



AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
SEPTEMBER 12, 2018
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. **CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
2. **APPROVAL OF MEETING MINUTES**
 - 2.1 **PLANNING ADVISORY BOARD - JULY, 11 2018 REGULAR MEETING**
3. **OLD BUSINESS**
4. **NEW BUSINESS**
 - 4.1 **PAB 2018-19: LAND DEVELOPMENT CODE (LDC) AMENDMENT - ACCESSORY DWELLING UNITS FOR RENT - ORDINANCE 2018-__ AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION 1.07.00 ACRONYMS AND DEFINITIONS, SECTION 2.03.03 ACCESSORY USES, SECTION 5.01.03 ACCESSORY STRUCTURES, AND 5.01.04 ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** *Synopsis: Amends the Land Development Code specific to address requirements for accessory dwelling units. This item was moved from the August 8, 2018 Regular PAB Meeting.*
 - 4.2 **PAB 2018-03: LAND DEVELOPMENT CODE (LDC) AMENDMENT - MINOR AMENDMENTS - ORDINANCE 2018-__ AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION(S): 1.07.00 ACRONYMS AND DEFINITIONS; TABLE 2.03.02 PRINCIPAL LAND USES; TABLE 2.03.03 ACCESSORY USES; TABLE 4.02.01(J) DESIGN STANDARDS FOR LOTS – IMPERVIOUS SURFACE RATIO; 4.02.06 SPECIFIC STANDARDS FOR TOWNHOUSE DEVELOPMENT – LOT WIDTH; 4.03.03 8TH STREET SMALL AREA DESIGN STANDARDS – SIGNAGE; 5.03.00 SIGNS – MU-8; 5.02.06 MOVABLE MODULE STORAGE UNITS – PLACEMENT; 11.00.01 – OVERALL REVISIONS TO THE LDC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** *Synopsis: Amends the Land Development Code specific to referenced sections. This item was moved from the August 8, 2018 Regular PAB Meeting.*
5. **BOARD BUSINESS**

- 5.1 **PAB 2018-22: LAND DEVELOPMENT CODE (LDC) AMENDMENT - INDUSTRIAL WATERFRONT AND WATERFRONT MIXED USE PARKING REQUIREMENTS - ORDINANCE 2018-__ AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION 8.01.02(D)(4) AND 7.01.04 (A) PARKING SPACE REQUIREMENTS AND ALLOWANCE FOR FEE IN LIEU; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** *Synopsis: Amends the Land Development Code specific to remove non-residential parking requirements for properties within the CRA. This item was originally discussed on August 22, 2018 and requested for consideration at the next available meeting. Due to advertising requirements for including LDC Section 8.01.02 (D)(4), staff is providing the amendments at the regular meeting with board consideration at a special meeting of the PAB scheduled for Monday, September 24, 2018.*

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT

NEXT PAB REGULAR MEETING IS SCHEDULED FOR OCTOBER 10, 2018. THE PAB WILL CONDUCT A SPECIAL MEETING ON MONDAY, SEPTEMBER 24, 2018.

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Tammi E. Bach, City Attorney 09/05/2018

Kelly Gibson, AICP, Planning Manager 09/05/2018

Submitted By: Samantha Rogic, Staff Assistant

Date: August 30, 2018



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
JULY 11, 2018**

1. CALL TO ORDER – 5:00 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

<i>Mark Bennett (Chair)</i>	<i>David Beal (Vice-Chair)</i>
<i>Frank Santry</i>	<i>Wayne Peterson</i>
<i>Donna Lewis (Alt 1)</i>	<i>Jenny Schaffer (Alt 2)</i>
<i>Greg Roland (arrived late)</i>	

OTHERS PRESENT

Miriam Hill, Pro tem City Attorney
Kelly Gibson, City Planner
Sylvie McCann, Recording Secretary

2. APPROVAL OF MINUTES

- 2.1 *Planning Advisory Board Regular Meeting – April 11, 2018*
- 2.2 *Planning Advisory Board Regular Meeting – May 9, 2018*

ACTION TAKEN: A motion was made by Member Beal, seconded by Member Santry, to approve the April 11th and May 9th meeting minutes with the correction of changing the word ‘notion’ to ‘motion’.
Motion passed by unanimous voice vote.

3. NEW BUSINESS

- 3.1 **PAB 2018-16: VOLUNTARY ANNEXATION, LARGE SCALE FUTURE LAND USE MAP ASSIGNMENT, AND LARGE SCALE ZONING MAP CHANGE CRANE ISLAND: REQUESTING THE ANNEXATION OF APPROXIMATELY 207.44 ACRES OF LAND LOCATED ON THE INTERCOASTAL WATERWAY CONTIGUOUS TO THE CITY LIMITS; ASSIGNING A FUTURE LAND USE MAP CATEGORY OF LOW DENSITY RESIDENTIAL AND ZONING DISTRICT OF R1 WITH PUD OVERLAY AS CONSISTENT WITH NASSAU COUNTY ORDINANCES 2006-80 AND 2013-16.**

ITEM POSTPONED.

- 3.2 **PAB 2018-12: VOLUNTARY ANNEXATION, FUTURE LAND USE MAP ASSIGNMENT, AND ZONING MAP CHANGE – 1336 S. 14TH STREET AND 1451 NECTARINE STREET: REQUESTING THE ANNEXATION OF TWO PARCELS CONTAINING APPROXIMATELY 0.66 ACRES OF LAND LOCATED AT 1336 S. 14TH STREET AND 1451 NECTARINE STREET CONTIGUOUS TO THE CITY LIMITS; ASSIGNING A FUTURE LAND USE MAP CATEGORY OF GENERAL COMMERCIAL AND ZONING DISTRICT OF C2.**

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Santry, to recommend approval of PAB case number 2018-12 to the City Commission requesting that a Voluntary Annexation, Assignment of the General Commercial land use category, and C-2 zoning district for property located at 1336 S. 14th Street and 1451 Nectarine be approved and that PAB case 2018-12, as presented, is sufficiently compliant with the Comprehensive Plan and Land

Development Code to be approved at this time.

Vote upon passage of the motion was taken by ayes and nays, and being all ayes, carried.

