

# 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."



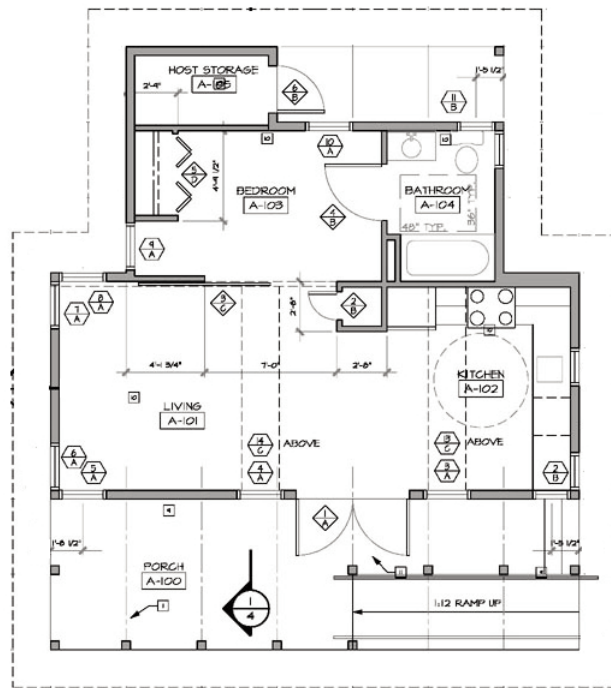
**American Planning Association**

*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.

David Baker and Partners Architects

**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](http://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](http://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](http://www.planning.org).

# QUICKNOTES

## 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](http://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](http://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\\_dwell.pdf](http://assets.aarp.org/rgcenter/consume/d17158_dwell.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](http://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](http://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](http://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/s42ADUrpt.pdf](http://www.mrsc.org/GovDocs/s42ADUrpt.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](http://www.portlandonline.com/auditor/index.cfm?a=53301&c=28197). Also see [www.portlandonline.com/bds/index.cfm?c=dgghg](http://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](http://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](http://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](http://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).