

Atlanta Regional Commission
Land Use Coordinating Committee
(LUCC)
Sub-Committee Issues Reports

Envision6

Accessory Dwelling Units

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**Working Paper on Accessory Dwelling Units (ADU's)
LUCC Sub-Committee, Summer 2007**

Introduction

The Atlanta region will experience substantial additional growth during future decades. This growth will continue to overwhelm government resources and cause many problems. A root issue in preparing for growth is sufficient quantities of housing for diverse needs and in locations that are close to jobs and services. With more than 60% of the Atlanta region zoned for low density housing, as populations grow local governments will need to find new ways to incorporate housing options in low density areas. Considering only the growth and need for more housing of senior citizens in the region during coming decades makes the possibility of implementing Accessory Dwelling Units (ADU) a tool that should be better understood and permitted where appropriate.

Even in communities where ADU's are a permitted and legal use, the result has been a very small percentage of total housing needs are met through an ADU. The cost to construct a new unit even in an existing dwelling is cost prohibitive for many individuals or homeowners. However, when undertaken in a reasonable manner with appropriate architectural standards and rules of operation, an ADU is an important tool that can improve the overall livability of a community by bringing housing options for families and new residents to an area.

Most local governments restrict single-family housing to a number of unrelated individuals as defined in the zoning ordinance. The definition of a family relates to the number of unrelated individuals who are permitted to occupy a home. The provision of an ADU allows greater enforcement of residents in a home as the ADU can be licensed and restricted in many ways.

Historically, ADU's have been permitted in many of our cities. Caretaker apartments in a home or units occupying the basement of a historical home in Savannah, for example, could be considered an ADU. ADU's, like any legal use of property must be managed in a reasonable manner and enforced to ensure negative consequences do not occur.

1. What are Accessory Dwelling Units (ADU's)?

- a. **Georgia DCA definition-** also called “granny flats” or in-law suites, accessory dwelling units (ADU's) are independent, complete living units created from surplus space, or added in inconspicuous ways, within single family homes or detached structures.
- b. **Other national definitions-** a self-contained apartment in an owner occupied single-family home/ lot that is either attached to the principal dwelling or in a separate structure on the same property (Source: State of Massachusetts Smart Growth Toolkit).
- c. **History of ADU's-** the history of ADU's can be traced back to the early 20th century and were fairly common up until the end of World War II; ADU's were commonly viewed as a good source of supplemental income for empty-nesters after their children moved out. After the war, however, the rapid proliferation of suburbs with their focus on the nuclear family led to a decrease in ADU's; many communities prohibited ADU's all together, a practice that is still common today.
(Source: Giles/UGA Memorandum)

2. What is the role of ADU's in promoting quality growth?

- a. **How do ADU's address smart growth concerns for communities?**
ADU's address growth concerns for communities by promoting a more efficient use of land and available infrastructure and resources. They offer an alternative housing choice for seniors, students or single adults. They are used often in new urbanism or traditional neighborhood development as a means to allow more diverse housing. As the demand for affordable housing increases, communities must consider a variety of housing options for their citizens; ADU's represent a sensible, practical solution to increasing the affordable housing supply without a significant need for property and infrastructure investment.
- b. **Can the implementation of ADU's encourage sustainable development?**
ADU's can encourage sustainable development because they provide property owners with supplemental income, increasing the likelihood that they can remain in their homes for longer periods of time. Also, with the additional income, property owners have more money to invest in the upkeep and maintenance of the property, decreasing the likelihood that the property will depreciate.
- c. **Are ADU's really that effective in providing more housing options?**
ADU's are effective in providing more housing because they increase the amount of affordable housing options for individuals that otherwise might not be able to live in a particular community. With many communities now facing an affordable housing crisis, ADU's represent a very cost-efficient method for expanding available housing options within a community given that ADU's are permitted.

3. What are the primary benefits associated with ADU implementation?

a. Who benefits most from ADU's?

ADU's offer advantages and benefits to many residents within a community. Low and moderate-income residents benefit by the increase in affordable housing options that might otherwise not exist if not for the implementation of ADU's. Property owners benefit by the additional income provided to them by the ADU occupants. Young and/or single people who cannot afford to own a home have an attractive alternative to apartment life while saving money for a home purchase. Elderly people may want to live an accessory unit that is secondary to the home of one of their children. Middle age people may want to have an ADU if they are frequently out of town in order to have someone looking after the primary dwelling. Young couples just starting out may want to include an ADU in their home in order to supplement their monthly payments and get them into a larger house sooner. Single working parents may want an ADU tenant to help around the house and help with childcare. Local business owners can benefit from ADU's by the increased amount of business traffic generated by ADU tenants since ADU tenants are less likely to drive and are more likely to utilize local business services. As you can see, ADU's offer a variety of benefits to a wide range of constituents throughout a community.

b. Where, generally, are ADU's most beneficial?