- 3.3 **PAB 2018-13: VOLUNTARY ANNEXATION, FUTURE LAND USE MAP ASSIGNMENT, AND ZONING MAP CHANGE TJ COURSON ROAD: REQUESTING THE ANNEXATION OF ONE PARCEL CONTAINING APPROXIMATELY 0.57 ACRES OF LAND LOCATED ON TJ COURSON ROAD CONTIGUOUS TO THE CITY LIMITS; ASSIGNING A FUTURE LAND USE MAP CATEGORY OF GENERAL COMMERCIAL AND ZONING DISTRICT OF C2.**

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Peterson, to recommend approval of PAB case number 2018-13 to the City Commission requesting that a Voluntary Annexation, Assignment of the General Commercial land use category, and C-2 zoning district for property located on TJ Courson Road adjoining the Amelia Plaza Shopping Center to be approved and that PAB case 2018-13, as presented, is sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Vote upon passage of the motion was taken by ayes and nays, and being all ayes, carried.

- 3.4 **PAB 2018-14: LAND DEVELOPMENT CODE (LDC) AMENDMENT - HISTORIC DISTRICTS -- ORDINANCE 2018__ AMENDING LAND DEVELOPMENT CODE (LDC) SECTION 8.03.03 (B) CERTIFICATE OF APPROVAL MATRIX AND SECTION 8.03.09 APPEALS**

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Santry, to recommend approval of PAB case number 2018-14 to the City Commission requesting that Land Development Code Text Amendments for Sections 8.03.03(B) and 8.03.09 to be approved and that PAB case 2018-14, as presented, is sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Vote upon passage of the motion was taken by ayes and nays, and being all ayes, carried.

4. **BOARD BUSINESS**

Members addressed various matters of concern.

5. **STAFF REPORT**

Ms. Kelly Gibson presented the Staff Report.

6. **PUBLIC COMMENT**

7. **ADJOURNMENT – 5:40 PM**

Sylvie McCann, Secretary

Mark Bennett, Chair

APPLICATION FOR LAND DEVELOPMENT CODE TEXT AMENDMENTS

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	City of Fernandina Beach
AGENT:	Self
REQUESTED ACTION:	Land Development Code Text Amendments: • 1.07.00 Acronyms and Definitions • Table 2.03.03 Accessory Uses • 5.01.03. Accessory Structures • 5.01.04 Accessory Dwelling Units

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

SUMMARY OF REQUEST:

In communities across the United States, Accessory Dwelling Units (ADUs) have become well regarded as a strategy for infill development that more immediately supports increased housing options and can serve to address a wide-range of housing needs while maximizing the capacity provided by existing infrastructure in a form more consistent with the City's traditional neighborhood character. Expansion of the City's existing ADU policy to allow both attached and detached ADUs, approve separate metering of water and sewer services, and enable rental income generation will support the City Commission's policy direction for increasing affordable and workforce housing options. All other design-based limitations contained in the existing governing policy remain in effect.

An ADU in the City is limited to a building footprint of 625 square feet and may not exceed 25 feet in height. Detached accessory structure's must be setback at least 25 feet in the front yard and no less than 3 feet from the side or rear property lines. An attached accessory dwelling must comply with the principal structure setback requirements and limited to the 25-foot building height.

Short-term or resort rental of an ADU would only be permissible in an R-3 (High Density Residential) zoning district. Allowance of an ADU within the OT-1 or OT-2 (Old Town) zoning district must be consistent with density standards of that district. Finally, care-taker units remain permissible within the Industrial zoned properties, as currently limited. Recommended language for consideration is as follows:

Section 1.07.00 Acronyms and Definitions

Adding: **Accessory Dwelling Unit (ADU)** – means a habitable living unit that provides the basic requirements of shelter, heating, cooking, and sanitation and is subordinate to an existing principal structure.

Adding: **Residential Property** – means a parcel of improved land containing one or more structures occupied by a person or people who utilize the structure(s) as their principal place of living and sleeping.

Section 2.03.03 Table of Accessory Uses

ZONING DISTRICTS																					
- - Prohibited (Empty) P - Permissible S - Permissible Subject to Supplemental Standards	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
ACCESSORY LAND USES:																					
Accessory Dwelling - Detached Building	P	P	P	P	P	P	P	P	P	P			P				P				

5.01.03 All Accessory Structures

1. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory structure. This provision shall not be construed to prohibit the establishment of an accessory structure simultaneously with the establishment of a permitted principal structure.
1. Permissible accessory uses by zoning district are identified in Table 2.03.03.
2. There shall be no more than one (1) **detached** accessory dwelling **unit** and not more than a total of two (2) other detached accessory buildings on a lot.
3. An accessory structure shall not be located within or partially within any public right-of-way.
4. Accessory structures shall be shown on any site plan with full supporting documents as required by this LDC.
5. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff requirements.
6. Accessory structures shall not be located in any required buffer, landscape area, or stormwater management area.
7. A detached accessory building in a residential zoning district shall be set back from the side lot line a minimum of three (3) feet, except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.
8. A detached accessory building shall not be closer than three (3) feet to the rear lot line except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.
9. A detached accessory building shall not exceed twenty-five (25) feet in height or exceed a maximum building footprint of 625ft².
10. Connection of an accessory structure to a principal structure may be permissible if the connection is non-conditioned, unenclosed, and meets all principal structure setback requirements. A half wall, knee wall, or railings may be permitted as part of the connection.

