families shall have an income between eighty (80) and one hundred twenty (120) percent of the Town of Wellfleet median family income, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended.

6.21.5 Maximum rents shall be established in accordance with HUD published Fair Market Rental Guidelines. Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit information on annual rents charged to the Town or its agent. Forms for this purpose shall be provided. Rents may be adjusted annually in accordance with amendments to the Fair Market Rental Guidelines.

6.21.6 Procedure

- A. The property owner shall complete and submit an application for a Special Permit to the Zoning Board of Appeals in accordance with the Wellfleet Zoning Board of Appeals Rules and Procedures.
- B. The Zoning Board of Appeals shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of Massachusetts General Law, Chapter 40A and the Wellfleet Zoning By-law, Section 8.4.2 .
- C. Appeal under this section shall be taken in accordance with Section 17 of Massachusetts General Law, Chapter 40A.
- D. The property owner shall complete and submit to the Inspector of Buildings an application for a Building Permit to allow a change in use.
- E. The property owner shall obtain a Certificate of Occupancy from the Inspector of Buildings prior to the affordable accessory dwelling unit being occupied.

Penalty – Failure to comply with any provision of this section may result in fines established in Section 8.3 of the Wellfleet Zoning By-laws.

Appendix F — Fauquier County, Virginia Zoning Ordinance

ARTICLE 5 — ADMINISTRATIVE PERMITS, SPECIAL PERMITS AND SPECIAL EXCEPTIONS

5-104 Standards for an administrative permit for an Efficiency Apartment

1. Such a unit shall not be occupied by more than two persons.
2. Not more than one such unit shall be located on a lot.
3. Such a unit shall contain no more than 600 square feet of gross floor area or 25% of the total gross floor of the dwelling, whichever is greater.
4. Such a unit shall be located only on the same lot as the residence of the owner of the lot.
5. Architectural features of such a unit shall conform with the single family character of the neighborhood (e.g., no additional front doors).

5-105 Standards for an administrative permit for a Family Dwelling Unit

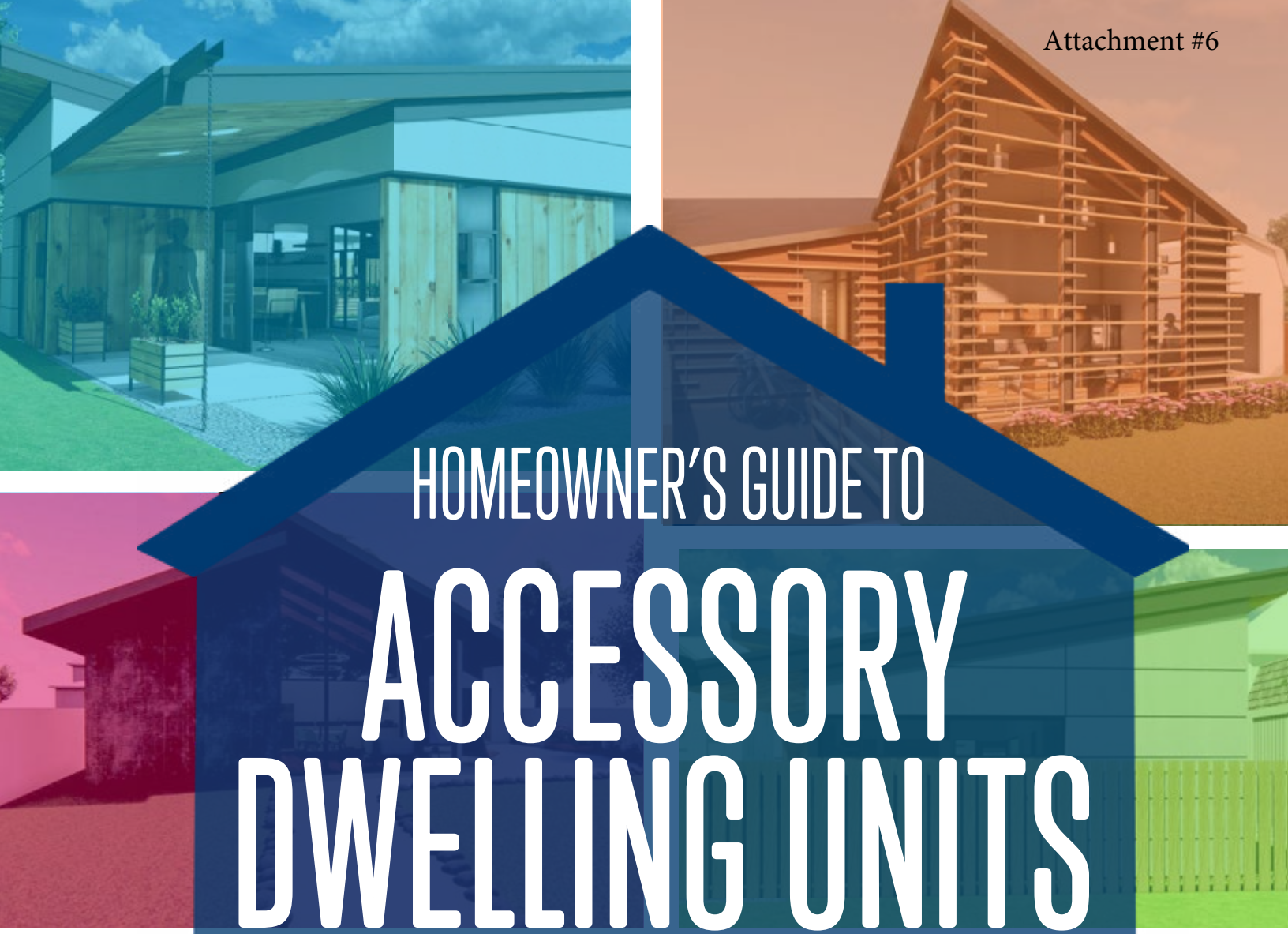
1. Such a unit shall not be occupied by more than five (5) persons, at least one of whom must be the natural or adopted parent, grandparent, child, grandchild, brother or sister of the owner and occupant of the single family residence on the same lot. Or, the lot owner may live in the family dwelling unit and allow such family members to reside in the main house. In either case, the lot owner must reside on the property.
2. Such a unit may be 1,400 square feet of gross floor area.
3. No dwelling units other than the principal structure (a single family dwelling) and one such family dwelling unit shall be located on one lot...

ARTICLE 6 - ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

6-102 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures, provided that such uses or structure shall be in accordance with the definition of Accessory Use contained in Article 15...

9. Guest house or rooms for guests in an accessory structure, but only on lots of at least two (2) acres and provided such house is without kitchen facilities, is used for the occasional housing of guests of the occupants of the principal structure and not as rental units or for permanent occupancy as housekeeping units...
14. Quarters of a caretaker, watchman or tenant farmer, and his family, but only in the Rural Districts at a density not to exceed one (1) unit per fifty (50) acres...
31. The letting for hire of not more than two rooms to not more than two persons for periods no shorter than one month...



HOMEOWNER'S GUIDE TO ACCESSORY DWELLING UNITS

TABLE OF CONTENTS

SECTION

1

INTRO TO ADUs

4-9

SECTION

2

GETTING STARTED

10-23

SECTION

3

DESIGNING YOUR ADU

24-43

SECTION

4

DESIGNING YOUR ADU

43-45





SECTION 1

INTRO TO ADUs

Accessory Dwelling Units (ADUs) present an opportunity to meet the demand for housing as Lexington's population continues to grow. In addition, ADUs can be used as a tool for enhancing existing neighborhoods by introducing a greater diversity among residents across age, ability-level and income, while providing an option to promote aging-in-place.

WHAT IS AN ADU?

An Accessory Dwelling Unit, or ADU, is a secondary housing unit built on a single-family residential lot. ADUs are significantly smaller than the primary residence and are typically not built at the time of the original home's construction.

While ADUs may have many different names depending on where you live, these small homes are clearly defined as dwelling units that are accessory to the principal residential structure. Usually they include only a kitchen, bathroom, bedroom, and limited living space given their emphasis on efficient size.

COMMON SYNONYMS FOR ADUs

Carriage house	Backyard cottage
Basement apartment	Garden cottage
Mother-in-law suite	Home expansion unit
Granny flat	Multi-generational home

An ADU is different from a duplex in that typically, a duplex has two equally sized, attached units, whereas ADUs are subordinate to the primary house. In Lexington, the allowable size of an ADU is limited under the zoning ordinance.

ADUs are not currently permitted in most residential areas in Lexington. However, this manual intends to introduce the many benefits ADUs hold for our community. The manual creates a foundation for the future public input that will inform new zoning regulations for safe and responsible ADU development. Once the appropriate ordinances are in place, it will also serve as a guidebook for those interested in navigating the process of building their own ADU.

This manual is intended for homeowners who are interested in constructing an ADU on their property. It provides guidance through the permitting process and the



KRISTY LARKIN ADU. PHOTO CREDIT: PORTLAND PHOTOS, ACCESSORYDWELLINGS.COM

design and construction principles that will enable a new ADU to seamlessly blend in to the context of an existing neighborhood.

WHAT ARE THE TYPES OF ADUs?



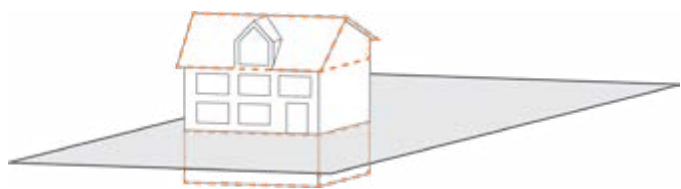
Detached ADU



Garage Conversion ADU



Addition ADU



Basement/Attic Conversion ADU

WHY ACCESSORY DWELLING UNITS?

The positive impact of ADUs can be seen in cities across the country. This section outlines just a few of the community benefits that ADUs bring—from supporting aging in place to boosting the local economy.

AGING IN PLACE

The U.S. Centers for Disease Control and Prevention outlines aging in place as “the ability to live in one’s own home and community safely, independently, and comfortably, regardless of age, income, or ability level.” ADUs allow seniors to downsize on their own properties, in their own familiar neighborhoods. A 2010 AARP survey found that 88 percent of respondents over age 65 wanted to remain in their homes for as long as possible, and 92 percent said they wanted to remain in their communities. To make these options viable, we must adapt homes and communities to meet the changing needs of aging residents, make available affordable housing options suitable for aging residents, and connect seniors to the services they need in the places that they live.

PROVIDE FOR MULTI-GENERATIONAL LIVING

Multi-generational housing arrangements occur for a variety of relational, cultural and financial reasons. As incomes do not always align with increasing home prices,

research has shown an increase in households with several generations living under one roof. ADUs offer greater housing flexibility and security for these multi-generational families who find it more practical, desirable, or economically feasible to live together rather than apart. Whether a family owns existing property that allows for ADUs, or whether they seek to purchase property with ADU potential, the benefits are numerous.

CAREGIVER ASSISTANCE

ADUs can be used to house aging parents or to provide a residence for persons with disabilities. Detached ADUs are ideal for those seeking some independence while providing easy access to additional living assistance on the same property. Both detached and attached ADUs may offer a more affordable and long-term alternative to nursing home care. Assisted living facilities can cost around \$6,000 a month, and intensive care options can run upwards of \$30,000 a month. Additionally, many find comfort in keeping their loved ones closer and the ability to provide for their everyday needs.

Alternatively, ADUs can be used for housing childcare providers or other caregivers who may be supporting the residents of the primary house. ADUs provide a variety of caregiving options.

COMMUNITY BENEFITS

ADUs provide benefits for both society and individuals. As infill development, they promote sustainability by making efficient use of existing infrastructure and help increase densities to levels at which transit becomes viable — yet with lower costs and quicker permitting processes than for larger, multi-family building types. Because ADUs tend to be relatively small and their amenities modest, they provide more affordable housing options at less than one-third of the cost of comparable units in multi-family buildings. Oftentimes, ADUs are the only rental housing available in older, predominantly single-family neighborhoods, making it possible for people from all walks of life to live in the area. Yet, they also significantly improve the value of the property.

ADUs HELP STABILIZE NEIGHBORHOODS

ADUs can be designed to blend in with the surrounding context and architecture, maintaining compatibility with established neighborhoods and preserving community character. Furthermore, in most cases there is no need to develop new infrastructure, since ADUs can utilize the existing utility lines provided for the primary dwelling.

ADUs facilitate efficient use of existing housing stock, support the demand for housing, and offer an alternative to major zoning changes.

As land values increase and create additional redevelopment pressure on neighborhoods, ADU development can offer alternatives to large-scale neighborhood redevelopment.

GOOD FOR THE LOCAL ECONOMY

In economic terms, the impact of ADUs can be significant. A \$100,000 ADU generates an additional \$80,000 of

indirect and induced spending in the economy, and if most purchases are made locally, each ADU creates one year-long local job. New property taxes from this type of infill development with higher property valuations, help to improve city services. If the new households are clustered, they may be able to help a neighborhood's struggling retail corridors become more viable.

THE MANY SHAPES OF ADUs



CONSIDERING THE COSTS OF BUILDING AN ADU

ADUs are major construction projects. The scale of costs means that building an ADU is a serious venture that involves financial risk. While it can certainly have a good payoff, homeowners should do their research when getting involved in such a project.

While the development budget includes all the costs required to design, permit, finance, and build an ADU, construction is usually the largest single expense category. Non-construction development costs include:

- Design
- Building permits and/or impact fees
- Financing (ie. lender fees, interest payments, etc.)
- Other professional fees based on the specific needs of your project (ie. surveyor, structural engineer, environmental assessment/clean-up, project manager, etc.)

If you are putting together an ADU project budget, make sure to research and quantify these costs too. They may be smaller than construction costs, but they are no less real.

Another factor to keep in mind is that ADUs typically cost more per square

foot than full sized homes. This is due to several reasons:

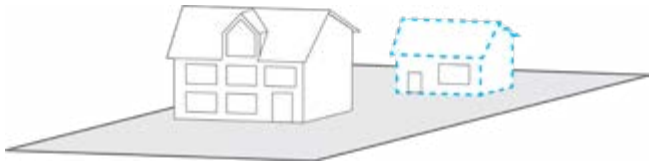
- The small size of ADUs reduces efficiency of scale for labor, coordination, and materials
- ADUs usually contain proportionally more kitchen and bathroom space (expensive) and less bedroom and hallway space (inexpensive)
- ADUs are more likely to be located in back yards, away from the street, which may increase costs to provide for excavating machinery or material deliveries
- ADUs are more likely to be built in tight locations where careful protection of existing structures and landscaping is required

Each site is different, every ADU is unique, and everyone's personal circumstances vary, so it is important to consider all of the factors that go into constructing a unit of your own. The benefits of ADUs are found throughout this document, but you will also want to consider these costs in undertaking your situational analysis.



WHAT IS THE BALLPARK COST OF CONSTRUCTING AN ADU?

DETACHED NEW CONSTRUCTION



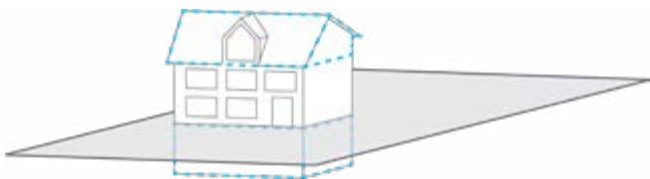
~ \$200-300/
SQUARE FOOT

GARAGE CONVERSION



~ \$150-250/
SQUARE FOOT

BASEMENT/ATTIC CONVERSION



~ \$100/
SQUARE FOOT

*Not including design and permitting fees.

*Compared to avg cost according to National Homebuilders of \$95/square foot.

SECTION 2

GETTING STARTED



Can I add an ADU to my property? —> What could my ADU look like? —> How much could it cost?

Refer to the map on page 17 to see if your property is zoned for an ADU.

Look up your property on Lexington's online property information map to see if your property's zone permits an ADU.

Lexington Map It!
<http://maps.lexingtonky.gov/mapit>

Contact or visit LFUCG's Planning Office.

Planning Office
Phoenix Building - 7th Floor
101 E. Vine St.
Lexington, KY
Hours: Monday - Friday: 8 a.m. - 5 p.m.
Phone: (859) 258-3160
Email: planningmailbox@lexingtonky.gov

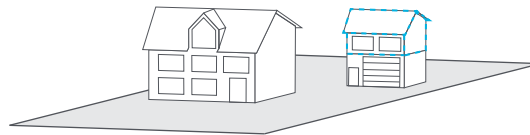
Detached ADU

see page 34

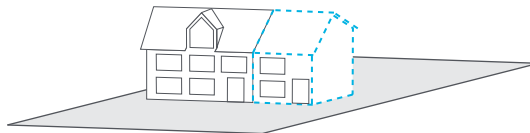


ADU over Garage

see page 38

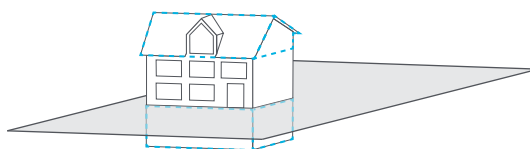


Attached ADU (Addition to Principle Residence)



Basement or Attic Conversion ADU

see page 42



Consider how you will finance your ADU and the potential costs associated with designing, permitting, and construction.

see page 8

Download the ADU Breakeven Calculator to estimate costs and potential revenue from your unit.

ADU Breakeven Calculator download at:
<https://accessorydwellings.org/adu-breakeven-calculator/>

! IMPORTANT NOTE

The ADU Prototypes described in this document are for preliminary planning purposes only.

Who doesn't love a good process diagram? When fully fleshed out, this page will provide a step-by-step guide for navigating the ADU process from beginning to end. It will be updated as processes are defined through the coming public input process, and continued collaboration with government agencies. For now, it provides a sample road map for what a completed process may look like. There is more to come!

OK, where do I begin?

Building an ADU usually requires an Architect, City Agencies, and a Contractor. The color coded circles in the diagram below indicate the key party involved for each step.

● Architect/Designer ● City Agencies ● Contractor

1 Interview and select a design professional

Design and Permitting

2 Pre-Application meetings with Planning and Building Inspection

3 Preliminary ADU Design

4 Complete Construction Drawings

5 Submit Building Permit and Pay Fees

9 Bids from Contractors

8 Building Permit Issued

7 Revise Drawings per City Agency Review

6 City Agency Review

10 Select Contractor Contract bidding can begin after Step 4

! potential neighborhood meetings and notification

Construction

11 Begin Construction

12 Construction Administration

13 Construction Inspections

✓ All Inspections Passed

14 Certificate of Occupancy

15 Approve Final Payment to Contractor

16 Handover to Owner.
Enjoy your new ADU!

**MORE TO COME
ON THIS DIAGRAM
FOLLOWING PUBLIC
INPUT.**

WHERE DO I START MY ADU PLANNING?

If you are interested in pursuing an Accessory Dwelling Unit, you will first want to stop by the County Clerk's Office and request a copy of any deed restrictions, covenants, or Homeowner Association requirements that may impact ADU construction on your property. Verifying that there are no privately (non-governmental) enforceable restrictions regarding ADUs is an important first step in the process.

Once you have completed that first step, stop by the City of Lexington's Division of Planning and ask to speak with a staff member. Planning staff will be available to help:

- Verify zoning information
- Check for existing environmental, sanitary sewer and/or stormwater issues in the area
- Discuss your vision for your property
- Explain the regulations (standards) governing ADUs
- Review design principles contained in Section 3 – Designing your ADU
- Provide important contact information for other agencies that will review the ADU application

EVALUATE YOUR SEWER CONNECTION

A lateral sewer line is the privately-owned pipe that connects a property to the City's municipal sanitary sewer system. Maintenance and upkeep is generally the responsibility of the homeowner. Therefore, it will be important to have a licensed plumber inspect your existing sewer lateral and its adequacy will later be a part of the permitting process. Doing this work up front will allow you to get a handle on any expensive repairs that may be necessary before moving forward. If needed repairs are in the right of way, they can be substantially more expensive than if they are on the building lot.

HIRE A DESIGN PROFESSIONAL

While this manual is intended to provide examples and steer an applicant through the process of building an ADU every site is unique and will require a professional to customize a set of plans for the unit you wish to build. You may need an architect, a landscape architect, an engineer, and/or a builder depending on your specific constraints.

When choosing a design professional, ask for references and look at previous experiences to find someone capable and familiar with navigating the development process. Often a professional with local experience can save you time and cost by anticipating the types of issues that typically arise during the permitting process.

DETERMINING FIT

Determining the ADU design that will fit your property and neighborhood context requires understanding your neighborhood's general patterns and a more focused examination of your lot and those of your neighbors'. These factors will inform the placement and orientation of your ADU, the treatment of outdoor spaces, and the ADU's architectural design.

PLACEMENT & ORIENTATION

Protecting the privacy of neighbors is a primary concern when determining the placement and orientation of your ADU. Consider the locations on your property where you could place the ADU to minimize impacts created by viewing private interior and exterior spaces, acoustical disturbances, exterior lighting, and entry routes used by ADU occupants. Whether attached, detached, one or two-story, each type of unit has its own set of privacy challenges.

The orientation of the ADU is another important privacy consideration. The orientation is the direction the unit faces once it is placed on the site. The entry, porches, private or shared outdoor spaces, window placement and closeness to property lines should be considered when orienting your unit.

OUTDOOR SPACES

Planning for privacy between the main house and the ADU should also be part of your design. Besides views from

windows, there are other considerations including the use of rear and side yard spaces, entry pathways, and the parking location for the ADU.

The way someone enters the ADU can cause privacy concerns as well. Planning the site to limit or screen uses next to private yard areas or to limit passing by private rooms to access the ADU can improve privacy. The location of parking can also have an impact on where tenants walk and the noises from after hour departures and arrivals. Alley lots and corner lots provide more flexibility in terms of locating ADU parking away from the owner's house.

When designing your ADU, there is an opportunity to plan which parts of the yard will be exclusively for the tenant's or home owner's use and which parts will be shared. These areas can be defined with landscaping, gardens, paving, and other creative devices.

ARCHITECTURAL DESIGN

Architectural design is another area of consideration. Many suburban subdivisions and sites located adjacent to commercial or industrial areas



provide opportunities to explore more contemporary design solutions for ADUs. Contemporary solutions can feature new energy saving technology or sustainable design, non-traditional indoor and outdoor spaces, or fanciful and sculptural roof and building forms. ADUs can also be designed to complement historic and traditional homes while incorporating the benefits of modern, energy efficient building systems.

Your existing house may provide a palette of roof forms, window design, materials and colors, and other architectural features that can be replicated. This would create an aesthetic and ownership connection between the main house and the ADU. More information on ADU design can be found in Section 3 – Designing your ADU.

INCORPORATE UNIVERSAL DESIGN

Universal Design (UD) is often referred to as “inclusive design” or “design for all”. If opting to age in place, it is important to choose this type of design for the home and for products because UD recognizes the wide range of human abilities (physical, cognitive and sensory). UD homes are usable for the activities of daily living by just about all people regardless of age and ability.

While there are 7 principles of universal

design which address aspects such as ease of use, minimal physical effort needed and so forth, it is basically a design approach that makes access and performance in activities of daily living do-able for most people with differing abilities. A remote garage door opener, light switches on dimmers, pull-out shelves, and adequate space around a commode for a wheel chair user’s approach/transfer are all examples of universal design.

The basic inclusive design allows access including egress, bathroom maneuverability, and movement within the home. More extensive universally designed features and products allow for increased accessibility throughout the home and support easy functioning during activities of daily living for people of all ages, sizes and capability.

Incorporating UD design principles is important to any residential structure and ensures they meet the needs of any and all occupants throughout the life of the structure without costly retrofits. They are especially important in ADUs to accomplish the many aging in place, and accessibility goals outlined in Section 1 – Intro to ADUs.

TALK TO NEIGHBORS

Of course an important part of being a good neighbor is discussing your plans with adjacent property owners. This can help you better understand how your ADU can be designed to reduce the impact on

their lifestyle. In some cases, your neighbor may also be considering developing an ADU in the future and the coordination of siting and orientation can result in a better situation for both. Some issues you may want to discuss include privacy, views, solar access, parking location, and the timing and schedule for construction. Talking with your neighbor provides an opportunity to discuss the merits and trade-offs of different design approaches. Some potential talking points are listed below:

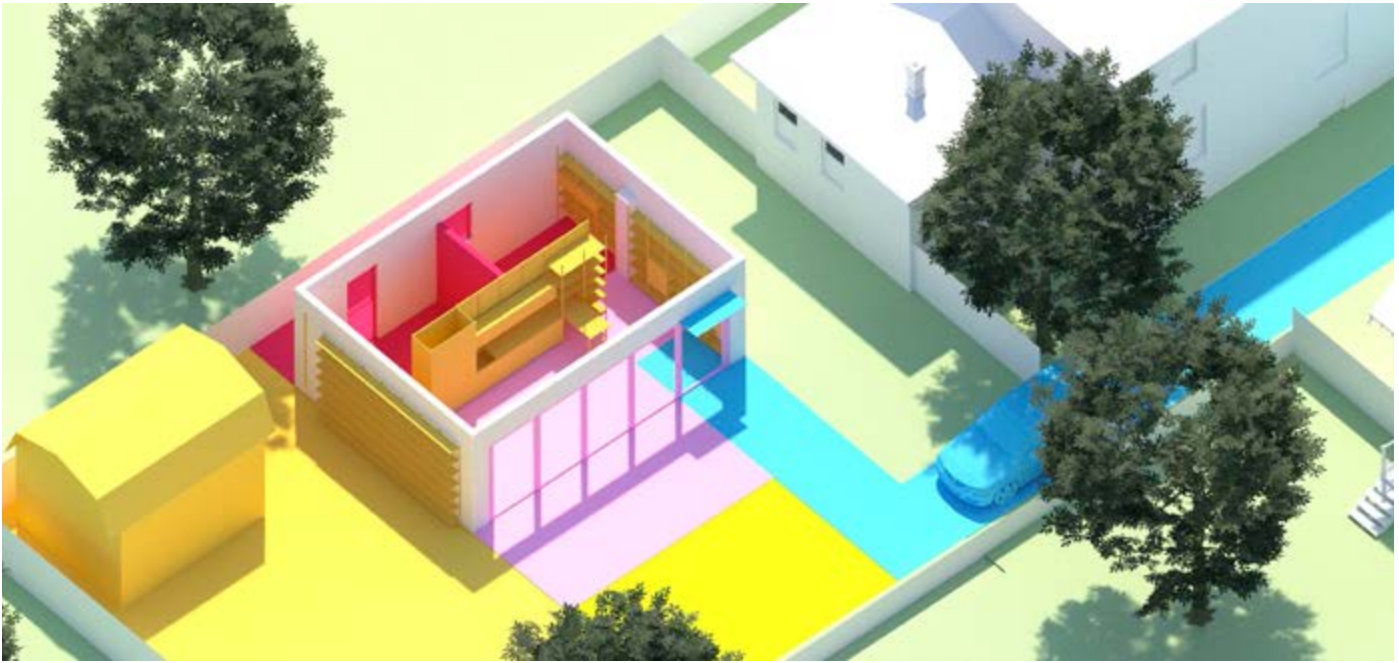
- **Privacy.** One of the most obvious topics will be visual privacy. This often includes views into houses and into private backyards. The location of the ADU, window placement and orientation of private and public rooms in ADUs could be topics of discussion in this regard.

- **Solar Access.** Access to the sun for gardens and yards can be an important concern of neighbors. Placing a two-story unit close to your northern property line can impact a neighbor's solar access.
- **Scheduling the Work.** In some cases, your neighbor may have young children or other needs that cause you to consider how you schedule construction of your ADU. You may want to discuss the schedule of your construction project, both in terms of start and finish dates and the times of day and days of the week that construction will take place.

Remember, your neighbor may be the next one to develop an ADU, and you would like the same opportunity to discuss their project.



ZONING STANDARDS FOR ADUs



DESIGN BY JORDAN HINES & ERIN RUHL

WHAT SORT OF ZONING/ PERMITTING REQUIREMENTS SHOULD BE DEVELOPED?

