

Proposed Text Amendments Permitting Accessory Dwelling Units on the Same Lots as Single-Family Dwellings

Equitable Growth & Housing

June 21, 2023

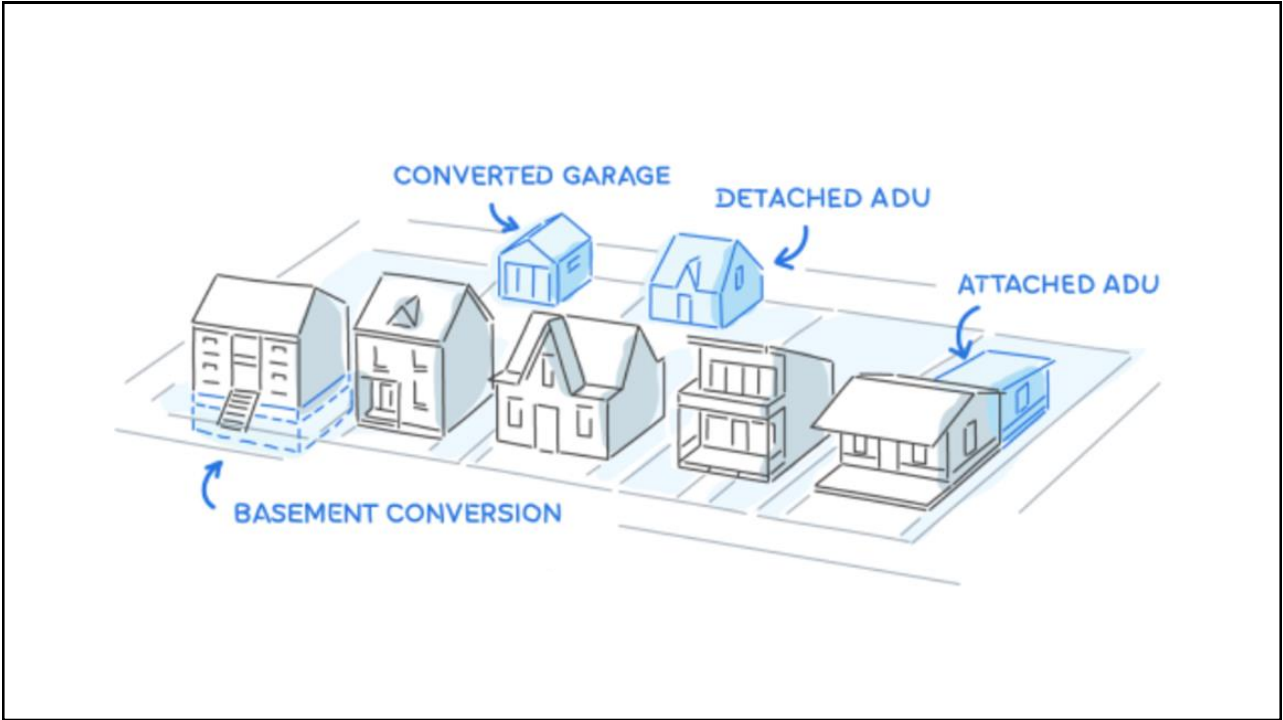
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What is an ADU?

§ 1401-01-A1A - Accessory Dwelling Units

“Accessory Dwelling Unit” means a **self-contained** dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its **own entrance, kitchen, bathroom, and sleeping area**; that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot; and **whose use is subordinate and incidental to the larger single-family dwelling**.

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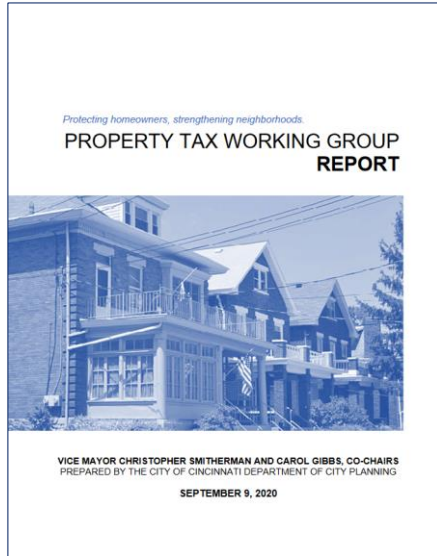


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Background | Property Tax Working Group