ADU's are generally most beneficial in well established, single family neighborhoods and residential zoning districts with fairly large lot sizes; this is because these types of neighborhoods have the physical land capacity to handle the construction of secondary units on the property and the residents are less likely to desire to move any time soon. Since ADU's are often restricted from being sold after they are constructed, encouraging ADU adoption in older, stable neighborhoods helps to ensure the successfulness of ADU implementation.

c. What are the advantages/benefits that ADU's offer to communities?

There are several advantages that ADU's offer to communities and neighborhoods. For instance, ADU's are effective in fighting the displacement of low and moderate-income residents as neighborhoods undergo development/redevelopment— a process known as gentrification. Additionally, the implementation of ADU's encourages mixed-income, mixed-use communities, which are gaining popularity due to the social and economic benefits of such development strategies. Also, ADU implementation within a community can have a significant effect on the local economy because ADU residents generally provide more revenue to small businesses located in the immediate area.

4. What are the regulatory issues and options involving ADU's?

a. What are common neighborhood and community issues and concerns?

A common community issue/concern associated with ADU's are that neighbors often feel that ADU's take away from the traditional values associated with single-family neighborhoods. Additionally, communities are wary of ADU's causing parking problems and straining infrastructure, such as schools and utility services.

b. What are other general negative conceptions surrounding ADU's?

Other negative conceptions of ADU's are that they change neighborhood dynamics by bringing in people with alternative social values; citizens worry this character change to their community will ultimately cause their property values to decrease. Neighbors are also concerned about any alterations to the physical appearance of homes; they often view ADU's as community eyesores that detract from the value(s) of surrounding homes. Privacy concerns and the fear of absentee landlords are other issues often expressed by opponents of ADU's.

c. Do local codes foster or discourage ADU adoption?

The structures of many local codes, especially those in the state of Georgia, do not foster ADU adoption; in fact, many local codes discourage them. There are a few communities that have recently adopted ADU legislation to encourage ADU construction and regulation but the majority of communities still maintain restrictions on ADU's.

5. What are the general standards/regulations for ADU's?

a. What are some common design elements for ADU's?

Design elements for ADU's can vary and are dependent upon the way the ADU legislation was written, but a few common standards for ADU's are:

1. ADU's must comply with the same building standards and aesthetic requirements of the main dwelling.
2. ADU's must be implemented in a manner that they do not detract from the value of the primary dwelling or surrounding properties, with the ADU being as less visible as possible.
3. Orientation of driveways and entrances to ADU's must be designed inconspicuously so that they are less visible from the street view of the primary dwelling unit.
4. ADU's are sometimes required to be located within or connected to the primary dwelling unit (also known as an attached accessory cottage/unit). Detached accessory units can also be prohibited or permitted in communities but depends on the structure of the ADU ordinance.
5. ADU's must not interfere with landscaping and open space requirements generally established for communities.

b. What are some common restrictions for ADU's?

While restrictions on ADU's often vary, dependent upon a jurisdiction's desire to encourage or limit ADU implementation, a few common restrictions are:

1. Owner-occupancy requirements of primary dwelling and/or ADU.
2. Number of occupants inhabiting ADU's.
3. Height, architecture and size of secondary/accessory unit.
4. Setback and lot coverage restrictions.
5. Change of ownership restrictions.

c. What are the basic components/requirements of ADU ordinances?

The components of an ADU ordinance can vary by community but here are a few common requirements of most ADU ordinances:

1. Parking and traffic requirements.
2. Age of primary dwelling unit.
3. Number of ADU's allowances per lot.
4. Minimum residency tenure for property owners.
5. Authorization of ADU's within specific zoning districts.
6. Establishment of approval, renewal and regulatory processes.
7. Minimum lot sizes.
8. Occupancy standards.
9. Recording requirements for ADU's.
10. ADU building standards for size, architecture and orientation.