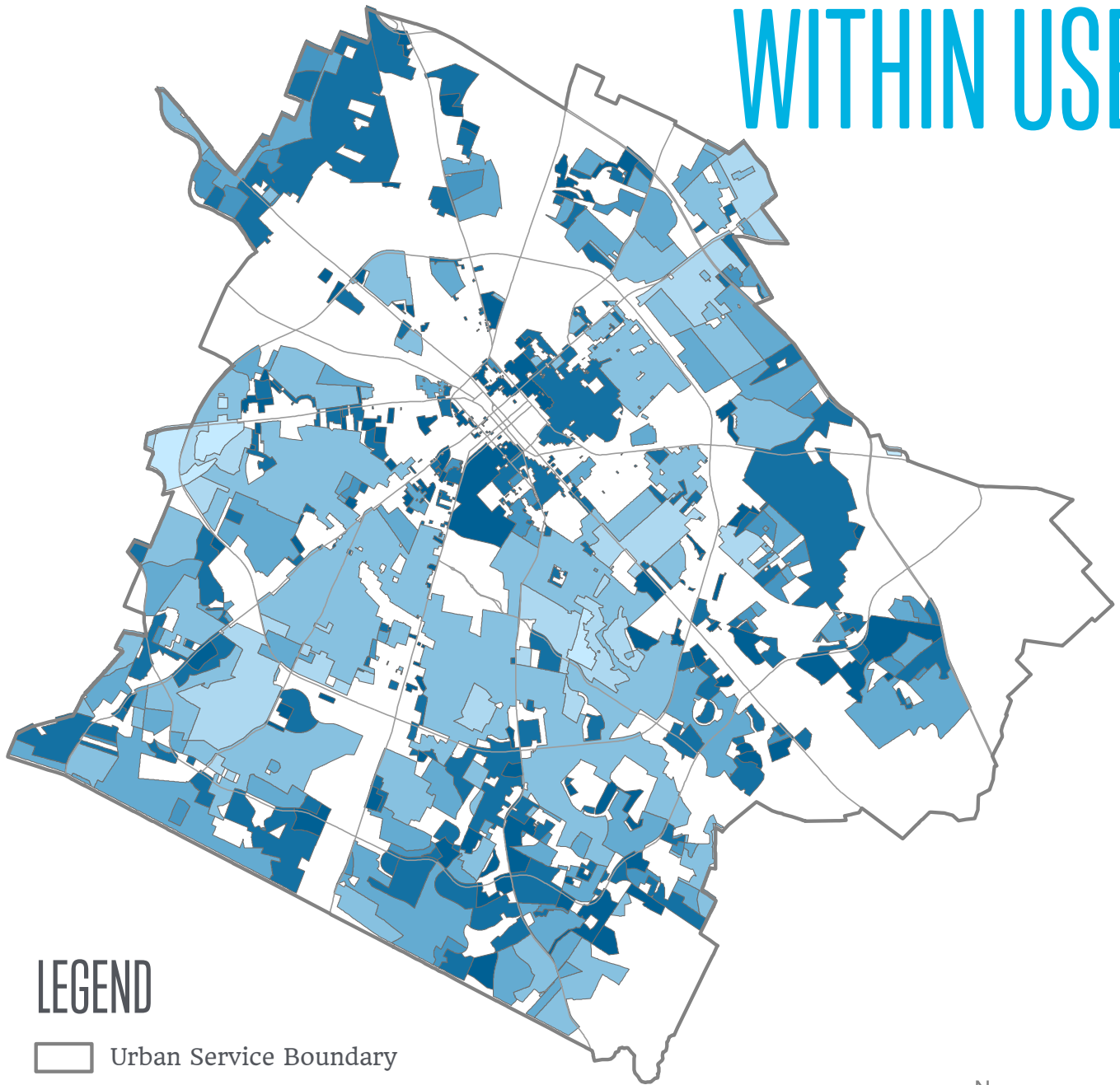
Zoning is a tool that most cities use to govern “uses” (e.g. residential, commercial, or industrial), the size of buildings, and how buildings relate to their surroundings, including other buildings, open spaces, and the street. Best practices in urban planning and zoning now look to diversity to help improve communities: diversity of housing types to provide options to different types of people and different-sized families; diversity of uses to get people closer to where they work or buy their daily needs; and diversity of transportation options. Additionally, the

quality of physical character is also viewed as an important contributor towards a sense of community and place in contemporary planning practice.

The City of Lexington is required by law to enforce numerous Federal, State and local construction and development regulations to insure that your project is safe and is an asset to the community. Generally, you need to obtain a building permit whenever you construct, enlarge, alter, repair, move, remove, improve, convert, or demolish a building or other structure. A Building Permit may include building, grading, plumbing, mechanical and electrical permits.

These regulatory tools are crucial for ensuring that ADUs do not negatively

RESIDENTIAL ZONES WITHIN USB



LEGEND

 Urban Service Boundary

RESIDENTIAL ZONES *

 R-1A	 R-1E
 R-1B	 R-3
 R-1C	 R-4
 R-1D	



* Individual parcels within these zones may have additional restrictions, meaning that eligibility is not guaranteed. Additional considerations such as overlays, deed restrictions, Homeowner/Neighborhood Association requirements, & covenants must be considered as a primary step in the process.

impact surrounding areas. However, if they are overly burdensome or unnecessarily restrictive, they can effectively disincentivize a desired outcome.

Therefore, when drafting ADU regulations and permitting requirements, it is critical to ensure the health, safety, and welfare of the community are protected, while still encouraging the construction of ADUs as a small, but vitally important, component of an overall housing strategy.

In cities where ADUs are permitted, there are vast differences in the zoning requirements. The impact of those regulations can be seen in the numbers of permitted units. However, even in the most successful markets, like Portland, OR; Vancouver, BC; and Austin, TX; ADUs have only been constructed on roughly 1% of available single family lots. Two cities with the most progressive ADU ordinances, Portland, OR and Austin, TX, were the only US cities permitting more than 100 ADUs a year as of 2016.

So, the question is, what are the issues the City needs to address through regulation? What are the most important factors that zoning can address meaningfully and still encourage ADU development? There are 3 key areas where zoning and permitting processes can have meaningful impact:

- Stormwater Drainage
- Sanitary sewer capacity and infrastructure
- Neighborhood compatibility and enhancement

STORMWATER DRAINAGE

Impervious surfaces are areas covered by any of a variety of materials or surfaces that impedes the infiltration of water into the soil. Examples include buildings, pavement, concrete, and severely compacted soils. The increase of impervious surfaces caused by development can affect water resources in several ways. First, impervious surfaces combined with drainage systems such as curbs, gutters and storm drain pipes alter the natural hydrology in a watershed. Impervious surfaces can result in loss of aquatic habitat, loss of biological diversity, and an overall decrease in water quality due to the accelerated discharge of pollutants into local streams, and estuaries. Therefore, when adding any impervious surfaces to a site, it is crucial to consider the impacts those might have, and mitigate the stormwater issues associated with those impacts.

Through the public education and input process, the Senior Services Commission and the Division of Planning will be working with the Division of Water Quality (DWQ) to review the Engineering Manuals and permitting processes that will ensure development of ADUs will not negatively impact adjacent areas with stormwater runoff. In the past, updates have been made in order to accommodate additional runoff from proposed increases in parking hardscape. A similar approach to reviewing ADU applications will be needed to ensure that areas with documented drainage issues are not made worse.

SANITARY SEWER CAPACITY & INFRASTRUCTURE

The Capacity Assurance Program (CAP) is a requirement of the City of Lexington's federal Consent Decree that prohibits the City from authorizing new connections (or increases in flow from existing connections) to the sewer system unless there is adequate capacity in the sanitary sewer system.

Working with the DWQ, there will be updated provisions for evaluating ADUs under the Capacity Assurance Program (CAP). Through the CAP application process there will be a review of existing conditions and the adequacy of the sanitary sewer system in the area before any permits are issued.

However, DWQ has indicated that one of the most significant and difficult issues remaining in residential areas are existing sump pumps that have not been redirected away from sanitary sewers. The application for an ADU may be an opportunity to inspect the primary residence for such occurrences and stipulate that they be corrected prior to any new construction. Just one sump pump can generate 10 times the amount of flow of one single family home during a wet weather event.

NEIGHBORHOOD COMPATIBILITY & ENHANCEMENT

ADUs have immense potential to increase the desirability of a neighborhood, and certainly the investment by a property owner back into a neighborhood is a positive development. Supporting a housing policy that allows your neighbors to stay in their homes and neighborhoods by constructing simple and easily accessible housing after they retire is a worthy goal. That sort of inclusivity also makes an area attractive to future home buyers.

However, ensuring that an ADU seamlessly blends into the existing property and the surrounding neighborhood context is also important. This is something that can be achieved with a set of minimum zoning requirements and design standards. This manual goes a step further and outlines a series of design principles that would be discussed with applicants throughout the permitting process. These can be found in Section 3 - Designing Your ADU.



QUESTIONS TO CONSIDER:	HOW WILL IT AFFECT YOUR PLANNING?
What is the predominant height of homes in your neighborhood? One or two stories?	If a neighborhood has predominantly one-story homes, then you probably would want to build a one story ADU.
Are homes set back the same distance from the street or are they staggered? Is there an established pattern to the house and lot patterns in your neighborhood?	Some neighborhoods have uniform setbacks and relationships to the streets. Other neighborhoods have irregular patterns. An ADU should fit into the pattern of setbacks for houses and garages.
What do most of the roofs in the neighborhood look like? What are the materials, colors and pitch?	Typically for best neighborhood fit, your roofline may mirror the main house's roof. In some neighborhoods, garages and ancillary structures have different roof forms. You may chose to reflect these traditions instead.
Where do most of the homes have their garages? Are they detached or attached? Are they in front, back or on the side of the house?	ADUs are typically about the size of a large garage. Look at your neighborhood pattern for garage placement to reduce the impact on your neighborhood character.
Is there typically a narrow or wide space between homes?	If your ADU is in the backyard, consider how you will enter the ADU. If possible it should be from an alley. The goal is to minimize the impact that the ADU access way might have on neighbor's windows.
Is landscaping or fencing or a combination used to define lot lines?	Fencing or landscaping in a neighborhood establishes different degrees of privacy. You may want to screen your ADU with plant materials that are compatible with the neighborhood.
Do lots typically have only one structure or several (i.e. house, garage, sheds, etc.)?	A pattern with multiple structures would enhance the option of building a stand-alone ADU.
Is there one material or color that is predominantly used for the homes on your block?	Often the best option for exterior materials is to match the main house. However, if there is a dominant material or color in the neighborhood, that might be considered as well.
Are front yards nicely landscaped or is the most prominent feature paved parking areas?	Placement of parking is critical when thinking of neighborhood impact. If you are using your front driveway to accommodate more cars, think of how you might use landscaping to help reduce the visual impact on the street. Try to keep your front yard in keeping with your neighbors.
Does your neighborhood have heavy or light vegetation in the back yard areas?	Your ADU siting and design should respond to the pattern of landscape located in your neighborhood. The pattern of canopy trees and hedges is part of the neighborhood context.

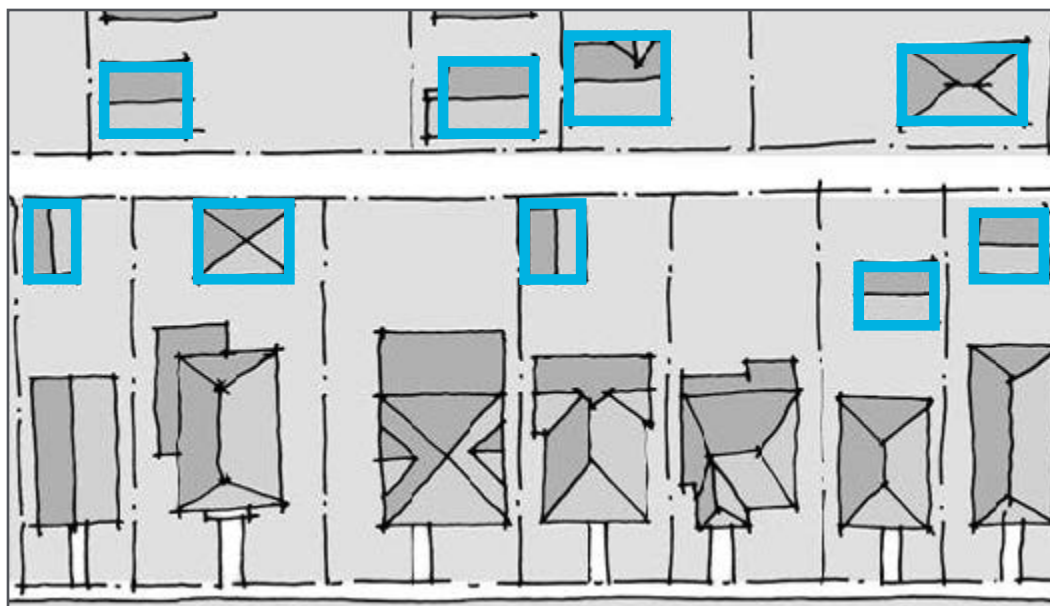
TRADITIONAL NEIGHBORHOOD

Features:

- Shallow lots
- Carriage houses & garages at the back of the lot

ADU Sites:

- Place ADUs along alley frontage or rear property line



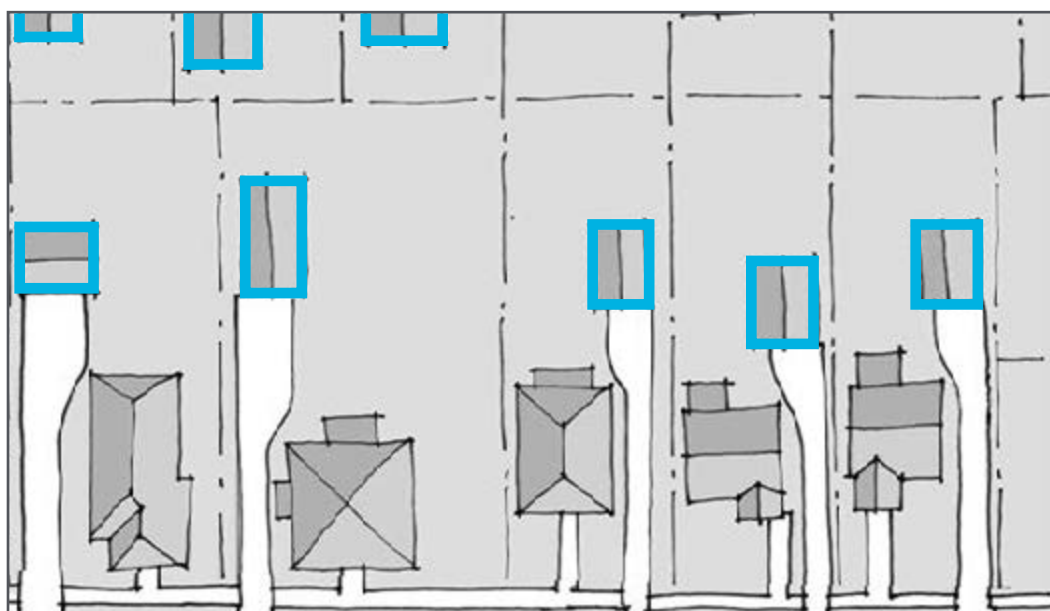
TRANSITIONAL NEIGHBORHOOD

Features:

- Deep lots
- Garages located in rear yards

ADU Sites:

- Place ADUs within garage zone in rear yards



SUBURBAN NEIGHBORHOOD

Features:

- Cul-de-sac blocks
- Small yards
- Parking in front of lot with driveway

ADU Sites:

- Garage conversions
- Place ADUs in rear lot areas on bigger lots



ZONING & DESIGN STANDARDS

Zoning and design standards must consider the full range of impacts to the neighborhood and the community as a whole. All amendments to the Zoning Ordinance have a public process that is outlined in state law, but as Lexington develops this ADU regulatory framework, extensive public input will be sought that goes above and beyond this requirement.

Through this process the zoning and design standards will be discussed and eventually a proposal will be presented for the Planning Commission’s consideration, and ultimately the approval of the Urban County Council.

The zoning and design standards will need to be flexible to address both attached and detached ADUs, though some will apply in all situations. In looking at cities with ADUs, one thing is clear: no two ADUs are the same. That is because no two residential lots are the same, and constraints that are unique to each application require a different solution than what an ordinance mandated design standard can achieve. The Planning staff, with the help of public input, research, and best practices will develop a set of regulations that are nimble and still encourage the development of ADUs.

TOPICS TO BE FLESHED OUT & DISCUSSED:

- | | |
|--|---|
| • DEFINING THE TERM ADU | • WINDOW PLACEMENT AND TYPE |
| • IDENTIFYING AREAS THAT ARE ELIGIBLE FOR ADUs | • DESIGN OF ANY EAVES |
| • WHAT STEPS ARE REQUIRED FOR APPROVAL | • ORIENTATION OF ENTRANCES |
| • THE PERMITTED SIZE OF THE ADU | • TREATMENT OF EXTERIOR STAIRS |
| • PARKING CONSIDERATIONS | • BUILDING PLACEMENT IN RELATION TO THE PRINCIPLE STRUCTURE |
| • EXTERIOR FINISH MATERIALS | • YARD SETBACKS |
| • ROOF PITCH | • LANDSCAPING |



SECTION 3

DESIGNING YOUR ADU

ACCESSORY DWELLING UNITS SHOULD...

NEIGHBORHOOD CONTEXT (NC):

- NC.1** Maintain the ADU's privacy, & that of adjacent units
- NC.2** Related to the existing neighborhood front & side yard setbacks
- NC.3** Consider the architectural & landscape patterns in the neighborhood including:
 - NC.3.1 - ARCHITECTURAL STYLES & MATERIALS
 - NC.3.2 - SCALE & MASSING
 - NC.3.3 - ROOF LINES & CHIMNEYS
 - NC.3.4 - ENTRANCES & PORCHES
 - NC.3.5 - WINDOWS & DOORS
 - NC.3.6 - DRIVEWAYS & WALKWAYS
 - NC.3.7 - FENCES AND OTHER SCREENING DEVICES
 - NC.3.8 EXTERIOR STAIRS
- NC.4** Create visual & acoustic separation between the ADU & neighboring structures
- NC.5** Incorporate adequate exterior lighting to provide security without intruding upon adjacent properties

SITE LAYOUT (SL)

- SL.1** Be placed on the site & oriented to increase energy efficiency
- SL.2** Incorporate Universal Design Principles, & other accessibility measures
- SL.3** Be intentionally placed on the site to either orient toward the primary residence, toward an alley or street, or in some similar manner
- SL.4** Be intentionally designed with formal access & passageways that clearly delineate it as a separate unit
- SL.5** Utilize shared spaces on the property
- SL.6** Be placed on the site to intentionally designate open spaces for the primary residence & ADU
 - SL.6.1 - PUBLIC OPEN SPACES (E.G. STREETS, ALLEYS)
 - SL.6.2 - SEMI-PRIVATE SPACES (E.G. FRONT YARD/ALLEY-FACING YARD, SIDE YARD)
 - SL.6.3 - PRIVATE SPACES (E.G. BACKYARD, PATIO)

Design matters. The more thought you can put into your layout and plan, and the more intentional you are about your design, the happier you and your neighbors will be with the final product. Thoughtful design does not need to cost a fortune, but a little forethought and planning can go a long way! This page includes a list of best practice design principles to consider to ensure the best possible outcome for your ADU. This list will continue to be updated and improved throughout the public input process.

INFRASTRUCTURE & SUSTAINABILITY (IS)

IS.1 Make use of existing infrastructure where possible

IS.2 Adequately address excess stormwater generated by the ADU

IS.3 Consider using sustainable & green building technologies & materials (e.g. low-flow fixtures, PV panels, solar hot water panels, tankless water heaters, etc.)

SAFETY & SECURITY (SS)

SS.1 Ensure exterior spaces are observable

SS.2 Provide for interior privacy for the ADU

**MORE TO COME
ON THIS DIAGRAM
FOLLOWING PUBLIC
INPUT.**

ADU DESIGN PRINCIPLES

DETACHED ADUs



DESIGN BY POOYA MOHAGHEGH

Both functionally and physically separate from the primary home, detached ADUs can be a great new addition to a property with an adequately sized rear-yard. Though a detached ADU can come in a variety of styles, the structure should be at a proper scale to the surrounding neighborhood and should be clearly secondary to the primary structure.

During the design process, detached ADUs require careful consideration of multiple factors. Architectural style, orientation, designated open space, and points of access can all affect the relationship the ADU has to the main home and its impact on adjacent properties.

Maintaining an architectural style that is complementary to the main house and the aesthetic of the neighborhood is essential to establishing a desirable and well integrated structure. This does not mean that your

freestanding ADU must be identical in style to the main home; rather, a strong relationship can be established using complementary colors, materials, and other compatible structural characteristics in a mutually beneficial way. In fact, many homeowners and designers view detached ADUs as an opportunity to add a contemporary flare as an accessory to a traditional style home.

The placement and orientation of the detached ADU should match the intended level of privacy. ADUs oriented towards the primary residence will have a closer relationship than an ADU oriented towards an alley or street. Additional techniques such as screening and window placement can all affect this relationship. Outside of the relationship between the ADU and its parent property, detached structures should always be designed with both visual and acoustic separation from adjacent lots.

DETACHED REAR YARD DWELLING UNIT - NEW CONSTRUCTION

How can detached ADUs be in scale with the neighborhood and architecturally compatible with the existing house?

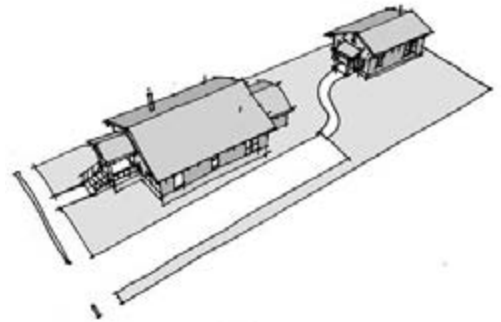
- In what ways is the ADU architecturally compatible with the primary structure and other houses in the neighborhood?
- Is the ADU subordinate in scale and size to the primary house?
- How is the ADU designed to reduce the impact on privacy of neighbors?
- Does the lowest side of the ADU roof face adjacent properties to reduce the visibility of the ADU from the adjacent property?
- Are ADU entries oriented towards rear alleys, the main house, or yard rather than the neighboring house or yard?
- Are ADU windows either oriented or glazed to ensure privacy for neighbors?



SKETCH OF TWO STORY ADU OVER GARAGE



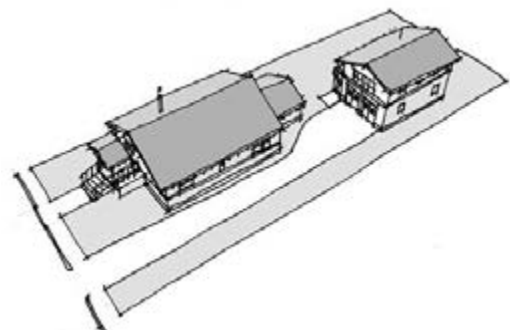
SINGLE STORY



SINGLE STORY OFFSET



1-1/2 STORY

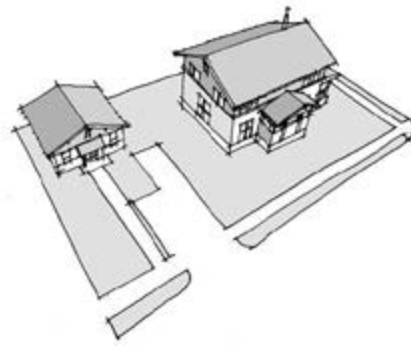


OVER DETACHED GARAGE

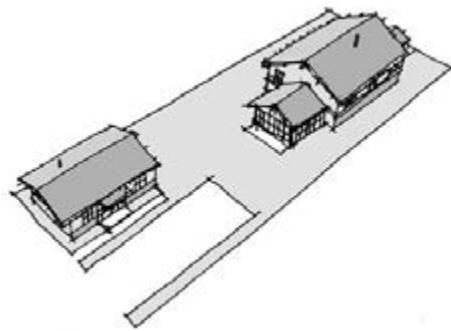
DETACHED REAR-YARD DWELLING UNIT - ALLEY OR CORNER LOT

How can alley access and corner lot ADUs be compatible with the primary structure and neighborhood?

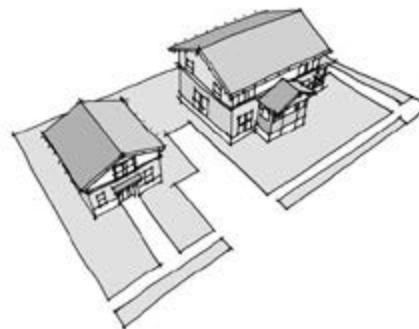
- Is the ADU built along the edge of the alley to maintain the pattern of back yard open space in neighborhoods?
- Is an alley ADU designed to provide “eyes-on-the-street” security?
- Does the ADU preserve existing trees in rear yards and along alleys?
- If the alley ADU is located over a garage, is the building set back far enough to back a car into the alley?
- Is enhanced landscaping provided along the street or alley edge?



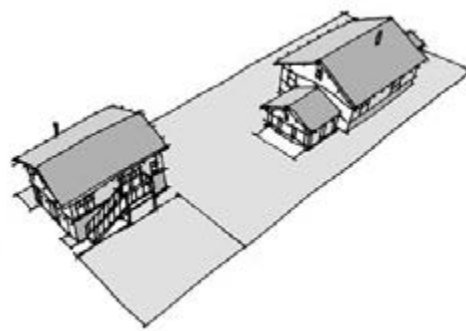
ONE STORY BACKYARD COTTAGE - CORNER



ONE STORY BACKYARD COTTAGE - ALLEY



1-1/2 STORY BACKYARD COTTAGE - CORNER



ADU OVER DETACHED GARAGE - ALLEY



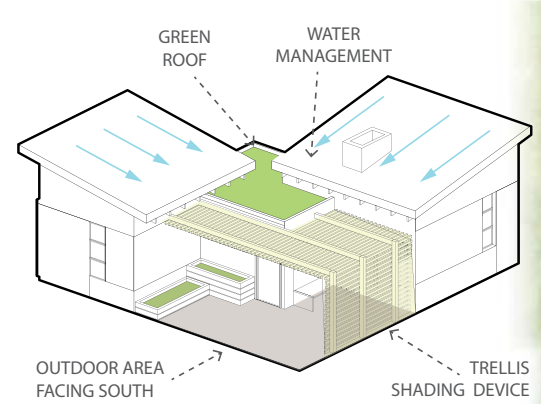
SKETCH OF 1-1/2 STORY BACKYARD COTTAGE



DESIGN SUBMISSION FROM UNIVERSITY OF OREGON



DESIGN BY SHYLO SHEPHERD

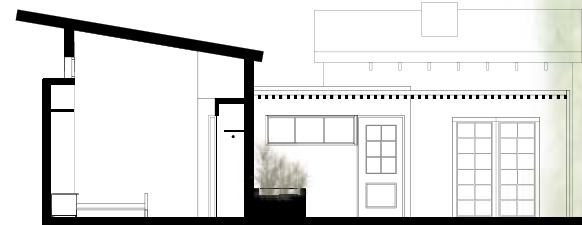


OUTDOOR AREA
FACING SOUTH

TRELLIS
SHADING DEVICE



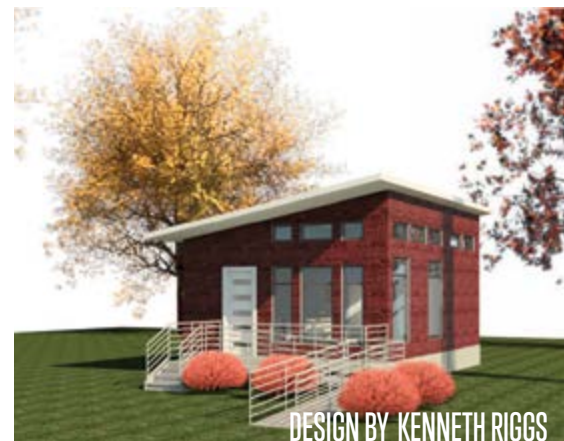
DESIGN SUBMISSION FROM UNIVERSITY OF OREGON



DESIGN SUBMISSION FROM
UNIVERSITY OF OREGON



DESIGN BY JORDAN HINES & ERIN RUHL



DESIGN BY KENNETH RIGGS

SOME INSPIRATION

ATTACHED ADUs



As their name implies, attached ADUs are directly connected to the main residence. These ADUs are either added onto or adapted within existing structures and include horizontal/vertical additions, attached garage conversions, and attic/basement conversions.

