



Cincinnati's Accessory Dwelling Unit Policy

OCCD Alternative Housing Session
July 25, 2024

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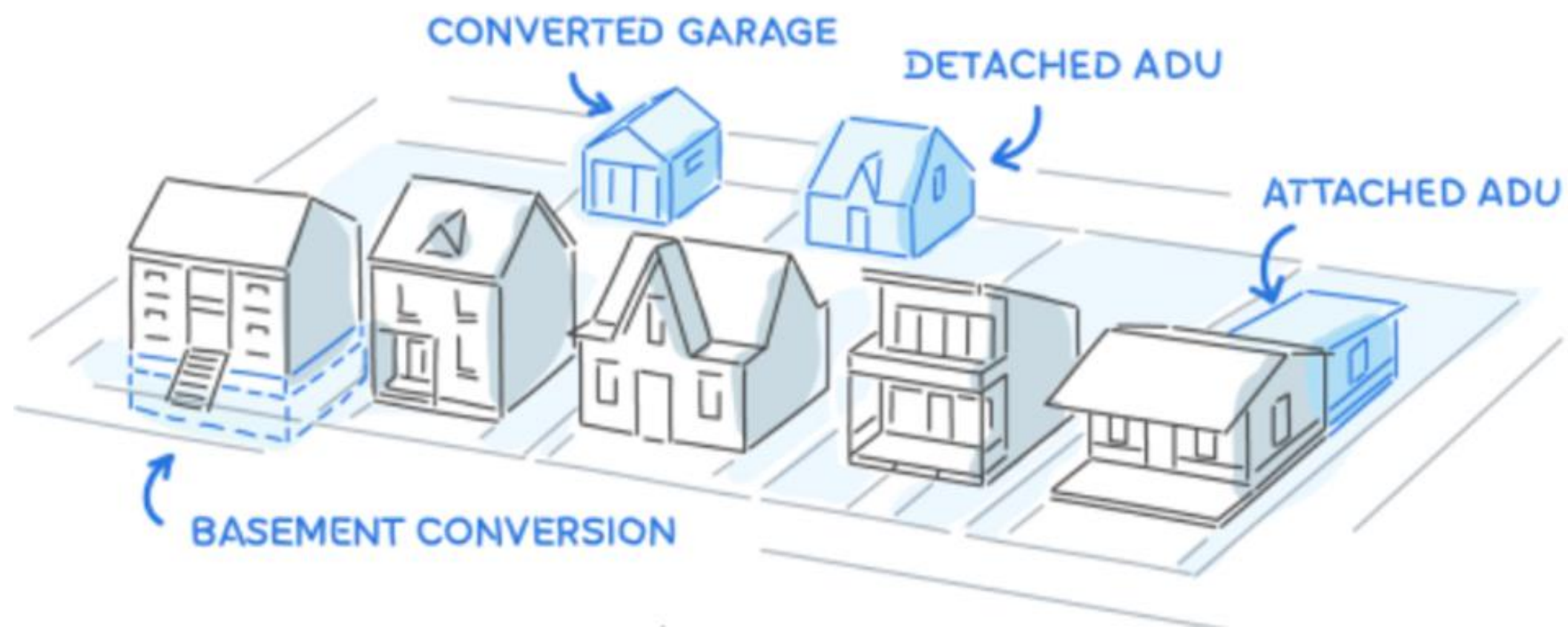
Background

What is an ADU?

§ 1401-01-A1A – Accessory Dwelling Units

- A **self-contained** dwelling unit
- Designed for one household
- Provides complete independent living facilities, including its **own entrance, kitchen, bathroom, and sleeping area**
- Located on the same lot as a single-family dwelling that is the principal use
- **The ADU use is subordinate and incidental to the single-family dwelling**





Background | Property Tax Working Group (2020)

Protecting homeowners, strengthening neighborhoods.

PROPERTY TAX WORKING GROUP REPORT



VICE MAYOR CHRISTOPHER SMITHERMAN AND CAROL GIBBS, CO-CHAIRS
PREPARED BY THE CITY OF CINCINNATI DEPARTMENT OF CITY PLANNING

