

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

Equitable Growth & Housing

June 21, 2023

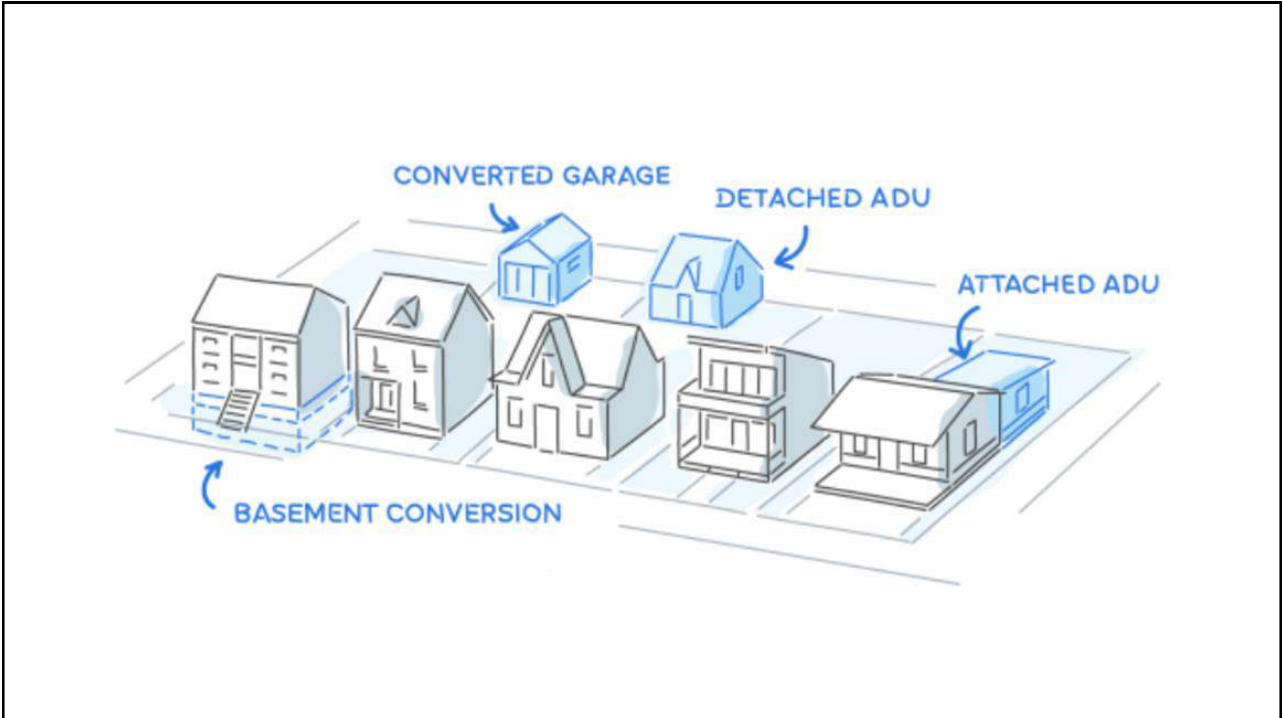
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What is an ADU?

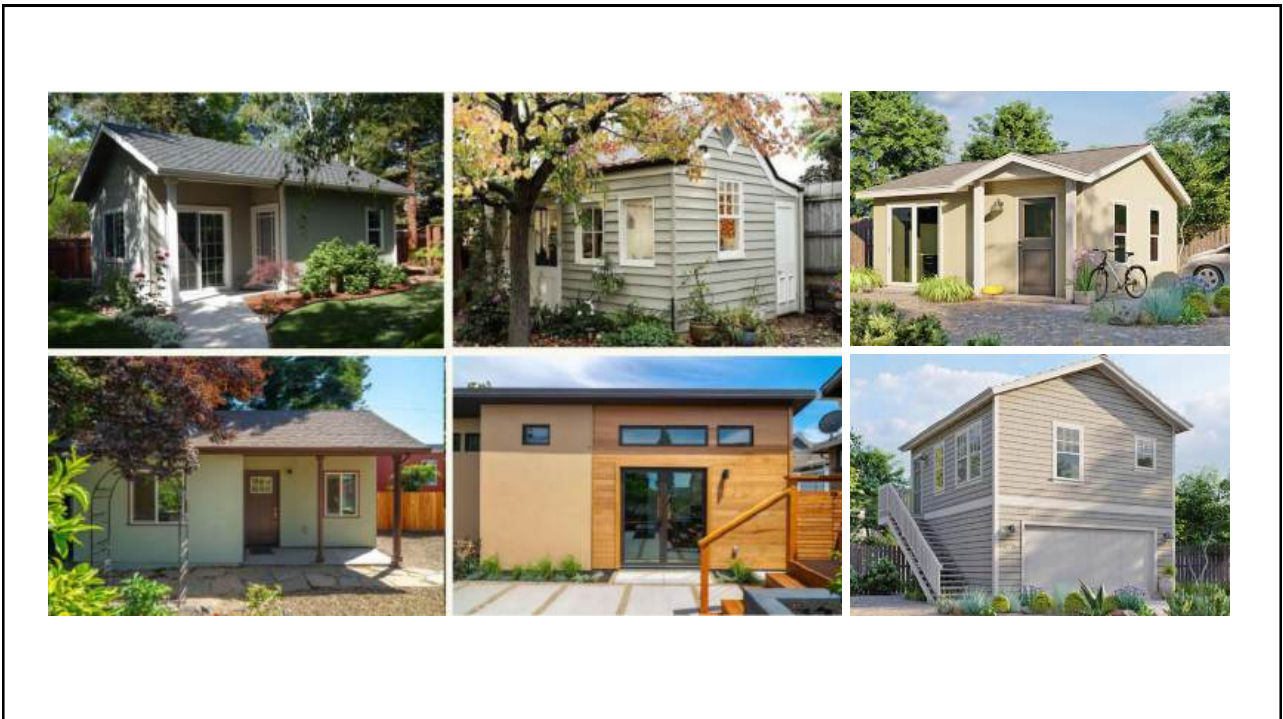
§ 1401-01-A1A - Accessory Dwelling Units