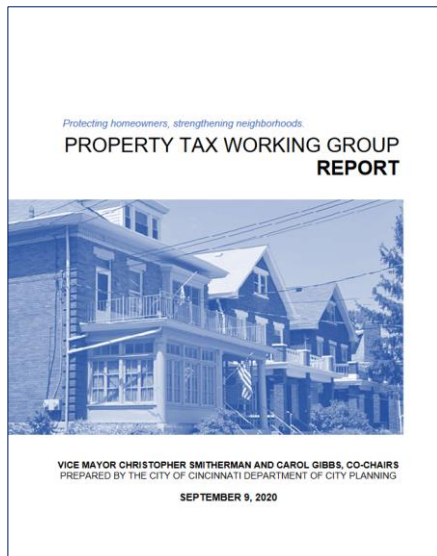


Purpose:

- Support and protect vulnerable homeowners such as **seniors, legacy residents**, those with **limited income**, and those with **disabilities**.
- **Provide options** to allow them to **remain in their homes** as their neighborhoods change and develop.

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Background | Property Tax Working Group



Section III: Other Measures Recommendation 1

Change the Zoning Code to **permit accessory dwelling units/granny flats** with stipulations that:

- Either the large or smaller residence must be occupied as the primary residence by the owner more than 75% of the year.
- Require landlord training on fair housing, sample rental contracts, landlord best practices, and more.

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Background | ADU Research Report

Report on Accessory Dwelling Unit Property Tax Working Group Recommendation

Motion 20200951 includes the following recommendation from the Property Tax Working Group (Section III, Recommendation 1):

Change the Zoning Code to permit accessory dwellings/granny flats with stipulations that:

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- Require landlord training on fair housing, sample rental contracts, landlord best practices, and more.

This report responds to the recommendation in the following sections. The information included in this report is based on a survey of case studies and review of existing ADU ordinances and manuals:

- Section I: Definition of Accessory Dwelling Unit (ADU)
- Section II: Benefits of ADUs
- Section III: Challenges of ADUs
- Section IV: Implementation Components
- Section V: Economic Impact of ADU Policy
- Section VI: Recommendation and Considerations
- Appendix: Case Studies

SECTION I: Definition of Accessory Dwelling Unit (ADU)

According to the U.S. Department of Housing and Urban Development (HUD), accessory dwelling units (ADUs) are "additional living quarters on single-family lots that are independent of the primary dwelling unit" (HUD 2008). ADUs are referred to by different names, including granny flats, as referenced in the Property Tax Working Group, accessory apartments, mother-in-law flats, and second units.

They are independent, self-contained units with their own kitchens or kitchenettes, bathrooms, and sleeping areas that are either attached to or detached from the primary residence, as seen in Figure A.

Figure A. Examples of accessory dwelling units (AARP 2019)

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Accessory Dwelling Units:

- Facilitate **multi-generational living, aging in place, and flexibility** for families.
- Increase **housing supply** and population density without substantive change to **neighborhood character**.
- Efficiently make use of **existing infrastructure** by connecting to utilities of the primary structure.
- Provide an income stream to homeowners, making **homeownership more affordable**.
- Provide **affordable choices** in exclusive neighborhoods, increasing their **socio-economic, racial, and age diversity**.
- Are **environmentally friendly**, with smaller carbon footprints and more efficient use of land
- **Support neighborhood business districts** through increased population density.

Background | ADU Research Report

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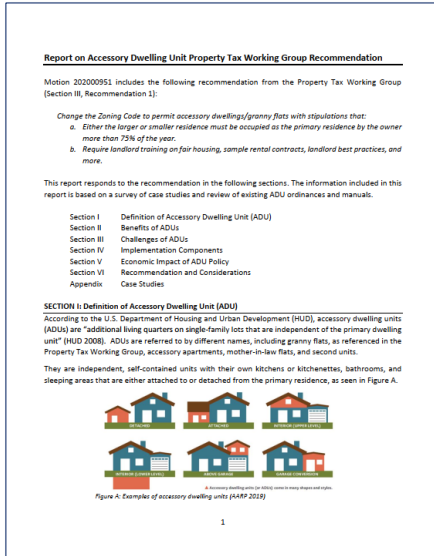
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Recommendation:

The City should pursue the inclusion of ADUs in the Zoning Code. This would

- Address the **intentions of the PTWG** and additional housing needs.
- **Provide housing** for different family sizes and configurations and people with varying incomes and needs.
- Support the City's commitment to increasing its **AARP Livability Index score** and being a community for people of all ages.

