



Planning and Development
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PLANNING & ZONING COMMISSION

City Hall Board Room

April 17, 2024 at 10:00 AM

- I. Roll Call with Determination of Quorum
- II. Approval of Minutes
- III. Public participation/hearing for non-agenda items
- IV. New Business
 - A. Landscaping Workshop- Staff Presentation
 - B. Land Development Code- Staff Presentation
 - C. Sunshine Presentation- City Attorney
- V. Other Business
- VI. Announcement of next scheduled meeting date
 - A. Next regularly scheduled meeting date: May 15, 2024
- VII. Adjournment

NOTICE: For purposes of Section 286.011, Florida Statutes, two (2) or more members of the City Council may be present at this meeting and this meeting may be considered a City Council meeting although no decision of the City Council will be made at this meeting and the City Council shall comply with the requirements of controlling State law in every respect.

NOTICE: If any person decides to appeal any decisions made at this meeting with respect to any matter considered at this meeting, such person may need a record of these proceedings. For such purpose, a person may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. The City shall not make or perfect such a record. Section 286.0105, Florida Statutes.

NOTICE: In accordance with the Americans with Disabilities Act ("ADA") and Florida Statutes, Section 286.26, persons with disabilities needing a reasonable accommodation to participate in a public hearing or meeting should contact the City of Mount

Dora's ADA Coordinator at least 48 hours prior to the proceeding. The ADA Coordinator may be contacted by phone at 352-735-7126, ext. 1111, or by email at clerk@cityofmoundora.com.

If hearing impaired, telephone the Florida Relay Service numbers (800) 955-8771 (TDD) or (800) 955- 8770 (Voice) for assistance.



CITY OF MOUNT DORA, FLORIDA
PLANNING AND ZONING COMMISSION MINUTES

March 20, 2024

I. Call to Order

Having been duly advertised as required by law Chairman, Miles Beach called the regular meeting of the Planning and Zoning Commission to order at 10:00 a.m. on Wednesday, March 20, 2024.

II. Roll Call with Determination of Quorum

Present: Miles Beach, Adrian Coombes, Tom Dring, Kris Haukoos, James Homich, Barbara Tietmeyer and Harris Turner

City Staff and Attorney: Vince Sandersfeld, Planning Director; Michele Janiszewski, Senior Planner; Ryan Winkler, Senior Planner ; Whitney Scott, Administrative Coordinator; Andrew Hand, City Attorney

Presenters: Ms. Janiszewski, *Senior Planner*; Mr. Breeding, *Farmer Development*; Mr. Morales, *My Place Self Storage*; Patricia Ortiz, *Wash City*; Lou Buigas, *West Construction*

III. Approval of Minutes

Mr. Dring motioned to approve the meeting minutes dated February 21, 2024, upon staff adding discussion from last, where board members requested a workshop for the Land Development Code. Ms. Tietmeyer seconded the motion and the minutes were approved unanimously, with a 7- 0 vote.

IV. Public participation/hearing for non-agenda items

None

V. New Business

A. Request for removal of Land Development Code Amendment; Donnelly Street Future Setback Requirement.

1. Swearing in of witnesses by City Attorney
2. Staff/Applicant presentation
3. Public Input
4. Commission deliberation and action

Ms. Janiszewski provided a brief summary of the proposed request and stated that staff recommends approval of the attached Ordinance to amend Land Development Code (LDC)



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Section 3.5.2 to remove the additional setback imposed on Donnelly Street between 5th Avenue and Limit Avenue.

Ms. Janiszewski provided clarification on contention for removal of the Land Development Code Amendment.

Conversation on being considered, on a case by case basis situation.

Ms. Janiszewski stated that for this scenario, the code does allow variances but the criteria for granting them is very stringent and doesn't often receive staff support.

Ms. Janiszewski clarified the terminology "complete streets". She stated essentially that complete streets have trail and pedestrian accommodations, to make sure it's available for anyone to use as a corridor.

Discussion on exit and entry ways for future traffic patterns, relating to upcoming/current projects as it relates to the Comprehensive Plan.

Ms. Janiszewski stated our Comprehensive plan already has these implemented for our city streets. The Comprehensive Plan is evaluated every seven years. If need be, it can be amended at any time.

Ms. Janiszewski clarified that staff is proposing to remove planned setback for Donnelly Street entirely, not restating it. It would just default to setbacks within zoning district, which would be twenty-five feet from the right-of-way.

Ms. Janiszewski and board discussed particular reason for making the change. Ms. Janiszewski stated there were previously discussions for expanding the fire station but when staff looked further into, there were no plans to widen Donnelly.

Ms. Janiszewski provided setbacks for various streets within the city.

Board inquired about amending Land Development code in the near future, to address setbacks/speed limits for consistency. Ms. Janiszewski stated staff can look further into amending.

Attorney Mr. Hand recommended that the board include a consistency finding with the Comprehensive Plan when making a motion; since it's a Land Development Code change.

On a motion by Mr. Coombes, seconded by Mr. Homich, the board motioned to approve the Land Development Code Amendment, as it is consistent with the Comprehensive Plan; with a 7-0 vote.



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B. Request for Minor Site Plan (TABLED); My Place Self Storage (Project Name);
21901 US 441 (Site Address); SAF NOB US 441, LLC. (Owner); Farmer Development,
Inc. (Applicant); Reling Design & Consulting (Engineer); Craig Design Group
(Landscape Architect). Project No. SP23-15Minor.

1. Swearing in of witnesses by City Attorney
2. Ex Parte Communication regarding this item.
3. Staff/Applicant presentation
4. Public Input
5. Commission deliberation and action

Ms. Janiszewski provided a brief summary of the proposed application and stated that staff recommends approval of the above-reference Minor Site Plan request. Approval subject to engineering requirements prior to submittal of the Site Development Permit provided in the attached City correspondence.

Mr. Breeding and Mr. Morales discussed landscaping. Applicants provided updated landscaping plans to board members. Stated they would rather plant trees, instead of putting into the tree bank contribution.

Staff stated that they can't confirm the revised plan is up to code, due to not having time to review it.

Conversation on using deciduous trees versus using other varieties.

Discussion on types of trees being used. Applicant stated trees were selected based off of the city's code. Applicant emphasized that there is already a heavy presence of live oaks on property.

Applicant stated they are willing to add a twenty-percent mixture from the shumard oaks to the live Oaks/other variety.

Conversation on clustering of trees along US HWY 441 on the tree plan.

Applicant stated that this is an effort to get more trees on the buffer and they wanted some visibility of the building.

On a motion by Mr. Homich, seconded by Ms. Haukoos, the board motioned to approve with conditions that twenty- percent of Shumard Oaks be replaced with Live Oaks and removal of tree bank. In addition, trees will be planted on the adjacent site in accordance with the revised landscape plan, subject to approval by staff according to the Land Development Code; with a 7-0 vote.



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C. Request for Site Plan (TABLED); Wash City-Mount Dora (Project Name); 18200 US Hwy 441 (Site Address); 18200 US 441 LLC (owner); 18200 US 441 LLC (Applicant); Aspire Engineering Inc. (Engineer); Aspire Engineering Inc. (Landscape Architect). Project No. SP23-05.

1. Swearing in of witnesses by City Attorney
- 2 Ex Parte Communication regarding this item.
3. Staff/Applicant presentation
4. Public Input
5. Commission deliberation and action

Ms. Janiszewski provided a brief summary of the proposed application and stated that staff recommends approval of the above-referenced Site Plan request. Approval subject to engineering requirement prior to submittal of the Site Development Permit. Approval subject to satisfactorily addressing outstanding DRC comments and item provided in the attached City correspondence dated January 22, 2024.

Mr. Patricia Ortiz stated that they have complied with the board's request regarding the South elevation, by moving the fence on Southern property line on top of retaining wall.