SEPTEMBER 9, 2020

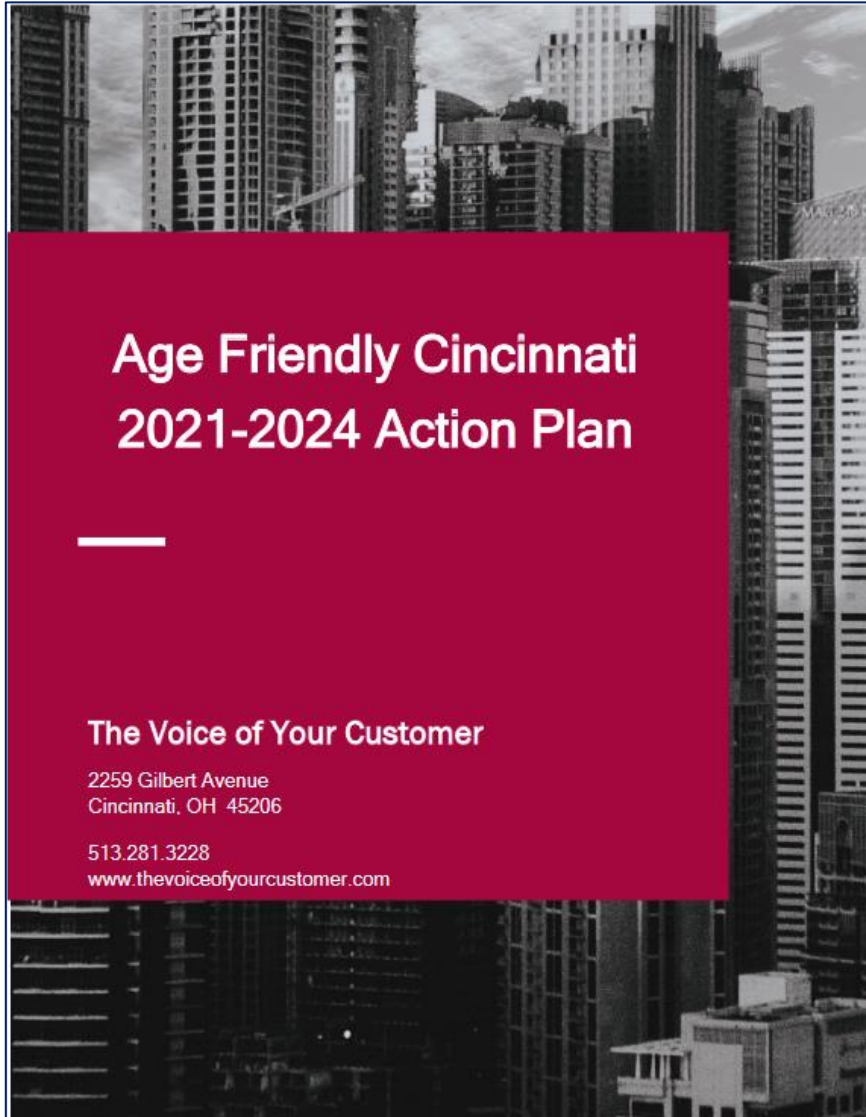
Purpose:

- Find ways to allow **vulnerable homeowners to remain in their homes** as their neighborhoods change and develop

Recommendation:

- **Permit ADUs** with stipulations for **owner occupancy requirements**

Background | Age Friendly Cincinnati (2020)



Purpose:

- Housing Committee tasked to create requirements for **housing development** to include universal design, accessibility and **policies that are not age-restrictive**

Recommendations:

- **Permit ADUs**

Background | ADU Research Report (2020)

Report on Accessory Dwelling Unit Property Tax Working Group Recommendation

Motion 202000951 includes the following recommendation from the Property Tax Working Group (Section III, Recommendation 1):

Change the Zoning Code to permit accessory dwellings/granny flats with stipulations that:

- Either the larger 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.*

This report responds to the recommendation in the following sections. The information included in this report is based on a survey of case studies and review of existing ADU ordinances and manuals.

Section I	Definition of Accessory Dwelling Unit (ADU)
Section II	Benefits of ADUs
Section III	Challenges of ADUs
Section IV	Implementation Components
Section V	Economic Impact of ADU Policy
Section VI	Recommendation and Considerations
Appendix	Case Studies

SECTION I: Definition of Accessory Dwelling Unit (ADU)

According to the U.S. Department of Housing and Urban Development (HUD), accessory dwelling units (ADUs) are “additional living quarters on single-family lots that are independent of the primary dwelling unit” (HUD 2008). ADUs are referred to by different names, including granny flats, as referenced in the Property Tax Working Group, accessory apartments, mother-in-law flats, and second units.

They are independent, self-contained units with their own kitchens or kitchenettes, bathrooms, and sleeping areas that are either attached to or detached from the primary residence, as seen in Figure A.



Figure A: Examples of accessory dwelling units (AARP 2019)

Purpose:

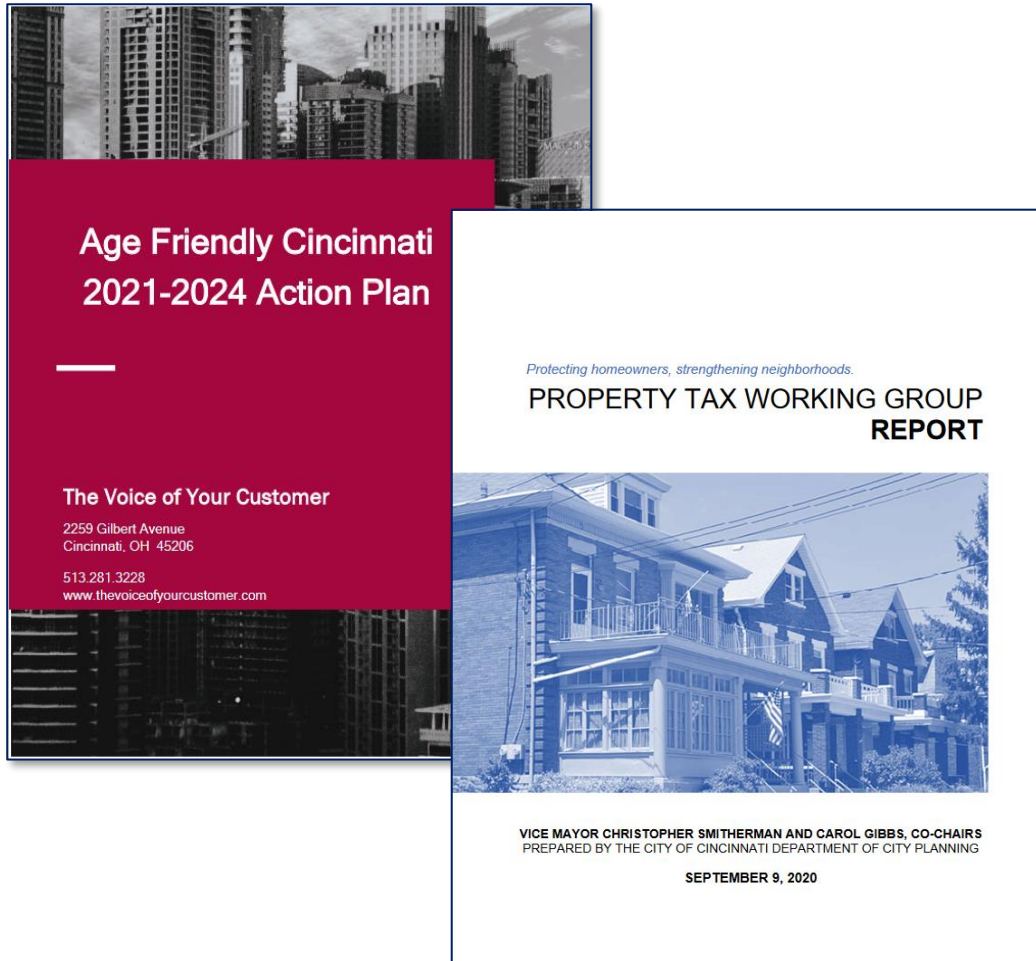
- **Research feasibility of ADUs** as a follow-up to the recommendations of the PTWG
- Benefits, challenges, implementation components, economic impact of an ADU policy, case studies