For additions involving new construction, the ADU's exterior must maintain the building scale, architectural character, and lot patterns that are characteristic of the parent structure and surrounding neighborhood. Depending on the design, additions and garage conversions can be taller than the original building, such as with a converted two-story garage attached to a single-story home. In those cases, the ADU must still be visually subordinate to the primary structure and must be compatible with adjacent properties.

Architectural elements of additions, such as style, form, and building materials, should be in close harmony with the main house. Unlike some detached ADUs, the visual elements of attached ADUs should be heavily similar or identical to the parent structure.

Exterior access points for attached ADUs should be intentionally designed and should clearly delineate the structure as a separate units. Residents of the ADU should be able to enter and exit the unit without entering the main house.

Whether an addition or conversion, attached ADUs have important internal considerations. These include the necessity for fire-rated walls between the primary and secondary units, reinforced structure (particularly with upper level additions and conversions), and separation of utilities.

ADDITION TO PRIMARY DWELLING OR GARAGE ADDITION/CONVERSION

How can ADUs that are added to existing structures be designed to maintain the building scale, architectural character, and yard patterns found in the surrounding neighborhood?

- Is the primary residence containing the ADU of a compatible scale with nearby residences?
- Is the ADU addition visually subordinate to the original building? Do the massing, scale, and the location of an addition allow the original building to remain visually prominent?
- If the ADU addition is taller than the original building, is it set back from the primary facade?
- Is the ADU entrance visible from the street front? Does it maintain the appearance of a single-family home?
- Are the materials and windows of the ADU compatible with those in the original house?
- Is the ADU roof or attic addition in scale and compatible with the original structure?
- Are dormer or roof additions subordinate to, and set back from, the primary facade so the original roofline can be seen from the street?
- Does the ADU have yard setbacks, street orientation, use of front porches and other design elements found on your block?



ADU & GARAGE ADDITION/CONVERSION



ADU & GARAGE ADDITION/CONVERSION



ADU & GARAGE ADDITION/CONVERSION

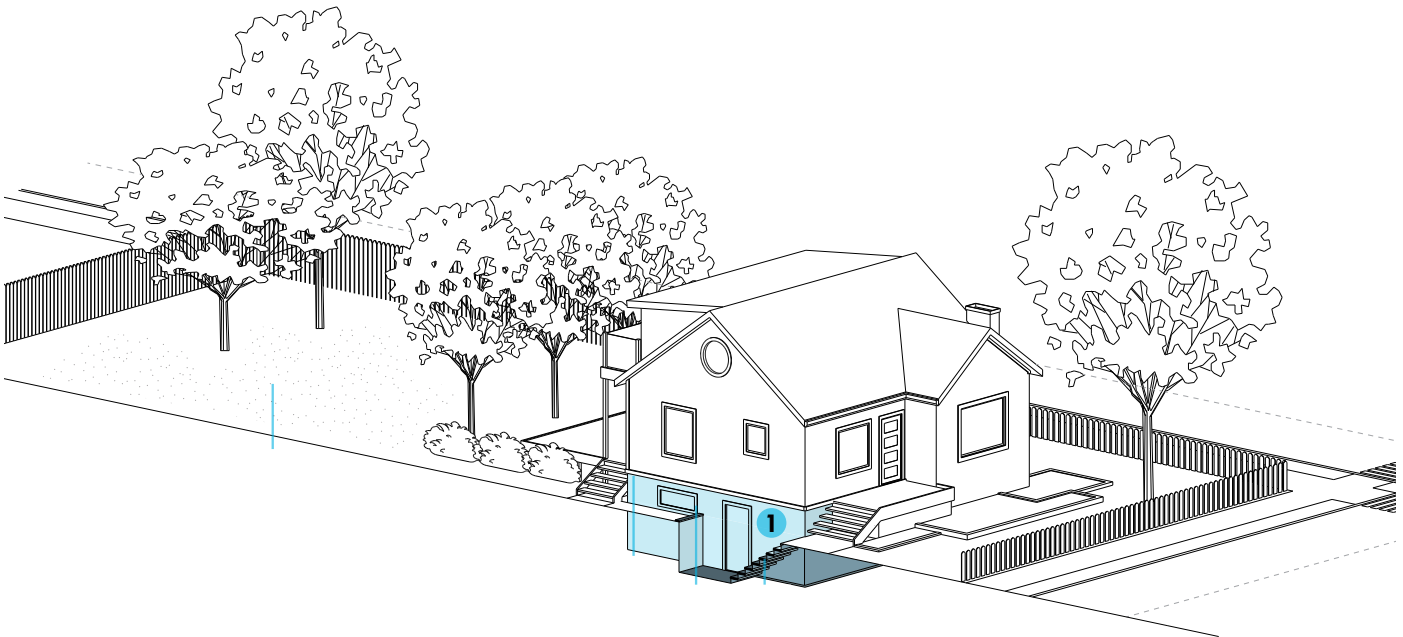


ONE STORY BACKYARD ADDITION

CONVERSIONS WITHIN MAIN RESIDENCE

How can existing living space within the main residence be converted to a separate ADU while maintaining safety and adhering to code requirements?

- Will the conversion allow for the appropriate ceiling height as required by the city for dwellings?
- Will the site permit the converted ADU to have its own exterior entrance from the house?
- For attic conversions, will the existing structure be able to support the additional weight brought on by the new use? Or will the floor need to be reinforced?
- Will all units have access to water and electricity shutoff valves?



BASEMENT CONVERSION



EXTERIOR ENTRANCE TO JOHN BAKER'S ADU, ACCESSORYDWELLINGS.ORG



LAWRENCE ADU, ACCESSORYDWELLINGS.ORG



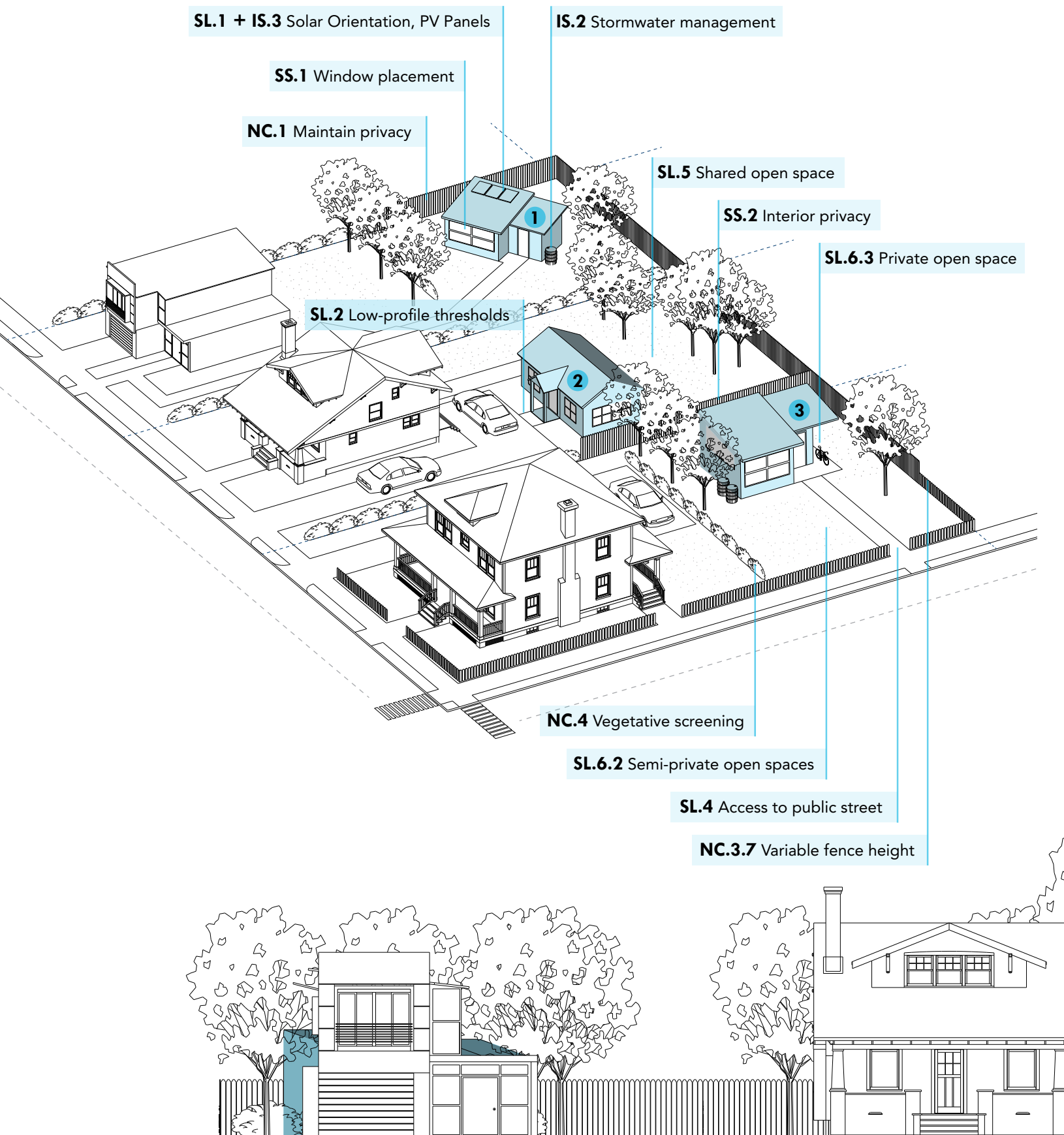
BONNIE & LARRY DALTON'S HILLSIDE ADU, ACCESSORYDWELLINGS.ORG



GRIMM & HABERMAN'S CARVED OUT STUDIO

SOME INSPIRATION

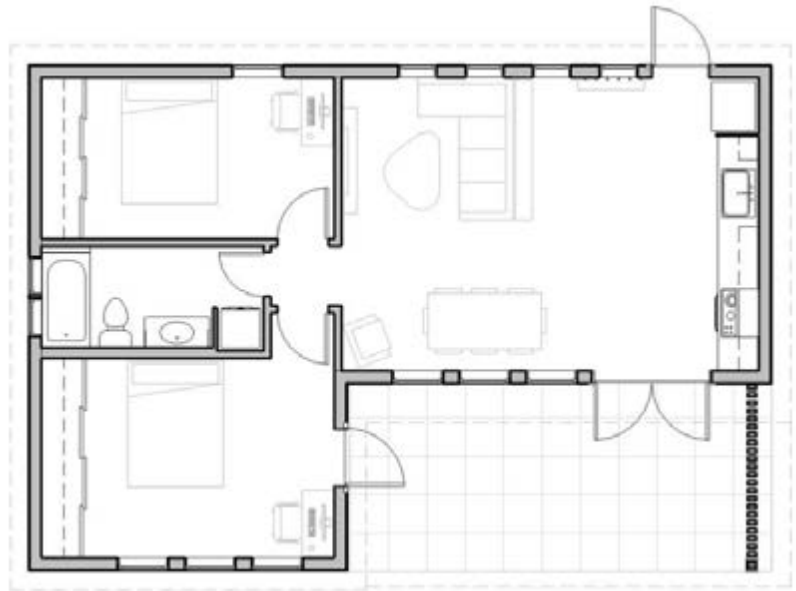
EXAMPLE 1: DETACHED REAR-YARD ADU



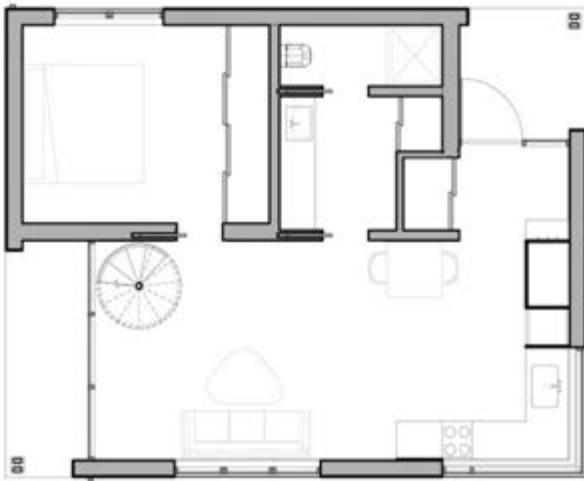
- 1** The original home has a modern architectural style with a matching ADU. This ADU is designed and placed on the site to encourage a semi-private relationship between the home and ADU residents. The ADU is oriented to optimize photo-voltaic (PV) panel placement.
- 2** The original home has a traditional architectural style with a matching ADU. This ADU is designed and placed on the site to encourage a close relationship between the home and ADU residents with shared open spaces and parking.
- 3** The original home has a traditional architectural style with a modern-style ADU. This ADU is designed and placed on the site to encourage independence between the home and ADU residents. The ADU has its own private open space and access to the public street.



EXAMPLE 1: DETACHED REAR-YARD ADU

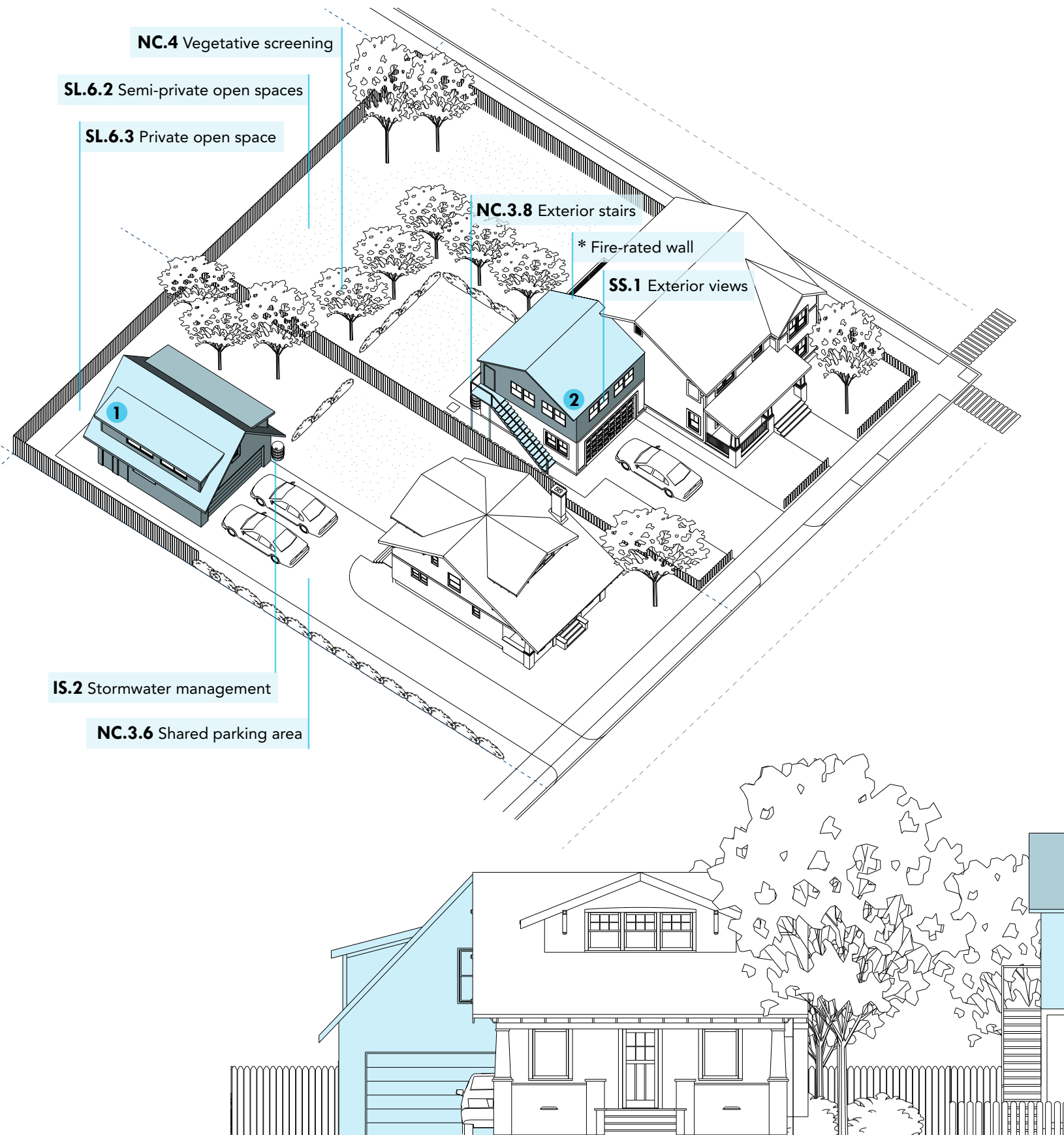


PROPEL ADU DESIGNS; ACCESSORYDWELLINGS.COM



PROPEL ADU DESIGNS; ACCESSORYDWELLINGS.COM

EXAMPLE 2: ADU OVER GARAGE



- 1 This new construction ADU was designed and built with a dwelling unit above a garage. Access to the ADU is provided on the interior of the structure.
- 2 This ADU is a conversion of an existing attached one-and-a-half story garage. Access to the ADU is provided via an exterior stair.

* Reinforced structure, separate utilities, and fire-rated walls are considerations when building an ADU that is attached to the original home.



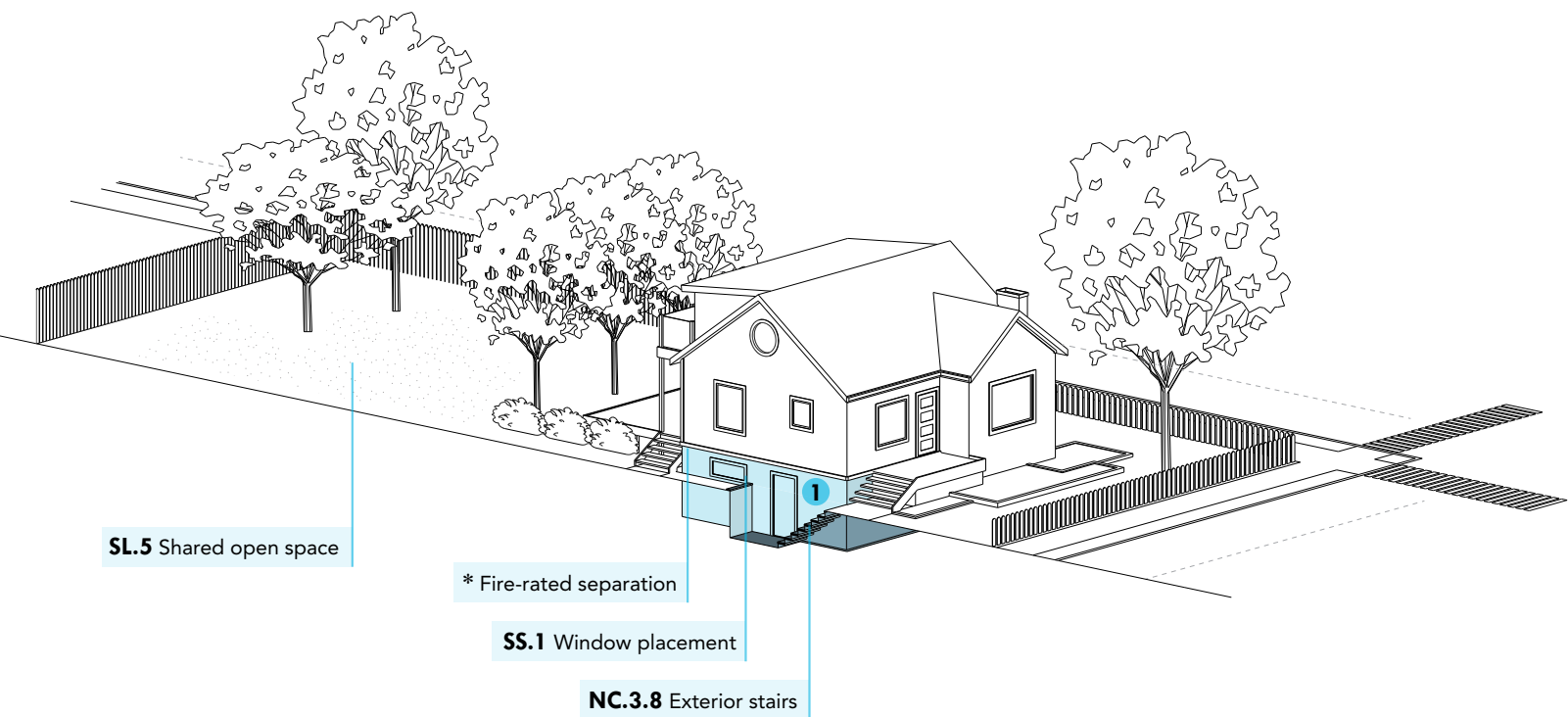
EXAMPLE 2: ADU OVER GARAGE





HALPERN ADU: ACCESSORYDWELLINGS.COM

EXAMPLE 3: BASEMENT CONVERSION



1 This ADU is a conversion of an existing basement. Access to the ADU is provided via an exterior stair.

* Reinforced structure, separate utilities, and fire-rated walls are considerations when building an ADU that is attached to the original home.



CLARK & CHEN ADU; ACCESSORYDWELLINGS.ORG

SECTION 6

MORE RESOURCES

ACCESSORY DWELLING UNITS: CASE STUDY

Author: Price, T.

Date: 2008

<http://accessorydwellings.files.wordpress.com/2011/10/adu-case-study.pdf>

ACCESSORY DWELLING UNITS: MODEL STATE ACT AND LOCAL ORDINANCE

Author: Cobb, Rodney L.

Author: Dvorak, Scott

Publisher: Public Policy Institute [of the AARP]

Date: 2000

https://accessorydwellings.files.wordpress.com/2011/10/d17158_dwell.pdf

BACKDOOR REVOLUTION

Author: Kol Peterson

Publisher: Accessory Dwelling Strategies, LLC

Date: 2018

<http://www.buildinganadu.com/backdoor-revolution/>

FEDERAL NATIONAL MORTGAGE ASSOCIATION

<https://www.fanniemae.com/content/guide/selling/b4/1.3/05.html>

FEDERAL HOME LOAN MORTGAGE CORPORATION

<http://www.freddiemac.com/singlefamily/guide/bulletins/pdf/bl1708.pdf>

CITY OF PORTLAND ADU PERMIT TRENDS |

ACCESSORY DWELLINGS

Author: Palmeri, Jordan

Date: 2014/03/12

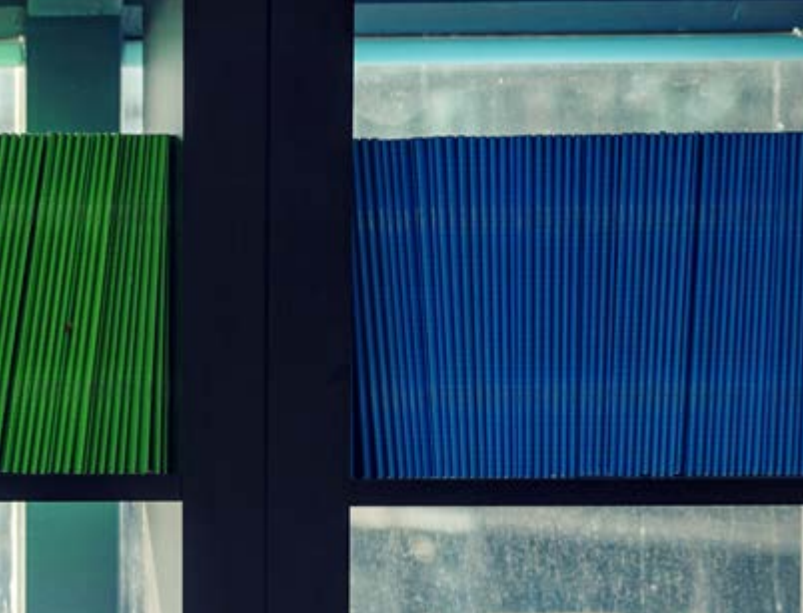
<http://accessorydwellings.org/2014/03/12/city-of-portland-adu-permit-trends/>

ESTABLISHING A BACKYARD COTTAGE (DETACHED ACCESSORY DWELLING UNIT)

Author: Seattle Department of Planning and Development,

Date: 2011/05/13

<http://www.seattle.gov/DPD/Publications/CAM/cam116b.pdf>



FROM ALLOWANCE TO ACCEPTANCE: CHANGING THE ROLE OF ACCESSORY DWELLING UNITS IN AMERICA'S HOUSING LANDSCAPE

Author: Lazaro, Christopher Ray
Institution: Texas A&M University
Date: 2013

Page 39
<https://accessorydwellings.files.wordpress.com/2015/02/professional-paper-lazaro.pdf>

DO ADUS CAUSE NEIGHBORHOOD PARKING PROBLEMS?

Author: Brown, Martin J.
Abstract: The single biggest and most specific fear mentioned by ADU opponents is loss of street parking. Is there any evidence on this?
Blog Title: Accessory Dwellings
<http://accessorydwellings.org/2014/07/16/do-adus-cause-neighborhood-parking-problems/>

GRANDMA NEVER HAD IT SO GOOD

Author: Keenan, Sandy
Publication: The New York Times
Date: 2014-05-07
<http://www.nytimes.com/2014/05/08/garden/grandma-never-had-it-so-good.html>

HEALTH IMPACT ASSESSMENT: ACCESSORY DWELLING UNITS

Author: Benton County Health Department,
Date: 2010 June 30
http://accessorydwellings.files.wordpress.com/2011/10/benton-county-accessory-dwelling-unit_hia-summary-final.pdf

MODEL BYLAW FOR ACCESSORY DWELLING UNITS

Author: Massachusetts Smart Growth Toolkit,
<http://accessorydwellings.files.wordpress.com/2011/10/mass-adu-bylaw.pdf>

PEOPLE IN PORTLAND WANT AND BUILD ADUS—WITH OR WITHOUT PERMITS

Author: Brown, Martin J.
Date: 2009 Oct. 13
<http://architecturaltherapy.files.wordpress.com/2009/10/portland-adus-permitted-and-not-2009-10-13.pdf>

RESEARCH AND POLICY ABOUT ACCESSORY DWELLING UNITS: INTRODUCING A 13-PART SERIES

Author: Brown, Martin J.

<http://accessorydwellings.org/2014/06/04/adu-research-and-policy-introducing-a-12-part-series/>

SECONDARY UNITS AND URBAN INFILL

Author: Wegmann, Jake

Author: Nemirow, Alison

Institution: University of California

Date: 2011 February

<http://www.econstor.eu/bitstream/10419/59382/1/651729963.pdf>

SMART GROWTH / SMART ENERGY TOOLKIT - ACCESSORY DWELLING UNITS (ADU)

Date: 2010-05-07 03:02:09

http://www.mass.gov/envir/smart_growth_toolkit/pages/mod-adu.html

THE ROLE OF ACCESSORY DWELLING UNITS IN ACHIEVING THE CITY OF EUGENE'S VISION FOR COMPACT GROWTH

Author: Fifeld, Michael

Author: Muller, Brook

Institution: University of Oregon School of Architecture and Allied Arts

Date: 2007 June 01

accessorydwellings.files.wordpress.com/2011/10/role-of-accessory-dwellings_eugene.pdf

2018 MILLENNIAL HOMEOWNERSHIP REPORT: AMERICAN DREAM DELAYED

Publication: www.apartmentlist.com

Authors: Chris Salviati, Rob Warnock

Date: 12/6/2018

<https://www.apartmentlist.com/rentonomics/2018-millennial-homeownership-report-american-dream-delayed/>

IT'S BECOMING MORE COMMON FOR YOUNG ADULTS TO LIVE AT HOME - AND FOR LONGER STRETCHES

Publication: Pew Research Center

Author: Richard Fry

Date: 5/5/2017

<http://www.pewresearch.org/fact-tank/2017/05/05/its-becoming-more-common-for-young-adults-to-live-at-home-and-for-longer-stretches/>





CONTRIBUTORS

SENIOR
SERVICES
COMMISSION

DIVISION OF
PLANNING

DIVISION OF
BUILDING
INSPECTION

DIVISION OF
WATER QUALITY

AGING &
DISABILITY
SERVICES
DIVISION



SPECIAL THANKS TO...

Dr. Brent Sturlaugson, UK College of Design, and all students and professionals who submitted designs for use in this manual (see Appendix).

The City of Santa Cruz, for permitting use of their “Accessory Dwelling Units Manual.” Portions of this manual were adapted from that text.