Mr. Beach clarified that there are two retaining walls, and the one Ms. Ortiz changed isn't the one in question. The board's concerns are related to the other retaining wall further south, closer to the property line with a guard rail and fence in front.

Mr. Beach provided an imaged exhibit for the record. He further reiterated that their concern is not at the building line but for the one further south, closer to the property line. The overall goal is to try to get more canopy trees in.

The board clarified that the applicant has not yet met the intent of the board's request from the last meeting. The retaining wall on the Northern side that includes the building wall was addressed, but the South wall was the point of concern.

Discussion on a sound barrier buffer between back fence/ neighborhood behind it and color of the fence. An eight foot p-v-c fence is being proposed.

Ms. Ortiz stated they are planning to match the fence with colors of building. Applicant stated they are willing for color to be earth tone.

Conversation related to trees proposed, suggested adding more live oaks.

Ms. Janiszewski clarified that the Southern buffer abuts a right-of-way and can be adversely impacting it, if live oaks are planted there.



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Further discussion about adding more canopy trees against fence. Ms. Ortiz stated they attempted to preserve trees. Agreed to move southern landscape buffer closer and to an earth tone fence.

Discussion on percentage of live oaks/deciduous trees, that maintain leaves and provides obscurity for residents and provides sound barrier.

Conversation on requiring applicant to provide a different type of fence, brick specifically.

Applicant stated that the vinyl fence can last a long time and is a barrier behind landscaping.

Discussion on existing trees. Ms. Ortiz confirmed that they are preserving sixteen of the trees on the southern boundary, trees are being added on the northern. They have complied with staff recommendations on adding trees to the northern buffer.

Ms. Janiszewski confirmed staff was more adamant about adding trees on the southern buffer, which the applicant has complied with.

Discussion on the removal of nineteen inch tree in the northern buffer. The board asked if staff can visit the site, to determine if trees in the northern buffer can be saved.

Applicant stated that she can't confirm but suspects that it's due to the health of the tree.

Ms. Janiszewski clarified the city doesn't currently have an arborist, staff currently reviews landscaping plan for code compliance, defers to applicant to provide information.

On a motion Mr. Homich, seconded Mr. Coombes, the board motioned to approve with conditions that the canopy trees/shrubs on southern buffer be moved closer to the earth tone fence, applicant review trees in southern buffer to include more evergreens, and have staff review trees slotted to be removed in the northern buffer, to see if they can be preserved; with a 7-0 vote.

Further discussion on preempting staff to visit sites in an effort to save trees.

Conservation on tree bank costs/clear cutting trees.

Attorney Hand stated that this is overseen/regulated by city council. It would have to be an amendment to change. Board members suggested adding to upcoming agenda for Land Development Code.



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D. Request for Minor Subdivision; Nathan's Corner (Project Name), Fearon Avenue (Location); West Family Trust (Owner); West Construction Services, Inc (Applicant); Wicks Engineering, Services. Inc. (Engineer). Project No. PR2303Minor.

1. Swearing in of witnesses by City Attorney
2. Ex Parte Communication regarding this item.
3. Staff/Applicant presentation
4. Public Input
5. Commission deliberation and action

For ex-parte purposes, Mr. Harris did disclose that he drove by the site.

Ms. Janiszewski provided a brief summary and stated that staff recommends approval of the above-reference request.

Discussion on which lots will be duplexes.

Applicant Lou Buigas, clarified the six doors for the duplexes will be on the Fearon Avenue side, complementing what's already existing. The single family homes will be on the 19th street side of the parcel.

The board shared their concerns regarding there currently being no restrictions on the plat, that designate which lots are duplex vs. single family.

Ms. Janiszewski and the applicant stated that they are all zoned R-2 and the difference has to do with the lot size. Ms. Buigas stated that they purchased this property after it was already approved from the previous owner, back in 2017. Their intent is to follow through with the same plan/template. They are happy to have this documented if necessary.

Conversation concerning no paving on Tremain Street. In addition, Fearon Avenue /19th street having dead-end with no turnaround access.

Applicant stated that there is an easement between the funeral home and proposed property. There is no paving because there is a waterline currently there, per her conversation with our Public Works department.

Ms. Janiszewski stated there is nothing currently not in our capital improvement program to pave Tremain. It is a publicly dedicated right-of way that was never developed. It does meet the code and has been reviewed by staff.

Mr. Hand explained the board's role upon placing conditions regarding plat designation.



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Discussion regarding lot sizes and density. Ms. Burgias stated that the duplexes vs. single-family homes will differ both in water meter sizes and quantity of meters.

Applicant agreed to designate the plat to show lots one, two, three as single-family homes and four, five and six as duplexes.

Mr. Hand stated that this should be a recommendation not a condition.

On a motion by Mr. Homich, seconded by Mr. Coombes, the board moved to approve with the recommendation to City Council first, that the lots be designated either through a developer's agreement or covenant to insure there is no overdevelopment; with a 7-0 vote.

VI. Announcement of next scheduled meeting date

A. Next regularly scheduled meeting date: April 17, 2024

VII. Other Business

Mr. Hand provided an AMCO update.

Discussion on adding Sunshine Laws/Land Development Code workshop and etc.

VIII. Adjournment

On a motion by Mr. Coombes, seconded by Ms. Tietmeyer, the meeting was adjourned at 11:54 a.m.

Whitney Scott,
Administrative Coordinator

Miles Beach,
Commission Chair



DATE: April 17, 2024

TO: Planning and Zoning Commission

FROM: Development Review Committee
Michele Janiszewski, AICP, Senior Planner

RE: Landscaping Workshop

Background:

The Planning and Zoning Board (PZB) has requested a workshop to review and discuss our current regulations pertaining to landscaping, tree removal, replacement requirements, and plant material.

LDC Section 6.6 Summary:

LDC Section 6.6 is divided into the following sub-sections:

- 6.6.1. General requirements.
 - No additions or improvements may be made on existing developed property unless the development conforms to the regulations contained herein.
 - City parks shall be exempt from the regulations contained herein; however, landscape improvements shall be required at the discretion of the city council.
 - Establishes the Impervious Surface Ratio for each zoning district.
- 6.6.2. Buffer standards and requirements.
 - Buffers shall be provided on the outer perimeter of a lot or parcel.
 - Buffers shall not be located on any portion of any existing, dedicated, or reserved public or private street or right-of-way.
 - The buffer width is calculated parallel to the property line. Design variations are allowed, however, if the average width of the buffer conforms to the standard listed herein.
 - The average width shall be measured at the two end points of the buffer and two additional points which are each approximately equidistant from themselves and from the closest end point.
 - A buffer may be used for some forms of passive recreation. It may contain pedestrian, bike or equestrian trails, provided that: no plant material is eliminated; the total width of the buffer is maintained; and all other requirements of this code are met. In no event, however, shall the following uses be allowed in buffer areas: Playfields, Tennis courts, Stables, Swimming pools, and Other active recreation
 - The buffer may include a stormwater retention area and/or septic tank.
 - Buffer widths and required materials are determined by the zoning district of the abutting properties
- 6.6.3. Parking lot requirements.
 - Interior, landscaping island requirements

- Parking garage requirements
- 6.6.4. Downtown. *See zoning regulations for downtown landscape standards.*
- 6.6.5. Planting standards and requirements.
 - Allows existing vegetation to be substituted for landscape buffers provided canopy trees are greater than six inches in diameter and understory/hedge/shrubbery provides a continuous visual screen from the adjacent property.
 - Establishes the plant quality for materials
 - Includes the approved plant list
 - Provides performance standards (clustering, substitutions, shifting, off-site donations)
- 6.6.6. Maintenance.
 - Maintenance responsibility of landscaping and abutting right-of-way
 - Irrigation standards
 - Pruning requirements
- 6.6.7. Preservation of existing trees.
 - Requires tree replacement when an approved tree is removed. Defines approved tree as any living, self-supporting, perennial plant which has a trunk diameter of at least six inches measured four feet above grade (at the base of the tree) and normally grows a minimum overall height of 15 feet.
 - Replacement trees shall not be counted toward the buffer requirement, but may be planted within the buffer with the approval of planning and zoning commission.
 - In the event the replacement trees required would be too numerous to be placed upon the site, the owner may elect to provide fewer replacement trees so long as the tree inches provided as replacement tree inches are greater than or equal to the tree inches required.
 - City Tree Bank contributions
- 6.6.8. Decorative entrances.
 - Prohibits decorative entrances from being located within the right-of-way
- 6.6.9. Residential lot tree.
 - Requires new single-family and duplex units to have a minimum of one tree planted in the front yard

Discussion Items:

Staff is seeking input on potential amendments to the current landscaping provisions. Items discussed at previous meetings include:

1. Tree removal criteria
2. Cost of replacement trees
3. Tree bank contributions
4. Protection of trees of significant size

Attachments:

LDC Section 6.6. Landscaping and Buffers.