Recommendation:

- **Permit ADUs**, because it would:
 - Address the **intentions of the PTWG** and additional housing needs
 - **Provide housing** for different needs.
 - Support the City’s commitment to increasing its **AARP Livability Index score**

Engagement

Public Engagement

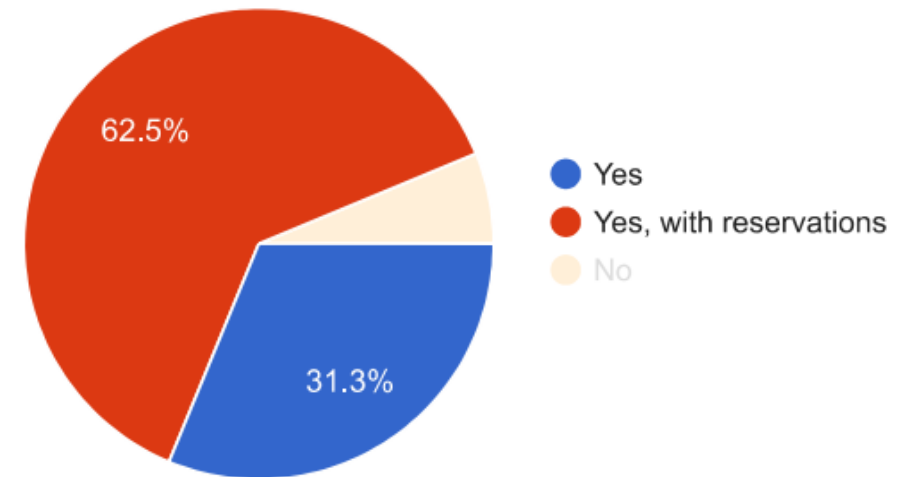


Emphasized that the idea of ADUs came from **community-led efforts** as a recommendation to **address multiple goals**

Public Engagement | Housing Summit (2022)



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

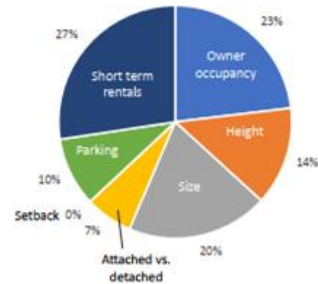


Public Engagement | ADU Conversations (2022)

ADU DISCUSSION POLL RESULTS AND NOTES

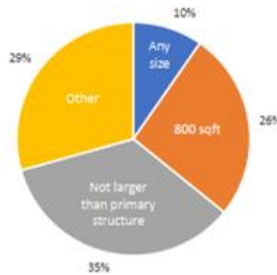
What regulations do you feel most strongly about as it pertains to ADUs?

- Conformity to architectural style of existing units.
- Make sure person doing it has a vested interest in the property/ neighborhood.
- Increased noise and light pollution and proximity to neighbors.
- Eliminating barriers to housing. This could be an asset in solving the shortage.
- Don't want to restrict them right away by not allowing short-term rentals.
- Height, setback, and size are all relative to site.
- The desire is to have people live in them, not use as Airbnbs.
- This could be a path to homeownership. Will they be separately saleable?
- We shouldn't restrict people's private property.



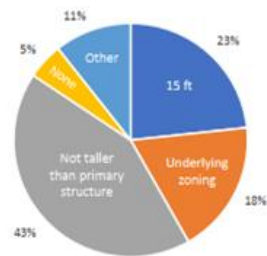
What is a reasonable allowable size of an ADU?

- In what scenario would it be bigger than the primary structure? Wouldn't you just do a lot split at that point?
- We have vastly different lots: next to one another: e.g. 80ft deep lots next to 200 ft deep lots in Mt. Lookout.
- Start with something small and you can always expand upon it.
- Should be related to the percent of coverage, like impervious surfaces. Using a percentage of the size of the principle structure is not equitable to smaller structures.
- Should relate to the size of the lot.
- Depends on how it looks, style of the primary structure, landscaping, and placement.
- Need to make sure they're going through code inspections.
- Should be large enough to live in. Think of accommodating a caregiver.