6. What are the "big" issues that typically must be addressed when using ADU's? How are they handled?

a. Permitted vs. Special Use Permit- the two basic options available to a community are to allow ADU's through the Special Use Permit (sometimes called conditional or special exception use permits) or to allow them by right (permitted) in the zoning district. Permitted, or "by right", use simply means that the process involves filling out an application and presenting it to a local building official or Zoning Administrator, who checks to see that it meets the requirements of the ordinance. No hearing or discretionary decision is involved. The Special Use Permit process, however, involves a hearing preceded by public notice. The "by right" option has the advantage of being fast and less public whereas the SUP approach, with its hearings and public involvement process, may appeal more to communities that are new to the ADU process.

b. Traffic- Traffic is generally not an issue with ADU's for a couple of reasons. One reason is that most neighborhoods that house ADU's were designed for families that would generate more traffic than today's actual occupancy levels. A second, and more practical, reason is that ADU occupants are less likely to own a car (and therefore less likely to drive) and more likely to use public transit. Therefore, ADU's would seemingly have no adverse affect on the amount of vehicle traffic within a given neighborhood. Communities that are still concerned about traffic issues may want to deal with it under density control measures.

- c. Parking-** Parking requirements and/or restrictions for ADU's are one of the most frequently debated and highly contested issues regarding ADU adoption within a community. It is often the case that communities require too many parking spaces, making parking a major obstacle to increasing the number of new ADU's. Also, communities often place too many restrictions on parking for ADU's, such as prohibiting tandem parking (one vehicle in front of the other in a driveway), curb parking and parking in setback areas, *even when that is a normal practice in the neighborhood*. These excessive requirements often make it difficult to implement ADU's, however, because neighborhoods have different standards, allowing flexibility in parking requirements is seen as a better approach rather than setting regulations that ignore a variety of circumstances. For this reason, provisions that limit the number of required spaces and/or that allow for flexibility in parking requirements are typically encouraged.
- d. Design of units-** Design standards of ADU's are another issue that many ADU ordinances are careful to address. Typically, homeowners adjacent to ADU's are sometimes concerned that ADU's will erode the single-family charm of their neighborhood, and therefore ADU ordinances commonly address many appearance issues, such as type of structure, architectural design, maximum/minimum size, and whether the ADU is subordinate to the principal unit. Additionally, whether an accessory unit is attached or detached is another design concern that is sometimes specified in ADU ordinances. To satisfy the needs of a particular community, and to alleviate the concerns of neighbors, ADU's are often required to be consistent with the building type of the principal unit (although this is not always the case). For more standards on design elements for ADU's, refer to section 5(a) of this outline.
- e. Annual certification-** In order to make sure that an ADU continues to comply with the conditions that were a part of the permit as originally issued, some communities issue temporary permits and require periodic permit renewal (typically an annual renewal). This type of permit renewal is generally not desired by communities because it increases administrative costs related to an ordinance. Additionally, this type of requirement usually serves as a deterrent to those homeowners that may seek to construct ADU's on their property due to the perceived excessive oversight process of annual renewals. One alternative that communities may consider would be to have the owner of the ADU, on the first day of every year (or other specified time interval), sign and file written statements with the local official(s) stating that the ADU complies with the municipal zoning code. Another alternative to the annual renewal process would be to have permits issued for a specified period of time (no longer than 5 years), which must be renewed at the end of the first term of issuance and every such period thereafter. After that time period, those temporary permits would not have to be renewed if, during the time period

since the date of the last renewal, no complaints of violations are filed with the Zoning Administrator (or other local official).

7. What are some pictures or examples of appropriate uses of ADUs?



Attached ADU above garage.



Inside ADU - lower level.



Custom-built detached accessory structure with garage in lower level and accessory apartment above garage; height, architecture and aesthetic requirements match those of the primary dwelling; building dimensions are 20x20x20 with estimated cost of less than 30k.



Rear view of custom-built detached accessory structure with optional rear staircase hidden from street view (usually a desired requirement);



Accessory Dwelling Units in new urban community (Glenwood Park); accessory apartments are built above the garage and constructed along with the primary dwelling. Architecture and design elements of each ADU match those elements of the main dwelling.



Side entry view of ADU in new Glenwood Park development; staircase to unit is concealed from normal street view (usually a desired requirement)

8. What are ways to achieve more community acceptance?

- a. Workshops**
- b. Articles**
- c. Media**

9. Who supports ADUs?

The American Association of Retired Persons (AARP) has done quite a bit of work on promoting and reviewing the need for ADUs. They have also produced a model ordinance. The Smart Growth Network (SGN), a national coalition comprised of the U.S. Environmental Protection Agency and other government, business and civic organizations that support smart growth, is also an advocate of ADU's as a means of providing additional housing options for communities. Other national organizations, such as the Urban Land Institute, Fannie Mae and the Brookings Institute also advocate on behalf of accessory dwelling units as a practical means of addressing the affordable housing shortage.