Accessorydwellings.org, for being a source of information, inspiration, and visual imagery during the creation of this manual.

Made possible due to the generous support from AARP.



Current as of 02.01.19





APPENDIX A: ADU DESIGN SUBMISSIONS

DESIGN BY DAVE GARCIA & JORDAN DAY

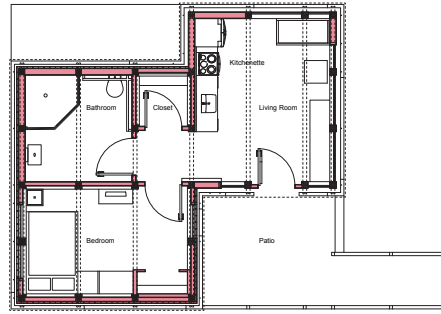
1ST PLACE - STUDENT, UK COLLEGE OF DESIGN



Ease Dwelling

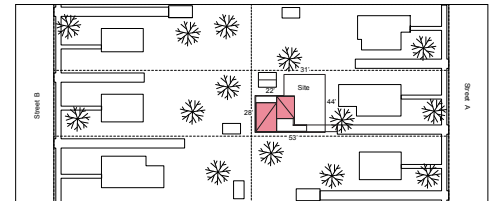
EH-DE-YU Design Competition

Lexington faces accessibility issues amidst the suburban sprawl. This 500 sq. ft. accessible dwelling unit addresses these issues with its design through interior and exterior accessibility features. It provides improved comfort for people with disabilities. The ADU is placed in the back-left corner of the site for increased backyard space. A full glass face connects the living area to the backyard space. Public and private spaces are separated into two shifted masses. A louvre system wraps the masses connecting them. Two louvres are wrapped continuously around the exterior and interior creating handrails. The walls are dictated by a 5ft by 5ft structural grid allowing for a 4.5ft flow of circulation for comfortable wheelchair space. The louvres and slanted roof enhance and relate to the urban fabric while offering endless accessibility through the custom features.

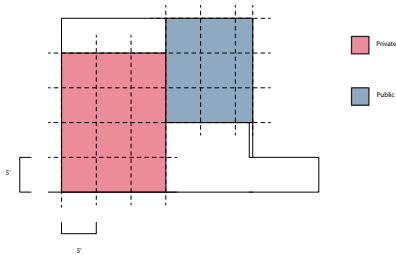


PLAN

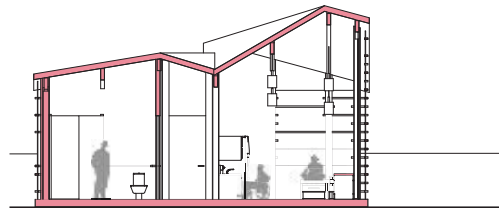
1/8" = 1'



SITE PLAN

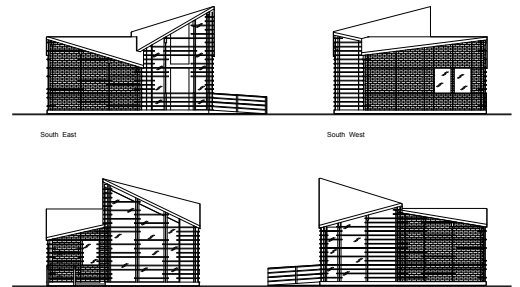


DIAGRAM



SECTION

1/8" = 1'



ELEVATIONS

1/16" = 1'



BEDROOM WINDOW PERSPECTIVE



LIVING ROOM PERSPECTIVE



EXTERIOR PERSPECTIVE

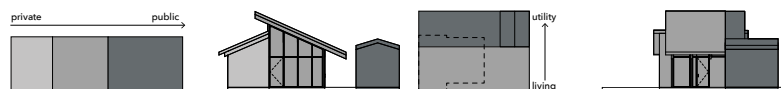


DESIGN BY ABBI EVANS & KATHRYN SANDERS

2ND PLACE - STUDENT, UK COLLEGE OF DESIGN

ACCESSORY DWELLING UNIT

Zones pushed the design discussion in the formation of our ADU. Both in a private/public distinction as well as a utility/living distinction. The resident's primary sleeping and bathing areas are of the utmost private, while the kitchen and living areas become much more open and light-filled, indicating public space. On the site, there is a shed which aligns with the bathroom and kitchen, completing the household utility zone. The living spaces are defined by the bedroom, living room, and outdoor patio area. The overall form of the exterior façade clearly reveals the distinction between public and private space.



VIEW 01



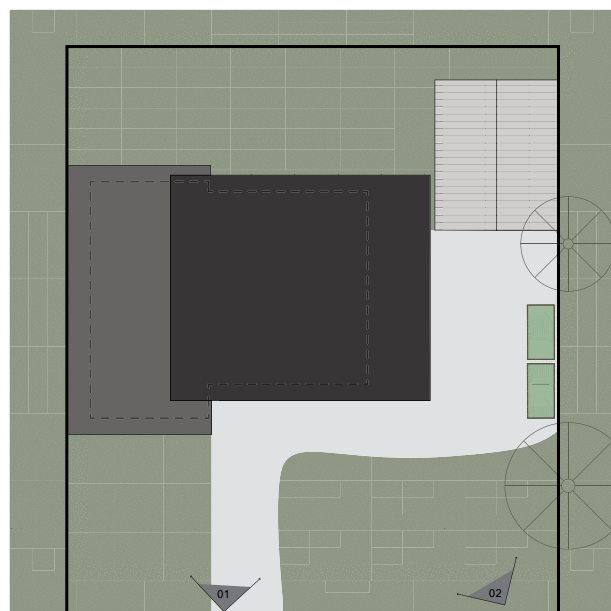
VIEW 02



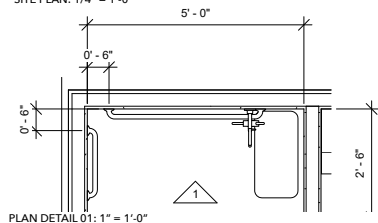
VIEW 03



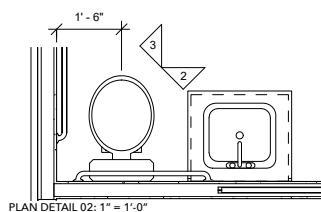
VIEW 04



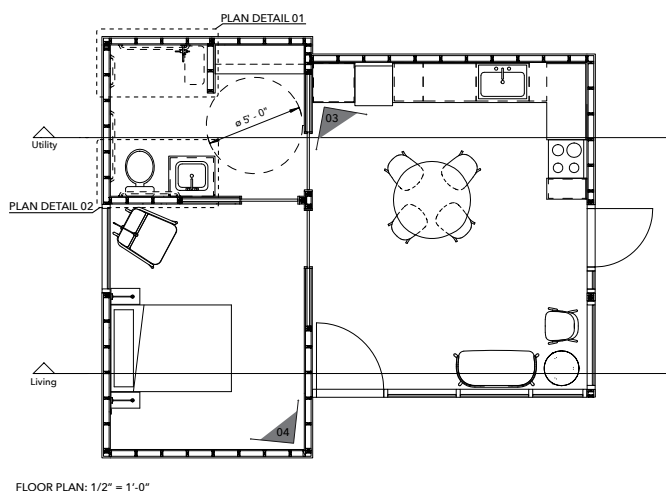
SITE PLAN: 1/4" = 1'-0"



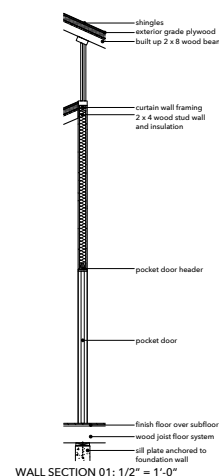
PLAN DETAIL 01: 1" = 1'-0"



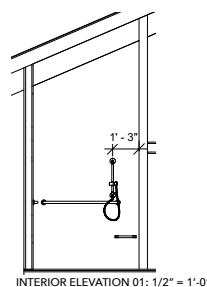
PLAN DETAIL 02: 1" = 1'-0"



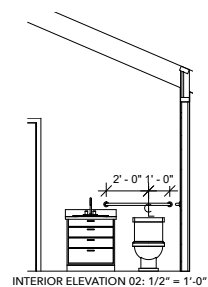
FLOOR PLAN: 1/2" = 1'-0"



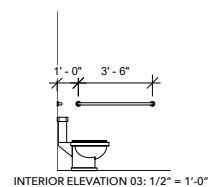
WALL SECTION 01: 1/2" = 1'-0"



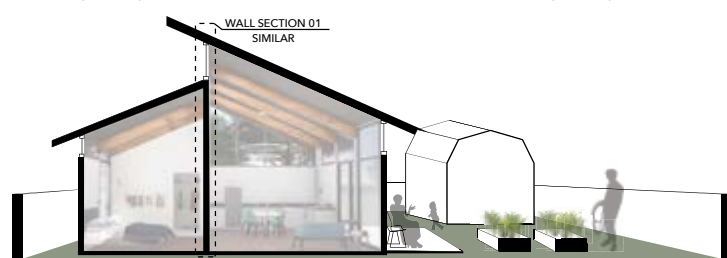
INTERIOR ELEVATION 01: 1/2" = 1'-0"



INTERIOR ELEVATION 02: 1/2" = 1'-0"



INTERIOR ELEVATION 03: 1/2" = 1'-0"



LIVING SPACE BUILDING SECTION



UTILITY SPACE BUILDING SECTION

DESIGN BY JORDAN MILLION

3RD PLACE - STUDENT, UK COLLEGE OF DESIGN

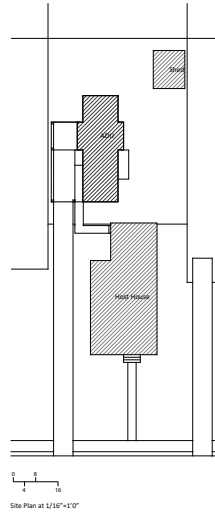
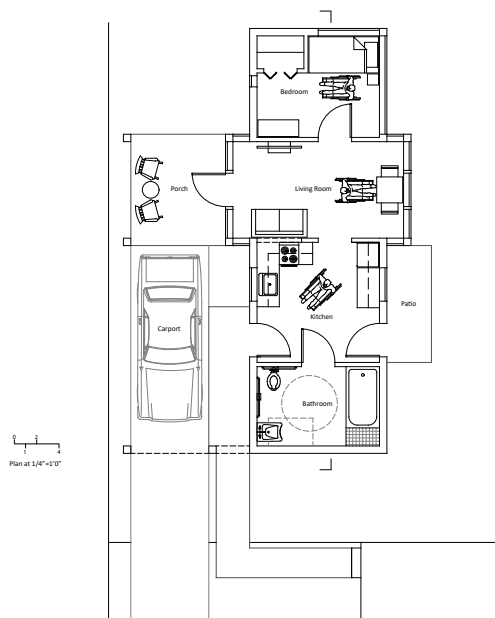


CELEBRATIONHOME

My design approach seeks to maximize the potential for both program and architectural form in an accessory dwelling unit. The house's interior is divided into four rooms: a bedroom, a living room, a kitchen, and a bathroom. This variety of spaces results in the home's user being completely self-sufficient. A carport at the end of the host house's driveway ensures the resident's ability to remain mobile despite any age or medical problems they face in life. Outdoor spaces include a covered porch in the rear, and a patio facing the backyard. All aspects of the design exceed ADA restrictions to properly accommodate residents with physical disabilities. While the ADU is intended to function independently from its host house, its position keeps it within convenient reach so that the resident and their family can easily visit one another.

Architecturally, the design distinguishes the home as a different style of dwelling and thus a recognition of its user. The home will not be viewed as an inferior object to its host, but instead as an eye-catching symbol of the importance of the user's independence. Its roof, composed of woven concrete beams with glass strung between, creates a constant pattern of natural light throughout the interior. The stigma of a grandparent's house being old and outdated disappears in this design.

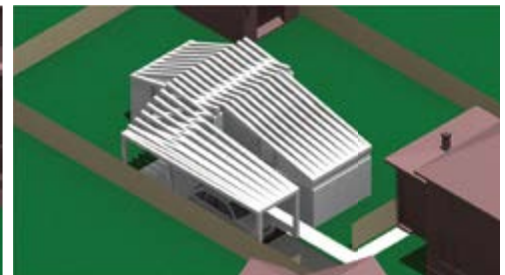
The home is not a necessary measure for one to watch over a needy friend. It is a celebration of that friend's life.



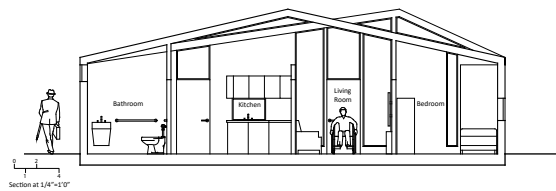
Isometric View



View From Street



Isometric View



Section at 1/4"=1'0"



Living Room



Kitchen



Side View

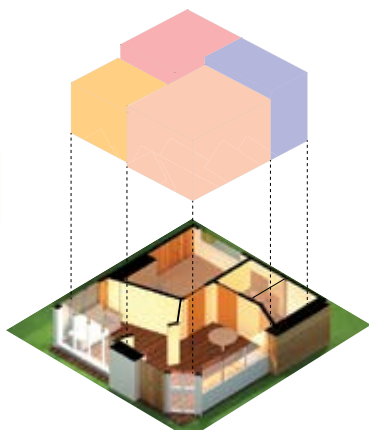


Rear View

DESIGN BY HANNAH ENGLE

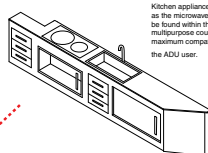
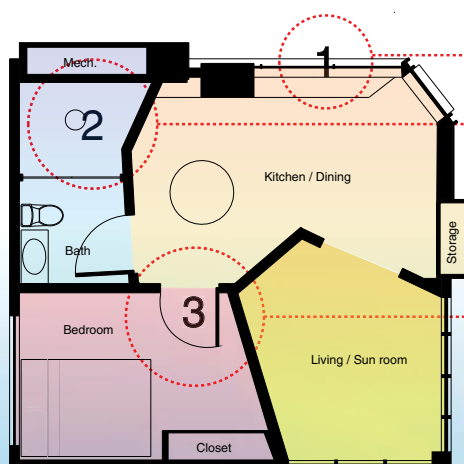
HONORABLE MENTION - STUDENT, UK COLLEGE OF DESIGN

LEX
ADU

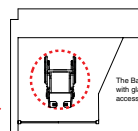


- Kitchen / Dining170 SQFT
- Living / Sun room105 SQFT
- Bedroom 140 SQFT
- Bathroom 075 SQFT

490 / 500 SQFT



Kitchen appliances such as the microwave and refrigerator can be found within the recessed creases of the multipurpose countertop and cabinets, allowing maximum compatibility and easy accessibility to the ADU user.



The Bathroom of the ADU has a large walk in shower with glass sliding doors, permitting complete wheelchair accessibility.



All doors in the ADU are equipped with pull and push levers rather than turnable doorknobs as a means of providing easier grasping and usage for those with disabilities.



Perspective from within Kitchen



Bathroom Perspective



Perspective from within the Sun room / Living area



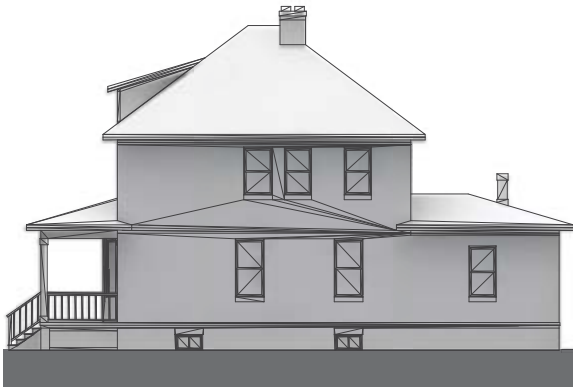
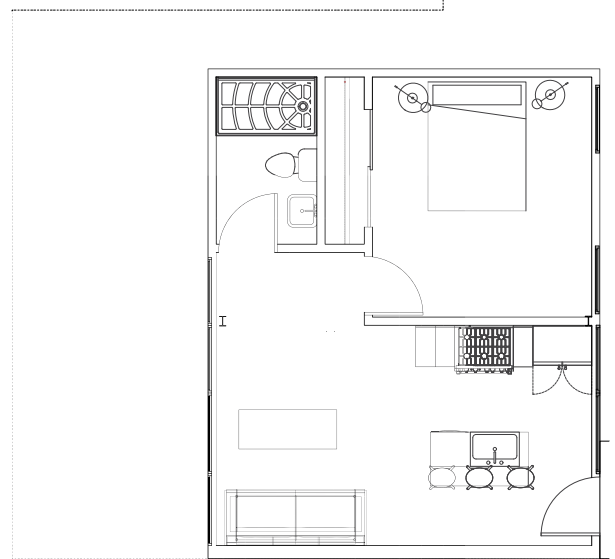
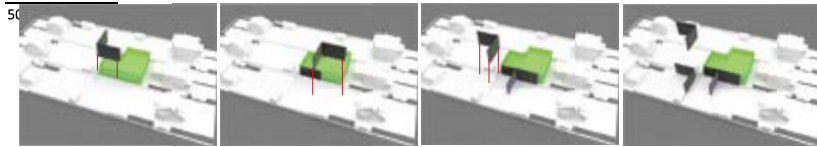
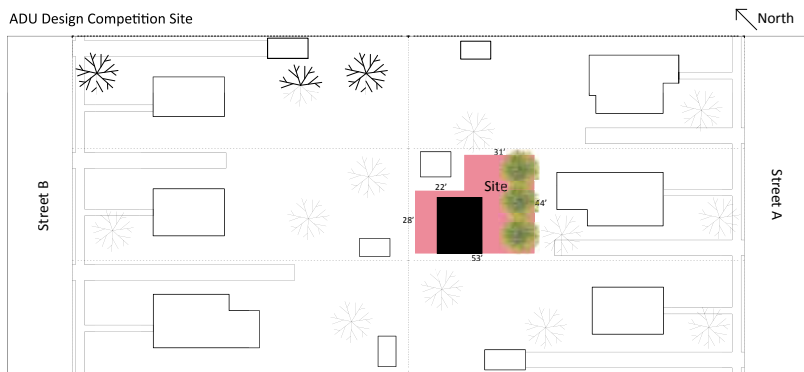
DESIGN BY ELVIA BAUTISTA STUDENT, UK COLLEGE OF DESIGN



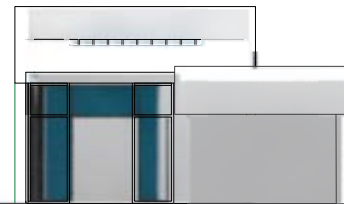
ADU

With The steady growth in cities, the demand for housing has increased. Lexington is growing at a fast rate. One of the major necessities are accessory dwelling units. These units will allow the urban fabric of Lexington to densify and allow diverse housing and also help contain the city limits. Therefore preserving what is left of the bluegrass. In order to increase the amount of dwellings in individual parcels one must oversee the planning and safety of the occupants due to fire. This design will show the process of integrating new units based on the future location of additional units, relying on a barrier to keep the placement of units feasible.

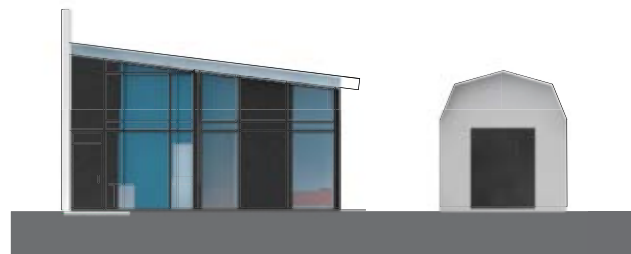
ADU Design Competition Site



Right Elevation



Back Elevation



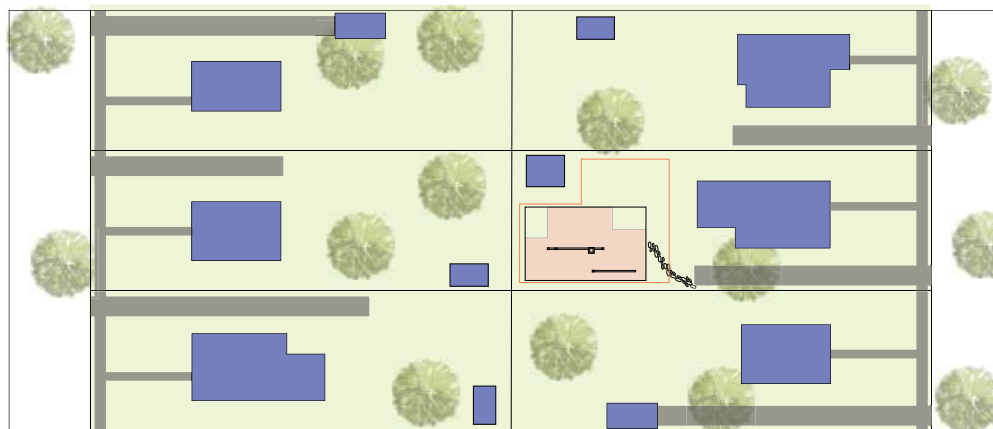
Front Elevation



DESIGN BY POOYA MOHAGHEGH STUDENT, UK COLLEGE OF DESIGN

This residence is a compact, one person flat that focuses on accessibility. By shifting the bedroom and bathroom off the main axis of the building, the resident gains privacy in intimate spaces. The building is also equipped with a front porch and a backyard patio for outdoor living. The flat has an unique window design to provide natural light in all rooms. The design shifts up or down, depending on if the section is private or public.

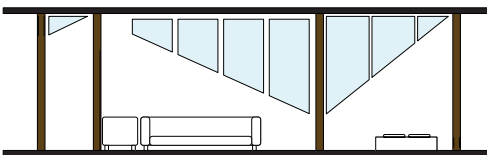
This flat was designed with sips panels in mind. Sips panels have a high R-value; this would allow the resident to conserve energy throughout the year. The sips panels will also make the construction process easier. These qualities make the flat accessible to residents with disabilities for immediate use.



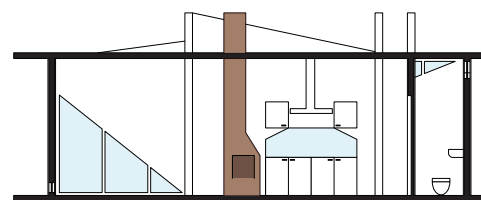
Site Plan_NTS



Interior Render_Bedroom



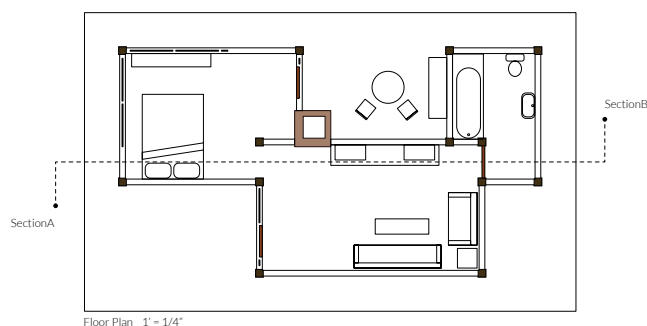
SectionA_1' = 1/4"



SectionB_1' = 1/4"



Interior Render_Living Room / Kitchen



Floor Plan_1' = 1/4"



Exterior Render_Front View



Exterior Render_Front View

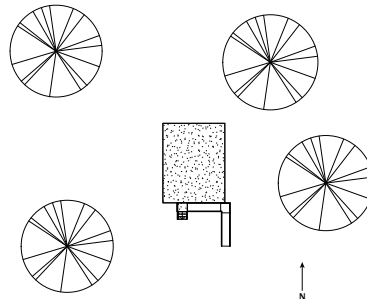
DESIGN BY KENNETH RIGGS STUDENT, UK COLLEGE OF DESIGN



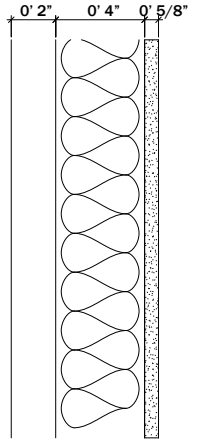
Bluegrass Flats

Lexington is a city experiencing rapid increase in urban dwelling and is considering the commonly known building type of "granny flats." Lexington is exploring what could be a beautiful, respectful and vibrant ADU home added to the cities' real estate mix. The floorplan is capable of being rearranged to make any accessibility needs. The eco friendly house with slanted roof designed for energy efficiency and options to upgrade in the future, such as solar panels and rain collection to make the home as affordable as possible. The design is capable to suit the adaptable needs of patrons, while being environmentally conscious and affordable.

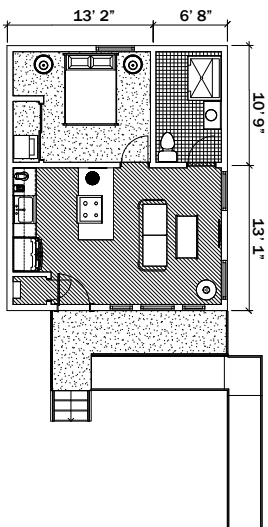
Site Plan
1/16" = 1'



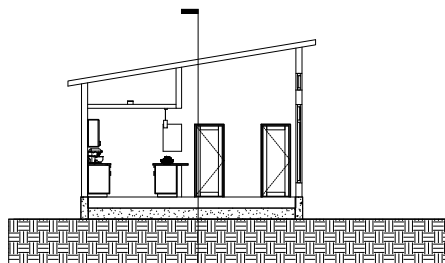
Wall Section
1/2" = 1'



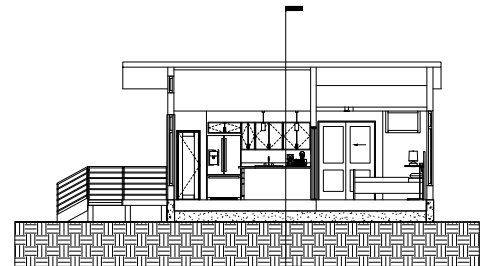
Floor Plan
1/4" = 1'



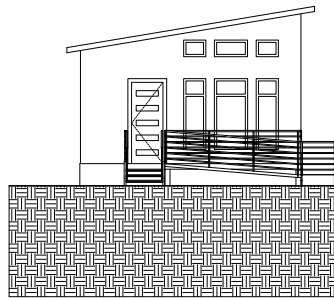
Section 1
1/4" = 1'



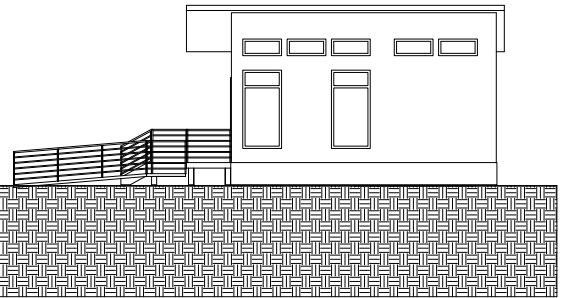
Section 2
1/4" = 1'



South Elevation
1/4" = 1'



East Elevation
1/4" = 1'



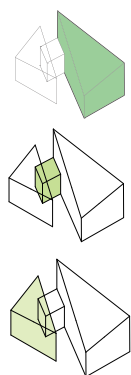


DESIGN BY ZANE SLONE STUDENT, UK COLLEGE OF DESIGN

3 Piece House

3 Piece House is a proposal for a space aimed to spatially accommodate people with both physical or mental disabilities. The house is comprised of three units separated by programs including living space, sleeping space, and a handicap bathroom. The living and sleeping space are connected by a large handicap bathroom designed for both handicap requirements and circulation. The form of the house was derived by a series of functional and environmental controls applied to a single rectangular box. The idea of "Poche" was utilized in corners of the triangular form to functionally serve as programs such as kitchen and storage space. Between the living and sleeping space lies a courtyard designed to blur the relationship of inside and outside spaces within the house. Privacy of the courtyard is controlled by a large sliding door. The door is adjusted by steering a wheel attached to the paneling of the exterior wall. The goal of the 3 Piece House is to provide a variety of programs on a small site with spatially comfortable rooms that provide easy accessibility to one another.