What height limitation do you think is most reasonable as it pertains to ADUs?

- You don't want to disturb the aesthetic of the district as a whole, not just the existing structure.
- Consider how the numbers are calculated with the slopes and hillsides.
- A 15ft limit seems like it would prevent over-the-garage ADUs.
- Depends on if it's attached or detached.
- Consider the privacy aspect of a towering ADU.
- Grandfather-in existing heights of buildings being converted to an ADU.

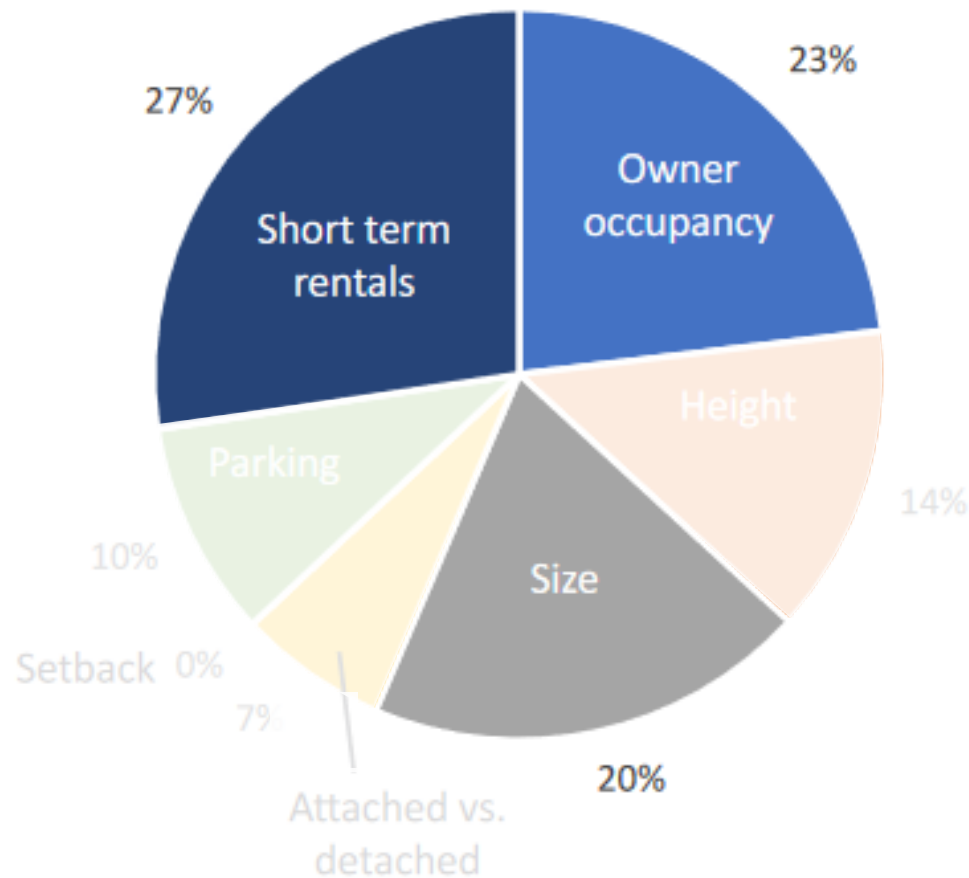


Multiple virtual engagement sessions with the public to **work out details of the policy through Zoom polls**

Led by City Councilmember Mark Jeffreys

Public Engagement | ADU Conversations (2022)

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

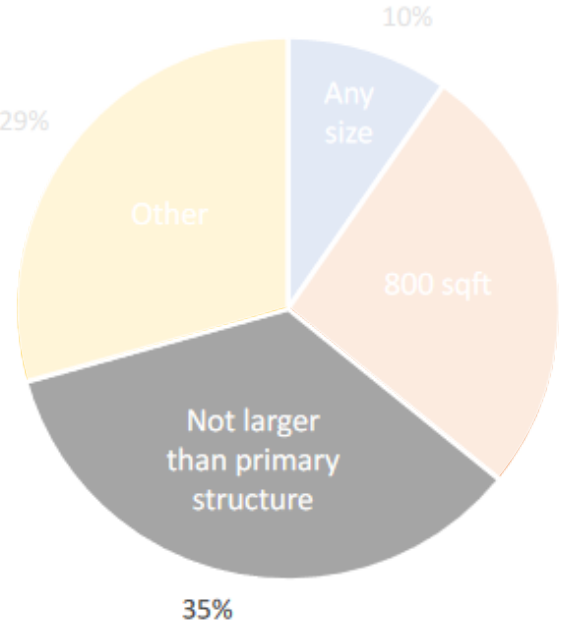


Other Priorities:

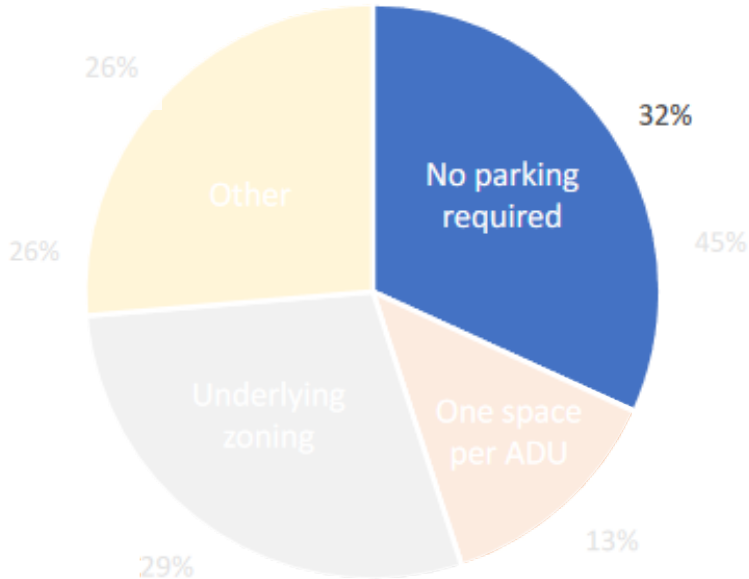
- Conformity with surrounding **architectural styles.**
- The role of ADUs in addressing the **housing shortage.**

Public Engagement | ADU Conversations (2022)

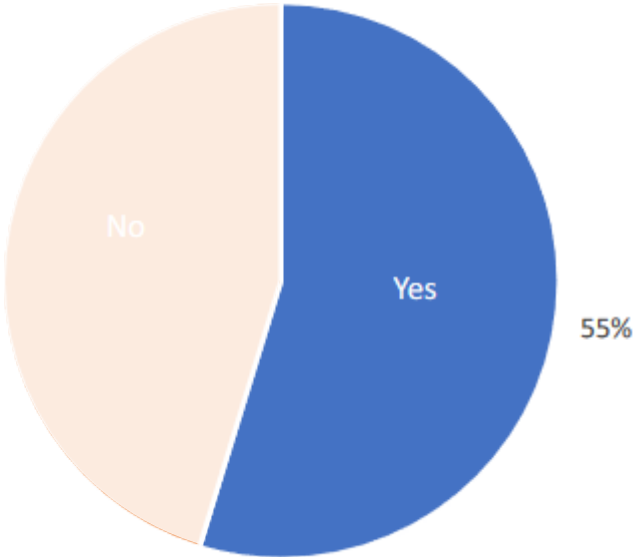
What is a reasonable allowable size of an ADU?



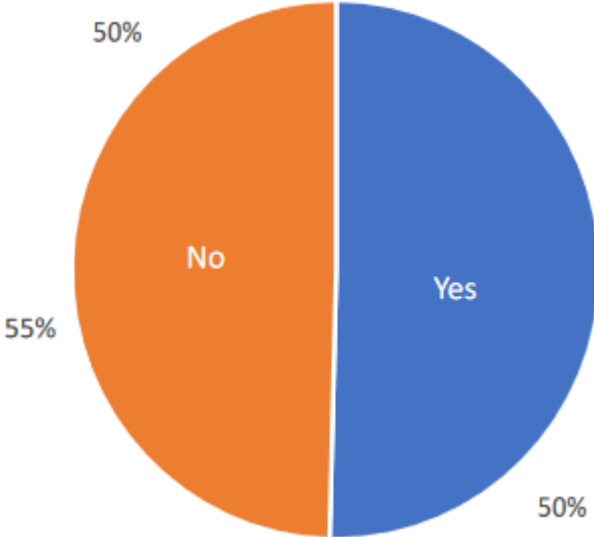
How much parking should be required?



Should short-term rentals be allowed?



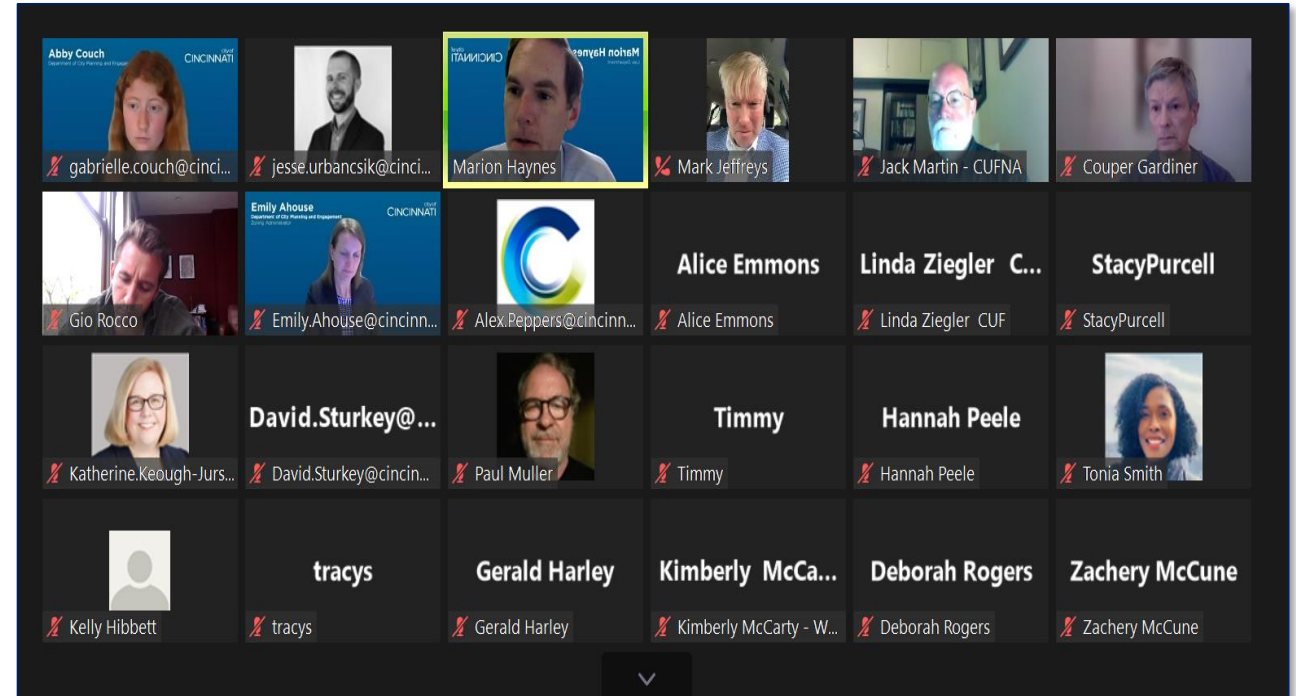
Should owner-occupancy be required?