6.6. Landscaping and buffers.

Landscaping areas and buffers are required between certain land uses, along certain corridors, in certain areas, and in paved parking areas to preserve the value of land and buildings on surrounding properties and neighborhoods; to eliminate or minimize potential nuisances such as noise, lights, signs, dirt, litter, unsightly buildings, or parking areas; and to encourage the proliferation of trees and vegetation. Buffers provide spacing to reduce potentially adverse impacts of odor and danger from fire or explosions. Landscaping can aid in erosion prevention, oxygen production, beautification and aesthetic enhancement of improved and vacant land.

6.6.1. *General requirements.* The landscape requirements contained herein shall apply to all new development with the exception of city parks.

No additions or improvements may be made on existing developed property unless the development conforms to the regulations contained herein.

City parks shall be exempt from the regulations contained herein; however, landscape improvements shall be required at the discretion of the city council.

In order to fulfill the purposes of this code and to allow for necessary recharge, impervious surface may cover no more than the percentage of the site area (land above the mean high water line) shown below:

District	Percentage
Single and multifamily residential	65
C-1	80
C-2 within downtown exempt district	100
C-2 other	80
C-2A	80
C-3	65
OP	65
RP	65
M1	65
M2	65
PLI	70
Recreation	25
Conservation	10
EC	75
MU-1 and MU-2	100

The remaining site area shall be devoted to stormwater retention, easements, green areas and the specific landscaping requirements of this code. Areas within the C-2 downtown exempt district C-1, and MU zoning districts shall be guided by these standards. Landscaping standards as outlined in section 3.4 shall apply.

Notwithstanding anything contained within this section 6.6 to the contrary, any site for which a building or other development permit has been issued shall be appropriately landscaped so that no erosion occurs which impacts adjacent sites or parcels of property.

6.6.2. *Buffer standards and requirements.*

1. *Location and design:* Buffers shall be provided on the outer perimeter of a lot or parcel, in accordance with the requirements and standards contained herein. Buffers shall not be located on any portion of any existing, dedicated, or reserved public or private street or right-of-way. The buffer width is normally calculated parallel to the property line. Design variations are allowed, however, if the average

width of the buffer conforms to the standard listed herein. The average width shall be measured at the two end points of the buffer and two additional points which are each approximately equidistant from themselves and from the closest end point.

In order to reduce the monotony of sight design, no more than 33⅓ percent of canopy and understory trees may be of the same species on-sites where a total of 15 or more canopy trees are required.

2. *Use of buffers:* A buffer may be used for some forms of passive recreation. It may contain pedestrian, bike or equestrian trails, provided that:
 - a. No plant material is eliminated.
 - b. The total width of the buffer is maintained.
 - c. All other requirements of this code are met. In no event, however, shall the following uses be allowed in buffer areas:
 - *Playfields
 - *Tennis courts
 - *Stables
 - *Swimming pools
 - *Other active recreation

The buffer may include a stormwater retention area and/or septic tank.
3. *Required buffer widths:* Requirements for buffers are based on the intensity of the proposed development or use, and the use which is developed or designated on all adjacent properties. In order to determine the type of buffer required for a proposed use, the following procedure shall apply:
 - a. Identify the zoning classification of the site and all adjacent properties.
 - b. Refer to Table VI-1 and/or Table VI-2 for the buffer type required on each boundary.
 - c. Refer to buffer type description.
 - d. The total required buffer width may be reduced by up to ten feet and the number of required planting materials may be reduced by 20 percent if a six-foot-high brick wall is installed as a part of the buffer.
 - e. Regardless of width averaging, in no event shall any portion of a buffer be less than five feet in width nor shall a measurement of any portion of the buffer used in determining the average width exceed 200 percent of the required width.

Table VI-1
Buffer Requirements for Contiguous (Touching) Parcels
Zoning of Contiguous Parcel

Site Zoning Classifi- cation**	GB	R-IAAA	R-IAA	R-IA	R-I	R-IB	R-2	R-3	PUD MU-1 MU-2	C-3	RP	OP	WP-1 WP-2	PLI
GB	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-IAAA	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-IAA	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-IA	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-I	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-IB	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-2	—	a	a	a	a	—	—	—	*	—	—	—	—	—
R-3	A	B	B	B	B	B	A	a	*	A	A	A	B	A
PUD MU-1 MU-2	*	*	*	*	*	*	*	*	*	*	*	*	*	*
MHP	A	B	B	B	B	B	A	A	*	A	A	A	A	A
C-3	A	C	C	C	C	C	C	B	*	a	B	B	a	A
RP	A	A	A	A	A	A	A	A	*	a	a	A	A	A
OP	A	B	B	B	B	B	B	A	*	A	a	a	A	A
WP-1 WP-2	C	C	C	C	C	C	C	B	*	B	B	A	B	A
PLI	B	B	B	B	B	B	B	B	*	A	A	A	A	A

*PUD and Mixed Use (MU-1 and MU-2) buffer requirements will generally be the same as those required of the conventional zoning district most similar to each PUD/Mixed Use (MU-1 and MU-2). Based on adjacent unlike uses, more stringent buffering treatments may be required. Requirements may be negotiated.

** Wolf Branch Innovation-Employment (WBI-E) and Wolf Branch Innovation-Gateway (WBI-G) shall follow the buffer and treatments of the Wolf Branch Innovation districts of this code and most recent WBID Design Guidelines adopted by reference.

C-1, C-2, and C-2A zoning district landscape requirements are included in the zoning section of this code.

Table VI-2
Buffer Requirements for Noncontiguous Parcels
(Separated by right-of-way)
Zoning of Noncontiguous Parcel

Site Zoning Classifi- cation**	GB	R- IAAAA	R-IAAA	R-IAA	R-IA	R-I	R-IB	R-2	R-3	PUD MU-1 MU-2	C-3	RP	OP	WP-1 WP-2	PLI
GB	—	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R- IAAAA	—	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-IAAA	—	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-IAA	—	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-IA	—	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-I	—	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-IB	—	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-2	—	—	—	—	—	—	—	—	—	*	—	—	—	—	—
R-3	a	a	a	a	a	a	a	a	a	*	a	a	a	a	a
PUD MU-1 MU-2	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
MHP	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
C-3	b	c	c	c	c	c	c	c	b	*	a	a	a	a	a
RP	a	a	a	a	a	a	a	a	a	*	a	a	a	a	a
OP	a	b	b	b	b	b	b	b	a	*	a	a	a	a	a
WP-1 WP-2	c	c	c	c	c	c	c	c	b	*	a	a	a	a	a
PLI	b	b	b	b	b	b	b	b	b	*	a	a	a	a	a

*PUD/Mixed Use (MU-1 and MU-2) buffer requirements will generally be the same as those required of the conventional zoning district most similar to each PUD/Mixed Use (MU-1 and MU-2). Based on adjacent unlike uses, more stringent buffering treatments may be required. Requirements may be negotiated.