Program Diagram

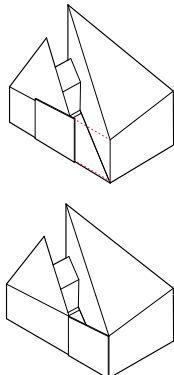


Living Space

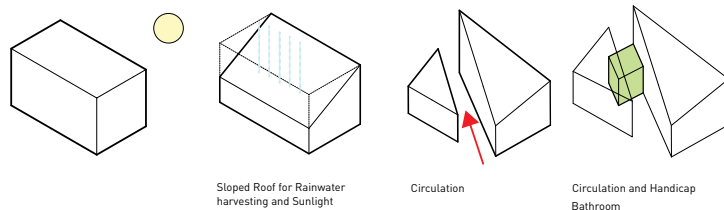
Handicap Bathroom

Sleeping Space

Function Diagram



Concept Diagram



Sloped Roof for Rainwater harvesting and Sunlight

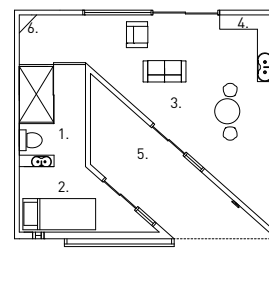
Circulation

Circulation and Handicap Bathroom

Plan 1' = 1/4"

1. Handicap Bathroom- 64 sq ft.
2. Sleeping Space- 104 sq ft.
3. Living Space- 300 sq ft.
4. Food Preparation
5. Courtyard
6. Shelving

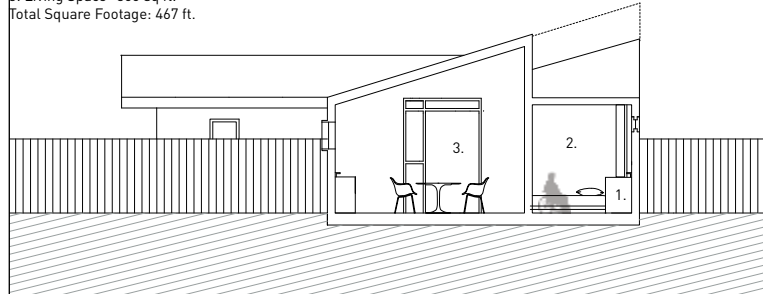
Total Square Footage: 467 ft.



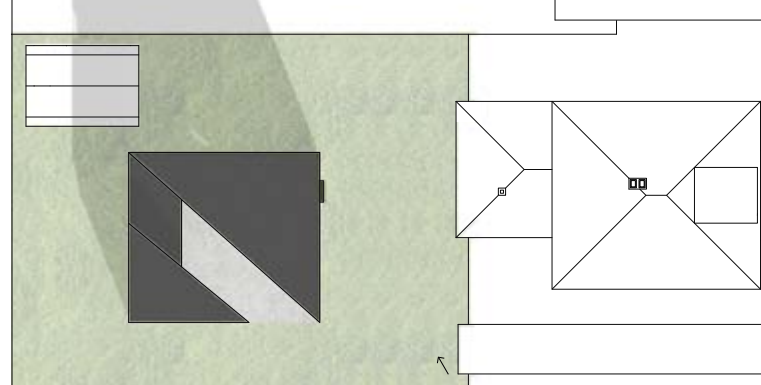
Section 1' = 1/4"

1. Handicap Bathroom- 64 sq ft.
2. Sleeping Space- 104 sq ft.
3. Living Space- 300 sq ft.

Total Square Footage: 467 ft.



Site Plan



Living Space Perspective

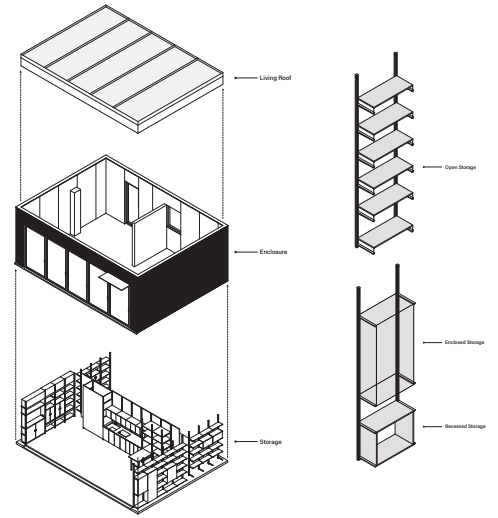
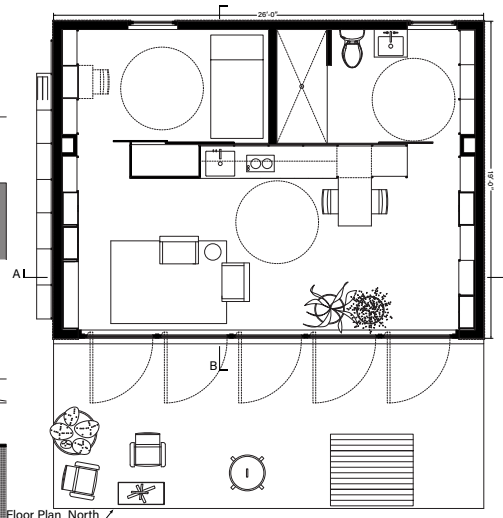
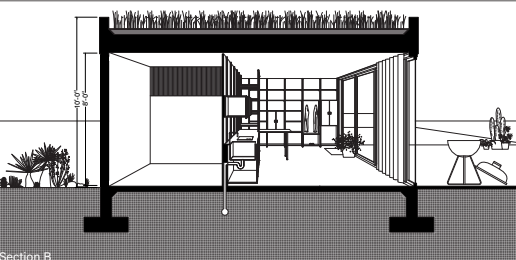
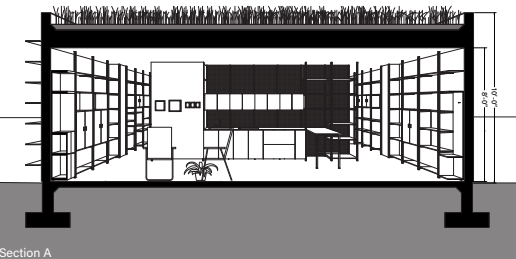


Exterior Perspective



DESIGN BY JORDAN HINES & ERIN RUHL

1ST PLACE, PROFESSIONAL SUBMISSION



MEMORY HOUSE

Memory House embraces the idea that a house is comprised of objects of memory. With walls and central core acting as a mechanism to display memories, Memory House surrounds the inhabitant with their own objects. The central core splits the house into a simple social-seclusion organization, opening the social space onto the lawn helping the ADU "claim" existing landscape an extension of interior living space.



DESIGN BY SHERMAN CARTER BARNHART ARCHITECTS

2ND PLACE, PROFESSIONAL SUBMISSION

FLAT500

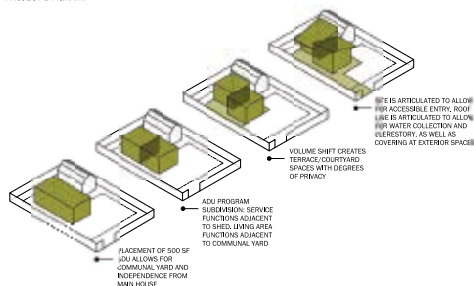
PROJECT DESCRIPTION:

Flat500 seeks to facilitate the unique draw of the Accessory Dwelling Unit - maintaining a second residence on a single plot - by retaining the features and programmatic relationships necessary for a primary residence. Loose separation of the Public and Private elements of the plan is accentuated by a shift in plan, creating distinct, identifiable rooms and exterior spaces, while maintaining openness and accessibility. Site placement is at the rear of the property allowing for openness between the main house and the new building.

Flat500's site design serves to reflect the overall Shift, as the Public program flows from interior space to exterior patio. The single-sloped roof accents this relationship and shift, extending beyond the common room and crafting a large open area beneath its eave. In its opposing slope, the roofline of the Private component is equally important, finding parity with the adjacent fence to form a small, cozy patio for the occupant.

In all, Flat500's success is in its simple approach. By distilling the functions of a home to their essence, this design creates a flexible, comfortable, accessible, complete home in harmony with its site.

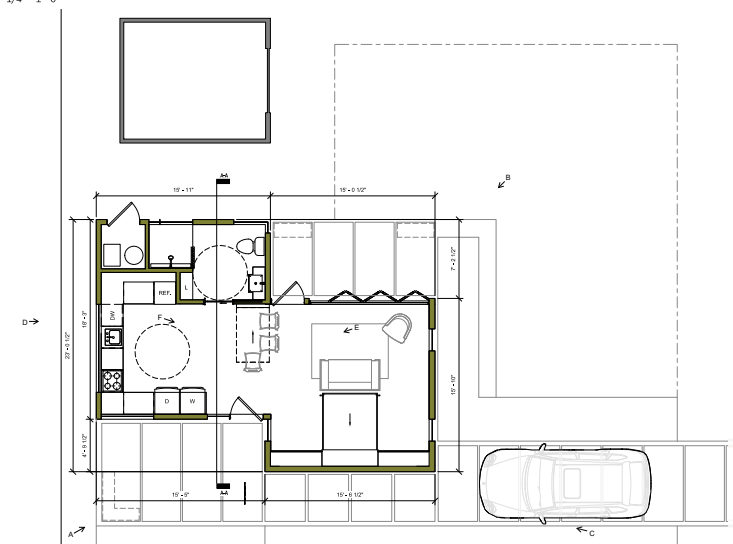
PROJECT DIAGRAM:



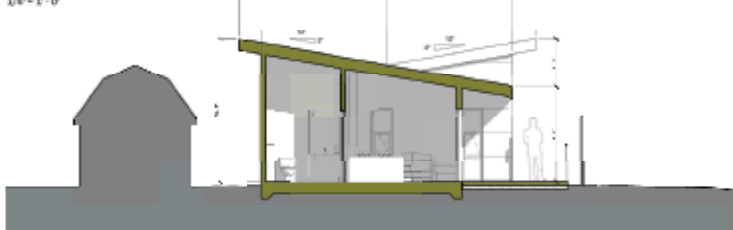
SITE PLAN:



PLAN:



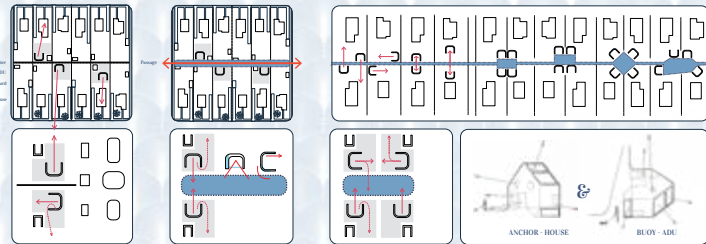
SECTION:



DESIGN BY LIZ SWANSON

3RD PLACE, PROFESSIONAL SUBMISSION

challenge typical relationships to create public space

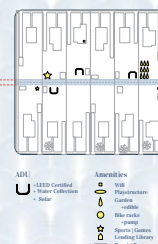
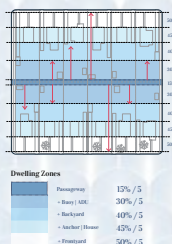


TYPICAL BLOCK ZONING STRATEGY
Central fence separates neighborhood
• ADU is not seen, access to Passage or House
• ADU is not seen, access to Passage or House

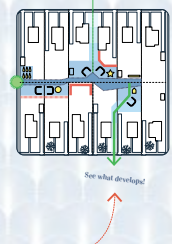
NEW ADU (BAY) ZONING STRATEGY
Central fence becomes Permeable Passage
• ADU is not seen, access to Passage or House
• ADU is not seen, access to Passage or House

NEW POSSIBILITIES FOR COMMUNITY
Space between ADU's becomes active, usable
• Neighbors can work together to coordinate
connections, views, and public space

DEFINE SPATIAL STRATA OF EXISTING BLOCK & ASSIGN TAX RATE STRATEGY
Existing existing zones with respect to spatial
patterns, setbacks, and other existing
features.
• The more private space homeowners are willing to
share with the public, the more tax credits they
can earn.



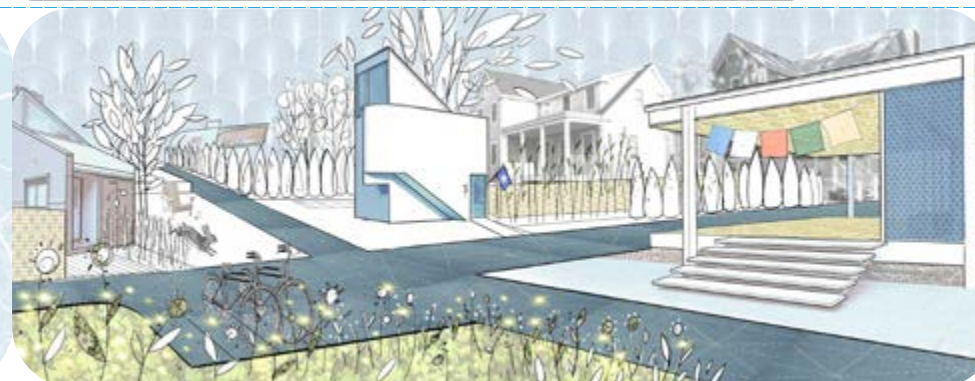
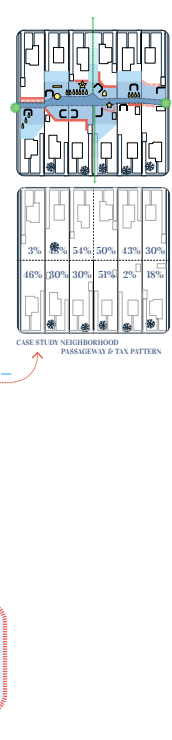
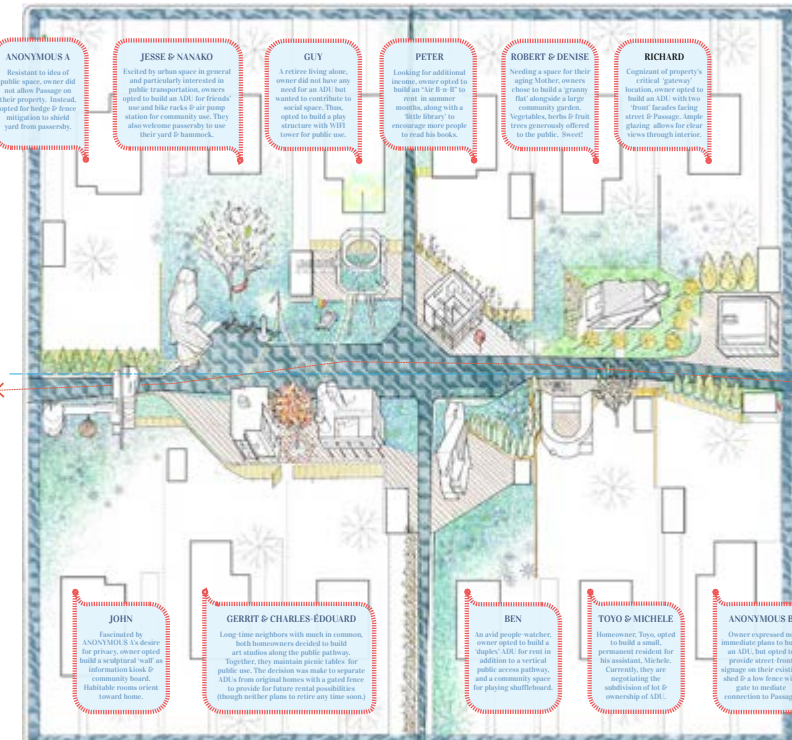
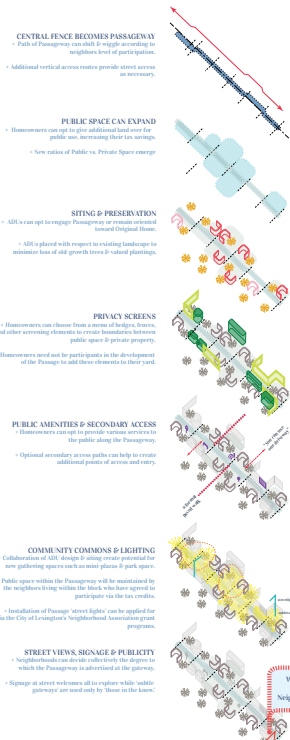
create tax code to incentivize participation



OFFER PLATINUM INCENTIVES FOR PUBLIC AMENITIES & ADU-FACING PASSAGEWAYS
• Adu's & House (Homeowners can receive credit by
offering services to community
• Additional incentives may be proposed to city for
consideration.

OFFER BONUS INCENTIVES & MITIGATION ELEMENTS TO ENCOURAGE PARTICIPATION
• Adu's & House (Homeowners can receive credit by
offering services to community
• Additional incentives may be proposed to city for
consideration.

ENCOURAGE COLLABORATION
• Show individual homeowners to determine level of
participation with incentives for collaboration
• Show neighborhoods to collectively determine degree
to which Passage is public or private



DESIGN BY ROSSTARRENT ARCHITECTS

HONORABLE MENTION, PROFESSIONAL SUBMISSION

THE LIFE CYCLE OF AN ADU

The ADU is typically conceived and built as a private structure for living in. A common organizational approach is to use service space (bathroom, mechanical space, etc.) to define and physically separate private spaces from more public ones. This creates space (and constrains valuable square footage) that become difficult to adapt to other uses. This lack of functional flexibility creates a problem for any future owners of the main property. During a period of several decades and owners, the ADU could serve as:

A home for an aging family member...a rental for additional income...a space for entertaining...a guest bedroom and home office...a child's playroom...

Each use has its own set of needs. This design for an ADU explores a scheme that balances the needs of an accessible home while emphasizing openness and flexibility of space for future uses.

FORM AND DESIGN

Beginning with a rectangular form, the surface is carved away to create pockets of outdoor space. Based off their location on the site, these outdoor spaces begin to define main entry, semi-private, and private outdoor patios. Expanses of glazing are created to create generous views and bring daylight into the space. Points on the roof are pulled up to 20' AFF to provide ceiling height for a loft space. At the opposite end, the roof at 15' AFF provides tall ceilings in the living and dining spaces. Roof points between are further manipulated to create a sloped roof with dynamic folds that trace along the length of the building. The resulting roof form is unique in its neighborhood context. However, the roof is also reminiscent of traditional residential roof forms such as the gable, hip, and mansard.

By placing service spaces (kitchen, bathroom, washer, dryer, etc.) to one side of the house, it allows for maximum openness, connectivity and sight lines of occupied spaces. The living, dining and bedroom spaces are fully open to one another. All ground level spaces are accessible and provide required turning and clearances. All appliances are selected for accessibility and meet ADA clearances. A loft is provided to take advantage of allowable building heights in order to provide for storage, HVAC unit access and any other future use. Accessible pocket doors allow for easier maneuvering without having door swings. Operable windows near the floor in the living and bedroom spaces provide easy access to open for natural ventilation.

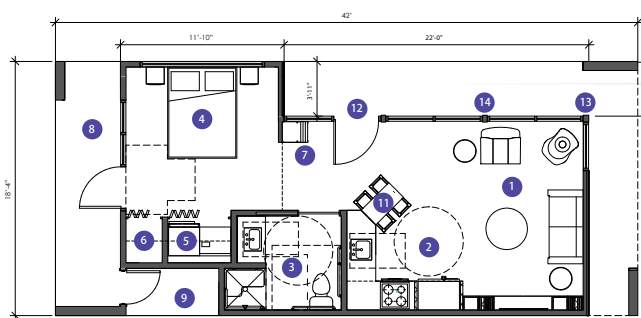
CONSTRUCTION

The ADU is constructed using typical wood framed, residential construction methods and materials. The wood framed exterior walls are clad in durable painted fiber cement panels, detailed in two ways. The lighter colored exterior is butt joined, to create a smooth appearance. The carved portions of the exterior are darker and detailed as board and batten siding. The roof is structured with wood rafters, preserving an unrestricted and open volume inside. To keep the space uncluttered, threaded rods (in lieu of trusses or joists) structurally tie exterior walls together. The metal roof panels provide a durable, long lasting roof with seams aligned with the exterior wall panels, so to blend with the original surface of the form. Box gutters along the long edges of the roof discreetly collect rainwater, leading to internal downspouts at each of the four corners. Wood clad doors and windows provide long lasting exterior systems with a familiar residential scale and character to the neighborhood.

ACCESSORY DWELLING UNIT



EXTERIOR PERSPECTIVE



- 1 LIVING AREA
- 2 KITCHEN
- 3 ACCESSIBLE BATHROOM
- 4 BEDROOM
- 5 LAUNDRY
- 6 CLOSET
- 7 ACCESS TO LOFT AND MECHANICAL CLOSET
- 8 PRIVATE PATIO
- 9 OUTDOOR STORAGE
- 10 SERVICE ACCESS (MECHANICAL, ELECTRICAL AND TRASH)
- 11 FOLDING DINING TABLE
- 12 PATIO AND MAIN ENTRY
- 13 DRIVEWAY ACCESS
- 14 LOW OPERABLE WINDOWS

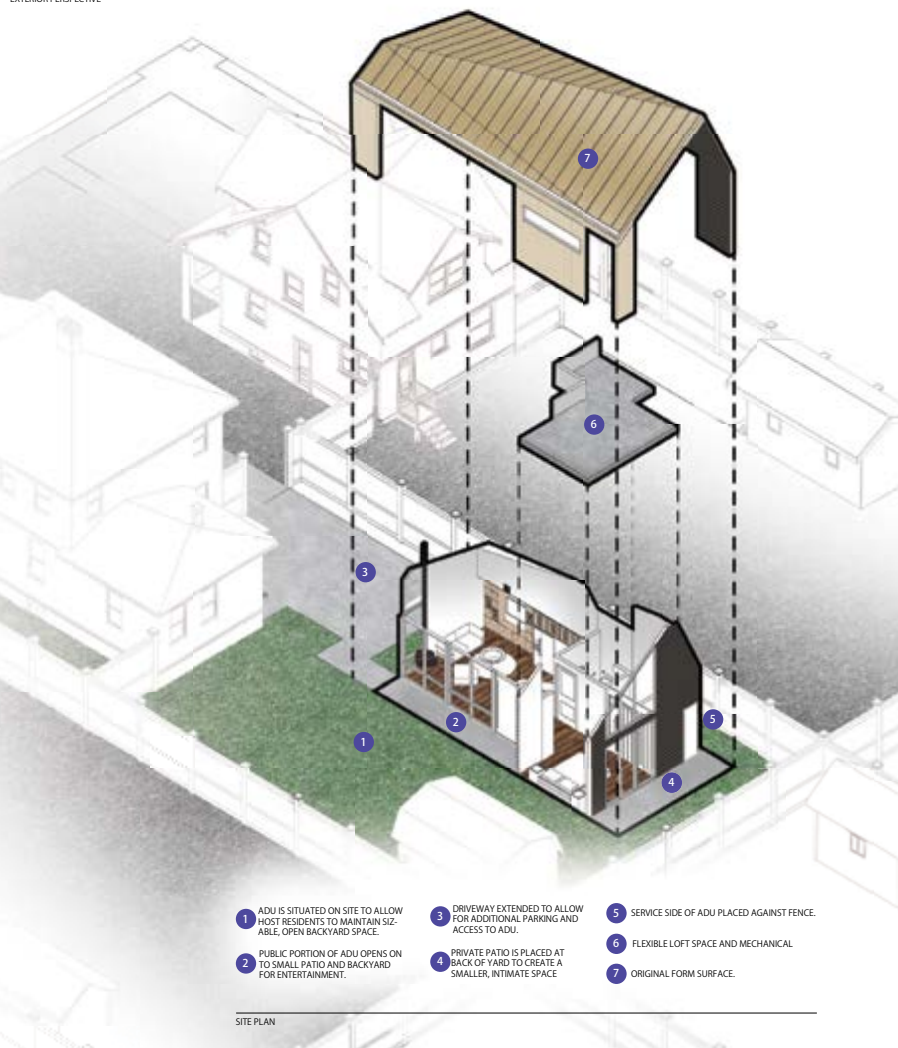
FLOOR PLAN



INTERIOR PERSPECTIVE SECTION



EXTERIOR PERSPECTIVE



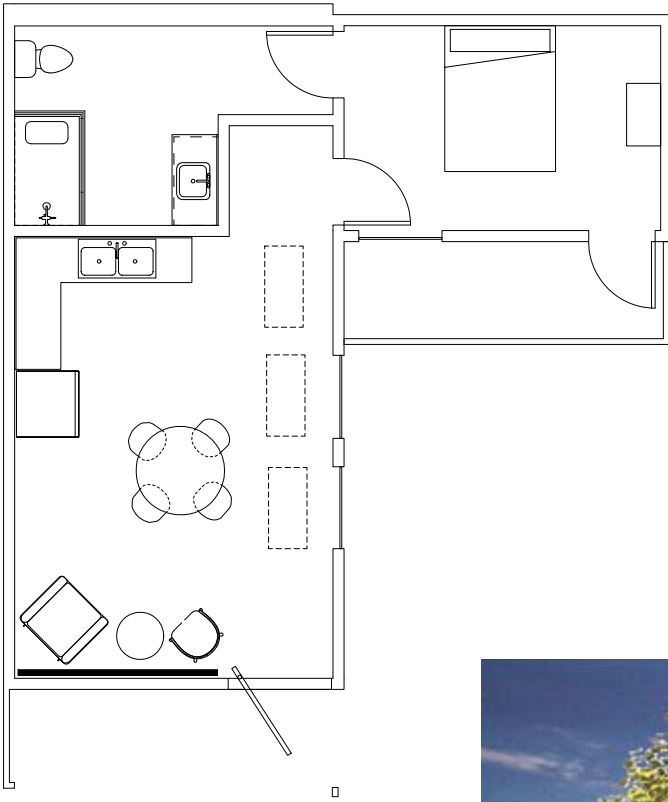
- 1 ADU IS SITUATED ON SITE TO ALLOW HOST RESIDENTS TO MAINTAIN SIZEABLE, OPEN BACKYARD SPACE.
- 2 PUBLIC PORTION OF ADU OPENS ON TO SMALL PATIO AND BACKYARD FOR ENTERTAINMENT.
- 3 DRIVEWAY EXTENDED TO ALLOW FOR ADDITIONAL PARKING AND ACCESS TO ADU.
- 4 PRIVATE PATIO IS PLACED AT BACK OF YARD TO CREATE A SMALLER, INTIMATE SPACE.
- 5 SERVICE SIDE OF ADU PLACED AGAINST FENCE.
- 6 FLEXIBLE LOFT SPACE AND MECHANICAL
- 7 ORIGINAL FORM SURFACE.

SITE PLAN

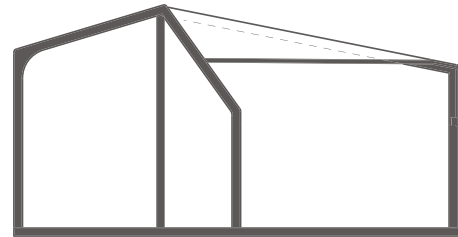
DESIGN BY JOE BREWER PROFESSIONAL SUBMISSION

Accessory Dwelling Unit

This unit is integrated with the suburban landscape. The structure is encapsulated with a singular material, but is structurally supported with glue laminated timber ribs. A pathway of ADA circulation drives the plan, and as you move through its program it goes from public space to private space. The 'L-shaped' plan creates an outdoor room that is shared with the primary residence. Beyond creating an outdoor room, the plan is also intended to provide some privacy for the occupant of the ADU.