Background | ADU Research Report



In addition, the following should be considered:

- 1. Purpose of Recommendation:** The ordinance should be in line with the intentions of the PTWG.
- 2. Community Engagement:** Further community engagement should occur during the development of an ordinance.
- 3. Further Legal Review:** There should be legal review of potential owner-occupancy stipulations and licensing requirements.

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Proposed Amendments | General

§ 1401-01-A1A “Accessory Dwelling Unit”

Establishes a new section with the **definition** of an Accessory Dwelling Unit (earlier slide).

§ 1401-01-T3 “Two-Family Dwelling”

Modifies the definition of a two-family dwelling to provide that this classification only applies when **neither unit is an ADU**.

§ 1421-01 “Accessory Residential Structures”

Modifies the regulations for Accessory Residential Structures to provide that **these regulations do not apply to ADUs**, and that the maximum number of Accessory Structures must be compliant with the “Maximum Size” regulations for ADUs.

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Proposed Amendments | General

§ 1403-05, 1405-05, 1407-05, 1409-07, 1410-05, 1411-05, 1413-05, 1415-05, 1417-03 “Land Use Regulations” for Single Family, Residential Multi-family, Office, Commercial, Urban Mix, Downtown Development, Manufacturing, Riverfront, and Institutional Residential Districts

Modifies the respective land use tables associated with each zoning district to effectively **permit an ADU** to be built **on any lot where a single-family home is permitted** to be built.

§ 1501-12 “Class F Civil Offenses”

Modifies violations that are considered Class F Civil Offenses to include the **owner-occupancy or Responsible Person requirement** for ADUs.

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

- | | |
|--------------|---|
| (a) General | ADUs may be established within the interior of , as an addition to , or as a detached structure on the same lot as a single-family dwelling. |
| (b) Entrance | The ADU must provide a separate exterior entrance independent of the entrance to the primary home. |
| (c) Lot Size | A lot must meet the minimum lot-size requirements of the existing zoning district in order to build an ADU. |

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

- (d) Lot Coverage For lots of 4,000 sqft or more:
An ADU cannot exceed **800 sqft** or **15% of the total lot area**, whichever is greater.

For lots less than 4,000 sqft:
An ADU cannot exceed **800 sqft**, or the **combined footprint** of the primary home and the ADU **cannot exceed 60% of the total lot area**, whichever is greater.

The size restrictions **do not apply** to alterations of legally existing accessory structures (e.g. garages) so long as the alteration **does not expand** the building's **existing footprint**.

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

- (e) # Structures Only **one ADU** is permitted per residence.

- (f) Setback Interior ADUs or alterations of existing structures (e.g. garages) are **not subject to setback** regulations unless they expand the existing building footprint.

Detached ADUs are subject to **side and rear-yard setbacks** except when they are an alteration to an existing structure that does not expand its footprint.

Attached ADUs expanding the footprint of the existing home are subject to **all applicable setback regulations**.

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

(g) Max. Size An ADU **cannot exceed** the square footage of the **principal home**.

(h) Max. Height Detached ADUs cannot exceed **25 ft**.

Alterations to an existing structure **cannot exceed 25 ft** or the **existing height** of the structure, whichever is greater.

Attached ADUs are subject to **existing height regulations**.

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

(i) Detached Units Detached ADUs must be **permanently constructed** with permanent utility hookups. Mobile tiny-homes and RVs are **not permitted**.

(j) Parking Additional off-street parking is **not required** for ADUs.

(k) Short-Term Rentals ADUs **may be operated as short-term rentals** in accordance with the Short-Term Rental Registration outlined in Chapter 856 of the Municipal Code.

Proposed Amendments | ADU Regulations

§ 1421-06 – Accessory Dwelling Units

- (l) Occupancy An owner **must reside** in one of the two structures as long as the ADU exists or designate a **“responsible person”** to do so.

To ensure compliance, owners must **record a covenant** with the City Solicitor that provides the above. Failure to comply will result in a Class F civil offense and a **\$15,000 fine**.

All ADUs **must be registered with the Zoning Administrator** to verify compliance. Registration must be renewed biennially and updated and reverified whenever there is a change of ownership or responsible person.

“Responsible Person” means any person designated by the owner of a lot as **having independent duty, responsibility** (including financial), and authority **to operate, manage, and maintain the lot**.