** Wolf Branch Innovation-Employment (WBI-E) and Wolf Branch Innovation-Gateway (WBI-G) shall follow the buffer and treatments of the Wolf Branch Innovation districts of this code and most recent WBID Design Guidelines adopted by reference.

C-1, C-2, and C-2A zoning district landscape requirements are included in the zoning section of this code.

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4. *Buffer type description:* Each buffer type shall contain the materials described as follows, with the remainder of each buffer area landscaped with grass, ground cover or other landscape treatment:

a. *Buffer type A:*

1. Minimum average width: Twenty-five feet.
2. Required materials:

Landscaping—

For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.

Three canopy trees.

Five understory trees.

Shrubbery or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.

b. *Buffer type B:*

1. Minimum average width: Thirty feet.
2. Required materials:

Landscaping—

For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.

Four canopy trees.

Five understory trees.

Shrubbery or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.

c. *Buffer type C:*

1. Minimum average width: Forty feet.
2. Required materials:

Landscaping—

For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.

Four canopy trees.

Six understory trees.

Shrubbery or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.

3. Screen: A six-foot-high brick, block, or stucco wall shall be provided. The location of the wall within the buffer may vary. However, all shrubs and a majority of the trees shall be on the neighbor's side of the wall. The wall shall be designed either with maintenance breaks or other access to the adjacent properties side of the wall for maintaining landscaping on both sides.

d. *Buffer type (a):*

1. Minimum average width: Ten feet.
2. Required materials:

Landscaping—

For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.

Three canopy trees.

Five understory trees.

Shrubbery or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.

e. *Buffer type (b):*

1. Minimum average width: Fifteen feet.
2. Required materials:

Landscaping—

For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.

Three canopy trees.

Ten understory trees.

Shrubbery or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.

f. *Buffer type (c):*

1. Minimum average width: Twenty feet.
2. Required materials:

Landscaping—

For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.

Five canopy trees.

Fifteen understory trees.

Shrubbery or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.

For purposes of this section, "continuous visual screen upon planting" shall mean overlapping foliage from one plant to another.

6.6.3. *Parking lot requirements.* Landscaping shall be provided for interior vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to channelize and define pedestrian and vehicular traffic.

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1. For developments requiring less than 200 spaces, a minimum of ten percent of the gross square footage of the paved parking lot area and entranceway shall be devoted to landscaping. For developments requiring 200 or more parking spaces, 15 percent of the gross square footage of the paved parking area and entranceway shall be devoted to landscaping.
 2. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet. A maximum of ten parking spaces in a row will be permitted, although adjustments may be made to save specimen trees.
 3. One canopy tree shall be required for each landscape break. A two-inch DBH drake elm may be substituted for up to 25 percent of the canopy trees in parking areas. A ground cover such as ivy, juniper, jasmine and lily turf shall be used. Grass or turf is prohibited.
 4. All parking garages shall be required to either:
 - a. Provide landscaped hanging baskets and/or landscaped planters around the exterior of the first three levels of the garage structure; or
 - b. Provide additional landscaping in other areas of the site.
 5. Parking areas for detached single-family and duplex homes are exempt from these requirements.
 6. To promote preservation of trees in parking areas, the city may reduce the total number of required spaces by up to 15 percent in order to provide adequate area for the trees to survive provided:
 - a. Spaces within the dripline are eliminated and a groundcover such as ivy, juniper, jasmine and lily turf is used as a landscape break;
 - b. Trees must be at least six inches in diameter to qualify for the parking space reduction.
 7. Interior landscape breaks in parking lots shall be a minimum of ten feet by 20 feet.

6.6.4. *Downtown.* See zoning regulations for downtown landscape standards.

6.6.5. *Planting standards and requirements.*

1. *Preservation.* Preservation of existing landscape materials and land forms is encouraged. Natural existing vegetation may be substituted for the applicable landscape buffer provided canopy trees are greater than six inches in diameter and understory/hedge/shrubbery provides a continuous visual screen from the adjacent property.
2. *Quality.* Plant materials used to conform with the provisions of this section shall equal or exceed the Florida No. 1, as given in "Grades and Standards for Nursery Plants," Part I, 1963, and Part III, State of Florida, Department of Agriculture, and amendments thereto.
 - a. *Trees:* Commercial canopy trees shall have a minimum height of eight feet and a caliper requirement of two inches measured six inches above the ground immediately upon planting or where required as replacement planting. Anchoring or staking is not required. Trees of species providing roots known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is completely encased within a container for which the minimum interior dimensions shall be five feet square and five feet deep in compliance with the construction requirements of the city. All rootball wrapping shall be removed prior to planting. Residential canopy trees shall have a minimum height of eight feet and a caliper requirement of two inches measured six inches above the ground immediately upon planting. Anchoring or staking is not required.

Understory trees shall have a minimum height of six feet and a caliber requirement of 1.5 inches measured six inches above the ground with a minimum four feet crown spread at the time of

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- planting. Multi-trunk understory trees shall have no more than three main trunks with combined caliber of 2.5 inches.
 - b. *Shrubs and hedges*: Shrubs shall be a minimum of 24 inches in height immediately upon planting and reach an average height of 36 inches within one year after planting. Hedges shall be of nondeciduous species and planted and maintained so as to form a continuous unbroken solid, visual screen immediately upon planting.
 - c. *Ground cover*: Ground cover such as ivy, juniper and lily turf used in lieu of grass shall be planted in such manner as to present a finished appearance and reasonably complete coverage within three months after planting.
 - d. *Lawn grass*: Grass shall be species normally grown as permanent lawns in the city. However, all species of St. Augustine grass shall be prohibited in new developments. Grass seed shall be clean and reasonably free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in containers with Florida Department of Agriculture tags attached indicating the seed grower's compliance with the department's quality control program.
 - e. *Berm*: When a berm is used to form a visual screen in lieu of or in conjunction with a hedge or wall, such berm shall not exceed a slope of 30 degrees and shall be completely covered with shrubs, grass or other living ground cover.
- 3. *Approved species*: The landscaping requirements of this appendix [section] may be achieved by using any of the approved drought tolerant xeriscape species listed in Table VI-3. Other species may also be used if approved in advance by the city as being equivalent in function and quality. The city encourages plant listing and publication of the <http://floridayards.org>. Pines listed in the approved species list may be counted for landscaping purposes if they exist on site at the time of development; however, pines may not be counted for landscaping purposes if they are planted as a part of new landscaping.
 - 4. *Designation on-site plan*: The specific species designated on the approved site plan shall be the species planted in the locations and quantities indicated.

TABLE VI-3
APPROVED TREE AND PLANT SPECIES LIST

- 1. *Canopy trees*—Trees which normally grown to mature height of 40 feet or more:
 - a. Live Oak (*Quercus Virginiana*)
 - b. Shumard Oak (*Quercus Shumardii*)
 - c. Red Maple (*Acer Rubrum*)
 - d. American Holly (*Ilex Opaca*)
 - e. Sweetgum (*Liquidambar Styraciflua*)
 - f. Southern Magnolia (*Magnolia Grandiflora*)
 - g. Sweet Bay (*Magnolia Virginiana*)
 - h. Slash Pine (*Pinus Elliottii*)
 - i. Sand Pine (*Pinus Clausa*)
 - j. Longleaf Pine (*Pinus palustris*)
 - k. Loblolly Pine (*Pinus taeda*)
 - l. Bald Cypress (*Taxodium Distichum*)

2. *Understory trees*—Trees which normally grow to a mature height of 15 to 35 feet:

- a. Winged Elm (*Ulmus Atata*)
 - b. Drake Elm*
 - c. Chinese Elm (*Ulmus Parfolia*)
 - d. Yaupon Holly (*Ilex Vomitoria*)
 - e. Weeping Bottlebrush (*Callistemon Viminalis*)
 - f. Loquat (*Eriobotrya Japonica*)
 - g. Redbud (*Cercis Canadensis*)
 - h. Dogwood (*Cornus Florida*)
 - i. Jerusalem Thorn (*Parkinsonia Aculeata*)
 - j. Tree of Gold (*Tabebuia Argentea*)
 - k. Cherry Laurel (*Prunus Caroliniana*)
 - l. Chickasaw Plum (*Prunus Angustifolia*)
 - m. Southern Wax Myrtle (*Myrica Cerifera*)
 - n. Crape Myrtle (*Lagerstroemia Indica*)
 - o. Citrus trees (all kinds)
 - p. Walter Viburnum (*Viburnum Obovatum*)
 - q. Devilwood (*Osmanthus Americanum*)
 - r. Bumelia (*Bumelia Tenax*)
 - s. Tar Flower (*Befaria Racemosa*)
 - t. Fringe Tree (*Chionanthus Virginicus*)
- *May be used as canopy tree in parking lots with a minimum of 2.5 inch DBH.