Building Plan: 1/2"=1'-0"



Building Section



Interior Perspective

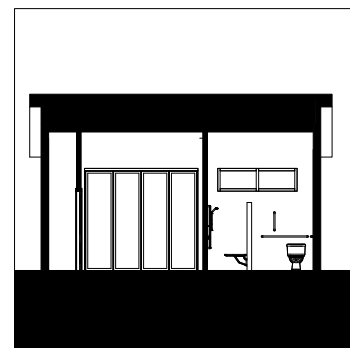
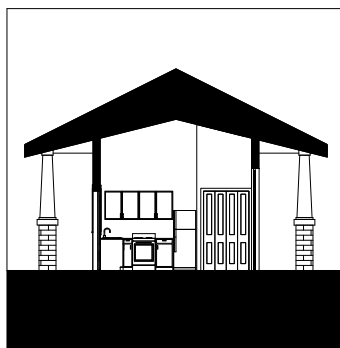
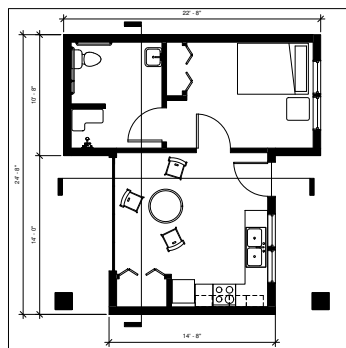
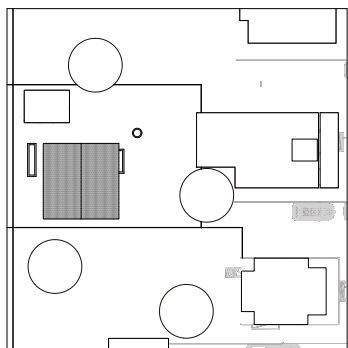
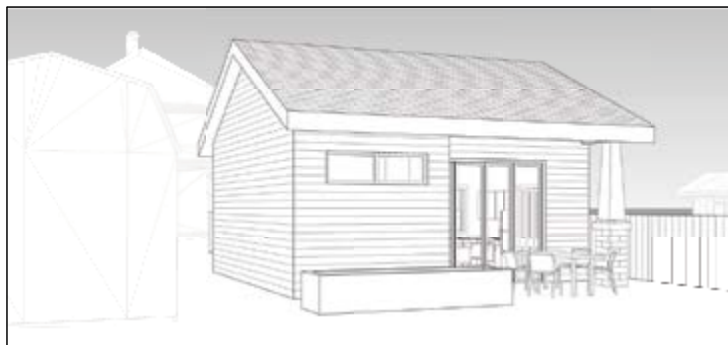


Interior Perspective



Exterior Perspective

DESIGN BY SETH GOVER PROFESSIONAL SUBMISSION



ADU

This design is an attempt to use space efficiently, while accommodating accessibility needs. The living room can be reconfigured based on the need, and can also be opened to the back to allow the space to extend outdoors. The house attempts to respect the context of the surrounding neighborhood, while adding a few modern elements.

DESIGN BY SHYLO SHEPHERD PROFESSIONAL SUBMISSION

Brief project description:

ADU's provide extra housing within the existing urban fabric. They are often called "granny flats" due to their use of housing elderly family in lieu of retirement homes or other facilities. In today's world, that is just a fraction of it's possible use.

We live in a time where excess is becoming less attractive due to a variety of economical and cultural factors. People are looking for ways to save money, and housing is typically the largest cost. ADU's might also be called "Tiny Homes" designed to be beautiful and efficient. In less than 500 sf, this home can provide all of the essential needs for at least two people and then some. This could allow for a variety of benefits to dwellers in the property as well as the owners of the property on which the home is set.



DESIGN BY DONNIE SHEPPERSON PROFESSIONAL SUBMISSION

ADU-LEX

The design intent of this project is to develop an Affordable Housing Unit (ADU) that would be suitable for the ADU program, while also providing for accessibility, or otherwise as a secondary, or living area.

FOR - 12.7

Program: Optimal Design: Optimal and functional use of the space is the primary goal. The design of the ADU is to be a single-story, one-bedroom unit with an attached garage. The design of the ADU is to be a single-story, one-bedroom unit with an attached garage. The design of the ADU is to be a single-story, one-bedroom unit with an attached garage.



ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7

ADU-LEX: 12.7



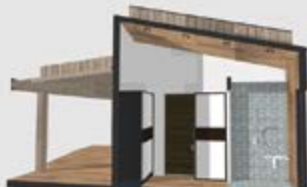
Section 1 - Living Kitchen Dining - Left Above - Extended Living Patio



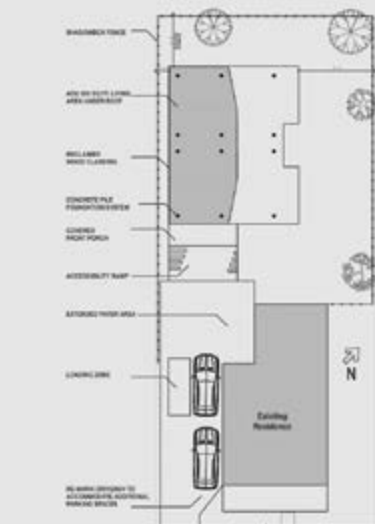
Section 1 - Porch - Living Kitchen Dining - Left Above - Bedroom - Bathroom



Section 2 - Bedroom - Bathroom - Kitchen Dining - Left Above - Living - Porch



Section 3 - Extended Patio - Closet Utility - Bedroom



DESIGN BY STUDENT GROUP UNIVERSITY OF OREGON



SHARED FRONT COURT



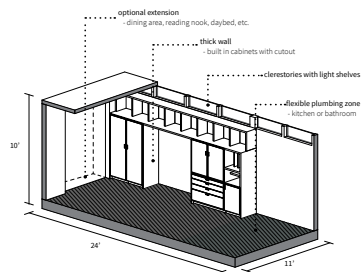
LIVING ROOM LOOKING TO KITCHEN



KITCHEN LOOKING TO LIVING ROOM

CONFIGURE

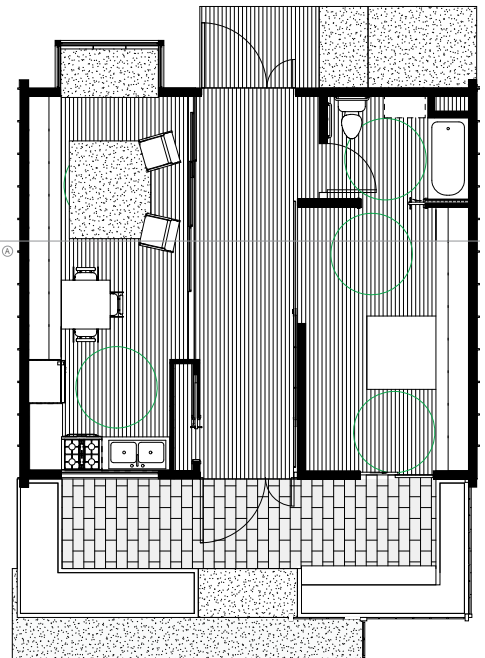
The housing crisis demands that we develop new strategies to provide humane and affordable housing to a broad spectrum of people. To fill the missing middle, we must build smaller and smarter while maximizing flexibility. This project calls for an accessible accessory dwelling unit (ADU) in the backyard of a single-family dwelling. But while ADUs effectively accommodate diversity and density within existing neighborhoods, one alone cannot address the crisis. So we did not design an ADU for one client—we designed a solution for the whole neighborhood. We propose that by working with a local builder to develop a modular, prefabricated ADU, we could inspire nearby residents to request their own unique configuration using modular parts. Good design is good advertising. As more units are ordered, costs would decline, and more and more people in need would have their very own backyard paradise.



single

double

dogtrot



PLAN @ 3/8" = 1'-0"



SITE PLAN N.T.S.



BACKYARD VIEW



FLEX ROOM



SECTION A

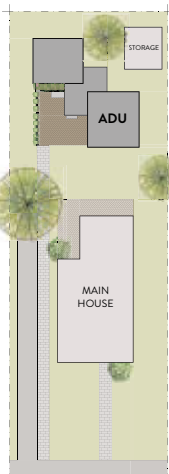
DESIGN BY STUDENT GROUP UNIVERSITY OF OREGON

ADU

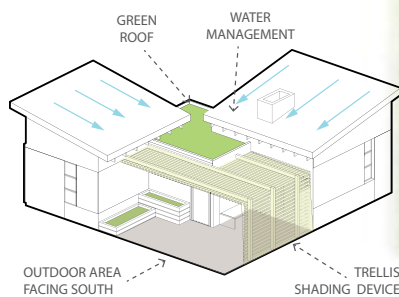
Like many cities in the United States faced with increasing populations in and around cities, Eugene, OR has begun to amend its zoning laws to allow for accessory dwelling units (ADU).

This 500 SF ADU focuses on the flexibility of the unit no matter the resident. The L shape circulation separates the two main rooms so that the smaller room can be used as a bedroom or separate workspace. Hallways are slightly wider than normal to allow wheelchair users maximum maneuverability.

The volumes of the two main rooms are vaulted ceilings that slope down onto the green roof of the volume that contains the service functions. The ADU has a private patio accessed from both the entry and the living room, with space for a small garden. The wooden slats wrapping the patio provide both rain cover and privacy from the main house.

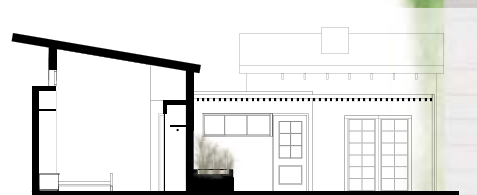


SITE PLAN
1/16"=1'-0"

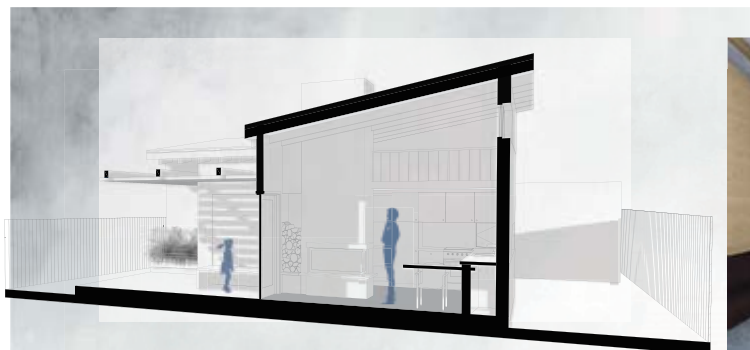


OUTDOOR AREA
FACING SOUTH

TRELLIS
SHADING DEVICE



SECTION 1
1/4"=1'-0"



PERSPECTIVE SECTION



CIRCULATION



FLOOR PLAN
1/4"=1'-0"



LOFT ABOVE KITCHEN



BEDROOM



ENTRANCE AND PATIO



EAST CORNER

DESIGN BY STUDENT GROUP UNIVERSITY OF OREGON



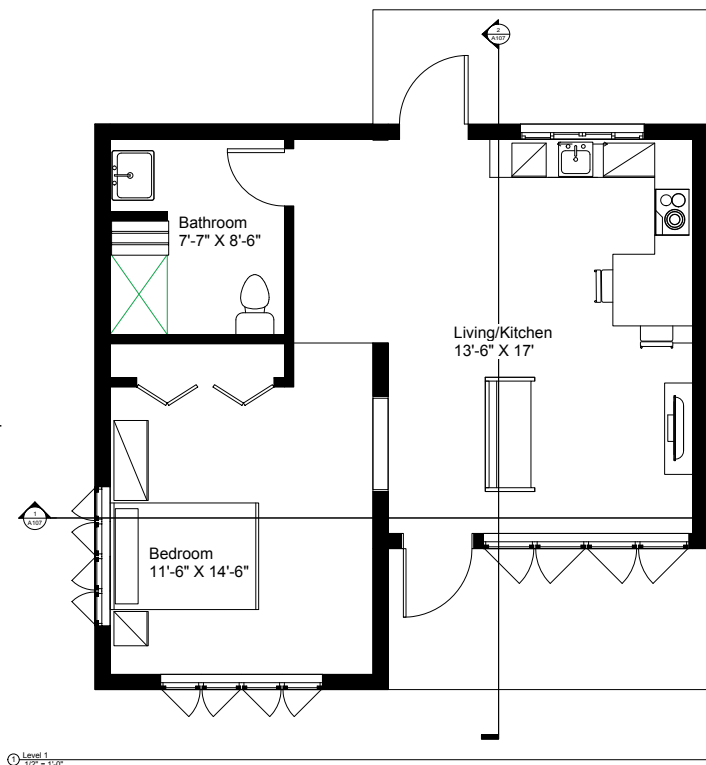
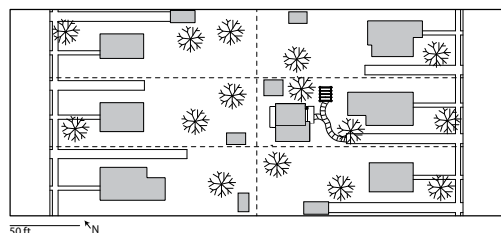
ACCESSORY DWELLING UNIT

Although simple in its floor plan and programmatic layout, our ADU uses a series of sloping roof planes to create vertical usable space while maximizing daylight and views to outdoor space. The ADU is broken into two parts, the main living space and private bedroom, which are differentiated by the slope of their roofs which open to the main garden space and private patio space respectively. Accessibility was the guiding design factor but the ADU also anticipates guests and future occupants. The tall living space ceiling allows for a lofted space that can be used for storage or a sleeping space while the open ground floor makes for easy circulation for occupants with disabilities. Large picture windows and operable glass doors open up the main spaces of the ADU to the outdoors and a wrap around deck provides private and public outdoor space that connect to the main garden.

DESIGN BY STUDENT GROUP UNIVERSITY OF OREGON

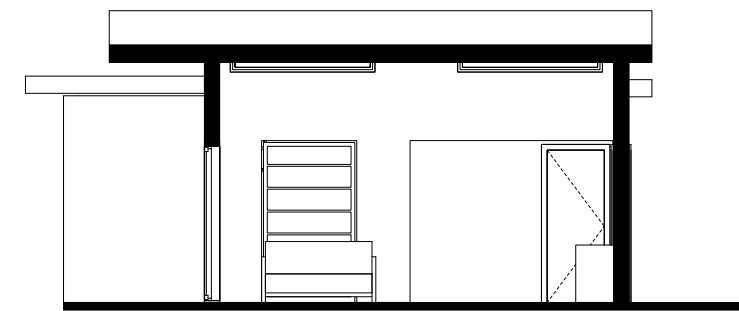
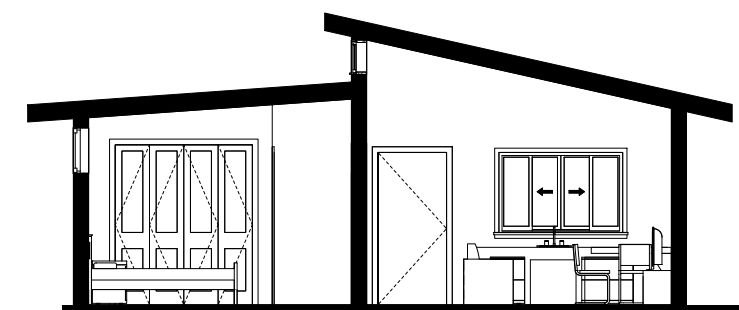
Shading Hollows ADU

Shady Hollows is a 500 square foot ADU located in a friendly and welcoming residential area in a back lot. This ADU is unique in that it was designed to provide improved accessibility for people with disabilities. Shady Hollows add personality and character to the existing surrounding residential context. It was designed to be simplistic and homey. To continue this theme, we used a simplistic material palette, utilizing contrasting materials for the exterior to visually separate the house into private vs public. Our design intends to optimize solar gain and natural light, with the front of the house facing East. Shady Hollows is ADA compliant, however, design characteristics were also carefully considered to appeal to more than those with disabilities. The surrounding lots and yards were a big pull in our design. We wanted to create a more private "backyard" area and a porch that would be specifically for the ADU, while also creating a bigger shared yard with specialized landscaping for both the main house and the ADU.



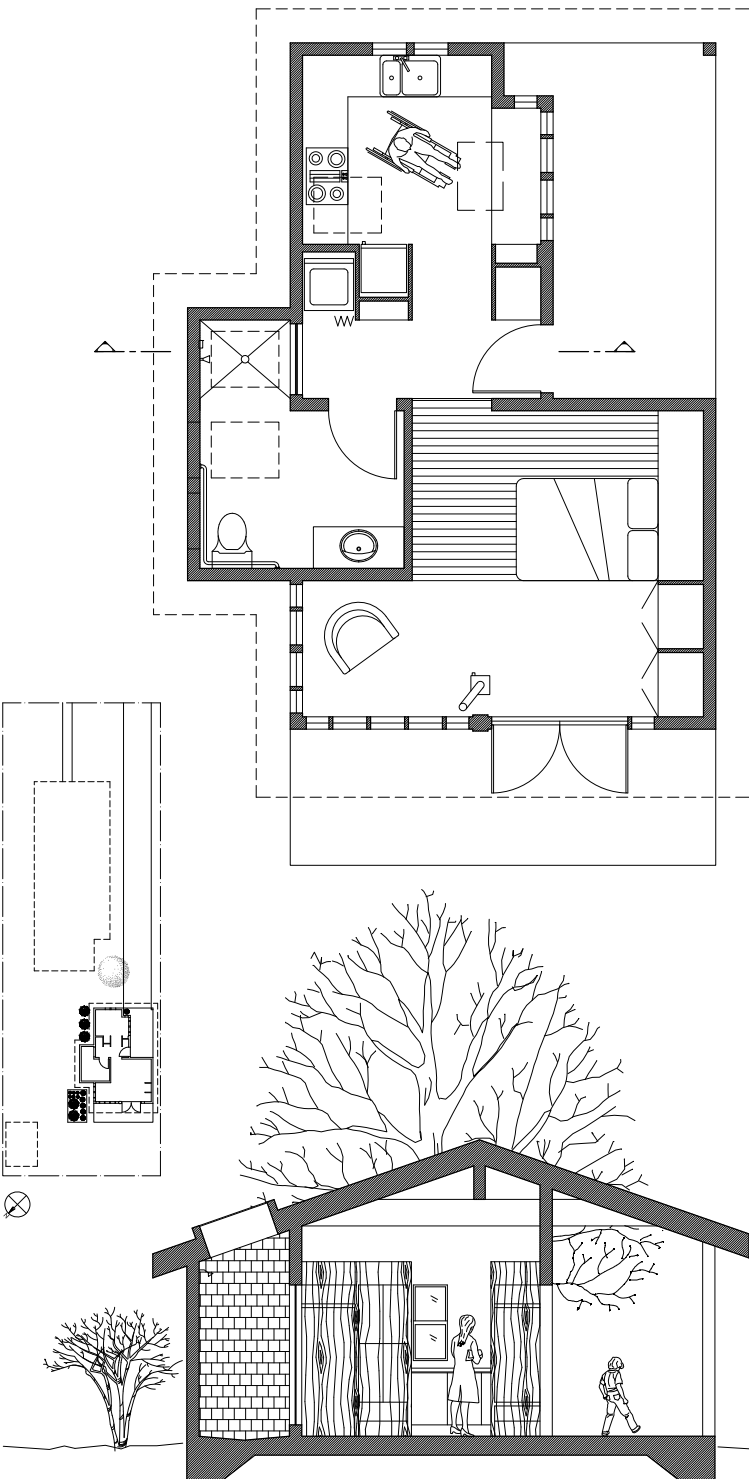
Level 1
1/2" = 1'-0"

Section 1
1/2" = 1'-0"



Section 2
1/2" = 1'-0"

DESIGN BY STUDENT GROUP UNIVERSITY OF OREGON



Accessible ADU in the Pacific Northwest

This fully accessible studio dwelling is inspired by the neighborhood's historic Northwestern mid-century homes.

Utilize existing site geometries and massing to create shared and private outdoor spaces (see diagram at right)

Engage existing driveway to create a welcoming and accessible approach

Entry located at the center of the home to minimize circulation

Placement of windows and skylights maximize privacy and connection to the outdoors

Ample built-in cabinetry to reduce furniture needs

Spaces with multiple functions for maximum space

Local materials to foster a sense of place and create warmth



PAGE INTENTIONALLY BLANK

TOWN OF HERNDON, VIRGINIA

ORDINANCE

OCTOBER 26, 2021

Ordinance, to consider zoning ordinance text amendment, ZOTA #21-03, to amend Chapter 78 (ZONING), Article VII (Use Regulations), Article VIII (Accessory Uses), to revise or establish new limitations on size, bulk, and setbacks for accessory dwelling units; to eliminate the special exception requirement for accessory dwelling units in certain situations; and to eliminate the minimum age and physical, mental, or cognitive disability requirements for accessory dwelling units

Sec. 78-71.1. - Residential use category.

- (a) *Characteristics.* The residential use category is characterized by the residential occupancy of a dwelling or residential facility by an individual or a household meeting the definition of a family. Tenancy is arranged on a month-to-month or longer basis.
- (b) *Examples.* Example use types include single-family detached dwellings, duplex dwellings, multi-family dwellings, assisted living for the elderly or persons with disabilities, or townhouse dwellings. Group homes are also included as described in the Code of Virginia, § 15.2-2291.
- (c) *Similar use types, accessory uses and prohibited use types.*
 - (1) *Transient lodging.* Transient lodging is not permitted in the residential use category. Transient lodging, including, hotels, motels, inns, conference centers, boarding houses and lodging houses, are in the lodging businesses category.
 - (2) *Convalescent home.* Convalescent home is in the institutional and community services use category.
 - (3) *Home-based businesses.* Home-based businesses, including childcare in the home, are permitted as accessory uses that are subject to additional standards. (See section 78-80.5).
 - (4) *Bed and breakfast and short-term rentals.* Bed and breakfast establishments are permitted as accessory uses subject to additional standards in 78-80.4(d), bed and breakfast establishment *and 78-80.4(u), short-term rentals.*
 - (5) *Accessory dwelling.* Accessory dwelling units are permitted as accessory uses subject to additional standards. ~~See Article VIII, Accessory Uses and Structures. As listed in Section 78-80.4(a).~~
- (d) *Residential use category specific use standards.* All uses shall comply with all applicable standards in this chapter. In addition, the following standards shall apply, unless, in the judgment of the reviewing authority, exceptional circumstances warrant adjustment:

- (3) *Establishment of unauthorized dwelling units prohibited.* Establishment of an unauthorized dwelling unit in any building or division of a dwelling unit is prohibited ~~and subject to the following~~ *except when legally established as an accessory use pursuant to Section 78-80.4(a).*

~~a. *Change in use or special exception.* Establishment of an unauthorized dwelling unit in any building or division of a dwelling unit is not permitted except in accordance with procedures for a change in use as authorized by the town or unless an accessory dwelling unit has been approved through a special exception.~~

~~b.a.~~ *Conditions constituting an unauthorized dwelling unit.* An unauthorized dwelling unit within a building shall be presumed to have been created when contiguous areas for living, sleeping, eating, cooking, and sanitation are designed in such a manner as to establish a distinct, separate, and self-contained living or housekeeping unit. The existence of any one of the following conditions shall be considered to be an unauthorized dwelling unit, *when established absent approval of a legally established accessory dwelling pursuant to 78-80.4(a).*

1. A secured internal access/connection is maintained that prevents full access to all of the common living areas (exclusive of private bedroom/bath areas) to all occupants of the dwelling unit.
2. More than one assigned address or more than one electric, water or gas meter serving the building.
3. Use of part of a previously approved dwelling unit for an additional dwelling unit providing complete, independent living facilities for a single-family dwelling including provisions for living, sleeping, eating, or sanitation.

~~e. *Additional procedures.* The building official and the zoning administrator may request additional administrative steps, such as the recording of a "declaration of use", when such steps are determined to be warranted by specific conditions, such as a separate exterior entry. The creation of a dwelling unit shall comply with all rules, regulations, ordinances and other requirements of the town of Herndon. Building permits, inspections, and approvals are required for all building, electrical, mechanical, or plumbing work performed. Where a conflict arises between these standards and other requirements, the most restrictive shall govern.~~

Section 78-80.1. – Accessory uses and structures.

- (a) *Purpose and intent.* Sections 78-80.1 through 78-80.5 authorize the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The town's intent is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding properties. Some accessory uses are required (such as parking), some are permitted by right (such as signs), some are permitted as special exceptions (such as accessory dwelling units) and many are allowed in planned development districts.

- (c) *Standards for all accessory uses and structures.* The following standards apply to all accessory uses and structures:

- (1) *Relation to principal use.* Any accessory use or structure shall directly serve the principal use or structure.
- (2) *Incidental to primary use.* Any accessory use or structure be customarily accessory and clearly incidental to the principal use.
- (3) *Subordinate in nature.* Any accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure. An accessory use may not exceed

25 percent of the floor area shared with the principal use, and any combination of more than two accessory uses may not exceed 50 percent of the floor area shared with the principal use, *unless otherwise specified in this section.*

(4) *Ownership.* Any accessory use or structure shall be owned or operated by the same entity owning the principal use or structure.

(5) *Location.* Any accessory use or structure shall be located on the same lot as the principal use or structure ~~or on a contiguous lot.~~

(6) *Compliance.* Together with the principal use or structure, any accessory use or structure shall not violate the bulk, density, parking, landscaping, or open space standards of this chapter. Therefore, all accessory uses and structures shall conform to the applicable requirements of this chapter, including the use regulations in Article VII, Use Regulations, and the dimensional standards in individual zoning districts.

Sec. 78-80.2. - Table of permitted and allowed accessory uses and structures.

(c) *Table of permitted and allowed accessory uses and structures.* The Table of Permitted and Allowed Accessory Uses and Structures, Table 78-80.2. C. identifies the uses permitted within base districts. (See also section 78-70.2(d): Table of Principal Permitted and Allowed Uses, and Table 78-90.1(b), Allowed Temporary Uses and Structures; See also use specific standards in section 78-80.4)

Table 78-80.2(c): TABLE OF PERMITTED AND ALLOWED ACCESSORY USES & STRUCTURES

**KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval;
Z=Use Allowed Subject to Zoning Map Amendment Approval**

Notes: 1. A blank cell means the use is prohibited in the district; 2. Uses may be subject to use specific standards noted in the last column.

** For Permitted Accessory Uses in PD-TOC see section 78-50.8; For Accessory Uses Permitted and Allowed in PD-W see section 78-50.9

	Residential Districts				Business Districts				Planned Development District					Supp'l Reqs.
ACCESSORY USE	R 15	R 10	R TC	RM	CC	CS	CO	O& LI	PD-R	PD-B	PD-TD PD-D	PD-UR	PD-TOC PD-W	See Section

Accessory Dwelling Unit - <i>Internal or Attached</i>	S <i>P</i>	S <i>P</i>	S						Z <i>P</i>		<i>P</i>	<i>P</i>	**	§78-80.4(a)
<i>Accessory Dwelling Unit - Detached</i>	<i>P</i>	<i>P</i>							<i>P</i>		<i>P</i>	<i>P</i>		<i>§78-80.4(a)</i>
Accessory Food Preparation Area - Secondary Kitchen	S <i>P</i>	S <i>P</i>	S <i>P</i>		S				S <i>P</i>		S <i>P</i>	S <i>P</i>	**	§78-80.4(b)
Accessory Food Preparation - Wet Bar	P	P	P	P	P	P	P	P	P	P	P	P	**	§78-80.4(b)

110

111 **Sec. 78-80.3. - Accessory structure standards.**

112 Accessory structures and features shall comply with the following zoning-district specific
 113 standards.

114 (a) *Accessory structures in residential districts.* Accessory structures in residential district shall
 115 meet the following standards, *unless otherwise specified in this section*:

116 (1) *Location.* Accessory structures, except fences and walls, shall not be located within a
 117 required setback or required side yard, except accessory buildings on corner lots may be
 118 located within the side yard. Accessory structures except fences and walls shall be located
 119 so the structure is not closer than:

120 a. Five feet to any alley line;

121 b. Two feet to any side or rear lot line, except for a townhouse dwelling lot, where the
 122 accessory structure may be located on the side or rear lot line.

123 c. Ten feet to the principal dwelling for any single-family detached or duplex dwelling.

124 (2) *Maximum height.* The height of an accessory structure shall not exceed the lesser of the
 125 height of the principal structure on the site, or 15 feet.

126 (3) *Maximum floor area.* On any lot, the combined floor area of all detached accessory
 127 structures shall not be greater than 50 percent of the floor area of the principal structure,
 128 unless otherwise specified in this chapter.

129 (4) *Residential occupancy.* Residential occupancy shall not be allowed in any accessory
 130 structure except under the provisions of section 78-80.4, accessory dwelling unit.

131 (5) *Temporary accessory structures.* Temporary accessory structures shall be governed by
 132 the procedures and standards of section 78-155.6(e)(4), temporary use site plan, and
 133 Article IX, Temporary Uses and Structures.