5.01.04 Accessory Dwellings **Units**

- A. Accessory ~~d~~dwelling ~~u~~Units (ADU) are an affordable, effective option to increase housing supply in a manner more consistent with the City's character. intended to provide non-remunerated housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered an apartment, hotel, or other kind of multi-family use. Accessory dwelling units shall not count towards density. Per the City's Comprehensive Plan policy 1.06.05, **detached** accessory dwelling units **may be attached to the principal structure or detached and** shall be permissible in all residential and mixed-use zoning districts in compliance with the following standards:
1. The total floor area of the **detached** accessory dwelling **unit** shall not exceed 625 square feet;
 2. The maximum height for a **detached** accessory dwelling **unit** located as a freestanding building or an apartment over a **detached** garage shall not exceed twenty-five (25) feet, measured from the approved finished grade to the peak of the roof;
 3. A detached accessory dwelling shall be located only within a rear yard as established by Section 4.02.03; and
 4. An accessory dwelling shall comply with all standards set forth in Section 5.01.03;
 5. ~~The accessory dwelling shall not have a separate water or electric meter.~~



No to Low Cost



Approximately \$0 to \$200

- Seal attic to prevent water intrusion and attic uplift.
- Test attic for infiltration after it is sealed to minimize humidity and mold issues
- Install aerators on all faucets. (1.5 GPM)
- Replace all faucets & shower heads with WaterSense low flow models
- Install rain sensor for irrigation system or permanently abandon existing irrigation system.
- Extend rain gutters to discharge at least three feet from house
- Seal wall openings between the garage and conditioned spaces to eliminate infiltration of toxins into living spaces
- Develop a demolition and construction waste management plan
- Implement a recycle, reuse plan for construction
- Anchor exterior structures properly

For new construction, refer to the
FGBC Green Home
Designation Standard at
www.floridagreenbuilding.org/homes



Minimal Cost



Approximately \$200 to \$700

- Have home tested for energy efficiency by a HERS rater. The test will help indicate where issues in the home exist and address those prior to making big investments
- Replace weather-stripping on all exterior doors
- Apply gaskets or caulk to all electrical outlets, switch plates and HVAC diffusers and grills
- Replace thermostats with programmable thermostats
- Increase attic insulation to R-38
- Add window tint to reduce solar heat gain
- Install motion or light sensors to all exterior lights
- Install Energy Star ceiling fans in living areas & bedrooms
- Install and set timer on hot water heater
- Inspect & seal all air-conditioning duct work with mastic
- Plant trees on the south, east and west side of the home to shade walls and A/C compressors
- Replace irrigation controller with programmable one
- Replace toilets with WaterSense fixtures
- Add a pool cover to reduce evaporation
- Have an irrigation professional perform a "check up" on an existing irrigation system
- Install carbon monoxide alarms at entrances to garage and all bedrooms
- Install dehumidifier in HVAC system
- Install make-up air source to laundry room located in conditioned space
- Ensure whole-house infiltration is minimized by sealing all top plates & air conditioning supply box drops at drywall
- Install a house energy monitoring device

Moderate Cost



Approximately \$700 to \$1,200

- Replace old toilets, with WaterSense fixtures
- Replace appliances with Energy Star appliances
- Repaint interior walls with low-VOC light reflective paint
- Add a radiant barrier on underside of roof sheathing
- Install rainwater harvesting/cistern for irrigation
- Replace with healthy flooring as defined in the FGBC Green Home Reference Guide
- Replace circulating kitchen fan with exterior ducted Energy Star labeled range hood
- Brace gable end roofs at trusses
- Apply/inject insulation to hollow core block
- Install garage exhaust fan with motion detector & timer

High Cost



Approximately \$1,200 to \$4,000

- Replace all turf yard with at least 50% of new plants from the Florida Friendly Plant list
- Add a hurricane protection system for windows and doors approved by Florida Building Code
- Install greywater collection system on bathroom sinks to reduce amount of potable water used for toilet flushing
- Replace old water heater with Heat Pump Water Heater (1,000 cubic feet of space required. Garage is an ideal location) OR
- Replace old hot water heater with solar water heater
- Replace pool pump with Energy Star pump OR
- Replace old pool pump with solar pool heating system
- Replace old A/C system with new SEER 15 or higher and 8.5 HSPF minimum efficiency. (Ensure that system is right-sized with complete energy calculations, manual J and manual D. If replacing A/C system, duct work should also be replaced.)
- Repaint exterior of house with paints that offer light reflectance greater than 50%
- Re-plumb residence with PEX manifold type system

Most Expensive Cost



Approximately \$4,000 to \$30,000

- Install Photovoltaic Electric Generating System
- Replace roof with Energy Star light reflective roof
- Use radiant barrier decking with new shingle roofs when decking is being replaced
- Replace old windows and sliding glass doors with new hurricane impact resistant and Energy Star products



The FGBC Florida Green Home Retrofit Guidelines were developed to assist homeowners and remodelers in making home improvement decisions to improve the efficiency, health and environmental friendliness of their homes.
www.floridagreenbuilding.org/consumer-help

Homeowner Operations

- Turn off lights, fans, TVs, chargers, and appliances when not in use
- Replace all light bulbs with compact fluorescent bulbs or LEDs
- Keep doors and windows closed if the air conditioner is in the On or Cool position
- Set thermostat at 80 degrees when you leave the house
- Turn off water while brushing your teeth and washing your hands
- Shower in under 5 minutes
- Change air-conditioner filters monthly
- Leave bathroom exhaust fan on for 20 minutes after showering
- Replace or clean any items that are moldy
- Use green cleaning products
- Reduce temperature of hot water heater to 120 degrees
- Change appliance water hoses to reinforced hoses
- Remove existing garbage disposal and compost vegetable waste for use in landscaping
- Keep dedicated recycling bins in place
- Water outdoor plants and grass in the early morning
- Cut lawn no lower than 3 inches
- Install rain barrels at downspouts
- Use non-cypress mulch in landscaping
- Have a hurricane plan and kit
- Take batteries, old paint, electronics, and chemicals to a hazardous waste disposal



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FGBC  FLORIDA GREEN
BUILDING COALITION



Affordable Housing Cost-Effective Green Options

*Prepared by the Florida Green Building Coalition
Affordable Housing Committee*



The costs presented herein are provided for illustrative purposes only and should be verified by the user

Insufficient Affordable Housing Limits Florida's Economic Potential

By: Terry Golden, Policy Director, Florida Policy Institute

Most households have a limited amount of available resources, and the proportion of income that cost-burdened families spend on housing cannot simultaneously be available for spending in the community. Struggling families that spend more than 50 percent of their income on housing (or housing and transportation) spend 41 percent less on food and 74 percent less than their counterparts who live in affordable housing.