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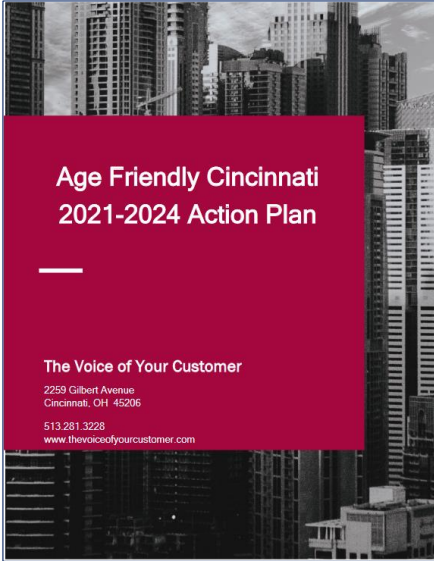
Public Engagement | Property Tax Working Group



- Coordinated effort between the City and community to **identify solutions** to issues related to displacement of legacy residents.
- Was itself a community engagement process that **produced the recommendations**.
- 25 working group members, over **1,000 members of the public** involved in some way.
- Met monthly for over a year, all meetings **open to the public**.
- Multiple open sessions specifically for the purpose of **gathering public feedback** directly from the community and other stakeholders on concerns and proposals throughout the process.

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Public Engagement | Age Friendly Cincinnati



- In 2018 the Age Friendly Cincy Advisory Council was created to help Cincinnati become a place for **people of all ages**.
- Includes community leaders, representatives from City departments, and professionals from the Aging Network.
- Established a Housing Committee to create requirements for housing development to include **universal design, accessibility** and **policies** that are not age-restrictive.
- This **includes ADUs**.

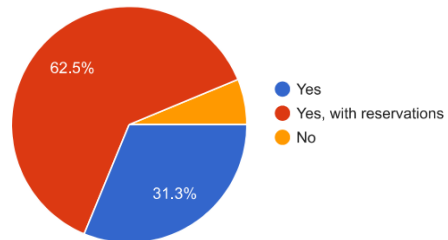
Public Engagement | Housing Summit 2022



- Special session discussing ADUs for housing production and generational wealth-building.
- Designed and moderated by members of the Housing Committee of Age Friendly Cincinnati.

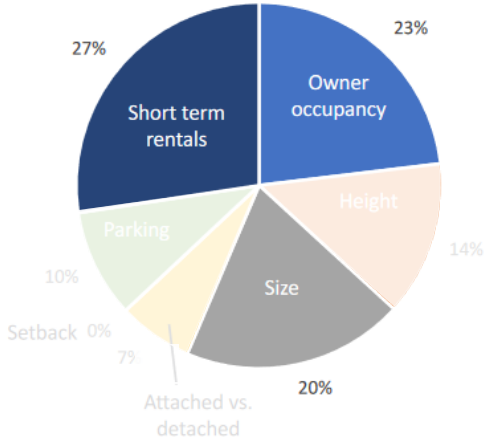


Do you think the Zoning Code should allow ADUS in the City?



Public Engagement | ADU Conversations

What regulations do you feel most strongly about as it pertains to ADUs?



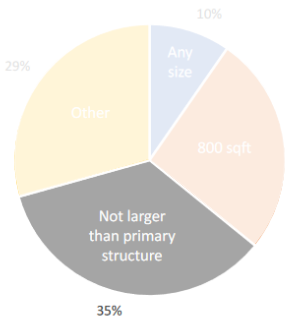
Other Priorities:

- Conformity with surrounding **architectural styles**.
- The role of ADUs in addressing the **housing shortage**.

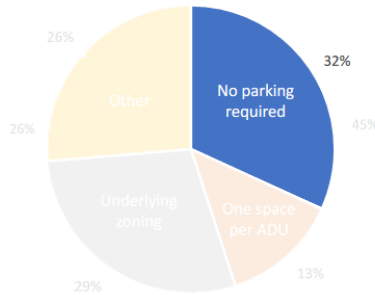
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Public Engagement | ADU Conversations

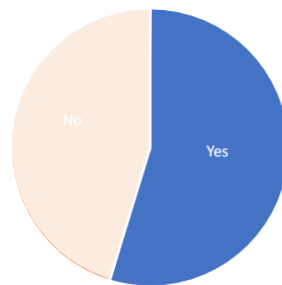
What is a reasonable allowable size of an ADU?