~~(6) Required approvals. On lots with single family detached or duplex dwellings, the construction, replacement or enlargement of an accessory building when the alteration is:~~

~~a. Less than 750 square feet may require a building permit and a building location survey in accordance with section 78-155.6(c)(1).~~

~~b. Seven hundred fifty square feet of floor area or more must be approved through a single lot development plan in accordance with section 78-155.6(c)(2).~~

Sec. 78-80.4. - Standards for specific accessory uses and structures by use type.

Accessory uses and structures listed below shall comply with the following specific standards.

(a) *Accessory dwelling unit.* An accessory dwelling unit *is permitted in the zoning districts specified in Table 78-80.2(c) and* shall comply with the following standards:

~~(1) Special exception required. An accessory dwelling unit shall be permitted by special exception in accordance with section 78-155.3 and Article VIII, Accessory Use Regulations. A special exception shall be required when an internal accessory dwelling unit is proposed in a single family attached townhouse.~~

~~(2) Compliance with building code and zoning standards. An accessory dwelling unit shall comply with all applicable building code and development standards for dwelling units in the zoning district in which the accessory dwelling unit will be located. An accessory dwelling unit shall also comply with all applicable standards for the principal dwelling.~~

~~(3) No mobile homes or recreational vehicles as accessory dwellings. Mobile homes, recreational vehicles, travel trailers, manufactured homes, and the like shall not be used as accessory dwelling units.~~

~~(4) One accessory unit per lot. There shall be no more than one accessory dwelling unit on a lot in addition to the principal dwelling.~~

~~(5) Size limit.~~

a. Internal or attached. The floor area of an *internal or attached* accessory dwelling unit shall not exceed ~~35~~ *40* percent of the gross floor area of the principal dwelling, or 1,200 square feet, whichever is less.

b. Detached. *The maximum gross floor area of a detached accessory dwelling unit shall not exceed 900 square feet.*

1. Covered or screened porches do not count towards the maximum floor area. Porches otherwise enclosed do not count towards the maximum floor area unless the space is conditioned.

2. Detached accessory dwelling units and any associated porches count towards the minimum lot coverage allowed in the underlying district.

~~(6) Location.~~

a. Detached accessory dwelling units are limited to the rear yard. A detached accessory dwelling unit shall have a minimum setback of 10 feet from the rear and side property lines and 10 feet from the principal structure.

1. Existing accessory structures. A detached accessory dwelling may be incorporated into a detached accessory structure that does not meet the

- 176 *above setbacks provided the detached accessory structure legally existed*
 177 *on or before October 26, 2021.*
- 178 2. *Encroachments. Encroachments into the setback are limited to the*
 179 *following features and must comply with the provisions of Table 78-21(f):*
 180 *Chimney, eaves, trim, fascia boards, sills, cornices, bay windows, patios,*
 181 *retaining walls, terraces, and similar features (other than decks located*
 182 *more than two feet above grade).*
- 183 b. *Attached accessory dwelling units shall meet the setback requirements of the*
 184 *underlying zoning district.*
- 185 (67) *Entrance location. If the accessory dwelling unit is a part of the principal structure*
 186 *on the lot, any external entrance for the accessory dwelling unit shall be located on the*
 187 *side or rear of the structure.*
- 188 a. *The external entrance for internal or attached accessory dwelling units shall be*
 189 *located on the side or the rear of the structure. On corner lots, the entrance may*
 190 *face the secondary front setback.*
- 191 b. *A sliding door is not permitted as the main exterior entrance to the accessory*
 192 *dwelling unit.*
- 193 (78) *Limit on bedrooms and occupancy. An accessory dwelling unit shall not contain*
 194 *more than two bedrooms or be occupied by more than two three persons.*
- 195 (89) *Occupancy standards. An accessory dwelling unit shall be subject to the dwelling*
 196 *unit occupancy standards of section 78-170.6. Either the accessory dwelling unit or the*
 197 *principal dwelling shall be occupied by the owner of the principal dwelling as their*
 198 *primary residence. If the owner of the principal dwelling ceases to occupy one of the*
 199 *dwelling units as their primary residence, the entire property is limited to one family*
 200 *as defined in Section 78-180. Additionally, either the accessory dwelling unit or the*
 201 *principal dwelling on a property shall be occupied by at least one person who meets the*
 202 *following qualifications:*
- 203 a. ~~The person is at least 62 years of age; or~~
- 204 b. ~~The person has a physical, mental, or cognitive disability:~~
- 205 1. ~~As certified by the Social Security Administration, the Veterans Administration,~~
 206 ~~or the Railroad Retirement Board; or~~
- 207 2. ~~As confirmed in writing signed by a licensed medical practitioner or a~~
 208 ~~practitioner licensed in an allied health field.~~
- 209 3. ~~This section shall not be deemed to exclude individuals who meet the~~
 210 ~~qualifications above and are able to seek or engage in employment.~~
- 211 (910) *Parking. There shall be a minimum of one off-street parking space with convenient*
 212 *access to a street for the accessory dwelling unit. The off-street parking shall be in*
 213 *addition to the requirements specified for the principal dwelling. the off-street spaces*
 214 *required in Article X – Parking, Loading, and Circulation, for the principal dwelling.*
- 215 (1011) *Not to be sold separately. Accessory dwelling units shall not be sold apart from the*
 216 *principal dwelling upon the same lot where they are located.*
- 217 (12) ~~Utilities. Water and sewer service shall be provided from the principal structure and~~
 218 ~~not from new taps to the main lines.~~

~~(1112)~~ *Compliance with health, safety, sanitation and building code regulations.* Any accessory dwelling unit shall meet the applicable code regulations for building, safety, health, and sanitation standards. During reasonable hours upon prior notice, the applicant shall make provisions to allow officials to make the appropriate inspections.

~~(1213)~~ *Zoning permit and special exception time limits.* A zoning inspection permit is required for an accessory dwelling unit. The ~~special exception and~~ zoning inspection permit for the accessory dwelling unit shall expire *at any time the use does not comply with any of the conditions of approval or the terms of this chapter.*

~~a. Ninety days from the date on which the owner no longer occupies the property. The owner shall notify the zoning administrator at such time as the owner no longer occupies the property.~~

~~b. Two years from the date of approval of the special exception if required improvements have not been completed.~~

~~c. One year from the date the use ceased.~~

~~d. At any time the use does not comply with any of the conditions of approval or the terms of this chapter.~~

~~(1314)~~ *Conflicting provisions.* In the case of any conflict between the accessory dwelling unit standards of this section and any other requirement of this chapter or the subdivision ordinance, the standards of this section shall control.

(b) *Accessory food preparation area.* Accessory food preparation areas include secondary kitchens and wet bars.

(1) *Secondary kitchens.* Secondary kitchens, as defined in Article XVIII, are permitted by ~~special exception~~ in residential dwellings *in the zoning districts specified in Table 78-80.2(c), and* in accordance with all of the following provisions

~~a. A secondary kitchen shall not contribute toward establishment of an unauthorized dwelling as described in section 78-71.1(d)(3), establishment of unauthorized dwelling units.~~

~~b.~~ *a. The location of the secondary kitchen is located on the same floor as the primary kitchen and the secondary kitchen* is not separated from the remainder of the dwelling unit by door(s) equipped with any of the following: an entry lock set, deadlock, slide lock or chain, or similar locking apparatus or through the construction of other forms of partition. *A second kitchen within an accessory dwelling unit is regulated under Section 78-80.4(a).*

~~c. A unique and compelling need is demonstrated by the applicant.~~

~~d.~~ *b. A zoning inspection permit is applied for and approved.*

~~e. The proposed activity meets the standards of section 78-155.3(c), review standards for special exceptions.~~

~~f. Secondary kitchens shall not be permitted in accessory structures except under the provisions of section 78-80.4, accessory dwelling unit.~~

(2) *Wet bars.* Wet bars, as defined in Article XVIII, are permitted by-right in accordance with all of the following provisions:

a. A wet bar shall not contribute toward establishment of an unauthorized dwelling as described in section 78-71.1(d)(3), establishment of unauthorized dwelling units.

- 262 b. The location of the wet bar, when in the same structure as the primary kitchen, shall
263 not be separated from the remainder of the dwelling unit by door(s) equipped with
264 any of the following: an entry lock set, deadlock, slide lock or chain, or similar
265 locking apparatus or through the construction of other forms of partition.
- 266 c. A wet bar shall not contain any oven exceeding 2.2 cubic feet, a stove, range,
267 stovetop, grill, 240-volt electrical outlet(s) or any gas lines, a sink having a waste line
268 drain in excess of one and one-half inches in diameter, a rough in for any of the
269 above items, portable burner(s) and/or portable cooktops.
- 270 d. Wet bars located outside of any building and associated with patio areas may have
271 grills, cooktops and gas lines, but shall not be enclosed on more than two sides.
- 272 e. *No more than one wet bar is permitted per dwelling unit.*

273 ***

274

TOWN OF HERNDON, VIRGINIA

ORDINANCE

OCTOBER 26, 2021

Ordinance, to consider zoning ordinance text amendment, ZOTA #21-03, to amend Chapter 78 (ZONING), Article VII (Use Regulations), Article VIII (Accessory Uses), to revise or establish new limitations on size, bulk, and setbacks for accessory dwelling units; to eliminate the special exception requirement for accessory dwelling units in certain situations; and to eliminate the minimum age and physical, mental, or cognitive disability requirements for accessory dwelling units

Sec. 78-71.1. - Residential use category.

- (a) *Characteristics.* The residential use category is characterized by the residential occupancy of a dwelling or residential facility by an individual or a household meeting the definition of a family. Tenancy is arranged on a month-to-month or longer basis.
- (b) *Examples.* Example use types include single-family detached dwellings, duplex dwellings, multi-family dwellings, assisted living for the elderly or persons with disabilities, or townhouse dwellings. Group homes are also included as described in the Code of Virginia, § 15.2-2291.
- (c) *Similar use types, accessory uses and prohibited use types.*
- (1) *Transient lodging.* Transient lodging is not permitted in the residential use category. Transient lodging, including, hotels, motels, inns, conference centers, boarding houses and lodging houses, are in the lodging businesses category.
- (2) *Convalescent home.* Convalescent home is in the institutional and community services use category.
- (3) *Home-based businesses.* Home-based businesses, including childcare in the home, are permitted as accessory uses that are subject to additional standards. (See section 78-80.5).
- (4) *Bed and breakfast and short-term rentals.* Bed and breakfast establishments are permitted as accessory uses subject to additional standards in 78-80.4(d), bed and breakfast establishment *and 78-80.4(u), short-term rentals.*
- (5) *Accessory dwelling.* Accessory dwelling units are permitted as accessory uses subject to additional standards. ~~See Article VIII, Accessory Uses and Structures.~~ *As listed in Section 78-80.4(a).*
- (d) *Residential use category specific use standards.* All uses shall comply with all applicable standards in this chapter. In addition, the following standards shall apply, unless, in the judgment of the reviewing authority, exceptional circumstances warrant adjustment:

- (3) *Establishment of unauthorized dwelling units prohibited.* Establishment of an unauthorized dwelling unit in any building or division of a dwelling unit is prohibited ~~and subject to the following~~ *except when legally established as an accessory use pursuant to Section 78-80.4(a).*

~~a. *Change in use or special exception.* Establishment of an unauthorized dwelling unit in any building or division of a dwelling unit is not permitted except in accordance with procedures for a change in use as authorized by the town or unless an accessory dwelling unit has been approved through a special exception.~~

~~b.a.~~ *Conditions constituting an unauthorized dwelling unit.* An unauthorized dwelling unit within a building shall be presumed to have been created when contiguous areas for living, sleeping, eating, cooking, and sanitation are designed in such a manner as to establish a distinct, separate, and self-contained living or housekeeping unit. The existence of any one of the following conditions shall be considered to be an unauthorized dwelling unit, *when established absent approval of a legally established accessory dwelling pursuant to 78-80.4(a).*

1. A secured internal access/connection is maintained that prevents full access to all of the common living areas (exclusive of private bedroom/bath areas) to all occupants of the dwelling unit.
2. More than one assigned address or more than one electric, water or gas meter serving the building.
3. Use of part of a previously approved dwelling unit for an additional dwelling unit providing complete, independent living facilities for a single-family dwelling including provisions for living, sleeping, eating, or sanitation.

~~e. *Additional procedures.* The building official and the zoning administrator may request additional administrative steps, such as the recording of a "declaration of use", when such steps are determined to be warranted by specific conditions, such as a separate exterior entry. The creation of a dwelling unit shall comply with all rules, regulations, ordinances and other requirements of the town of Herndon. Building permits, inspections, and approvals are required for all building, electrical, mechanical, or plumbing work performed. Where a conflict arises between these standards and other requirements, the most restrictive shall govern.~~

Section 78-80.1. – Accessory uses and structures.

- (a) *Purpose and intent.* Sections 78-80.1 through 78-80.5 authorize the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The town's intent is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding properties. Some accessory uses are required (such as parking), some are permitted by right (such as signs), some are permitted as special exceptions (such as accessory dwelling units) and many are allowed in planned development districts.

- (c) *Standards for all accessory uses and structures.* The following standards apply to all accessory uses and structures:

- (1) *Relation to principal use.* Any accessory use or structure shall directly serve the principal use or structure.
- (2) *Incidental to primary use.* Any accessory use or structure be customarily accessory and clearly incidental to the principal use.
- (3) *Subordinate in nature.* Any accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure. An accessory use may not exceed

25 percent of the floor area shared with the principal use, and any combination of more than two accessory uses may not exceed 50 percent of the floor area shared with the principal use, *unless otherwise specified in this section.*

(4) *Ownership.* Any accessory use or structure shall be owned or operated by the same entity owning the principal use or structure.

(5) *Location.* Any accessory use or structure shall be located on the same lot as the principal use or structure ~~or on a contiguous lot.~~

(6) *Compliance.* Together with the principal use or structure, any accessory use or structure shall not violate the bulk, density, parking, landscaping, or open space standards of this chapter. Therefore, all accessory uses and structures shall conform to the applicable requirements of this chapter, including the use regulations in Article VII, Use Regulations, and the dimensional standards in individual zoning districts.

Sec. 78-80.2. - Table of permitted and allowed accessory uses and structures.

(c) *Table of permitted and allowed accessory uses and structures.* The Table of Permitted and Allowed Accessory Uses and Structures, Table 78-80.2. C. identifies the uses permitted within base districts. (See also section 78-70.2(d): Table of Principal Permitted and Allowed Uses, and Table 78-90.1(b), Allowed Temporary Uses and Structures; See also use specific standards in section 78-80.4)

Table 78-80.2(c): TABLE OF PERMITTED AND ALLOWED ACCESSORY USES & STRUCTURES

**KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval;
Z=Use Allowed Subject to Zoning Map Amendment Approval**

Notes: 1. A blank cell means the use is prohibited in the district; 2. Uses may be subject to use specific standards noted in the last column.

** For Permitted Accessory Uses in PD-TOC see section 78-50.8; For Accessory Uses Permitted and Allowed in PD-W see section 78-50.9

	Residential Districts				Business Districts				Planned Development District					Supp'l Reqs.
ACCESSORY USE	R 15	R 10	R TC	RM	CC	CS	CO	O& LI	PD-R	PD-B	PD-TD PD-D	PD-UR	PD-TOC PD-W	See Section

Accessory Dwelling Unit - <i>Internal or Attached</i>	S <i>P</i>	S <i>P</i>	S						Z <i>P</i>		<i>P</i>	<i>P</i>	**	§78-80.4(a)
<i>Accessory Dwelling Unit - Detached</i>	<i>P</i>	<i>P</i>							<i>P</i>		<i>P</i>	<i>P</i>		<i>§78-80.4(a)</i>
Accessory Food Preparation Area - Secondary Kitchen	S <i>P</i>	S <i>P</i>	S <i>P</i>		S				S <i>P</i>		S <i>P</i>	S <i>P</i>	**	§78-80.4(b)
Accessory Food Preparation - Wet Bar	P	P	P	P	P	P	P	P	P	P	P	P	**	§78-80.4(b)

110

111 **Sec. 78-80.3. - Accessory structure standards.**

112 Accessory structures and features shall comply with the following zoning-district specific
 113 standards.

114 (a) *Accessory structures in residential districts.* Accessory structures in residential district shall
 115 meet the following standards, *unless otherwise specified in this section*:

116 (1) *Location.* Accessory structures, except fences and walls, shall not be located within a
 117 required setback or required side yard, except accessory buildings on corner lots may be
 118 located within the side yard. Accessory structures except fences and walls shall be located
 119 so the structure is not closer than:

120 a. Five feet to any alley line;

121 b. Two feet to any side or rear lot line, except for a townhouse dwelling lot, where the
 122 accessory structure may be located on the side or rear lot line.

123 c. Ten feet to the principal dwelling for any single-family detached or duplex dwelling.

124 (2) *Maximum height.* The height of an accessory structure shall not exceed the lesser of the
 125 height of the principal structure on the site, or 15 feet.

126 (3) *Maximum floor area.* On any lot, the combined floor area of all detached accessory
 127 structures shall not be greater than 50 percent of the floor area of the principal structure,
 128 unless otherwise specified in this chapter.

129 (4) *Residential occupancy.* Residential occupancy shall not be allowed in any accessory
 130 structure except under the provisions of section 78-80.4, accessory dwelling unit.

131 (5) *Temporary accessory structures.* Temporary accessory structures shall be governed by
 132 the procedures and standards of section 78-155.6(e)(4), temporary use site plan, and
 133 Article IX, Temporary Uses and Structures.

~~(6) Required approvals. On lots with single family detached or duplex dwellings, the construction, replacement or enlargement of an accessory building when the alteration is:~~

~~a. Less than 750 square feet may require a building permit and a building location survey in accordance with section 78-155.6(c)(1).~~

~~b. Seven hundred fifty square feet of floor area or more must be approved through a single lot development plan in accordance with section 78-155.6(c)(2).~~

Sec. 78-80.4. - Standards for specific accessory uses and structures by use type.

Accessory uses and structures listed below shall comply with the following specific standards.

(a) *Accessory dwelling unit.* An accessory dwelling unit *is permitted in the zoning districts specified in Table 78-80.2(c) and* shall comply with the following standards:

~~(1) Special exception required. An accessory dwelling unit shall be permitted by special exception in accordance with section 78-155.3 and Article VIII, Accessory Use Regulations. A special exception shall be required when an internal accessory dwelling unit is proposed in a single family attached townhouse.~~

~~(2) Compliance with building code and zoning standards. An accessory dwelling unit shall comply with all applicable building code and development standards for dwelling units in the zoning district in which the accessory dwelling unit will be located. An accessory dwelling unit shall also comply with all applicable standards for the principal dwelling.~~

~~(3) No mobile homes or recreational vehicles as accessory dwellings. Mobile homes, recreational vehicles, travel trailers, manufactured homes, and the like shall not be used as accessory dwelling units.~~

~~(4) One accessory unit per lot. There shall be no more than one accessory dwelling unit on a lot in addition to the principal dwelling.~~

~~(5) Size limit.~~

a. Internal or attached. The floor area of an *internal or attached* accessory dwelling unit shall not exceed ~~35~~ *40* percent of the gross floor area of the principal dwelling, or 1,200 square feet, whichever is less.

b. Detached. *The maximum gross floor area of a detached accessory dwelling unit shall not exceed 900 square feet.*

1. Covered or screened porches do not count towards the maximum floor area. Porches otherwise enclosed do not count towards the maximum floor area unless the space is conditioned.

2. Detached accessory dwelling units and any associated porches count towards the minimum lot coverage allowed in the underlying district.

~~(6) Location.~~

a. Detached accessory dwelling units are limited to the rear yard. A detached accessory dwelling unit shall have a minimum setback of 10 feet from the rear and side property lines and 10 feet from the principal structure and any other accessory structures.

1. Existing accessory structures. A detached accessory dwelling may be incorporated into a detached accessory structure that does not meet the

- above setbacks provided the detached accessory structure legally existed on or before October 26, 2021.
2. *Encroachments.* Encroachments into the setback are limited to the following features and must comply with the provisions of Table 78-21(f): Chimney, eaves, trim, fascia boards, sills, cornices, bay windows, patios, retaining walls, terraces, and similar features (other than decks located more than two feet above grade).
- b. *Attached accessory dwelling units shall meet the setback requirements of the underlying zoning district.*
- (67) *Entrance location.* ~~If the accessory dwelling unit is a part of the principal structure on the lot, any external entrance for the accessory dwelling unit shall be located on the side or rear of the structure.~~
- a. *The external entrance for internal or attached accessory dwelling units shall be located on the side or the rear of the structure. On corner lots, the entrance may face the secondary front setback.*
- b. *A sliding door is not permitted as the main exterior entrance to the accessory dwelling unit.*
- (78) *Limit on bedrooms and occupancy.* An accessory dwelling unit shall not contain more than two bedrooms or be occupied by more than ~~two~~ *three* persons.
- (89) *Occupancy standards.* ~~An accessory dwelling unit shall be subject to the dwelling unit occupancy standards of section 78-170.6. Either the accessory dwelling unit or the principal dwelling shall be occupied by the owner of the principal dwelling as their primary residence. If the owner of the principal dwelling ceases to occupy one of the dwelling units as their primary residence, the entire property is limited to one family as defined in Section 78-180. Additionally, either the accessory dwelling unit or the principal dwelling on a property shall be occupied by at least one person who meets the following qualifications:~~
- a. ~~The person is at least 62 years of age; or~~
- b. ~~The person has a physical, mental, or cognitive disability:~~
1. ~~As certified by the Social Security Administration, the Veterans Administration, or the Railroad Retirement Board; or~~
2. ~~As confirmed in writing signed by a licensed medical practitioner or a practitioner licensed in an allied health field.~~
3. ~~This section shall not be deemed to exclude individuals who meet the qualifications above and are able to seek or engage in employment.~~
- (910) *Parking.* There shall be a minimum of one off-street parking space with convenient access to a street for the accessory dwelling unit. The *off-street* parking shall be in addition to the requirements specified for the principal dwelling. *the off-street spaces required in Article X – Parking, Loading, and Circulation, for the principal dwelling.*
- (1011) *Not to be sold separately.* Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.
- (12) ~~Utilities. Water and sewer service shall be provided from the principal structure and not from new taps to the main lines.~~

~~(1112)~~ *Compliance with health, safety, sanitation and building code regulations.* Any accessory dwelling unit shall meet the applicable code regulations for building, safety, health, and sanitation standards. During reasonable hours upon prior notice, the applicant shall make provisions to allow officials to make the appropriate inspections.

~~(1213)~~ *Zoning permit and special exception time limits.* A zoning inspection permit is required for an accessory dwelling unit. The ~~special exception and~~ zoning inspection permit for the accessory dwelling unit shall expire *at any time the use does not comply with any of the conditions of approval or the terms of this chapter.*

~~a. Ninety days from the date on which the owner no longer occupies the property. The owner shall notify the zoning administrator at such time as the owner no longer occupies the property.~~

~~b. Two years from the date of approval of the special exception if required improvements have not been completed.~~

~~c. One year from the date the use ceased.~~

~~d. At any time the use does not comply with any of the conditions of approval or the terms of this chapter.~~

~~(1314)~~ *Conflicting provisions.* In the case of any conflict between the accessory dwelling unit standards of this section and any other requirement of this chapter or the subdivision ordinance, the standards of this section shall control.

(b) *Accessory food preparation area.* Accessory food preparation areas include secondary kitchens and wet bars.

(1) *Secondary kitchens.* Secondary kitchens, as defined in Article XVIII, are permitted by ~~special exception~~ in residential dwellings *in the zoning districts specified in Table 78-80.2(c), and* in accordance with all of the following provisions

~~a. A secondary kitchen shall not contribute toward establishment of an unauthorized dwelling as described in section 78-71.1(d)(3), establishment of unauthorized dwelling units.~~

~~b.~~ *a. The location of the secondary kitchen is located on the same floor as the primary kitchen and the secondary kitchen* is not separated from the remainder of the dwelling unit by door(s) equipped with any of the following: an entry lock set, deadlock, slide lock or chain, or similar locking apparatus or through the construction of other forms of partition. *A second kitchen within an accessory dwelling unit is regulated under Section 78-80.4(a).*

~~c. A unique and compelling need is demonstrated by the applicant.~~

~~d.~~ *b. A zoning inspection permit is applied for and approved.*

~~e. The proposed activity meets the standards of section 78-155.3(c), review standards for special exceptions.~~

~~f. Secondary kitchens shall not be permitted in accessory structures except under the provisions of section 78-80.4, accessory dwelling unit.~~

(2) *Wet bars.* Wet bars, as defined in Article XVIII, are permitted by-right in accordance with all of the following provisions:

a. A wet bar shall not contribute toward establishment of an unauthorized dwelling as described in section 78-71.1(d)(3), establishment of unauthorized dwelling units.

- 263 b. The location of the wet bar, when in the same structure as the primary kitchen, shall
264 not be separated from the remainder of the dwelling unit by door(s) equipped with
265 any of the following: an entry lock set, deadlock, slide lock or chain, or similar
266 locking apparatus or through the construction of other forms of partition.
- 267 c. A wet bar shall not contain any oven exceeding 2.2 cubic feet, a stove, range,
268 stovetop, grill, 240-volt electrical outlet(s) or any gas lines, a sink having a waste line
269 drain in excess of one and one-half inches in diameter, a rough in for any of the
270 above items, portable burner(s) and/or portable cooktops.
- 271 d. Wet bars located outside of any building and associated with patio areas may have
272 grills, cooktops and gas lines, but shall not be enclosed on more than two sides.
- 273 e. *No more than one wet bar is permitted per dwelling unit.*

274 ***

STAFF REPORT

Town Council
November 9, 2021

Title:

Resolution to approve the Town's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and to direct the Town Manager and/or Town Attorney to execute the documents necessary to effectuate the Town's participation in the settlements.

Staff Contact:

Lesa J. Yeatts, Town Attorney
(703) 787-7370
lesa.yeatts@herndon-va.gov

Description:

After years of negotiations, two proposed nationwide settlement agreements have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health, AmerisourceBergen, and one manufacturer, Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson.

The State of Virginia has elected to participate in both of the two national settlements and cities, counties and towns (with population greater than 10,000) may participate in the settlement as long as they do so by **January 2, 2022**.

It is important that every locality that can participate, does participate. The extent of participation will determine how much money each state and its localities receive because approximately half of the abatement funds are in the form of incentive payments where the higher participation of localities in a state, the greater the amount of settlement funds flow into that state.

Fiscal Impact:

Although the amount of the settlement to be received by the Town has not been determined, a positive financial impact of accepting this settlement is anticipated.

Staff Recommendation:

That Council approve the Resolution as proposed, authorizing the Town's participation in the proposed settlement of opioid-related claims against McKessen, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directing the Town Attorney to execute the documents necessary to effectuate the Town's participation.

Attachment:

1. Resolution

Prepared and Approved by:



Lesa J. Yeatts, Town Attorney

TOWN OF HERNDON, VIRGINIA

RESOLUTION

NOVEMBER 16, 2021

Resolution- to approve the Town's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and to direct the Town Manager and/or Town Attorney to execute the documents necessary to effectuate the Town's participation in the settlements.

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its towns, cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its towns, cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, on this 16th day of November, hereby approves of the Town's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the Town Manager and/or Town Attorney to execute the documents necessary to effectuate the Town's participation in the settlements, including the required release of claims against settling entities.



STAFF REPORT

Town Council
November 9, 2021

Title:

Resolution, to adopt the Investment and Portfolio Policy for the Town of Herndon and to establish an Investment Oversight Committee.

Staff Contact:

Robert Tang, Director of Finance
Telephone: (703) 435-6898
E-mail: Robert.Tang@herndon-va.gov

Description:

In October 2002, the Town of Herndon established an Investment Committee to review its investment policy and procedures with the goal of updating and refining the Town's Current Investment practices. In December 2003, the committee issued a draft investment policy and recommendations to the Town Council. By December 14, 2004, the policy was adopted by the Town Council of Herndon, Virginia. Since then, the policy has not been updated.

The investments and cash management for local government is guided mainly by Virginia Code Chapter 44 of the Virginia Security for Public Deposits Act, Chapter 45 - Investments of Public Funds Act, and Chapter 46 - Local Government Investment Pool Act. It is also a strong recommendation by the Government Finance Officers Association (GFOA) that a comprehensive policy be written and adopted by all government entities.

An investment policy describes the parameters for investment government funds and identifies the investment objectives, preferences or tolerance for risk, constraints on investment portfolio, and how the investment program will be managed and monitored.