Entrepreneurs and business owners looking to grow their companies acknowledge that the availability of affordable housing substantially affects their ability to recruit and retain qualified entry- and mid-level employees, according to a variety of surveys from the Center for Housing Policy. The Center further cites surveys in which the availability of affordable housing is a primary concern of companies as they make siting decisions.

Traffic congestion from commuters negatively impacts businesses as well as employees. Congested roads increase business operating costs and shrink the area from which customers and clients are drawn. These problems are also a significant deterrent to business relocation in a community. As Florida's policy makers look to encourage job creation and the state's overall economy, recognition of these facts suggests they should increase available funding and undertake other measures that will increase the stock of affordable housing.



The Context of Housing Affordability in Florida

Housing is only one, albeit the largest, of the monthly expenses for most households. Other recurring expenses include transportation, clothing, groceries, and health care. The more a household's income is consumed by housing, the fewer resources are available for savings or spending on other goods and services in their communities.

Housing prices are a reflection of the cost of developing the housing and the price a local market will tolerate. The relationship between housing prices and wages, if any, is weak.

In Florida, increases in housing prices outpace increases in wages. In February 2016, the Miami Herald reported that median house prices in Miami-Dade County rose by nine percent over the previous year, but the corresponding wage increase was only four percent. Worse, median house prices in neighboring Broward County rose 11 percent, with a corresponding wage increases of three percent. These discrepancies worsen housing affordability problems for low- and moderate-income households.

The statewide average for Fair Market Rent for a two-bedroom apartment in Florida is \$1,038. For affordability purposes, households must have an annual income of \$41,517 (\$19.95 per hour) to pay fair market rates. The required income increases to \$50,000 in south Florida and \$59,000 in the Florida

Keys. A two-adult household in which each person earns the minimum wage cannot afford such rent. Based on a statewide average wage of \$14.49 per hour (\$30,139 per year), far too many Florida households can only afford rent of \$754.

One way that households address housing affordability is to rent a property that would otherwise be cost prohibitive. The effect of this decision is to limit other areas of household spending. The most frequent reductions are in food and health care. Another effect is a limit in funds that can be saved for emergencies, retirement, education, or other long-term purposes. Ironically, the Florida Housing Coalition notes that cost-burdened renters would pay less in mortgage on an average three-bedroom home, but the cost of rent limits the ability to save for a down payment.

Households also address housing affordability by renting or buying a property in a more affordable area than one close to where they work. In metropolitan regions, people must commute from home to work. These commutes, compounded by thousands of workers, result in traffic congestion, carbon emissions, and loss of leisure or family time. In addition, commuting costs can transform affordable housing to consume as much or more income as cost-burdened households. The Center for Neighborhood Technology identifies metropolitan Miami and Tampa as the first and third most expensive metropolitan areas in the United States, respectively, based on the combined cost of housing and transportation.

People who cannot find affordable housing may move in with family or friends. Most households maximize available space. The lengthy addition of one or more people to an established environment can create stress for both host and guest.

Finally, aside from homelessness, the last option available is substandard housing. Such housing may pose an environmental hazard from existing mold or asbestos or it may be insect infested. It may have tainted water from lead pipes or have lead paint. It may have faulty wiring, which poses a safety and fire hazard. It may be located in an area prone to criminal activity. Substandard housing may also feature unscrupulous landlords who prey on their tenants.

Benefits of Affordable Housing to the State and its Communities

The phrases “affordable housing” and “workforce housing” are generally indistinguishable. The distinctions, if any, refer to the income range for whom the specific housing is intended. As used across the literature, workforce housing is generally intended for workers earning from 60 to 120 percent of area median income. Affordable housing

extends to residents whose income is less than 60 percent of area median income. The availability of workforce housing has real implications for business productivity and profits. Businesses located in areas where housing costs exceed wages have difficulty recruiting and retaining adequate employees. Tyson Foods calculated that it cost \$2,500 (in 2005) to replace an experienced employee. With estimated turnover of 15 percent, it cost Tyson \$26 million per year to replace lost employees. While few Florida businesses match the scale of Tyson, the corresponding loss to small- and mid-sized businesses is likely to be an equal or greater proportion of corporate income.

A 2001 study of workforce housing demand estimated a backlog need for 5,000 housing units in Minneapolis/ St. Paul. The researchers estimated that, if the backlog was developed and occupied, the twin cities would garner recurring revenues of \$128 million in consumer spending, plus \$137 million in business income. Adjusted to 2016 dollars, this housing would generate \$361 million annually in spending and business income for the area.

Additional affordable housing similarly offers multiple benefits for cities and counties in Florida. Generally, property taxes on housing generate recurring revenues for the local governments. To the extent that affordable housing reduces foreclosures, it limits costs to localities for court, legal, and recordkeeping expenses, as well as foregone utilities revenues. Foreclosures reduce the value of nearby homes, in turn reducing property taxes for the affected homes. Further, access to affordable housing can reduce household need for other services associated with limited financial resources.

The National Association of Home Builders analyzed the economic impact of affordable housing in 2010 and identified two sets of impacts: construction impacts and

	Construction Impact (Nonrecurring)	Annual Impact (Recurring)
Local income	\$7.9 million	\$2.4 million
Local taxes and other revenues	\$827,000	\$441,000
Local jobs	122	30

recurring post-construction impacts. The analysis identified the following impacts based on 100 multifamily housing units.

Economic impacts of constructing affordable housing are comparable to construction of corresponding market-rate housing units. The number of local jobs created increases to 32 when the affordable housing is built for seniors.

When existing housing stock is updated for energy efficiency, economic impacts continue for contractors, laborers, and materials suppliers. Moreover, energy modifications can stretch household budgets by reducing utilities costs and provide a little financial relief for participating families. The estimated annual household savings from energy updates is more than \$400.

In one report, the families that live in affordable housing save about \$500 per month. Most of these savings are reinvested in the community on food, clothing, transportation, and healthcare. These basic household needs could not be addressed without the availability of the housing. Affordable housing is especially crucial for seniors because of their higher healthcare costs.

Increased economic activity, multiplied by the number of affordable housing households, creates local jobs in the wholesale/retail trade, healthcare, education, and for local eating establishments. It increases retail vitality in affordable housing communities and increases the availability of goods and services to residents.