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

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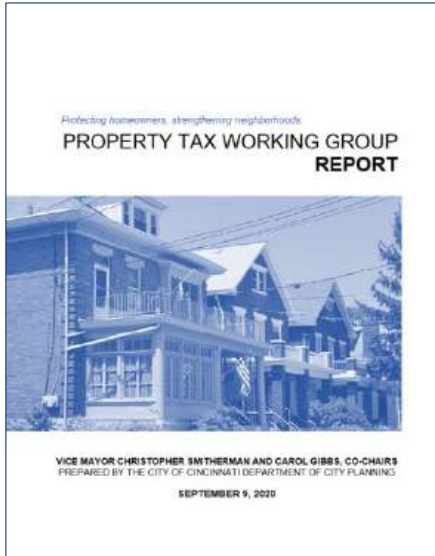


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Background | Property Tax Working Group

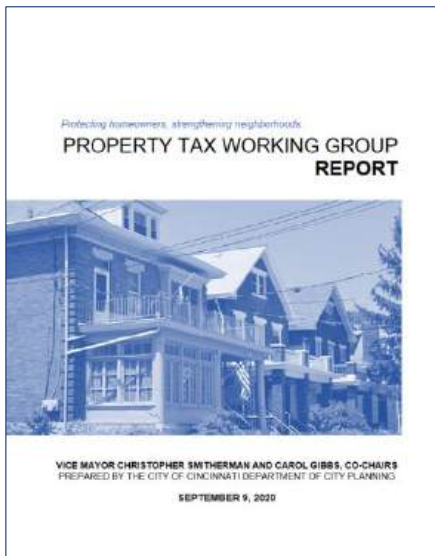


Purpose:

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

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Background | Property Tax Working Group



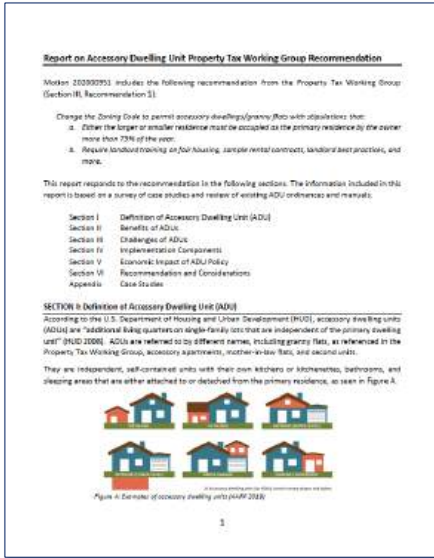
Section III: Other Measures Recommendation 1

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

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

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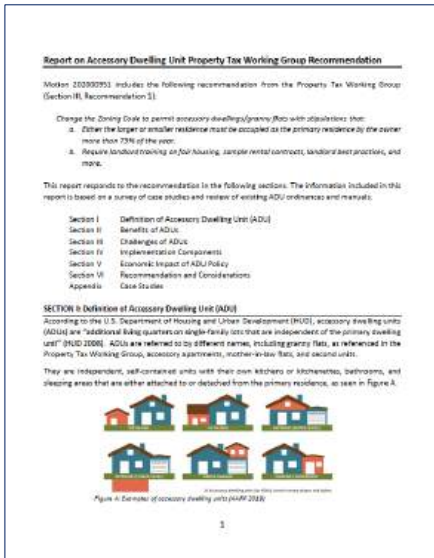
Background | ADU Research Report



Accessory Dwelling Units:

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

Background | ADU Research Report

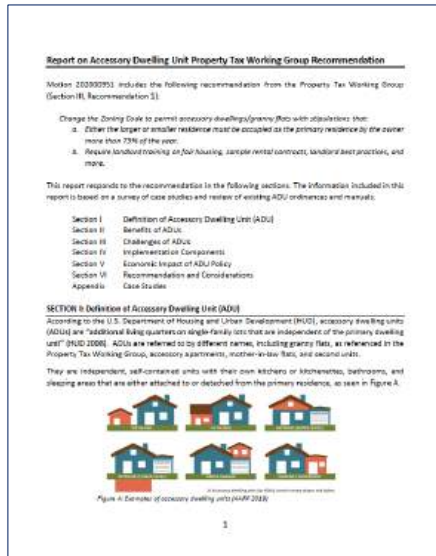


Recommendation:

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

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

Background | ADU Research Report



In addition, the following should be considered:

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

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Proposed Amendments | General

§ 1401-01-A1A “Accessory Dwelling Unit”

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

§ 1401-01-T3 “Two-Family Dwelling”

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

§ 1421-01 “Accessory Residential Structures”

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

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Proposed Amendments | General

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

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

§ 1501-12 “Class F Civil Offenses”

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

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

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

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

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

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

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

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

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

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

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

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

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

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

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

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

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

Proposed Amendments | ADU Regulations

§ 1421-06 - Accessory Dwelling Units

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

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

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

Proposed Amendments | ADU Regulations

§ 1421-06 – Accessory Dwelling Units

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

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

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

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

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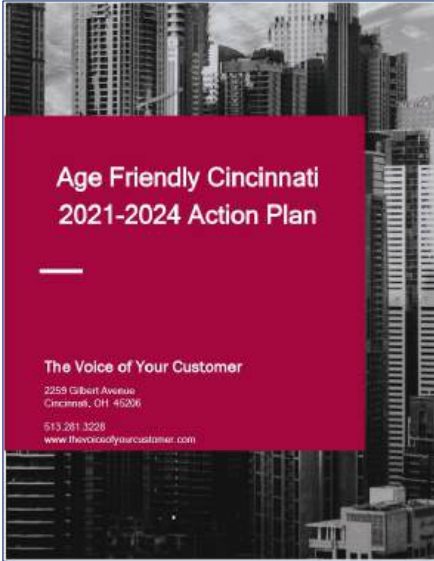
Public Engagement | Property Tax Working Group



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

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Public Engagement | Age Friendly Cincinnati



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

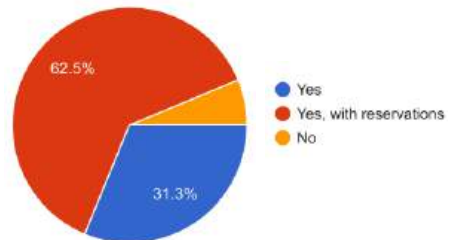
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Public Engagement | Housing Summit 2022



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

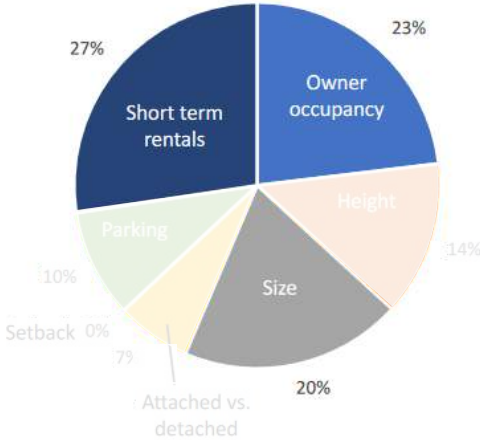
Do you think the Zoning Code should allow ADUS in the City?



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Public Engagement | ADU Conversations

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



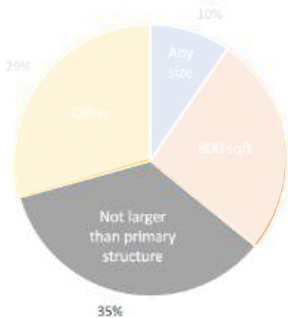
Other Priorities:

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

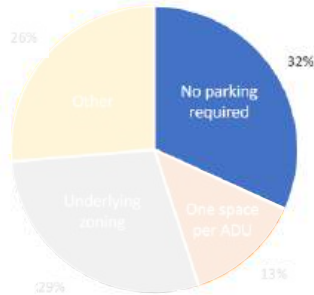
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Public Engagement | ADU Conversations

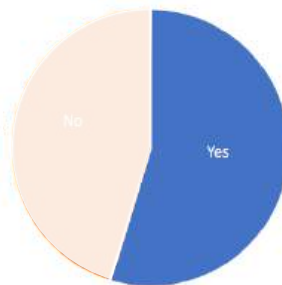
What is a reasonable allowable size of an ADU?