Fiscal Impact:

The investment policy provides and demonstrates commitment to the fiduciary care of the Town of Herndon's public funds, making it a crucial element in an investment program.

Staff Recommendation:

The Mayor and Town Council adopt the updated Investment and Portfolio Policy, establish the Investment Oversight Committee, and appoint one member of the Herndon Town Council to sit on the Committee.

Attached Documents:

1. Draft resolution
2. Investment and Portfolio Policy

Staff:

Robert Tang

Robert Tang
Director of Finance
Town of Herndon

TOWN OF HERNDON, VIRGINIA

RESOLUTION

NOVEMBER 16, 2021

Resolution- to adopt the Investment and Portfolio Policy for the Town of Herndon and to establish an Investment Oversight Committee.

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby:

1. Adopts the Investment and Portfolio Policy of the Town of Herndon, Virginia dated November 9, 2021, as the official investment policy of the Town and charges the Town Manager and Director of Finance with its implementation and with the establishment of the Investment Oversight Committee.
2. Appoints one member of the governing body to sit on the Investment Oversight Committee.
3. This resolution shall be effective on and after the date of its adoption.

TOWN OF HERNDON, VIRGINIA INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

1.0 POLICY

This policy for the Town of Herndon, Virginia (The Town) shall establish guidelines to invest public funds which will safely preserve principal, provide adequate liquidity for cash flow needs, and optimize returns on investment while adhering to all applicable federal, Virginia State Laws, and Local Statutes governing the investments of public funds.

SCOPE

This investment policy applies to all investment activity of public funds for the Town. These funds are accounted for in the Town of Herndon's Comprehensive Annual Financial Report and include: the General Fund, the Water and Sewer Fund, the Chestnut Grove Cemetery Fund, the Golf Course Fund, the Downtown Parking Enterprise Fund, the Capital Projects Fund, and the American Rescue Recovery Act Fund, and other funds that may be created from time to time, with the exclusion of the Supplemental Retirement Plan for Police Employees, shall be administered in accordance with the provisions of these policies.

OBJECTIVES

The overall objectives of this policy for the Town are: Safety of principal is the foremost objective of the Town. Each investment transaction shall seek to first ensure that capital losses are avoided, whether they are from securities default or erosion of market value. Liquidity is the second objective of the Town to ensure adequate coverage of expenditures or obligations when due to protect against losses that might occur in the event of sales or liquidations of investments prior to maturity.

The Town's cash management portfolio shall be designed with the third objective of regularly exceeding the average return on three-month U.S. Treasury bills, or the average rate on Federal funds, whichever is higher. These indices are considered benchmarks for riskless investment transactions and therefore comprise a minimum standard for the portfolio's rate of return. The investment program shall seek to augment returns above this threshold, consistent with risk limitations identified here and prudent investment principles.

The Town's outside investment managers are encouraged to represent the Town's best interests in seeking to remove constraints to the efficient investment of its funds.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction that might impair public confidence in the Town's ability to govern effectively.

INVESTMENT OVERSIGHT COMMITTEE

There shall be an investment oversight committee composed of one member of Town Council, the Town Manager, a member of the Town Attorney's office, the Director of Finance for the Town, and one member of the public. The Town Council will appoint the Council Member at a public meeting. The Town Manager

TOWN OF HERNDON, VIRGINIA

INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

will appoint the member from the Town Attorney's Office, the Director of Finance and the member of the public. Members of the committee shall meet periodically as set forth by the committee to review general investment strategies, monitor results; discuss internal controls, and economic updates. The committee shall establish its own rules and procedures.

DELEGATION OF AUTHORITY

The Town Manager delegates management responsibility for the investment program to the Director of Finance (Director) who, after consultation with the Town Manager and subsequent approval by the Town Council, shall establish written procedures for the operation of the investment program, consistent with this investment policy. These procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction for the Town except as provided under the terms of this policy and the procedures established by the Director. The Director shall be responsible for the transactions undertaken and shall establish a system of internal controls to regulate the activities of subordinate officials.

STANDARD OF PRUDENCE

Public Funds held by the Commonwealth, public officers, municipal corporations, political subdivisions, and any other public body of the commonwealth shall be held in trust for the citizens of the Commonwealth. Any investments of such funds pursuant to the provision of the code of Virginia § 2.2-4514, shall be made solely in the interest of the citizens of the Commonwealth and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The Town shall relieve investment officers acting in accordance with law and written procedures and exercising due diligence of personal responsibility for credit risk or market price changes, provided deviations from expectations are reported to the Town Manager within two weeks of discovering such deviations and appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from any personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Consistent with the State and Local Government Conflict of Interest Act (Sec. 2.2-3100 thru 2.2-3127 Code of Virginia), employees and investment officials shall disclose or otherwise take appropriate action with respect to any personal interest in any financial institution transaction or contract related to Town investments. Further, such employees and investment officials shall file a Statement of Economic Interest with the Town Clerk by January 15 of each calendar year, as described in Sec. 2.2-3115 Code of Virginia. Employees and officers shall subordinate their personal investment transactions to those of the Town, particularly regarding the timing of purchases and sales.

TOWN OF HERNDON, VIRGINIA INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

SAFEKEEPING CUSTODY AND INTERNAL CONTROL

To protect against potential fraud and embezzlement, the assets of the Town shall be secured through third-party custody and safekeeping procedures. Bearer instruments shall be held only through third-party institutions. Investment officials shall be bonded to protect the public against possible embezzlement, malfeasance, nonfeasance, or negligence. Collateralized securities, such as repurchase agreements, shall be delivered to the Town or third-party agent. Unless prevailing practices or economic circumstances dictate otherwise, ownership shall be protected through third-party custodial safekeeping. The Finance Director shall establish a system of internal controls, which shall be documented in writing. The internal control structure shall be designed to minimize or prevent loss of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the Town.

REPORTING: INTERIM AND ANNUAL

The Finance Director shall submit to the Town Manager and the Investment Committee a quarterly investment report that summarizes the status of the current investment portfolio and transactions made over the last quarter. The report will include but not limited to investment holdings, issuer's list, monthly portfolio averages, interest earnings, rate of return, and cash flows. The report will explain the year-to-date total investment return and compare the return with budgetary expectations. The report will include an appendix that discloses all transactions during the reporting period. If warranted, the report will indicate any areas of policy concern and suggested or planned revision of investment strategies. Within 180 days after the end of the fiscal year, the Finance Director shall present to the Town Manager and the Investment Committee an annual report on the investment program and investment activity. The report shall be based on the audited numbers of the most recently concluded fiscal year. The annual report will include 12-month comparisons on return and, if warranted, suggest policies and improvements that could be made in the investment program. Information contained in the report will be sufficiently detailed to permit an independent evaluation of the performance of the investment program.

SUITABLE AND AUTHORIZED INVESTMENTS

As a unit of local government in the Commonwealth of Virginia, the Town is governed by the Virginia Security for Public Deposits Act, 2.2-4400 through 2.2-4411 and the Investment of Public Funds as described in Sec. 2.2-4500 through 2.2-4517 of the Code of Virginia. The following securities may be purchased for the Town's investment portfolio:

**TOWN OF HERNDON, VIRGINIA
INVESTMENT AND PORTFOLIO POLICY**

November 9, 2021

Investment Instrument	VA Code	Minimum Rating or qualifications
U.S. Treasury Obligations	2.2-4501 (A1, A2)	
Negotiable Certificate of Deposits	2.2-4509	Moody's P-1 and S&P A-1 if less than a year; AA rating if greater than a year
Non-Negotiable Certificates of Deposit	2.2-4401	Must meet Virginia Security for Public Deposits Act
Certificate of Deposit Account Registry Service (CDARS)	2.2-4518	Must meet Virginia Security for Public Deposits Act and collateralization requirements
Bank Demand Deposits	2.2-4518	Must meet Virginia Security for Public Deposits Act
Insured Cash Sweeps (ICS)	2.2-4518	Must meet Virginia Security for Public Deposits Act
Repurchase Agreements	2.2-4507	Collateral Obligations of the U.S. and Master Repurchase Agreement
US Government Agency Securities and Government Sponsored Corporations	2.2-4501 (A2)	Must have at least 2 of the following: Moody's P1, S&P A-1, or Fitch F-1
High Quality Corporate Notes	2.2-4510	Must have at least 2 of the following: Moody's Aa, S&P AA, or Fitch AA
Municipal Obligations	2.2-4510	
Prime Quality Commercial Paper	2.2-4502	Must be Moody's P1 and S&P A-1
VML/VaCO Virginia Investment Pool	2.2-4513.1	Investments in Pool must adhere to Virginia Investment of Public Funds codes
Local Government Investment Pool (LGIP)	2.2-4513.1	Investments in Pool must adhere to Virginia Investment of Public Funds codes
Bankers Acceptances	2.2-4504	Must be Moody's P1 and S&P A-1
State Non-Arbitrage Pool (SNAP)	2.2-4700	SNAP Program
Mutual Funds	2.2-4508	One of: S&P AAA, Fitch AAA, or Moody's Aaa

All investments will be in the name of the Town and will name the specific fund from which the instrument was purchased. Safekeeping account receipts will be held by the Finance Department or designated custodial agent.

TOWN OF HERNDON, VIRGINIA INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS:

The Director of Finance or person(s) responsible will maintain a list of financial institutions authorized to provide investment services. In addition, a list will be maintained for approved or security brokers/dealers selected by credit worthiness that are authorized to provide investment services in the State of Virginia. These may include “primary” dealers or regional dealers that qualify under the Securities & Exchange Commission Rule 15C3-1. No public deposit shall be made except in a qualified public Depository as established by Virginia laws. Broker and Dealers would need to be qualified by the Town of Herndon through a certification process. This process will be written and determined by the Director of Finance to include but not limited to requesting:

- Audited financial statements,
- National Association of Security Dealers Certification
- Trading Resolution
- Proof of Insurance
- Virginia State registration
- Completed broker/dealer questionnaire
- Proof of insurance, and in business for a minimum of 5 years,
- Certification of having read Town of Herndon’s Investment Policy

Financial Institutions will need to meet the qualifications of the Virginia Security for Public Deposits Act and be a “Qualified Public Depository.”

Employees of any firm or financial institution offering securities or investments to the Town shall be trained in the precautions appropriate to public-sector investments and shall be required to familiarize themselves with the Town’s investment objectives, policies, and constraints.

An Annual review of the financial condition and registrations of qualified bidders will be conducted by the Director of Finance or person(s) authorized.

INVESTMENT DIVERSIFICATION

The Town will diversify use of investment instruments to minimize risks due to a concentration in specific instruments, individual financial institutions, or maturities. Percentages will be determined based on cost basis at the time of purchase of portfolio holdings.

**TOWN OF HERNDON, VIRGINIA
INVESTMENT AND PORTFOLIO POLICY**

November 9, 2021

Investment Instrument	Maximum Allowable Allocation (%) (at the time of purchase)
U.S. Treasury Obligations	100 %
Negotiable Certificates of Deposit	25%
Non-Negotiable Certificates of Deposit	75
Certificate of Deposit Account Registry Services (CDARS)	75%
Bank Demand Deposits	50%
Insured Cash Sweeps (ICS)	75%
Repurchase Agreements	30 %
US Government Agency Securities and Government Sponsored Corporations	80%
High Quality Corporate Notes	50 %
Municipal Obligations	50 %
Prime Quality Commercial Paper	35 %
VML/VaCO Virginia Investment Pool	50 %
Local Government Investment Pool (LGIP)	100 %
Bankers Acceptances	10 %
State Non-Arbitrage Pool (SNAP)	100 % of Bond Proceeds Only
Mutual Funds	15%

Diversification by Financial Institution:

Banker's Acceptances (BAs)	Not more than 25% of the Town's total portfolio may be invested with any one institution
Repurchase Agreements (Repos)	Not more than 25% of the Town's total portfolio may be invested with any one institution
Certificates of Deposit (CDs) – Commercial Banks/Savings and Loan Associations	Not more than 50% of the Town's total portfolio may be invested with any one institution
Commercial Paper	Not more than 5% of the Town's total portfolio may be invested with any one issuer
Local Government Investment Pool	No restrictions
Open-end Investment Fund	No restrictions

No other types of investments are permitted.

TOWN OF HERNDON, VIRGINIA INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

MATURITIES AND VOLATILITY

To the extent possible, the Town of Herndon will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Town of Herndon will not directly invest in securities maturing more than 5 years from the date of purchase. Reserve funds may be invested in securities exceeding 5 years if the maturity of such investments is made to coincide as nearly as practical with the expected use of the funds.

Maximum Maturity	Allowable Allocation (%)
12 months or less	100% of Portfolio
Great than 12 months to 24 months	15% of Portfolio
Greater than 24 months to 60 months	10 % prior fiscal year average balance

LIQUIDITY

A portion of the portfolio shall be invested in instruments that can be liquidated with one day's notice to meet the Town's operating needs.

RISKS

No individual investment shall be undertaken that jeopardizes the capital position of the portfolio. All investments shall either bear the full faith and credit of the United States government or be fully collateralized or insured, as defined by the Virginia Security for Public Deposits Act, Sec.2.2-4400 through 2.2-4411 of the Code of Virginia or otherwise comply with the standards as described in this policy and Sec. 2.2-4500 through 2.2-4517 of the Code of Virginia.

This policy seeks to provide a more detail investment policy. In the absence of any issue or situation not specifically addressed by this policy; any action undertaken by the Director of Finance or their staff, will always be in compliance with the Code of Virginia.

Revision date: November 9, 2021

Glossary

AGENCIES: Securities issued by agencies of the U.S. Government and/or U.S Government-sponsored enterprises.

ASKED: The price at which securities are offered by the seller. Also called offer or offered price.

BANKERS' ACCEPTANCE (BA): A short term instrument that is an unconditional obligation of the accepting bank. A BA is a bank obligation that has at least the same credit strength as any CD issued by the same bank.

TOWN OF HERNDON, VIRGINIA INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

BA's do not carry FDIC insurance. The accepting institution guarantees payment of the note, as well as the issuer.

BENCHMARK: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

BID: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable and can be sold in a secondary market. Negotiable CD's are typically DTC eligible.

COLLATERAL: Securities, evidence of deposit, or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMMERCIAL PAPER: An unsecured promissory note with a fixed maturity of no more than 270 days. Commercial paper is typically sold at a discount from its face value but can be issued as interest bearing as well.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official annual report for the County of Loudoun. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting Schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DELIVERY VERSUS PAYMENT: (DVP) There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

TOWN OF HERNDON, VIRGINIA INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

DERIVATIVES: (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

DIRECT ISSUE: Companies that issue their securities directly to the market- instead of through a broker/dealer. Typically, large corporations, i.e.: Commercial paper issuers.

DISCOUNT: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued a discount and redeemed at maturity for full face value, e.g., U.S. Treasury Bills.

DIVERSIFICATION: Dividing investment securities among a variety of securities types, Commercial paper, Bankers' acceptance or discounted governmental agencies, each providing an independent return.

DTC: Depository Trust Company

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small-business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks) that lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

TOWN OF HERNDON, VIRGINIA INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGEASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA, or FmHA mortgages. The term “passthroughs” is often used to describe Ginnie Maes.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase—reverse repurchase agreements that establishes each party’s rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers’ acceptances, etc.) are issued and traded.

OFFER: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve’s most important and most flexible monetary policy tool.

TOWN OF HERNDON, VIRGINIA INVESTMENT AND PORTFOLIO POLICY

November 9, 2021

PORTFOLIO: Collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state—the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security “buyer” in effect lends the “seller” money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank’s vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C3-1: See Uniform Net Capital Rule.

STRUCTURED NOTES: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and Corporations that have imbedded options (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

**TOWN OF HERNDON, VIRGINIA
INVESTMENT AND PORTFOLIO POLICY**

November 9, 2021

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BONDS: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

TREASURY NOTES: Medium-term coupon bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage.

INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security.

NET YIELD or YIELD TO MATURITY is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.



STAFF REPORT

Town Council
November 9, 2021

Title:

Resolution to endorse and approve the submission of a funding application to the Northern Virginia Transportation Authority (NVTA) for FY26-FY27 Regional Funding to be directed towards the project titled 'Herndon Parkway Improvements at Worldgate Drive Extension'.

Staff Contact:

Mark Duceman, MBA, AICP - Transportation Program Manager / Senior Planner
703-787-7380
mark.duceman@herndon-va.gov

Jaleh Moslehi, PE - Capital Project Planner / Engineer
703-787-7380
jaleh.moslehi@herndon-va.gov

Action Requested:

Town Council approval of a resolution permitting staff to submit one project application form to the Northern Virginia Transportation Authority (NVTA) for funding in FY26-FY27 (current funding round) for construction of the Worldgate Drive Extended/Hemdon Parkway intersection with multimodal facilities and enhanced safety features.

Description:

The attached resolution approves the submittal of one project application form to the Northern Virginia Transportation Authority (NVTA) for evaluation and, if selected, inclusion into NVTA's FY 2022-2027 Six Year Program to receive House Bill-2313 Regional revenue (Attachment 1).

The town's proposed project for NVTA Regional funding is titled *Herndon Parkway Improvements at Worldgate Drive Extension* and is already included in NVTA's adopted regional TransAction Plan. A locality's project that is listed in NVTA's adopted TransAction Plan is eligible for the 'Regional' share portion of HB-2313 state transportation revenues. This project is also included in the town's adopted 2030 Comprehensive Plan and adopted Capital Improvement Program, as well as Virginia's Department of Transportation Six-Year Improvement Program and the Metropolitan

Staff Report

November 9, 2021, Page 2

To endorse and approve a regional transportation project and its funding application under the NVTA FY2022 - FY2027 Six Year Program

Washington Council of Governments Transportation Planning Board's Constrained Long-Range Plan.

This year's funding application to NVTA is to request FY26-FY27 Regional funding to construct new signalization and multimodal roadway improvements at the future Herndon Parkway / Worldgate Drive intersection. The effort is to seek Regional Share funding totaling \$4.581 million to be directed towards the remaining project balance.

The total project cost to construct Herndon Parkway Improvements at Worldgate Drive Extension is estimated at \$6.536 million. The project has encumbered \$150,000 of NVTA Local share funding to complete the initial engineering design phase. And, since 2017, the town has accumulated \$1.805 million of NVTA approved, federal Congestion Mitigation and Air Quality (CMAQ) funding towards this project.

The project scope for future Herndon Parkway and Worldgate Drive intersection includes new LED traffic signalization and dedicated turning lane capacity as well as multimodal and safety improvements. The adopted project design, and its ADA sidewalks and cycle track improvements for the intersection, extends and connects to the ADA sidewalks and cycle tracks associated with the town's two capital projects now underway at the Herndon Parkway/Van Buren intersection and at the bus bay drop-off/pick-up area.

Specific safety improvements are to include LED signalization for pedestrians and bicyclists, mode-separation for the ADA sidewalks/curb cuts and cycle track as well as street lighting and paver crosswalks. The enhanced pedestrian crossings and improved traffic flow will provide additional safety measures for motorized and non-motorized traffic modes. The project is to also continue the installation of utilities underground.

Fiscal Impact:

If approved, \$4.581 million of NVTA's Regional share funding would be directed towards the project and its remaining project balance. There is no local match requirement.

Recommendation:

That the Town Council approve the Resolution as proposed.

Attachment:

1. Proposed Resolution, dated November 16, 2021

Staff Report

November 9, 2021, Page 3

To endorse and approve a regional transportation project and its funding application under the NVTAFY2022 - FY2027 Six Year Program

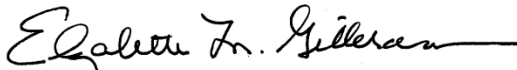
Staff:

A handwritten signature in blue ink that reads "Jaleh Moslehi".

Jaleh Moslehi, PE
Capital Projects Planner / Engineer

A handwritten signature in black ink that reads "Mark Duceman".

Mark Duceman, MBA, AICP
Transportation Program Manager / Senior Planner

A handwritten signature in black ink that reads "Elizabeth F. Gilleran".

Elizabeth F. Gilleran, AICP
Director of Community Development

TOWN OF HERNDON, VIRGINIA

RESOLUTION

NOVEMBER 16, 2021

Resolution - to endorse and approve the submission of a funding application to the Northern Virginia Transportation Authority (NVTA) for FY26-FY27 Regional Funding to be directed towards the project titled '*Herndon Parkway Improvements at Worldgate Drive Extension*'.

WHEREAS, the NVTA has requested that its member jurisdictions identify candidate projects for Regional share funding under their FY2022-FY2027 Six Year Program; and

WHEREAS, the town's candidate project for NVTA Regional funding is included in NVTA's adopted regional TransAction Plan (identified under Herndon Metrorail Multimodal Improvements, Project 12e) and is therefore eligible for the Regional share portion of HB-2313 state transportation revenues; and

WHEREAS, this project is also included in the Virginia's Department of Transportation Six-Year Improvement Program and the Metropolitan Washington Council of Governments, Transportation Planning Board's Constrained Long-Range Plan; and

WHEREAS, the Town of Herndon 2030 Comprehensive Plan, adopted August 12, 2008 and as amended through November 17, 2020, advises roadway capacity and multimodal improvements at the intersection of Herndon Parkway and future Worldgate Drive Extension; and

WHEREAS, on March 11, 2014, the Town Council had adopted a resolution (14-G-22) that had authorized the Mayor to sign a Memorandum of Agreement for the distribution of NVTA's Local share funding revenues to the town for Public Works staff and the town's transportation consultant to begin right-of-way survey, concept and engineering design for the Worldgate Drive Extension project; and

WHEREAS, on December 13, 2016, the Town Council had adopted a resolution (16-G-75) that had selected Option 5 as the preferred engineering design for this project, based on review of the traffic data analysis, safety considerations, private property owner feedback and land acquisition requirements; and

WHEREAS, the adopted Option 5 and its roadway design for Worldgate Drive Extension had also included the engineering design for the intersection with Herndon Parkway and its adjoining bus bay drop-off/pick-up facility to access the northside of the Herndon Metrorail Station; and

WHEREAS, the total project cost to construct the '*Herndon Parkway Improvements at Worldgate Drive Extension*' project is estimated at \$6,536,000 million; and

WHEREAS, the Town of Herndon has previously utilized approved NVTa Local share revenue of \$150,000 to complete the initial engineering design phase and since 2017 the town has accumulated \$1,805,000 million of NVTa approved Congestion Mitigation and Air Quality (CMAQ) funding for this project; and

WHEREAS, this year's NVTa funding application, under NVTa's FY2022-FY2027 Six-Year Program, is to seek Regional share funding totaling \$4,581,000 million to be directed towards the remaining project balance; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby endorses and approves the submission of one funding application with a funding request of \$4,581,000 to NVTa for FY26-FY27 Regional Funding to be directed towards the project titled '*Herndon Parkway Improvements at Worldgate Drive Extension*'.

STAFF REPORT

Town Council
November 9, 2021

Title:

Resolution to ratify a Second Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and the Board of Supervisors of Fairfax County, Virginia.

Staff Contact:

Lesa J. Yeatts, Town Attorney
(703) 787-7370
lesa.yeatts@herndon-va.gov

Description:

The Board of Supervisors of Fairfax County, Virginia currently leases 185.4 sq. ft of office space at 397 Herndon Parkway for Supervisor John Foust. The rent for this space is \$1.00 per year, which is consistent with similar leases on Town property for office space. This lease will expire on November 11, 2021. This Second Extension of Lease extends the current lease for 1 year so that it will expire on November 11, 2022.

The Town Manager has signed the Second Extension of Lease pursuant to the Town's Continuity of Government Ordinance. The Town Council must now consider ratification of the Extension of Lease to Board of Supervisors of Fairfax County, Virginia in order to extend the expiration date to November 11, 2022 to finalize its approval.

Fiscal Impact:

None.

Recommendation:

That the Mayor and Town Council ratify the Resolution as proposed.

Attachments:

- Resolution
- Second Extension of Lease Agreement

Prepared and Approved by:

A handwritten signature in cursive script, reading "Lesa J. Yeatts".

Lesa J. Yeatts, Town Attorney

TOWN OF HERNDON, VIRGINIA

RESOLUTION

NOVEMBER 16, 2021

Resolution- to ratify a Second Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and the Board of Supervisors of Fairfax County, Virginia.

WHEREAS, the parties entered into a Lease Agreement dated November 12, 2019, as extended by the Extension of Lease dated September 18, 2020 for 185.4 sq. ft of office space in the Town's building at 397 Herndon Parkway; and

WHEREAS, the Lease Agreement was set to expire on November 11, 2021; and

WHEREAS, Town and Lessee desired to extend the term of the Agreement for 1 year to expire on November 11, 2022; and

WHEREAS, The Second Extension of Lease Agreement was signed by the Town Manager and ratified by Town Council; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Second Extension of Lease dated October 8, 2021 and signed by the Town Manager between the Town of Herndon and the Board of Supervisors of Fairfax County, Virginia for space in the Town's building at 397 Herndon Parkway in Herndon.

Second Extension of Lease Agreement Pursuant to Ordinance 20-O-23
Continuity of Governmental Operations due to State of Emergency,
Pandemic Disaster Covid-19

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Second Extension of Lease Agreement dated October 8, 2021 hereby extends the November 11, 2021 termination date of the existing Lease Agreement between the TOWN OF HERNDON, a municipal corporation (Landlord) and the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a body politic and corporate of the Commonwealth of Virginia (Tenant), dated November 12, 2019, as extended by the Extension of Lease dated September 18, 2020 (the Lease) for 185.4 square feet of space at 397 Herndon Parkway (the Premises), as set out in this Second Extension of Lease (the Extension). THEREFORE, for the consideration stated in the Lease, the parties agree as follows:

1. The Lease is incorporated by reference.
2. The Lease shall terminate on November 11, 2022.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA

**BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA**

By: _____



By: _____



10/25/2021

Name: William H. Ashton II

Name: Christina C. Jackson

Title: Town Manager

Title: Chief Financial Officer

APPROVED AS TO FORM

By: _____



Name: Lesa J. Yeatts

Title: Town Attorney

TOWN OF HERNDON, VIRGINIA

RESOLUTION

NOVEMBER 16, 2021

Resolution- to ratify an Amendment of License Agreement pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town of Herndon and Dulles Regional Chamber of Commerce d/b/a Herndon Chamber of Commerce to delete provisions relating to portable toilets and to extend the termination date of an ice machine on Town property.

WHEREAS, the parties entered into a License Agreement dated July 8, 2021, for the placement of portable toilets and an ice machine on Town property; and

WHEREAS, the License Agreement would have expired on October 4, 2021; and

WHEREAS, Town and Licensor desired to delete provisions relating to portable toilets and to extend the termination date of an ice machine on Town property so that it will expire on May 1, 2022; and

WHEREAS, the Extension of License was signed by the Town Manager pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Amendment of License dated October 29, 2021 and signed by the Town Manager between the Town of Herndon and Dulles Regional Chamber of Commerce d/b/a Herndon Chamber of Commerce to delete provisions relating to portable toilets and to extend the termination date of an ice machine on Town property.

**Amendment of License Pursuant to Ordinance 20-O-23 Continuity of
Governmental Operations due to State of Emergency,
Pandemic Disaster Covid-19**

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Amendment of License dated October 29, 2021, hereby amends the license between the TOWN OF HERNDON, VIRGINIA, a municipal corporation ("Town") and the DULLES REGIONAL CHAMBER OF COMMERCE d/b/a Herndon Chamber of Commerce, a Virginia corporation ("Chamber") dated July 8, 2021 ("the License") to delete provisions relating to portable toilets and to extend the termination date relative to the ice machine from October 4, 2021 to May 1, 2022 ("the Amendment")

THEREFORE, for the consideration stated in the License and herein, the parties agree as follows:

1. The License is incorporated by reference.
2. The License shall terminate on **May 1, 2022**.
3. In all other respects, the License is confirmed.

**DULLES REGIONAL CHAMBER OF COMMERCE
d/b/a HERNDON CHAMBER OF COMMERCE**

By _____

Name/Title: _____

[Signature]
JOE MARTIN, President/CEO

TOWN OF HERNDON, VIRGINIA

[Signature]

William H. Ashton II, Town Manager

APPROVED AS TO FORM:

[Signature]

Lesa J. Yeatts, Town Attorney