In addition to local spending, housing relief allows participants to make modest investments. Specifically, residents may save for their own education or that of their children and for retirement. If the residents live in a rental property, they may save for the down payment on a mortgage.

In addition to household savings, affordable housing saves social services funding. For seniors and adults with developmental disabilities, the cost of Medicaid Home and Community-Based Services is one-third the cost of services in a nursing home or intermediate care facility.

Vibrant communities with good schools, safe neighborhoods, and efficient public transit will only attract skilled employees if they also offer a large supply of good-quality affordable housing for young couples and new families.

What Can State Policy Makers Do?

To help fund affordable housing programs, the Florida Legislature dedicates a portion of the documentary stamp tax on deeds to support state and local affordable housing into the Sadowski Trust Fund. The affordable housing programs supported by the Sadowski Trust Fund have been shown to have an enormous spin off benefit to Florida's economy. According to the Florida Housing Coalition, each dollar of state and local funding for affordable housing leverages \$4 – \$6 in federal, private, and other funding. A review of the activity of the Florida Housing Finance Corporation in 2014 concluded that the activities of the Corporation had generated:

- \$3.69 billion in economic output
- \$1.27 billion in income
- \$1.91 billion in value added
- 27,150 full- and part-time jobs

This return on investment makes it especially distressing that the Legislature swept \$117 million that would otherwise have been appropriated for additional affordable housing initiatives during the 2016 Legislative Session. The Legislature should increase its support for affordable housing in coming years both as an investment in economic development and as a means to improve the quality of life of it many families struggling to make ends meet. **HNN**

The is an excerpt used with permission from the author, Terry Golden, of the Florida Policy Institute. The full article with sources can be found at www.fpi.org



TERRY GOLDEN

Terry Golden, is the Policy Director of Florida Policy Institute. The Florida Policy Institute is an independent, nonpartisan organization dedicated to promoting widespread prosperity. The Institute analyzes state budget and revenue trends and proposes common-sense policy options with the aim of encouraging broad public education, discussion, and informed action.



Accessory Dwelling Units: Case Study



U.S. Department of Housing and Urban Development
Office of Policy Development and Research



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www.huduser.org

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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

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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.

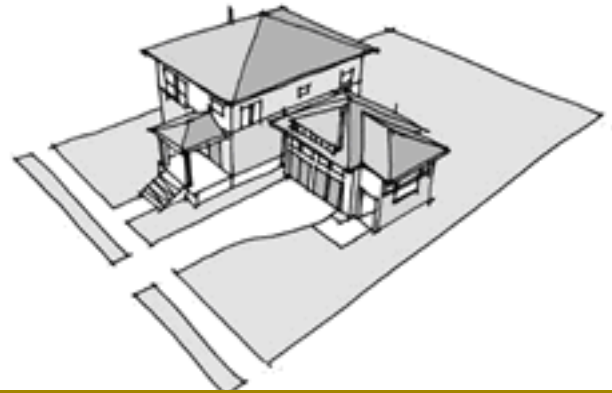
⁴ San Francisco Planning and Urban Research Association, *Secondary Units: A Painless Way to Increase the Supply of Housing*, August 2001, <http://www.spur.org/newsletters/0801.pdf>.

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

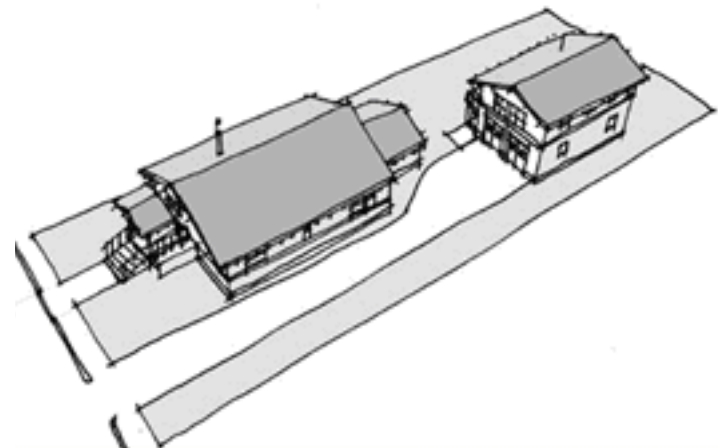
Benefits of Accessory Dwelling Units

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.

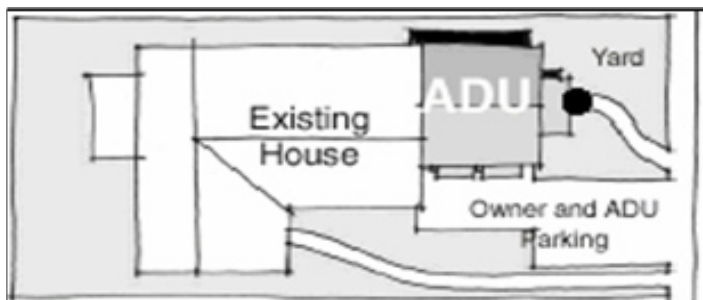
¹⁴ See Appendix A.

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

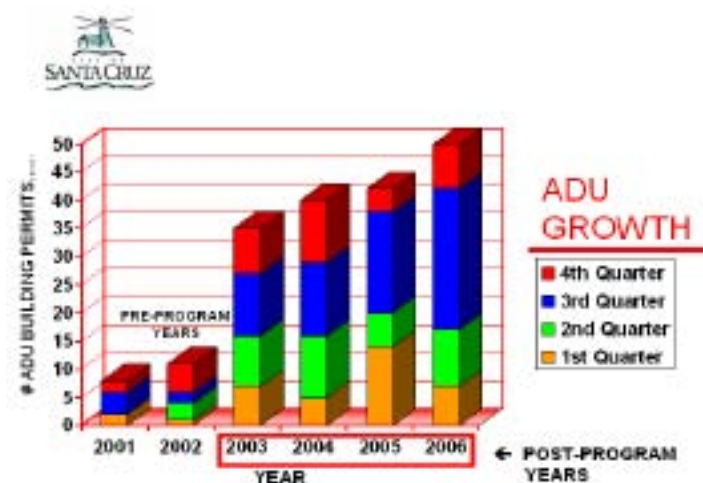
In addition to the ordinance that regulates the development of ADUs, Santa Cruz has established an ADU development program with three major components: technical assistance, a wage subsidy and apprentice program, and an ADU loan program.¹⁹ As part of the technical assistance program, the city published 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...