3. *Shrubs*:

- a. Sandankwa Viburnum (*Viburnum Suspensum*)
- b. Glossy Privet (*Ligustrum Lucidum*)
- c. Japanese Privet (*Ligustrum Japonicum*)
- d. Podocarpus (*Podocarpus Macrophylla*)
- e. Pittosporum (*Pittosporum Tobira*)
- f. Surinam Cherry (*Eugenia Uniflora*)
- g. Cherry Laurel (*Prunus Caroliniana*)
- h. Wax Myrtle (*Myrica Cevifera*)
- i. Native Azaleas (*Rhododendron Viscosum*)
- j. Star Anise (*Illicum Parviflorum*)
- k. Eleagnus (*Eleagnus Pungens*)

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- l. Florida Lencothoe (Agavista Populifovia)
 - m. Walter Viburnum (Viburnum Obovatum)
 - n. Sweet Viburnum (Vuburnum Odoratissium)
 - o. Devilwood
 - p. Red Tip Photinia
4. *Prohibited trees:*
- a. Australian Pine (Casuarina species)
 - b. Cajeput or Punk Tree (Melaleuca Quinquenervia)
 - c. Chinaberry (Melia Azedarach)
 - d. Ear Tree (Enterlobium Cyclocarpum)
 - e. Eucalyptus species
 - f. Florida Holly or Brazilian Pepper (Schninus Terebinthifolius)
 - g. Paper Mulberry (Broussonetia Papyrifera)
 - h. Camphor Tree (Cinnanonum Camphora)
5. *Safety and protection:*
- a. Curbing or wheel stops shall be used to protect landscape areas.
 - b. If curbs are used, tree trunks and shrubs shall be set in three feet from either side of a parking space to avoid damage by vehicles.
 - c. Street and highway sight distances established by the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction, and Maintenance shall be observed for all street intersections or driveways and streets. Within these sight distances, no landscape material exceeding 2.5 feet in height shall be permitted. Trees shall be permitted when traffic visibility is not obstructed.
6. *Performance standards:*
- a. *Clustering:* In order to provide a more interesting and aesthetically pleasing effect, landscaping may be clustered along perimeter buffers. Clustered landscape plans shall be approved at the discretion of the planning and zoning commission.
 - b. *Substitutions:* Six cabbage palm trees may be substituted for each canopy tree for up to 25 percent of the total number of canopy trees. These trees must be clustered at a maximum six foot on center and have a minimum height of 12 feet.
 - c. *Shifting:* Canopy trees may be shifted within the perimeter buffers provided a minimum of three canopy trees per 100 linear feet be maintained in any one buffer.
 - d. *Off-site donation:* If the applicant finds it difficult to provide the necessary landscape materials to meet minimum code requirements, the planning and zoning commission may consider donation of materials for off-site landscaping. Such landscaping may be located along public rights-of-way and on publicly owned property.
 - e. *Xeriscape standards:* Plant material shall be clustered and located with plants of similar water use requirements. Irrigation systems shall be designed to provide differential zones to accommodate the specific needs for each plant grouping to ensure that over watering does not occur.

6.6.6. *Maintenance.* Maintenance shall consist of mowing, removing of litter and dead plant materials, necessary pruning, replacement of dead plantings, watering and fertilizing. Maintenance is required in order to ensure proper functioning.

1. *Responsibility:* The owner of any property or the tenant thereof, shall be, as to those parties, jointly and severally responsible for the maintenance of all landscaping on-site and in the unpaved portion of the rights-of-way adjoining the site to present a neat, healthy and orderly appearance, free of refuse and debris. The owner shall have an implied easement on rights-of-way extending from the site to the road pavement to complete the required maintenance.
2. *Irrigation:* All landscape areas shall be provided with an automatic underground irrigation system with 100 percent coverage. Rain sensor device required. Irrigation system to be designed with water-friendly conservation practices (Xeriscape standards), per section 6.6.5.6.e of this code. New developments or redevelopments are not required to provide an irrigation plan, however landscape plans shall provide confirmation statements that the design will adhere to the irrigation requirements, as contained in this code.
3. *Enforcement:* The city may conduct periodic inspections to assure compliance with the maintenance requirements of this code.
4. *Pruning:*
 - a. *Applicability.* The owner of a property, or the tenant thereof, shall not trim, prune, remove living branches or cause the diminution of the crown of any canopy tree without a permit except pursuant to Florida law.
 - b. *Permit application procedures.* The following procedures shall be followed and shall govern the granting of all permits pursuant to this section.
 1. *Submittals.* The fees associated with a permit application submitted pursuant to this section shall be adopted from time to time by resolution. Each application for permit to alter, trim, prune, or reduce the canopy or crown of trees shall be accompanied by a written statement indicating the reasons for the requested action and two copies of a legible site plan drawn to the largest practicable scale indicating the following:
 - a. The portion of the site involved in the operation, and
 - b. The trees by type and number to be pruned.
 2. *Application review.* Upon receipt of the application, the appropriate city staff member as designated by the city manager shall review said application, which may include a field check of the site and referral of the application for recommendations to other appropriate administrative departments or agencies.
 - c. *Permit exemptions:*
 1. If the following tree conditions exist, a permit shall not be required:
 - a. The branches to be pruned obstruct vision along a traveled public or private way;
 - b. The branches to be pruned interfere with vehicular or pedestrian travel lanes and present a safety hazard;
 - c. The branches to be pruned are diseased, damaged, or in danger of falling;
 - d. The branches to be pruned interfere with utility lines, or existing or proposed structures so as to endanger such structures;

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- e. The removal of specific living parts of the tree will increase fruit or flower production or will facilitate the health of the tree as a whole;
 - f. As permitted by Florida law.
2. Permit form. Permits shall be issued in such form as may be prescribed by the city manager and may set forth in detail the conditions upon which the permit is granted. One permit may cover several trees or groups of trees as long as the same can be clearly identified thereon; however, no permit may be issued for more than one parcel or area of land unless said parcels or areas of land shall be contiguous to one another.
- d. *Unauthorized pruning of trees.* If a tree not authorized for pruning is altered, pruned, trimmed or diminished in canopy, the property owner shall pay the city \$250.00 for each tree pruned.
- e. *Appeals procedure.* Any person adversely affected by a decision of any city official or employee in the enforcement or interpretation of this subsection, may appeal such decision to the city council who, by a majority vote, may affirm, reverse, or modify the decision. Any decision of the city council is subject to review by the circuit court by certiorari.