10. What are examples of best practices regarding ADU's nationally?

a. California, Santa Cruz

Santa Cruz, California Accessory Apartments Ordinance -
<http://www.ci.santa-cruz.ca.us/council/ordinance/2005/12.pdf>

b. Washington, Newcastle

Newcastle, Washington Accessory Apartments Ordinance -
<http://www.mrsc.org/ords/N47o98-174.aspx>

11. What are examples of best practices regarding ADU's in Georgia?

a. Flowery Branch

City of Flowery Branch Accessory Apartments Ordinance -
http://www.flowerybranchga.org/include/ord_308_zoning.pdf

b. City of Roswell

City of Roswell Accessory Apartments Ordinance -
http://www.roswellgov.com/files/docs/PDF/comdev/Zoning/Zoning%20Ordinance_Final/Article_10_Specific_Use_Requirements.pdf

12. What are the next steps for ADU acceptance and implementation?

a. Creation of a 'flexible' ADU model ordinance.

The Land Use Coordinating Committee should endorse the concept of ADUs and a model ordinance.

b. Regional assessment/survey of need

Target areas for permitting ADUs could be identified as a means to allow more diverse housing particularly close to job centers.

c. Examination of local plans and policies

Assistance with review of regulations, recommendations or assistance with public discussions could be provided by ARC and other groups.

A Regional Housing Forum or other training could occur to assist communities.

d. Political support

ACCG and GMA as well as other groups could develop articles and support for the concept of ADU's.

Conclusion

ADU's are a housing option that can fit into the fabric of neighborhoods and communities well with sufficient enforcement and public oversight. ADU's provide an excellent housing option for non-traditional households including senior citizens, students and the disabled community. The American Association of Retired Persons (AARP) model ordinance for ADU's appears to be very complete and a good place to begin a conversation on how ADU's may be regulated. A number of communities in metro Atlanta already permit accessory units and this housing option should be considered as affordable housing needs increase in the future.

Resources for Accessory Dwelling Units (ADU's)

American Association of Retired Persons (AARP) model ordinance - <http://www.aarp.org/research/legis-polit/legislation/aresearch-import-163-D17158.html>

ARC – Community Choices Toolkit – Establishing mixed-income communities through accessory units - http://www.atlantaregional.com/cps/rde/xbcr/SID-3F57FEE7-6E5C2191/arc2/MIXED_INCOME_TOOL.pdf

A Regional Coalition for Housing (ARCH) - <http://www.archhousing.org/adu2/>

Department of Community Affairs (DCA) - http://www.dca.state.ga.us/intra_nonpub/Toolkit/ModelOrdinances/ModOrdInfl.pdf

City of Flowery Branch Accessory Apartments Ordinance - http://www.flowerybranchga.org/include/ord_308_zoning.pdf

HUD – Regulatory Barriers Clearinghouse - <http://www.huduser.org/rbc/search/rbcdetails.asp?DocId=1307>

Massachusetts Smart Growth Toolkit -

http://www.mass.gov/envir/smart_growth_toolkit/pages/mod-adu.html

Municipal Research Services Center - <http://www.mrsc.org/Publications/textadu.aspx>

Newcastle, Washington Accessory Apartments Ordinance -

<http://www.mrsc.org/ords/N47o98-174.aspx>

City of Roswell Accessory Apartments Ordinance -

http://www.roswellgov.com/files/docs/PDF/comdev/Zoning/Zoning%20Ordinace_Final/Article_10_Specific_Use_Requirements.pdf

Santa Cruz, California Accessory Apartments Ordinance - [http://www.ci.santa-](http://www.ci.santa-cruz.ca.us/council/ordinance/2005/12.pdf)

[cruz.ca.us/council/ordinance/2005/12.pdf](http://www.ci.santa-cruz.ca.us/council/ordinance/2005/12.pdf)

Seattle, Washington Accessory Apartments Ordinance -

http://www.atlantaregional.com/webdocs/Governmental%20Services/Quality%20Growth%20Resources/Sample%20Ordinances/Accessory%20Units/Out%20of%20Region%20Ordinances/Seattle_WA.PDF

Smart Growth Resource Library -

<http://www.smartgrowth.org/library/articles.asp?art=1828>

Transportation and Land Use Coalition -

<http://www.transcoalition.org/ia/acssdwel/01.html>