Public Engagement | Public Staff Conference (2023)

Public meeting held after release of
the ordinance

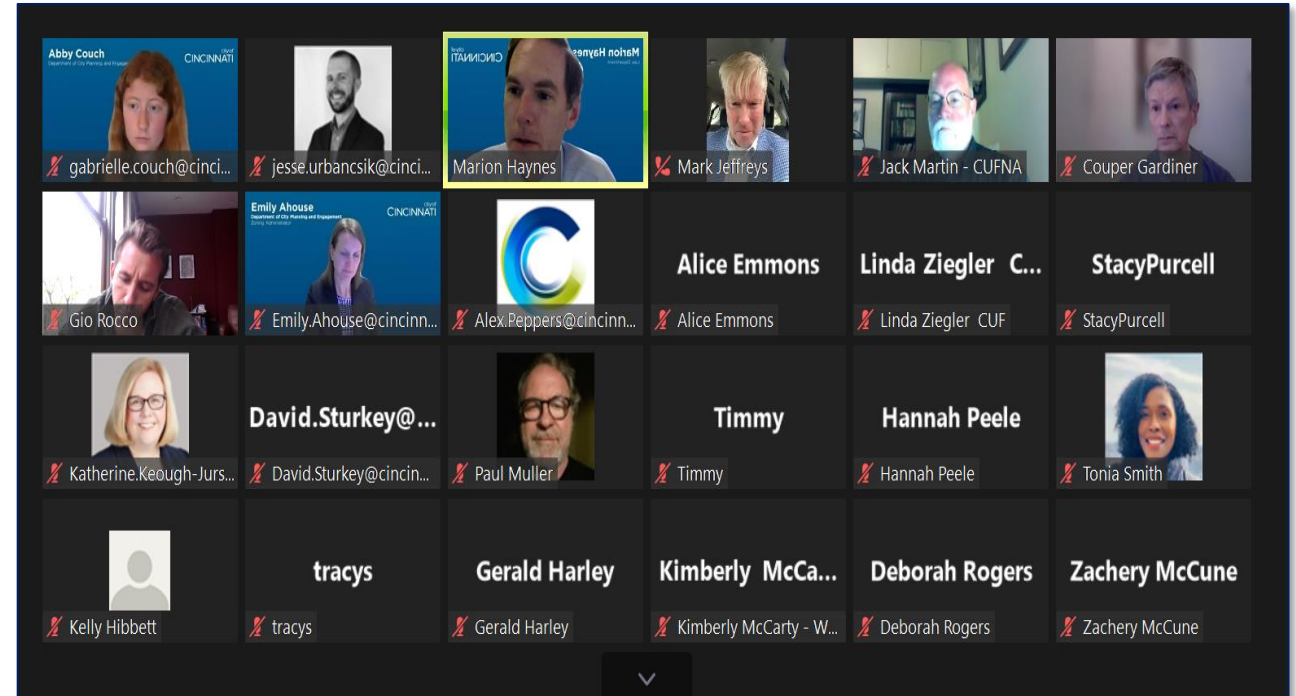
Hosted virtually by the City



Public Engagement | Public Staff Conference (2023)

Support:

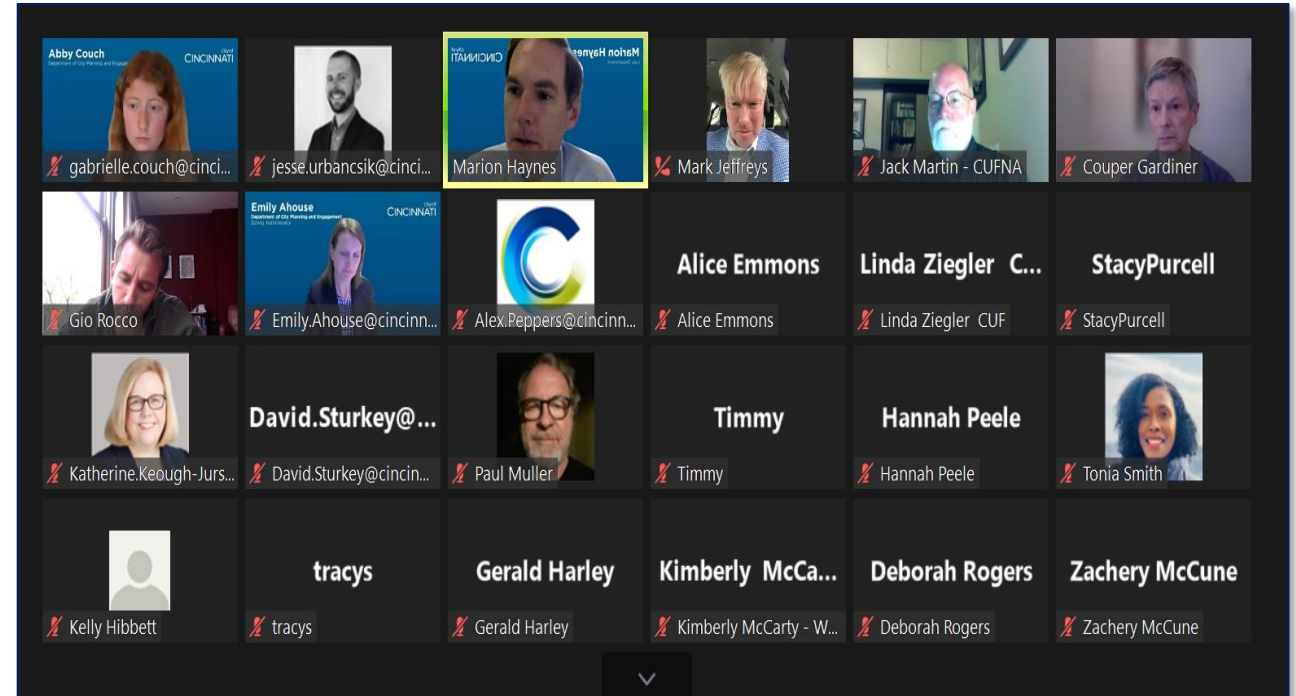
- Supportive of **ADUs in general**
- Positive impact for:
 - Aging in-place
 - Multigenerational households
 - Accessibility
 - Addressing affordability
 - Addressing the housing shortage
- Appreciation for **Owner-Occupancy provision**
- Some support for **short-term rental provision** due to the opportunity for additional income for owners



Public Engagement | Public Staff Conference (2023)

Opposition:

- **“Responsible Person” provision too ambiguous**, not strict enough to close loopholes
 - Could **allow abuse** by irresponsible landlords, facilitating poor property maintenance
- Objection to **Short-Term Rental provision**, concern about noise, partying
- Additional concerns about:
 - Increased density, especially near university
 - Reduced privacy for neighbors
 - Impact on utilities
- Some objection to **lack of off-street parking** requirement



The ADU Policy

ADU Policy | Adu Regulations

§ 1421-06 – Accessory Dwelling Units

<i>Location</i>	ADUs are permitted on any lot where a single-family home is also permitted
<i>Entrance</i>	The ADU must provide a separate exterior entrance from the primary home
<i># of Structures</i>	Only one ADU is permitted per residence
<i>Setback</i>	ADUs generally must comply with existing setback regulations
<i>Max. Size</i>	An ADU cannot exceed the square footage of the principal home .
<i>Max. Height</i>	Detached cannot exceed 25 ft , attached are subject to existing height regulations .
<i>Detached Units</i>	Detached ADUs must be permanently constructed with permanent utilities.
<i>Parking</i>	Additional off-street parking is not required