6.6.7. Preservation of existing trees.

1. *Tree removal and replacement program requirements:*

- a. Removal of an approved tree for construction, new developments, or developments, shall require the owner to replace said tree on-site at the replacement ratios listed below. Definition of approved tree: Any living, self-supporting, perennial plant which has a trunk diameter of at least six inches measured four feet above grade (at the base of the tree) and normally grows a minimum overall height of 15 feet.
- b. Relocation of trees may be allowed provided a tree relocation plan prepared by a certified arborist is submitted for city review and approval. Such plan shall include at a minimum the tree specifications, root trimming specification, relocation details, etc. In cases where relocated trees do not survive within 12 months of replanting, the owner shall replace said tree pursuant to the requirements of this code. Relocation of existing trees is not a city preferred tree mitigation, as the survivability of replaced trees is not favorable.
- c. All trees replaced shall have an oxygen-producing capacity at least equal to that of the tree removed, and of a type to reach an eventual height of at least 15 feet with a trunk diameter of at least three and one-half inches measured six inches above the ground, at the time of planting.
- d. Tree sized six inches to 23.99 inches: In the event the tree removed is an approved tree is size if six inches to 23.99 inches in diameter when measured four feet above the ground, the owner shall provide one approved canopy type tree specimen or each tree removed (replacement ratio of tree replaced for tree removed) removed of a type to reach an eventual height of at least 15 feet with a trunk diameter of at least 3½ inches measured six inches above the ground, at the time of planting, with the oxygen producing capacity of the removed tree upon maturity.
- e. Tree sized 24 inches or greater: In the event the tree removed is an approved canopy tree greater than or equal to 24 inches in diameter when measured four feet above the ground, the owner shall provide one approved canopy tree for each six inches of diameter (replacement ratio of 1:6) removed of a type to reach an eventual height of at least 15 feet with a trunk diameter of at least 3½ inches measured six inches above the ground, at the time of planting, with the oxygen producing capacity of the removed tree upon maturity.
- f. In the event the replacement trees required would be too numerous to be placed upon the site, the owner may elect to provide fewer replacement trees so long as the tree inches provided as replacement tree inches are greater than or equal to the tree inches required.

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- g. Replacement trees shall not be counted toward the buffer requirement, but may be planted within the buffer with the approval of planning and zoning commission.
- h. City tree bank contributions: In cases where there are no opportunities to replace tree inches on site for tree inches proposed for removal, the owner may make a tree bank contribution in the amount equal to the retail price of a canopy type specimen tree for the remaining tree replacement inches. Tree bank contributions shall be used for the purpose of planting trees throughout the city at the sole discretion of the city. Replacement retail cost shall be based on a Live Oak (*Quercus Virginiana*) sized minimum three and one-half inches, eight to ten feet in height, and Florida Number one grade or better. Payment of tree bank funds must be made prior to issuance of arbor permit (when required), site development permit or as authorized by the city, or as specified by the city.
- i. Existing trees and trees proposed for removal shall be shown on a landscape plan with the following tree data (applicant to fill-in blanks):
- Total existing number of trees sized 6"—23.99": _____
- Total existing number of trees sized 6"—23.99" removed: _____
- Total existing number of trees sized 24" or greater: _____
- Total existing number of tree sized 24" or greater removed: _____
- Total number of trees replaced at ratio 1:1 for trees removed 6'—23.99": _____
- Total number of trees placed at ratio 1:12 (for trees removed 24" or greater): _____
- Total number of trees replaced: _____
- Total number of tree deficient (not being replaced) for tree bank contribution and includes total dollar amount of contribution funds: \$ _____
2. *Erection of protective barriers.* During construction, builders shall be required to erect protective barriers around trees that might be injured. These barriers shall be constructed of wood and extend to the drip line of the tree to be protected. Tree barriers shall be installed and inspected by the city prior to any authorized and permitted tree removal.
3. *Other protection.* It shall be unlawful for any person to allow machinery, soil deposits, harmful liquids or any substance that would cause disease or destruction of any trees protected by this section to encroach into or be stored within the drip line of the tree.
4. *Appeals.* Any person adversely affected by a decision of the zoning official or his representative may appeal to the planning and zoning commission through written notice filed with the City Clerk of the City of Mount Dora. The notice shall set forth all grounds for the appeal.
5. *Public property.* Trees on public parks and public rights-of-way and on city properties shall be subject to this section.
6. *Emergency waivers.* In case of emergencies, such as storms, a written permit for removal may be waived in the event the tree is endangering the public health, welfare or safety and requires immediate removal. Verbal authorization may be given by the city manager, the fire or police chief, the community development director or public services director or their designees.
7. *Parking areas.* No parking areas for more than two cars, public or private, shall be approved until a drawing has been presented to the zoning official showing site plan, existing trees, and plans for planting of trees to provide shade and aesthetic relief from the barrenness of open paving.

6.6.8. *Decorative entrances.* Decorative entrances, structures or landscaping shall not be permitted in a public right-of-way unless it can be shown to not conflict with any existing or proposed utilities and may be required to be removed if maintenance within the right-of-way is required. All decorative entrances must be approved by the public services director.

6.6.9 *Residential lot tree.* New residential developments or in cases when a new single-family or duplex dwelling is constructed a minimum one canopy tree as contained in this section shall be planted in the front yard. The canopy tree must be a minimum two-inch caliper, eight feet in height, and Florida number one grade or better. Said lot canopy shall be planted on each residential lot at a distance of three feet from the right-of-way line or any utility easement adjacent to the right-of-way, whichever is further from the center line of the road right-of-way for the lot in question. Addition trees and sizes are listed in section 6.14. residential design standards overlay zoning district.

(Ord. No. 714, §§ 18—20, 4-7-98; Ord. No. 720, § 2, 10-20-98; Ord. No. 751, §§ 11, 12, 12-7-99; Ord. No. 790, § 3, 7-17-01; Ord. No. 821, § 1, 10-1-02; Ord. No. 849, §§ 15—19, 6-15-04; Ord. No. 2007-937, § 2, 3-20-07; Ord. No. 2007-956, § 2, 8-21-07; Ord. No. 2008-1001, § 3, 6-17-08; Ord. No. 2008-1022, § 2, 10-21-08; Ord. No. 2011-02, § 2, 2-15-11; Ord. No. 2013-13, § 2(Exh. A), 10-1-13 ; Ord. No. 2020-20 , § 2, 5-4-21; Ord. No. 2021-09 , § 2, 7-20-21)



CITY OF MOUNT DORA

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
plandev@cityofmounddora.com

DATE: April 17, 2024

TO: Planning and Zoning Commission

FROM: Development Review Committee
Michele Janiszewski, AICP, Senior Planner

RE: Ordinance 2024 – XX
Land Development Code Amendments

Requested Action:

Staff is seeking input on amendments to the Land Development Code (LDC) from the Planning and Zoning Commission (PZC).

Background:

Staff frequently amends the LDC to ensure the Code is compliant with the Mount Dora 2045 Comprehensive Plan and Florida Statutes; and to ensure the Code efficiently protects the public health, safety, and welfare.

Staff Recommended Changes:

1. Update submittal requirements for development applications to reflect our paperless DRC process. For example, our code requires 12 copies of plats.
2. Establishing community meeting requirements for new developments based on an established threshold such as size of subject property, number of proposed dwelling units, or application type (e.g. PUDs).
3. Exempt de minimus structures from setback requirements such as mailboxes, lawn posts, flag poles, bird houses, utility poles, fences, paper boxes, driveways, utility piping, telephone and cable company connection boxes, sidewalks and walkways.
4. Define Personal Care Facilities as ‘A service use primarily engaged in providing services involving the care of a person, his or her apparel, pets, or small appliances. Some examples include barbershops, beauty shops, exercise studios, funeral homes, pet grooming, appliance repair/service, laundromats, health and fitness clubs, parcel delivery offices, etc.’
5. Define Professional Office as ‘An establishment providing executive, Management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a Permitted use. Typical uses include offices for: accountants, economic consultants and stock brokers; attorneys; Engineers, Architects, surveyors, draftsmen, industrial designing, model making, planners, sculptors

and artists, editorial and general designing, ceramic arts, and photographers; advertising agencies; insurance, real estate and/or escrow or abstract offices; secretarial and telephone answering services; and mortuaries and funeral homes.’

