



**Workforce Affordable Housing Committee**

**Toolkit**

*DRAFT 7/20/07*

<p><b>Subject:</b></p>	<p><b>ACCESSORY DWELLING UNITS (ADUs)</b></p>
<p><b>Definition:</b></p>	<p>An accessory dwelling unit (ADU), also may be known as a "mother-in-law" or "granny" unit, a "family dwelling unit", or "guest house". It is an additional living space that has separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit on a single-family lot. In many cases they are either a garage conversion or a small backyard cottage. (Note: ADU is also used as an acronym for 'affordable dwelling unit', which has a broader definition than 'accessory dwelling unit'.)</p>
<p><b>Potential Benefits:</b></p>	<p>ADUs have the potential to alleviate affordable housing shortages in multiple ways, at little or not cost to local government.</p> <p>As a family dwelling unit, a home owner can provide needed housing to a parent or adult child who otherwise may not be able to find suitable housing in the same community.</p> <p>When ADUs serve as rental units, their smaller size generally results in lower-cost rental housing in communities and neighborhoods with higher average housing costs, thus offering needed workforce affordable housing.</p> <p>The income generated by the ADU assists the property owner and helps make the principle dwelling more affordable.</p> <p>An ADU may assist older residents to stay in their own homes longer by generating needed income or by allowing a personal caregiver to live on the property. Staying in homes that they own, especially when the mortgage has been paid, generally is less expensive than moving into an apartment, assisted living, or having to purchase a new, smaller home. Allowing residents to stay in their neighborhoods through all stages of their lives results in more sustainable communities.</p> <p>ADUs can maximize the use of existing infrastructure and services and reduce pressure on open spaces and farmland from development sprawl.</p>

	<p>Expanded opportunities for legal ADUs may reduce the incidence of non-permitted structures and additions.</p> <p>Some cities and towns in the U.S. have found that proactive ADU programs, in addition to increasing the affordable housing supply, can enhance the social stability and mix of neighborhoods with little or no impact on the physical character of the neighborhood. They have found that ADU programs promote rehabilitation of housing and increase the supply of rental housing for a range of physical abilities, stages in life and income levels. ADUs can help with infill, directing affordable housing near existing transportation rather than on the jurisdiction fringes.</p>
<p><b>Considerations and Potential Costs:</b></p>	<p>ADUs are attractive as an affordable housing solution because they can be implemented with limited expense on the part of the local governing body. ADUs are typically regulated either as a permitted use, with an administrative review, or as a conditional use, subject to a public hearing requirement.</p> <p>Structuring the appropriate zoning provisions requires an analysis and decisions about the objectives of the ADU role within the town or county. There are numerous provisions that can be included in the ordinance that will impact the nature, appearance, use, practicality, and cost of an ADU, and consequently, the effectiveness of the ordinance in providing new affordable housing. Some of these provisions, which are found in the current zoning ordinances of various PD9 localities, include the following:</p> <ul style="list-style-type: none"> <li>⇒ Minimum size of the primary lot in order to qualify for an ADU</li> <li>⇒ Maximum size of the ADU. This may be in terms of square footage or as a percentage of the size of the primary structure</li> <li>⇒ Must the primary dwelling be owner occupied? May either the primary or ADU be owner occupied?</li> <li>⇒ Must the ADU be occupied by a family member? How long will this restriction be in place?</li> <li>⇒ Is there an occupancy cap, limiting the number of persons in the ADU?</li> <li>⇒ May rent be charged at first occupancy? If not, is there a waiting period beyond which rent may be charged?</li> <li>⇒ If the property is sold, will all restrictions still apply to the new owner?</li> <li>⇒ Minimum or maximum distance between the primary dwelling and the ADU</li> <li>⇒ Requirement to use same entrance to the property</li> <li>⇒ Are there different requirements for converting existing structures to ADUs</li> <li>⇒ Usage may be limited to temporary residents, in effect limiting the ADU to use as a guest house.</li> <li>⇒ May be allowed only in the case of medical need of property owner</li> <li>⇒ Requirement for separate septic system</li> <li>⇒ Design requirements for the ADU that help ensure it is compatible with the neighborhood</li> <li>⇒ Parking requirements</li> </ul>

	<p>Various combinations of these provisions create very different ADU potential.</p> <div style="display: flex; justify-content: space-around;">   </div> <p style="text-align: center;">Photos of Culpeper properties with potential for ADU development</p> <p>Simpler and shorter permitting processes may also promote development of more ADUs.</p> <p>Model programs that actively promote and support ADU development may be appropriate for established town environs. These programs seek not only to expand the affordable housing stock, but also to preserve historic and established neighborhoods. Such a program would have additional costs that can include promotional literature, architectural consultation, or rehabilitation grants.</p> <p>An additional cost in implementing new ADU regulations may involve the necessity of producing an impact study, in order to alleviate concerns about adverse consequences of such a change.</p>
<p><b>Potential Barriers:</b></p>	<p>A significant difficulty in establishing ADU policy is the ability to predict the impact of relaxing restrictions on accessory units. This makes it difficult to counter arguments that the change will significantly increase density, change the character of neighborhoods, and create traffic problems.</p> <p>An impact study may evaluate the number of new parcels being given potential ADU approval. Many newer housing developments would restrict this by deed covenant. Only a small fraction of property owners will take advantage of this option because of cost of building and ADU or because of preference for their current single family arrangement.</p> <p>Structuring the ordinance to include design requirements meant to protect the character of the existing neighborhood may alleviate some of this concern. It may also, however, increase the cost of construction for the property owner.</p> <p>Political resistance may also be countered by education efforts that demonstrate the advantages in using infill not only as a tactic for increasing affordable housing but also as a strategy for reducing sprawl, preserving open space and optimizing existing infrastructure.</p>

<b>Examples and Best Practices:</b>	<p>Model programs for ADU development can be found around the country. One of these is in <a href="#">Santa Cruz, California</a>, where the award-winning ADU program actively assists home owner to plan, build and finance new units, including providing architectural plans. Their <a href="#">zoning ordinance</a> has been designed to promote this effort.</p> <p>The <a href="#">Town of Montgomery, NY</a>, a small town 70 miles north of Manhattan, enacted a <a href="#">new accessory dwelling unit ordinance</a> in 2005 to deal with dual issues of growth and need to preserve historical housing stock. The town reports satisfaction with the results, despite strong local opposition initially.</p> <p>The city of Charlotte, N.C. allows accessory units for use by elderly and disabled. The owner of the accessory unit must register annually with the City. (<a href="#">Zoning Ordinance</a>, Section 12.407)</p> <p><a href="#">Fauquier County's Accessory Dwelling Unit Ordinance</a> (Sec. 5.105) requires that the unit be occupied by an immediate family member of the owner for 10 years before it may be rented to a non-family member.</p>
<b>Further Information:</b>	<p>The U.S. Department of Housing and Urban Development's (HUD's) Office of Policy Development and Research (PD&amp;R) maintains a Regulatory Barriers Clearing House, which publishes a newsletter. This issue reports on accessory dwelling units, including links to a variety of local ordinances from around the country. <a href="http://www.huduser.org/rbc/newsletter/vol3iss1more.html">http://www.huduser.org/rbc/newsletter/vol3iss1more.html</a></p> <p>An article in the New York Times from December 2, 2006, "<a href="#">The Apartment Atop the Garage Is Back in Vogue.</a>" profiles the efforts in Montgomery, NY, Santa Cruz, CA, and other localities.</p>