



Model Ordinance for Accessory Dwelling Units (ADUs)

Our nation is in the midst of a severe and ever-worsening housing crisis. Rents and home prices continue to rise at rates far faster than incomes. Yet year after year, too few homes are built to meet the growing demand. And those that are built are often too expensive, due to the extreme imbalance in supply and demand. The only way to address this crisis is through increasing production of a mix of housing types at prices people at all levels of income can afford.

Accessory dwelling units (ADUs), which include garage apartments, basement apartments, and/or backyard cottages, have the potential to provide entry-level housing in previously built-out urban communities. This is particularly true in areas where new development is severely limited and single-family homes are often unaffordable to many people. ADUs are inherently affordable because they use existing land, buildings, and infrastructure.

ADUs benefit both the housing and rental markets: For property owners, ADUs provide an opportunity to house family members, age in place, and/or secure rental income to offset housing costs and property tax increases. For potential tenants, ADUs provide small, affordable alternatives in an overburdened and highly competitive rental market.

The primary barriers to ADU production are zoning laws and land-use regulations, which often subject ADUs to a costly and time-consuming discretionary permit review process. The model ordinance addresses those barriers by, first, recognizing that owners of appropriately located single-family homes have a right to build an ADU upon compliance with certain preset criteria and, second, by adopting a streamlined application process and exempting ADUs from impact fees and other costs.

1. Purpose. Accessory dwelling units (ADUs) and junior accessory dwelling (JADUs) units shall be allowed in zones that authorize single-family and multi-family residential use in order to:

- Address the chronic shortage of housing by allowing for the creation of new housing units while respecting the look and scale of existing residential development;
- Support more efficient use of existing land, housing stock, and infrastructure by providing homeowners with incentives to add more housing units to the limited supply;
- Provide homeowners with a means of obtaining, through tenants in either the ADU, the JADU, or the principal unit, rental income, companionship, security, and services;
- Provide housing that responds to changing family needs, smaller households, and increasing housing costs;
- Provide a low-cost opportunity to make new housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county);

- Provide accessible housing options for seniors who want to age in place and persons with disabilities;
- Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs and JADUs are installed under the conditions of this Ordinance; and
- Provide an opportunity to legalize existing unpermitted ADUs and JADUs.

2. Policy and Intent. It is the policy of the (city/county) to promote and encourage the creation of accessory dwelling units in order to meet the communities' housing needs and to realize other benefits of ADUs. It is the intent of the (city/county) that homeowners will be authorized to create and maintain ADUs as either personal residences or rental units in zones in which they are authorized.

3. Definitions.

Accessory dwelling unit. An accessory dwelling unit (ADU) is a small, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- a. Garden cottages are detached structures. Examples include converted garages or new construction.
- b. Accessory suites are attached to, or part of, the primary dwelling. Examples include converted living space, attached garages, basements, or attics; additions; or a combination thereof.

Junior accessory dwelling unit. A junior accessory dwelling unit (JADU) is a smaller living unit (up to 500 square feet) created out of space within an existing single-family home. A JADU is created by adding a small kitchen and exterior door to space in an existing single-family dwelling but is not required to have a private bathroom.

4. Eligibility. An ADU and/or JADU may be added to a house on any residentially zoned lot.

5. Number. One ADU and one JADU is permitted per residentially zoned lot.

6. Creation. An ADU or JADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.

7. Density. ADUs and JADUs are exempt from the residential density standards of this code.

8. Approval. A permit application for an ADU and/or JADU that meets the (city/county's) building code and design standards and fire safety codes shall be approved or denied ministerially without discretionary review or a hearing, notwithstanding any local ordinance regulating the issuance of variances or special use permits, within 60 days after receipt of a completed application. A request by the applicant to adjust the (city/county's) ADU/JADU standards will be handled through a separate [discretionary] process and is not subject to the 60-day review period.

9. Preapproved Designs. In order to make creating an ADU possible for more (city/county) residents, particularly households otherwise unable to afford it, the (city/county) will publish a selection of ADU plans that have been predetermined to meet the (city/county's) building code and design guidelines. Selecting a preapproved plan will expedite the review process and eliminate design costs for the applicant.

10. Simultaneous Development. An ADU may be developed at the same time as a primary dwelling, with no additional hearing or permit fees. If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or a junior accessory dwelling unit until the permitting agency acts on the application to create the new single-family dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. The ministerial decision on the ADU or JADU application shall be the final decision of the local government for purposes of judicial review.

11. Occupancy and Use. Occupancy and use standards for an ADU and/or JADU shall be the same as those applicable to a primary dwelling on the same site. The occupancy of each structure shall be calculated based on that structure's use without regard to the number of persons living in other units on the lot.

12. Design. Design standards for ADUs and JADUs are stated in this section. If not addressed in this section, base zone development standards apply.

a. **All ADUs (accessory suites and garden cottages)** must meet the following requirements:

i. **Size.** An ADU may be no more than 1,200 square feet or the footprint of the primary dwelling, whichever is less.

ii. **Parking.** No additional parking is required for an ADU or JADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.

b. **Accessory suites** must meet the following additional requirements:

i. **Location of entrances.** Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances from balconies or decks.

ii. **Exterior stairs.** Fire escapes or exterior stairs for access to an upper-level accessory suite shall not be located on the front of the primary dwelling.

c. **Garden cottages** must meet the following additional requirements:

i. **Height.** The maximum height allowed for a garden cottage is the lesser of [20-25] feet or the height of the primary dwelling.

ii. **Building setbacks.** Garden cottages must be located at least six feet behind the primary dwelling, unless the garden cottage is in an existing detached structure that does not meet this standard.

iii. **Building coverage.** The building coverage of a garden cottage may not be larger than the building coverage of the primary dwelling.

iv. **Yard setbacks.** No portion of an existing building that encroaches within a required

yard setback may be converted to, or used as, a garden cottage unless the building complies with setback exemptions available elsewhere in the code.

13. Existing Units. ADUs and JADUs created prior to (date) may be permitted by registering the unit with the (building official) for inclusion into the [Certificate of Occupancy Program]. Application for registration will follow the same ministerial process as an application to build a new ADU and must contain the name of the owner, the address of the unit, the floor area of the two dwelling units, a plot plan of the property, evidence of the date of establishment of the unit, and a signature of the owner.

If the (city/county) initiates a code enforcement action on an unpermitted ADU or JADU, it must notify the owner of the process for legalizing the unit and delay the enforcement action to allow the owner to register the unit for inclusion into the [Certificate of Occupancy Program].

14. Historic Designation. ADUs and JADUs are authorized on properties containing structures subject to historic preservation laws, subject to relevant design restrictions.

15. Impact Fees. ADUs and JADUs are exempt from impact fees applicable to new single-family and multi-family residential development.