6. Update code criteria to reflect the Florida Statue exemption pertaining to residential group homes
7. Establish a reduced front setback for front porches
8. Update the reference to the Property Maintenance Code to reflect the latest edition and include reference to future amendments.
9. Include architectural design standards for accessory structures including:
 - a. Requiring a minimum eve / overhang of 12”
 - b. Minimum 4:12 roof slope
 - c. Prohibit vehicles, manufactured housing and mobile homes, from being used as accessory buildings / accessory structures
 - d. Require accessory buildings to be the same architectural style as the residence
10. Revise As-Built application criteria to include GIS information
11. Require Address Numbers to be 4 inches in size
12. Require residential lots to be fully sodded
13. Chapter IV rewrite for platting procedures (may be included in a future ordinance)
14. Revise the permitted uses within each zoning district to provide uniform uses throughout the code; provide definitions for uses; and include previously, unconsidered uses (future ordinance)

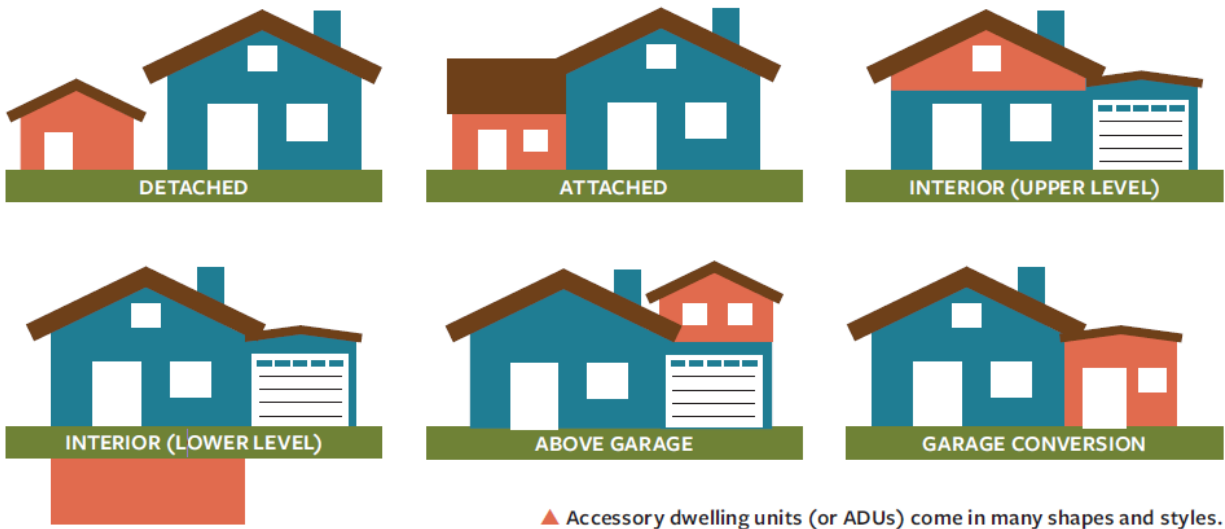
Accessory Dwelling Units

An Accessory Dwelling Unit is defined as a secondary living space that includes its own kitchen, bathroom, and sleeping area within or on the same property as the primary residence. They have various names including backyard bungalow, basement apartment, carriage house, garage apartment, granny flat, guest house, in-law suite, etc.

Accessory Dwelling Units provide additional opportunities to property owners including:

1. Enabling family members to reside on the same property while having their own living spaces.
2. Provide housing for a hired caregiver.
3. Provide rental income to homeowners
4. Provide an option for homeowners looking to downsize without moving into an apartment or an age-restricted community.
5. Offer young professionals an affordable housing option

Accessory dwelling units come in all types and can be attached or detached to the primary residence.



Currently, the only type of ADU our code allows are garage apartments. Garage apartments are defined as “a fully functional living unit containing cooking and sanitation facilities located in or above a garage.” Garage apartments are not permitted in single-family zoning districts and are only permitted in the duplex and residential professional zoning districts.

Guest cottages are permitted within the single-family zoning districts but they are not considered an ADU. Guest cottages are defined as “a detached accessory building located on the same premises of the main residential building, intended for intermittent or temporary occupancy by a nonpaying guest, and which has no cooking facilities.”

Staff has prepared a draft ordinance which would allow ADUs within all zoning districts with criteria to ensure the ADU is compatible with the neighborhoods.

Attachments:

Draft Ordinance for Accessory Dwelling Units
ABCs of ADUs

ORDINANCE NO: 202X-XX

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO REVISIONS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER I, OVERVIEW, CHAPTER III, ZONING REGULATIONS, CHAPTER VI, DESIGN STANDARDS AND CHAPTER VIII, DEFINITIONS; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Chapter 166, confers upon a local government, the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

WHEREAS, pursuant to its home rule powers, the City of Mount Dora may regulate land use matters and design standards within the City limits through the adoption of Land Development regulations; and

WHEREAS, from time to time the City of Mount Dora provides updates and amendments to its Land Development regulations; and

WHEREAS, the City finds that the amendments to its Land Development Code, as set forth herein, are consistent with all applicable policies of the City of Mount Dora Comprehensive Plan; and

WHEREAS, the City has determined that the amendments to its Land Development Code, as set forth herein, advance a legitimate public purpose and promote and protect the health, safety and welfare of the citizens of the City of Mount Dora.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City of Mount Dora has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

SECTION 2. AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER 1, OVERVIEW, CHAPTER III, ZONING REGULATIONS, CHAPTER VI, DESIGN STANDARDS, AND CHAPTER VIII,

DEFINITIONS. The City of Mount Dora Land Development Code Chapter 1, Overview, Chapter III, Zoning Regulations, Chapter VI, Design Standards, and Chapter VIII, Definitions, is hereby revised and amended as follows:

Note: Underlined words constitute additions to existing text, ~~strike through~~ constitutes deletions from existing text and asterisks (***) indicate omitted parts which are intended to remain unchanged.

3.4. - Establishment of zoning districts.

3.4.9. *RP Residential Professional District.*

1. *Description of district.* This district is established to provide areas where existing residential structures can be utilized for office use and not adversely affect adjacent property owners or traffic patterns. The district would generally be found in transitional neighborhoods along major roads and adjacent to commercial areas to provide a transition to adjacent residential areas. Areas of the city appropriate for this district are included in the residential professional/office designation on the future land use map of the comprehensive plan.
2. *Permitted uses:*
 - a. Single-family homes and customary accessory uses, including boathouses for storage of watercraft, not including sea planes, ~~and not for human occupancy~~, of no more than 25 feet in height.
 - b. Duplexes meeting R-2 development standards.
 - c. Public buildings, public facilities, and public uses.
 - d. Fire and police stations.
 - e. Home occupations (subsection 3.5.12).

Section 3.5. - Supplemental regulations.

3.5.4 *Accessory buildings/structures and uses in residential district.*

1. When an accessory building is attached to a main structure by a breezeway, passage or otherwise, it shall comply with setback requirements of the main building. No more than two accessory structures shall be permitted on a single lot.
2. A detached accessory building, ~~also a garage apartment~~, shall not be closer than five feet to a side or rear lot line; accessory buildings shall not exceed 600 square feet.
3. Residential districts: Screen rooms (covered roofs are allowed), decks and/or patios shall be five feet from the rear property line and the side yard setback shall be pursuant to the underlying zoning district. Screen rooms, decks, and/or patios are not allowed within any platted easement.
4. For waterfront lots, accessory buildings/structures shall not be located within 25 feet from the normal high-water control level of the lake (does not include boat dock).