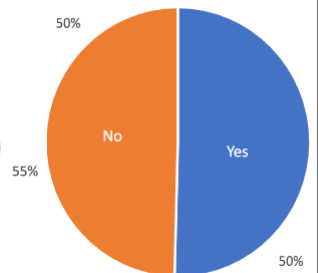
How much parking should be required?



Should short-term rentals be allowed?

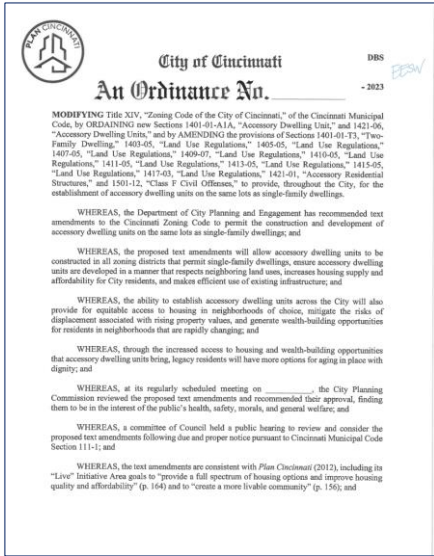


Should owner-occupancy be required?



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Public Engagement | Invest in Neighborhoods Session



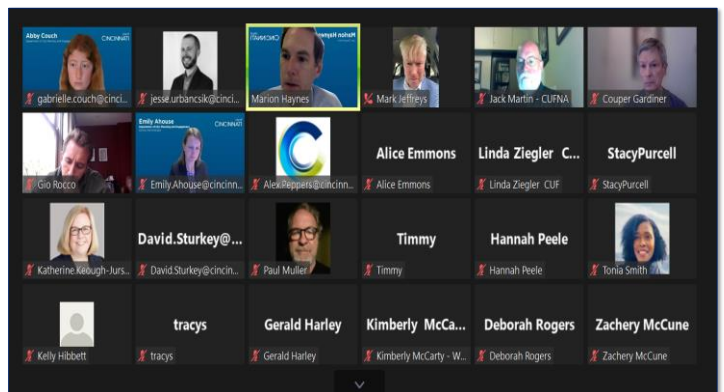
- First public meeting **after the ordinance was released.**
- Presentation about the components and regulations included in the proposed ordinance followed by question-and-answer.
- Primarily focused on **introducing and explaining** the contents and specifics of the ordinance, such as size and height restrictions.
- Some concerns expressed related to maintaining **owner-occupancy**, and potential **overcrowding.**
- Generally supportive.

Public Engagement | Public Staff Conference

Support for ADUs in general, citing positive impacts for

- Aging in-place
- Multigenerational households
- Accessibility
- Addressing affordability
- Addressing the housing shortage.

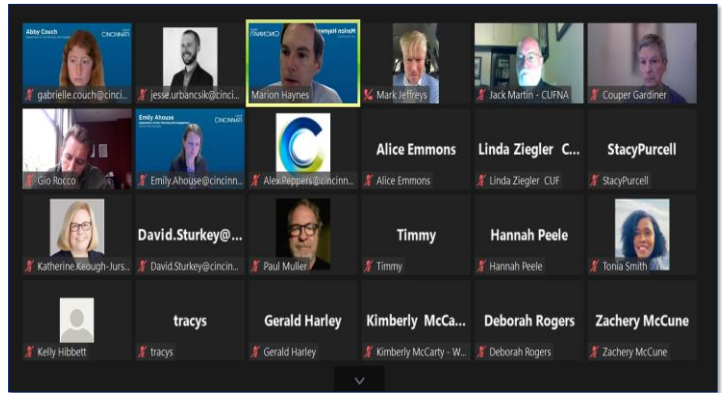
With a few **areas of key concern** in the proposed ordinance expressed throughout.



Public Engagement | Public Staff Conference

Responsible Person

- Overall appreciation for owner-occupancy provision, but some expressed that “Responsible Person” is **too ambiguous**.
- Could **allow for abuse** by irresponsible landlords, facilitating poor property maintenance, which is **already a problem** in many areas.
- Some felt that the “Responsible Person” language is **not strict enough** to close loopholes.