ADU Policy | ADU Regulations

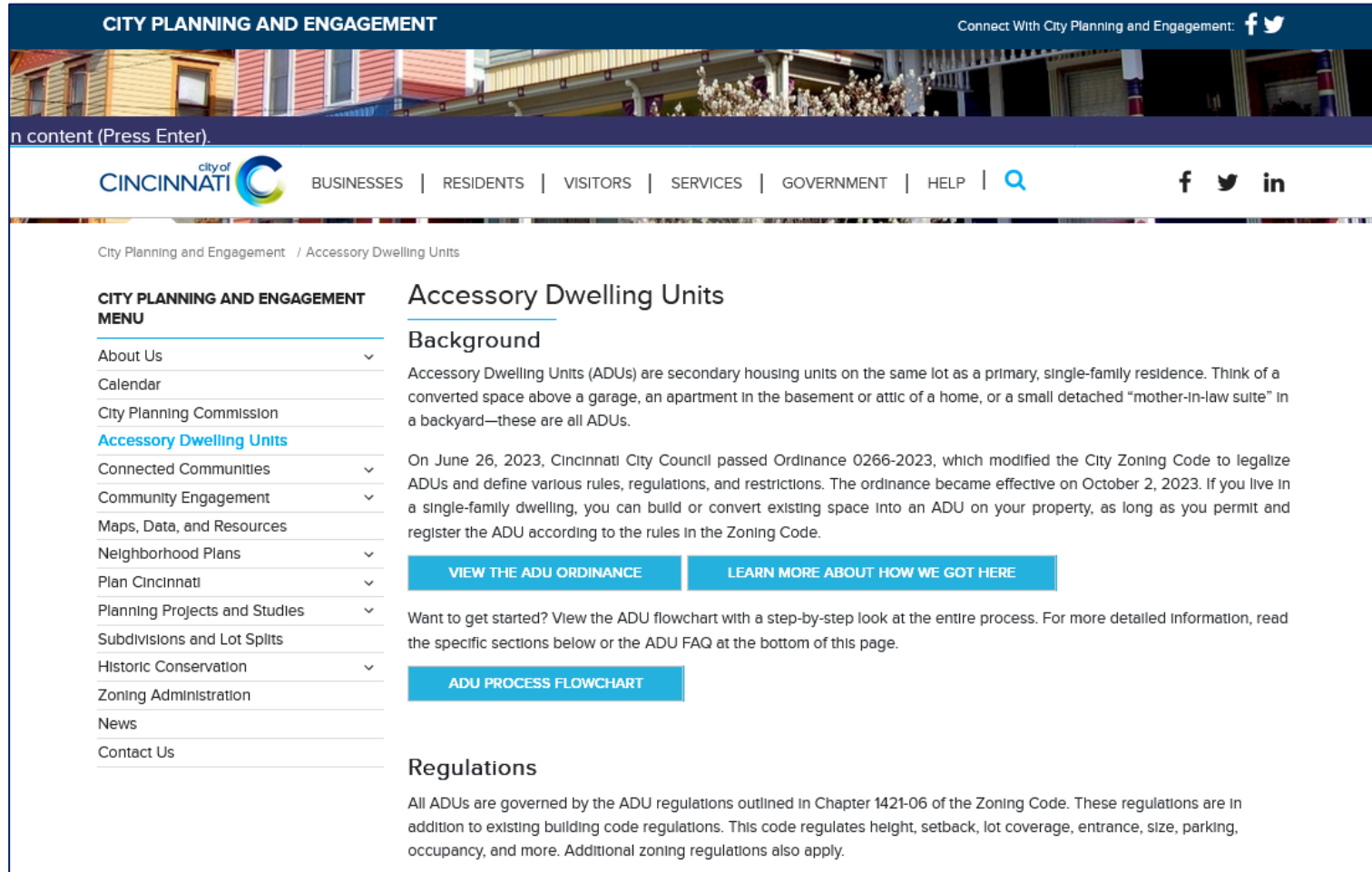
§ 1421-06 – Accessory Dwelling Units

<i>Short-Term Rentals</i>	ADUs may be operated as short-term rentals in accordance with the Short-Term Rental Registration Program
<i>Occupancy</i>	<p>An owner must reside in one of the two structures, or designate a “responsible person” to do so. Enforced via covenant recorded with the City Solicitor. Failure to comply results in \$15,000 fine.</p> <p>All ADUs must be registered with the Zoning Administrator. Registration must be renewed biennially and updated if change in ownership or responsible person.</p>

“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**.

Application & Resources

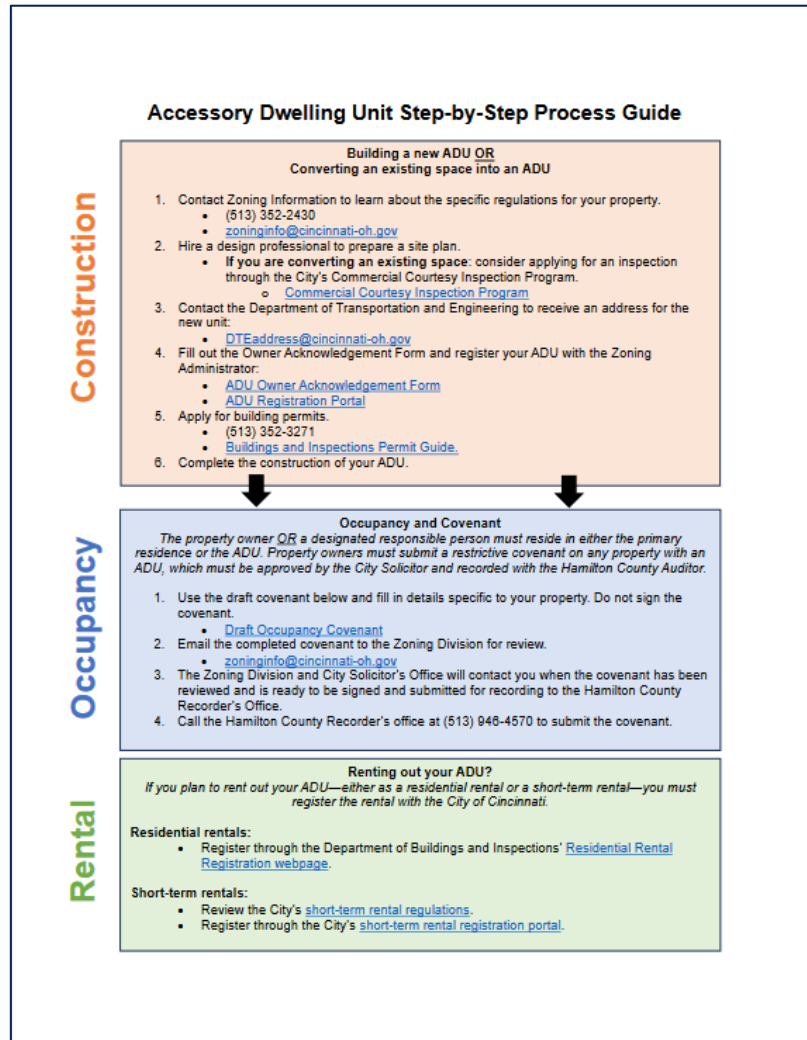
ADU Process | Website



www.cincinnati-oh.gov/planning/ADUS

- Process flowchart
- Information about regulations
- Registration links
- FAQ
- Other helpful links

ADU Process | Flowchart Guide



Outlines each step of the process with clickable links to **forms, registration portal, and contacts** required

Available on the ADU webpage

Conclusion

Takeaways

Unanimously approved in June 2023. Went into effect October 1, 2023.

Success:

- Highlighting the **level of community engagement** involved in each step of the process
- Tailoring the policy according to **quantitative feedback** from that engagement
- Clearly illustrating the **relationship between community input and the design of the policy** to decisionmakers

Challenges:

- Policy has not been widely utilized yet (4 permits)

Questions?