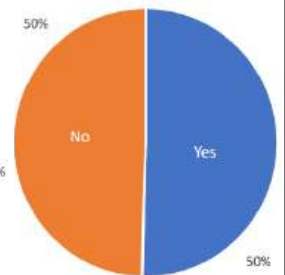
How much parking should be required?



Should short-term rentals be allowed?

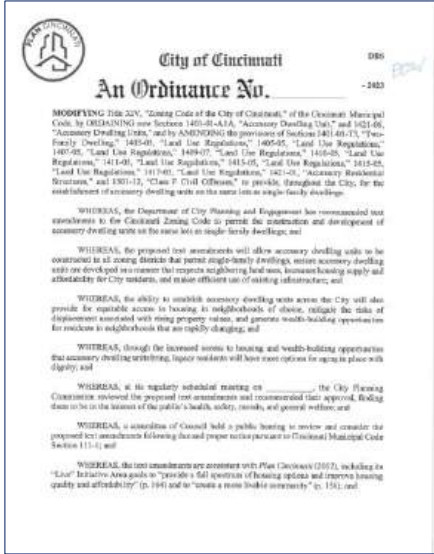


Should owner-occupancy be required?



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Public Engagement | Invest in Neighborhoods Session



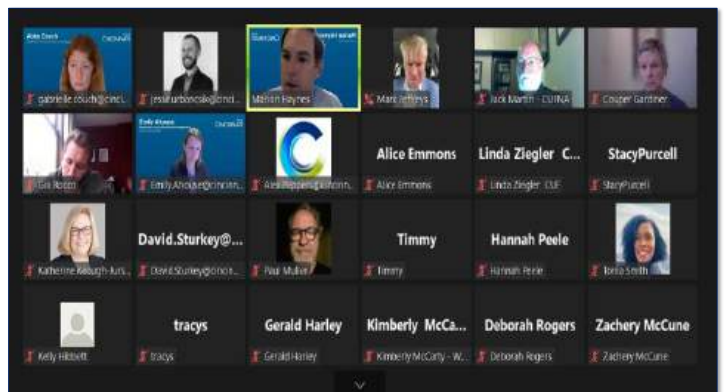
- First public meeting **after the ordinance was released.**
- Presentation about the components and regulations included in the proposed ordinance followed by question-and-answer.
- Primarily focused on **introducing and explaining** the contents and specifics of the ordinance, such as size and height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

Public Engagement | Public Staff Conference

Support for ADUs in general, citing positive impacts for

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

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



Public Engagement | Public Staff Conference

Responsible Person

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

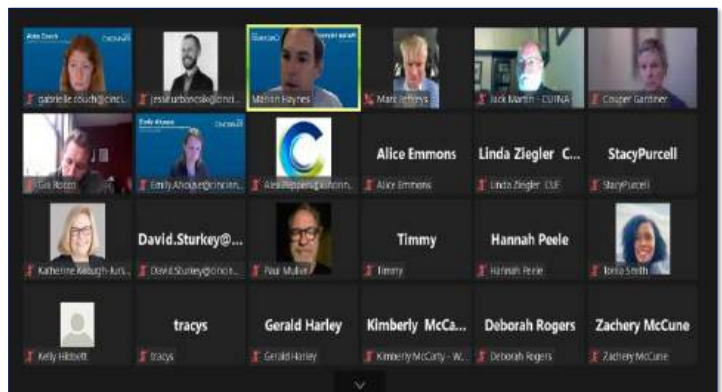


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Public Engagement | Public Staff Conference

Short-Term Rentals

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

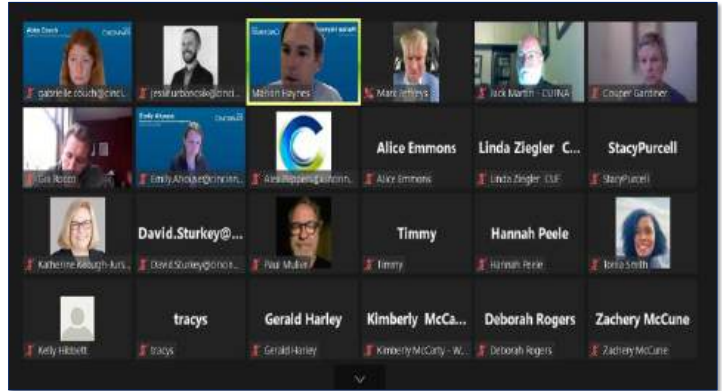


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Public Engagement | Public Staff Conference

Other

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



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Administrative Review

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

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Consistency with *Plan Cincinnati* (2012)

Compete Initiative Area

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

Live Initiative Area

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

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

Conclusion

Ordinance Goals:

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

Conclusion

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

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

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

Recommendation

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

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