Introduction to The Problem

Towns are struggling with ways to provide affordable housing options without converting farms and forestland, or creating apartment complexes that are incongruent with the town's aesthetic. Homeowners and towns struggle under the burden of building infrastructure for new developments. Furthermore, Maine's aging population wants to stay in their homes, but taxes and maintenance costs make this difficult.

The Solution: Accessory Apartments

Allowing accessory apartments can provide a solution to all of these problems. Nationwide, one-third of single family homes have enough surplus space to accommodate an accessory apartment.

An accessory apartment, also known as a "granny flat", "accessory dwelling unit" (ADU, "secondary unit" or single-family conversion" is a self-contained second living unit that is built into or attached to an existing single family dwelling. In some cases, accessory apartments are cottages, guest houses, or a converted garage or barn. It has its own kitchen, bathroom, and private entrance.

In all cases, the accessory apartment or cottage is smaller than the main unit, similar in architectural styling, and meant to look like part of the main house. In some cases, the unit is used for a relative or caretaker who needs more privacy than would be possible in the main house. In other cases, the apartment is rented out to provide additional income to the owner of the house.



Advantages of Accessory Apartments

Provides affordable housing while preserving community character and saving tax dollars.

Accessory dwelling units make good affordable housing. Just one accessory apartment per 20 homes has a modest effect on a neighborhood, but townwide this can provide a significant amount of affordable housing. Affordable apartments dispersed within single family neighborhoods, rather than clustered together in a new complex, helps maintain a family neighborhood culture. In addition, local planning review will ensure that new units will fit with the character of the neighborhood. On the financial side, a town can add new units (and new tax revenue) without having to provide utility infrastructure for a whole new development.

Allows the elderly to live independently.

Renting out a unit to a family member, caretakers, or younger person who can help out with chores can provide the extra income or assistance it takes to allow an aging person to stay in their home. Allowing an aging person to stay in his or her neighborhood can be much less disruptive, and at the same time reduces the cost of caring for them.

Creates neighborhood diversity and stability.

Providing housing options within a neighborhood ensures that people can stay in the neighborhood as they move through different stages in life. A young family can buy a house and rent out the accessory unit to help cover the mortgage. While raising children, they can use the unit for an aging relative, or as an extra room for guests. Later in life, they can rent out the apartment to a tenant or caretaker or move into it themselves. The options help provide diversity and stability.

Makes efficient use of existing housing.

Sprawl in Maine has been more a function of our population spreading out than of growing. Many people moved out to the suburbs to raise a family, but once their children are grown, they end up living in a house with more capacity than they need. Accessory apartments make use of the extra space and share the cost of heat and maintenance while providing private living quarters.

Maintenance and property value.

With the choice of renting out a unit for extra income, it's easier for homeowners to ensure that their homes are well maintained, keeping property values up. Having potential rental income associated with a property also increases its value.

How to Make Accessory Apartments Work in Your Community

Thousands of communities have had success with accessory apartments. Some affluent communities consider accessory apartments so crucial to their affordable housing strategy that they offer incentives to homeowners to build accessory units. Or a town may choose to make accessory units a regular, unregulated use, or a regulated variance or special use. Princeton Township, New Jersey has successfully had accessory apartments for decades without any ordinance; the only requirement is self reporting that an accessory apartment is part of an owner-occupied dwelling.

Some residents are concerned that the new accessory apartment units will not fit aesthetically with the neighborhood, or that the neighborhood will become more transient, or that there will be more traffic. Communities may choose to limit the number of occupants, or set parking requirements and design standards.

Falmouth, Maine recently began allowing accessory dwelling units, contingent on site plan approval. Falmouth's ordinance requires a house with an accessory apartment to have only one main entrance; the accessory apartment entrance must be secondary to (i.e. not confused with) the main entrance. It also allows accessory units in a new or existing structure such as a barn or garage. Falmouth's minimum size for an accessory dwelling unit is 350 square feet. A well-designed and livable studio apartment consisting of one room with kitchenette, closets and a small bathroom can be as small as 250 square feet – perfect for a graduate student or retired person. (See additional resources for how to view the Falmouth ordinance in detail.)

Community Strategy and Partnerships

Towns that want to actively encourage the addition of accessory units may be more successful if they publicize their strategy. A public process also plants the idea in the minds of middle-aged people who may be thinking of their own retirement or that of their aging parents.

Partnering with community organizations helps to educate the public and facilitate the process of finding people who would benefit from adding an accessory unit to their home. A community network can provide information and referrals for trustworthy contractors, and help provide matching services between homeowners and renters. Neighborhood associations, churches, agencies on aging and housing, and transportation providers would all make good partners in this process.

Accessory apartments can provide a reasonable, workable, smart approach to creating affordable housing options – good for homeowners and their community.

ADDITIONAL RESOURCES

Falmouth Zoning Ordinance

www.town.falmouth.me.us under "jump to section" select Ordinances, then Zoning and Site Plan Review Ordinance, section 5.22.1.

"Accessory Apartments: Using surplus space in single family houses" American Planning Association. Planning Advisory Service Report (PAS) #365 at <http://www.planning.org/pas/chron.html>

"Community-Based Housing for the Elderly" American Planning Association. Planning Advisory Service Report (PAS) # 420 at <http://www.planning.org/pas/chron.html>

"Frail Elders and the Suburbs" Hare, Patrick, Generations, Spring 1992 Col. 16 Issue 2, p35.