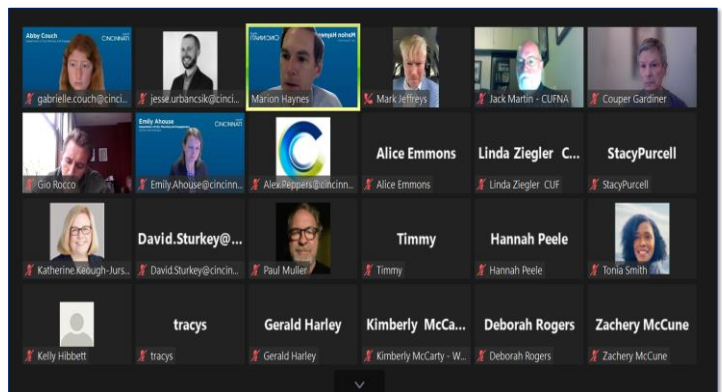


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Public Engagement | Public Staff Conference

Short-Term Rentals

- Some expressed discontent with allowance of short-term rentals.
- Concern about **noise** and **partying**.
- Some expressed support due to a homeowner's potential **opportunity** for **additional income**.
- Some supported **longer-term rentals** (30-day minimum) for people like travel nurses.

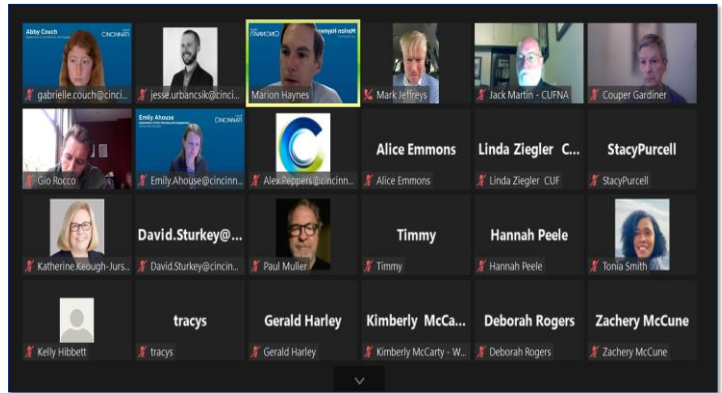


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Public Engagement | Public Staff Conference

Other

- Some concern about **additional density**, particularly in areas such as CUF with lots of students.
- Some objection to the lack of **off-street parking** requirements.
- There were also comments about potential impact to **utilities, setback**, and the implications of **subdividing** a lot with an ADU.



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Administrative Review

This ordinance, due to its scope, will require a **period of administrative review** after passage in order to effectively **establish the necessary new processes** and procedures for implementation, including potential opportunities to **better address key community concerns**.

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Consistency with *Plan Cincinnati* (2012)

Compete Initiative Area

Goal: Foster a climate conducive to growth, investment, stability, and opportunity.

Live Initiative Area

Goal: Provide a full spectrum of housing options and improve housing quality and affordability.

Strategy: Incentivize housing options of varied sizes and types for residents at all stages of life.

Conclusion

Ordinance Goals:

- Increase housing **supply** and **affordability**.
- Provide equitable access to housing in **neighborhoods of choice**.
- Mitigate risks of **displacement** associated with rising property values.
- Generate **wealth-building opportunities** for residents in neighborhoods that are rapidly changing.
- Provide legacy residents with the option to **age in place** with dignity.
- Make efficient use **of existing infrastructure**.

Conclusion

Staff finds that the proposed ordinance is **consistent** with its stated goals, as well as those established by the Property Tax Working Group and Plan Cincinnati (2012).

The proposed ordinance **aligns Cincinnati with comparable cities** who have adopted similar legislation and enables the City to uphold current identified **best practices in the field of Urban Planning**.

The proposal was born **as part of a solution** to several issues identified by the community through a year-long focus group initiative. It underwent **extensive community engagement** and its components were drafted **in accordance** with this feedback.

Recommendation

The City Planning Commission recommends that City Council take the following action:

APPROVE the proposed text amendments to modify Title XIV “Zoning Code of the City of Cincinnati” of the Cincinnati Municipal Code, by ordaining new Sections 1401-01-A1A, “Accessory Dwelling Unit,” and 1421-06, “Accessory Dwelling Units,” and by amending the provisions of Sections 1401-01, 1403-05, 1405-05, 1407-05, 1409-07, 1410-05, 1411-05, 1413-05, 1415-05, 1417-03, 1421-01, and 1501-12 to provide for the establishment of accessory dwelling units on the same lots as single-family dwellings throughout the city.