American Association of Retired Persons (AARP) Housing Program
<http://www.aarp.org/life/housingchoices/Articles/a2004-02-26-homewithinhome.html>

Canada Mortgage and Housing Corporation (CMHC)
<http://www.cmhc-schl.gc.ca/en/imquaf/afho/afadv/pore/pesesu/>

City of Santa Cruz Accessory Dwelling Unit Development Program <http://www.ci.santa-cruz.ca.us/pl/hcd/ADU/adu.html>

APPLICATION FOR LAND DEVELOPMENT CODE TEXT AMENDMENTS

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	City of Fernandina Beach
AGENT:	Self
REQUESTED ACTION:	Land Development Code Text Amendments: • 1.07.00 Acronyms and Definitions • Table 2.03.02 Principal Land Uses • Table 2.03.03 Accessory Uses • Table 4.02.01(J) Design Standards for Lots – Impervious Surface Ratio • 4.02.06 Specific Standards for Townhouse Development – Lot Width • 4.03.03 8th Street Small Area Design Standards – Signage • 5.03.00 Signs – MU-8 • 5.02.06 Movable Module Storage Units – Placement • 11.00.01 – Overall Revisions to the LDC

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

SUMMARY OF REQUEST:

MINOR FIXES

Section 1.07.00 Acronyms and Definitions

Adding: **Adversely Affected Party** – means any person or local government that will suffer an adverse effect to an interest protected or furthered by the City's Comprehensive Plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons. Reference 163.3215, Florida Statutes.

Adding: **Architectural Feature** – means an uninhabitable part, portion, projection, or any prominent characteristic that contributes to the beauty or elegance of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building or structure including, but not limited to, columns, awnings, cornices, eaves, gutters, belt courses, sills, lintels, chimneys or other decorative elements.

Adding: **Assisted Living Facility** - means residential care facilities that provide housing, meals, personal care and supportive services to older persons and disabled adults who are unable to live independently. These facilities are required to maintain an extended congregate care (ECC) license issued by the State of Florida.

Adding: **Caretaker's Residence** – means a single family dwelling unit on non-residential premises, occupied by the person who oversees or maintains the non-residential operation 24 hours per day, and their immediate family.

Revising: **Impervious Surface** - means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes but is not limited to semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures, and water bodies.

Revising: **Legacy Sign** – refers to any signage which has gained historic significance in its own right. The signs do not have to relate to the present occupancy or use. Means signage related to a structure but not to the present occupancy or use. Legacy signage includes extant signage, portions of which may or not be visible but can be documented by historic photographs, and may also include accurately reconstructed or entirely repainted signage based upon such documentation, provided that such signage is not representative of the current occupancy. Legacy signage may be painted or constructed, as in a blade, pylon, or rooftop sign. Painted wall graphics, including accurately replicated/repainted wall graphics related to on or off-site content, are treated as Legacy Signage provided they exactly duplicate an earlier sign on the subject property.

Adding: **Mixed Use Structure-** means a single building which contains more than one type of land use.

Rationale: To provide clarification of terms commonly found within the LDC.

Section 2.03.02 Table of Land Uses

ZONING DISTRICTS																					
_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
PRINCIPAL LAND USES:																					
Assisted Living Facility, Health Care Facilities, Nursing or Convalescent Home						P		P	P	P	P	P	P	P					P		
Clubs, Public or Private; Community and Recreation Centers			S	S	S	S			S	P	P	P	P	P		P	P		P	P	P
Day Care Center									S	P	S	P	P							P	P
Government and Civic Buildings, including Library and Museum									P	P			P							P	P
Light Indoor Manufacturing Uses, including Packaging and Fabricating										P		P		P		P					
Marine recreation, such as kayak or boat rentals, sailing schools, etc.										P								P	P		P
Manufacturing and/or Assembly – Artisan								P	P	P	P	P	P	P		P	P	P			
Marine research and educational facilities										P								P	P		P
Welding or Sheet Metal Works										P				P							

Rationale: To provide give an ALF facility its own use category and to correct existing errors or omissions within the table of land uses.

Section 2.03.03 Table of Accessory Uses

ZONING DISTRICTS																					
_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
ACCESSORY LAND USES:																					
Home Occupation	P	P	P	P	P	P	P	P	P	P			P					P			

Rationale: To make home occupations a permissible use within the C-3 and W-1 zoning districts.

4.02.01(J) Design Standards for Lots – Impervious Surface Ratio

Zoning District	Minimum Lot Width (ft.)	Maximum Impervious Surface Ratio for Lots (%)	Maximum Floor Area Ratio for Lots (%) (Note 1)
RE	100	75 60	50
R1-G	75	75 60	50
R-1	50 or 75 Note 2	75 60	50
RLM	50	75 60	50
R-2	50 Note 4	75 60	50
R-3	50	75 60	50
OT-1	46.5	Note 7	50
OT-2	46.5	Note 7	50
MU-1	50	75 60	50
MU-8	25	75 60	200
C-1	50	75 60	50 Note 6
C-2	50	75 60	50
C-3	25	75 Note 3	200
I-1	75	75 60	50
I-2	75	75 60	50
I-A	75	75 60	50
I-W	75	75 60	75
W-1	25	75 60	75
PI-1	50	75 60 Note 5	50
CON	NA	5	NA
REC	NA	75 60	NA

- Notes:
1. For RE, R-1, R-2, R-3, OT-1, and OT-2, the FAR standard applies to any permissible commercial uses.
 2. The minimum lot width for lots platted prior to the effective date of this LDC is fifty (50) feet. The minimum lot width for lots platted on or after the effective date of this LDC is seventy-five (75) feet.
 3. The maximum impervious surface ratio within the "Central Business District" land use category, as depicted on the Future Land Use Map, may be 1.00 where the application is for redevelopment of a lot that is developed with 100% impervious surface. Where the application is for new development of a vacant lot, the maximum impervious surface on the lot may be 100% where stormwater facilities are available and have sufficient capacity to accept the runoff from the lot.
 4. Development is permissible on lots which were platted before the effective date of this LDC and have a minimum width of twenty-five (25) feet.
 5. Proposed development on lots within the "Recreation" land use, as depicted on the Future Land Use Map shall not exceed 0.25 impervious surface ratios.
 6. Lots located within 800 feet of the Mean High Water Mark of the Atlantic Ocean shall be permitted a maximum FAR of 1.50, as long as the FAR for all General Commercial lots in the City, combined, does not exceed an overall FAR of 0.50.
 7. Refer to Chapter 8 Section 8.01.01.02 for maximum lot coverage

Rationale:

Direction from Comprehensive Plan Policy 1.07.17 states that: the maximum impervious surface ratio is all land use categories, except in the Central Business District, shall be sixty percent (60%).

Section 4.02.06 Specific Standards for Townhouse Development

- A. Townhouse development shall comply with the **standards and criteria density** of the zoning district in which it is proposed. The additional standards set forth in this section shall apply to all townhouse development.
- B. Side yard setbacks requirements do not apply to interior lot lines.**
- C. A townhouse is a single-family attached dwelling unit. It is contiguous to adjacent units by a common wall.
- D. There shall be at least two (2) but not more than six (6) units in one (1) building.
- E. Each townhouse dwelling unit shall have a direct entrance to the outside, and shall not open to a common lobby, hallway, foyer, or other similar space.
- F. Where all lots, parcels, and dwelling units are under common ownership, there shall be a management plan to demonstrate unified control and management of common areas and facilities.
- G. Where common open space, recreation facilities, or other accessory structures or facilities are proposed, sidewalks or pedestrian paths shall be provided to connect buildings, parking lots, open space, and common areas.

Rationale: Minimum lot width and side yard setback requirements are not conducive for townhouse development and prevent the ability to sell properties as fee simple, forcing the establishment of a condo association.

Section 4.03.03 8th Street Small Area Design Standards – Signage

(5)(8) Signs within the MU-8 zoning district shall follow the allowable sign standards set forth **for the Historic District as contained in LDC Section 8.01.03**

Rationale: Consistency with the allowable signage options as previously afforded in the C-2 zoning category.

Section 5.02.06 Movable Module Storage Units

Movable module storage units (called “storage pod”) are permissible temporary structures, provided that such structures are located in compliance with the following standards:

D. The storage pod shall be placed on private property, not within the right of way.
may be placed in a front or rear yard. Placement in a side yard is prohibited.

Rationale: To allow more flexibility in placement of a very short term storage unit on a site. Challenges have arisen on several small lots throughout the City.

11.00.10 Overall Revisions to the Land Development Code

Overall revisions to the Land Development Code shall be conducted as follows:

Stage 1: The City Commission and the consultant, ~~or~~ staff, or Planning Advisory Board develops the proposed revisions to the Land Development Code.

Stage 2: After completion of stage 1, the proposed revisions are referred to the Planning Advisory Board for discussion and public hearings.

Stage 3: The Planning Advisory Board sends the revisions and their recommendations back to the City Commission for review, public hearings, and final adoption. This process shall apply to overall revisions to the Land Development Code only.

Rationale: To allow amendments as drafted by the Planning Advisory Board.

APPLICATION FOR LAND DEVELOPMENT CODE TEXT AMENDMENTS

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	City of Fernandina Beach
AGENT:	n/a
REQUESTED ACTION:	Land Development Code Text Amendments: • 8.01.02 Amelia River Waterfront CRA • 7.01.04 (A) Parking Space Requirements

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

SUMMARY OF REQUEST:

INDUSTRIAL WATERFRONT AMENDMENTS TO SUPPORT REDEVELOPMENT WITHIN THE CRA WATERFRONT PROPERTIES

AMENDING Section 8.01.02 (D) (4) Amelia River Waterfront CRA

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

4. ~~Developers of Office, Commercial, and/or Waterfront Industrial uses may pay a fee in lieu of providing the required parking, as established in Table 7.01.04(A). The fee shall be set annually by the City Commission and shall be based on the average cost of constructing a parking space in the City. The fee shall be a one-time payment, to be placed in a trust fund for downtown parking improvements which serve the CRA properties.~~ Residential uses must provide two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.

AMENDING Section 7.01.04 (A) FOR AMELIA RIVER WATERFRONT CRA IW AND W1 PROPERTIES

A. Parking space requirements

1. Minimum off-street vehicular parking spaces shall be provided at the time of the construction of the principal building or at the time of the conversion of a building having a previously existing use to a more intensive use of the same property.
2. The minimum number of parking spaces shall conform to the standards in Table 7.01.04(A).
3. Due to the nature and character of properties within the central business district (C-3) and the Amelia River Waterfront Community Redevelopment Area waterfront lots containing industrial waterfront (I-W) or waterfront mixed use (W-1), the provision of off-street parking will not be required, except for triplex and multi-family dwelling units, lodging accommodations and bed and breakfast inns. For Triplex and Multi-family dwellings, off-street parking shall meet the Supplemental Standards in Section 6.02.28. Single Family and Duplex dwelling units shall meet the standards of the underlying zoning districts. For lodging accommodations and bed and breakfast inns the off-street parking requirements shall be satisfied within 1,000 feet of the property involved and as otherwise required under this chapter and any applicable Supplemental Standards.

Table 7.01.04(A). Parking Space Requirements

Type of Use or Activity	Minimum Number of Spaces
Duplex dwellings	2 per unit ²
Multi-family dwellings	2 spaces per dwelling unit ³
Single-family dwellings	2 per unit ²
Triplex dwellings	2 per unit ³

¹If a marina features a boat-launching ramp; at least fifty percent (50%) of the required parking spaces shall be designed to accommodate both a vehicle and boat trailer.

² Dwellings units within the CRA must provide two (2) spaces per dwelling unit on-site but are permitted the following exceptions: all units 1000 sq. ft or under are only required to provide one (1) space per dwelling unit on-site and all units 1,001- 1,250 sq. ft. are only required to provide one and one-half (1.5) spaces per dwelling unit on-site. Non-residential uses shall provide for parking per LDC section 4.03.03.

³ Triplex and Multi-family dwelling units located in the Central Business District/ C-3 zoning and not within the CRA are required to provide parking as consistent with the supplemental standards directed in LDC Section 6.02.28.

Rationale: Waterfront lots fronting the Amelia River have limited upland acreage and have struggled for over thirty years to redevelop. Reuse of existing structures or reconstruction of structures over the water is further stymied by requirements for on-site parking. These requirements force the need to obtain a variance in order to accommodate any redevelopment or reuse.