5. An accessory structure is incidental and subordinate to the principal structure. There must be a permitted principal structure on the same parcel prior to installation and permitting of an accessory structure.
6. Height limit. No accessory structure shall exceed a height of 25 feet or the height of the dwelling unit, whichever is greater.
7. Exempt structures: Play equipment and pet shelters. Children's play equipment, movable dog houses, and similar structures may be placed within a required rear setback without limitation on location.
8. An accessory building shall provide a minimum overhang of 12"; designed with a roof slope no less than 4:12; and be the same architectural style as the principal dwelling unit.
9. Manufactured housing, mobile homes, and recreational vehicles are prohibited from being used as accessory structures.

3.5.31 Accessory Dwelling Units

1. Accessory dwelling units are permitted as an accessory use to single-family dwelling units within all residential and residential professional zoning districts.
2. No more than one accessory dwelling unit shall be permitted on a lot.
3. Detached accessory dwelling units shall adhere to the setback, height, and design criteria requirements for accessory structures established in Section 3.5.4.
4. Attached accessory dwelling units shall adhere to the setback and height requirements established by the underlying zoning district.
5. A property containing an Accessory Dwelling Unit shall be occupied by the owner of the premises, and the owner may live in either the Accessory Dwelling Unit or the Principal Dwelling Unit. Prior to the date a building permit is issued for an Accessory Dwelling Unit or prior to the use of an existing Structure as an Accessory Dwelling Unit, the Owner Shall execute and the County Manager or designee Shall record in the public records of Lake County, Florida, at the Owner's expense, a legal document that requires the principal dwelling and the Accessory Dwelling to remain in the same ownership and limiting occupancy of either the Principal Dwelling Unit or the Accessory Dwelling Unit to the owner of the property. Proof that such restrictions has been recorded shall be provided to the City Manager, or designee, prior to issuance of the occupancy permit for the Accessory Dwelling Unit.
6. An accessory dwelling unit shall provide a minimum overhang of 12"; designed with a roof slope no less than 4:12; and be the same architectural style as the principal dwelling unit.

7. Accessory Dwelling Units may be used as a rental dwelling unit as long as a rental license is obtained.
8. Accessory dwelling units shall have an assigned address and may have separate utility meters.
9. Impact fees shall be paid for the accessory dwelling unit.

CHAPTER VIII. – DEFINITIONS

The following definitions shall apply throughout this code. Words not specifically defined or otherwise explained within this code shall be as defined in a standard dictionary or as understood by the development review coordinator. Definitions specifically related to signage shall be found within Chapter VI, Design Standards, Section 6.7, Signs.

Accessory Dwelling Unit: means an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing within the same structure, or on the same lot, as the primary dwelling unit. The accessory dwelling unit may be a separate and detached unit, an attached unit to the principal structure, a repurposed existing space within the principal structure, an apartment over a garage, or a similar structural form.

Garage: As required for residential structures, a garage shall be a structure consisting of three solid walls and one door of appropriate size to allow parking of at least one standard size automobile. Minimum garage size shall be 12 feet by 20 feet. Garages shall not extend into any setback. Garages must also be architecturally similar to the primary structure in design and materials.

Guest house or cottage: A detached accessory building located on the same premises of the main residential building, intended for intermittent or temporary occupancy by a nonpaying guest, and which has no cooking facilities.

~~Garage apartment: A fully functional living unit containing cooking and sanitation facilities located in or above a garage. Garage apartments shall not be allowed in single family zoning districts and shall be considered a separate unit in multifamily residential zoning districts.~~

SECTION 3. IMPLEMENTATION OF ADMINISTRATIVE ACTIONS.

The City Manager is hereby authorized and directed to take such actions as deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS.

A. The revisions to City of Mount Dora Land Development Code, as set forth in Sections 2 above shall be codified in the City of Mount Dora Code of Ordinances.

B. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Land Development Code.

C. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 5. SAVINGS CLAUSE. All prior actions of the City pertaining to the amendments to the City of Mount Dora Land Development Code, as well as any and all other applicable matters, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 6. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 7. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon enactment by the City of Mount Dora.

PASSED AND ADOPTED this _____ day of _____, 2024.

FIRST READING: _____

SECOND READING: _____

MAYOR of the City of Mount Dora, Florida

ATTEST:

Jeanann Hand, City Clerk

For the use and reliance of City of Mount Dora only.
Approved as to form and legality.

City Attorney



The ABCs of ADUs

A guide to
Accessory Dwelling Units
and how they expand housing options
for people of all ages



DETACHED ADU



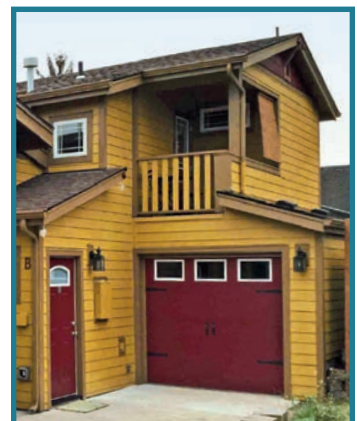
BASEMENT ADU



GARAGE-CONVERSION ADU



ATTACHED ADU



SECOND-STORY ADU

[AARP.org/ADUs](https://www.aarp.org/ADUs)



Websites: AARP.org and AARP.org/Livable
Email: Livable@AARP.org
Facebook: /AARPLivableCommunities
Twitter: @AARPLivable
Free Newsletter: AARP.org/LivableSubscribe

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.

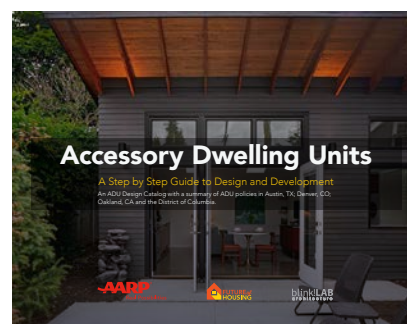
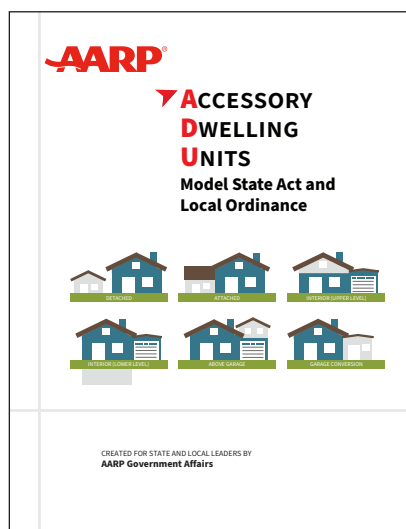
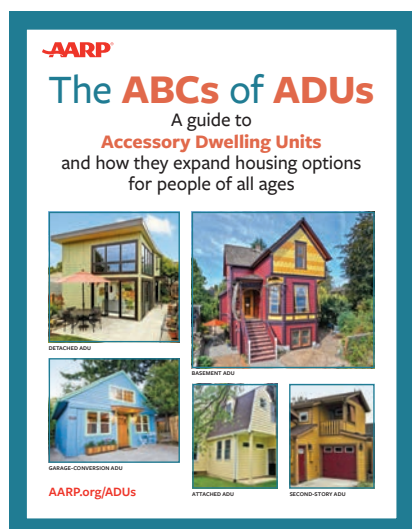


Website: OrangeSplot.net
Email: eli@OrangeSplot.net

Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the *New York Times*, *Sunset* magazine and on NBC's *Today* show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 300 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website AccessoryDwellings.org and serves as chair of Portland, Oregon's Planning and Sustainability Commission.

AARP and Accessory Dwelling Units

Visit AARP.org/ADU to order or download our free publications and find more resources about ADUs.



AARP's ADU Publications
(from left): This introductory guide; guidance about creating an ADU model state act or local ordinance; a detailed guide to design and development.

Welcome! Come On In

Accessory dwelling units are a needed housing option for people of all ages

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall, the decrease in households with children and the national housing shortage — will continue to boost the demand for smaller homes and affordable, quality rental housing.

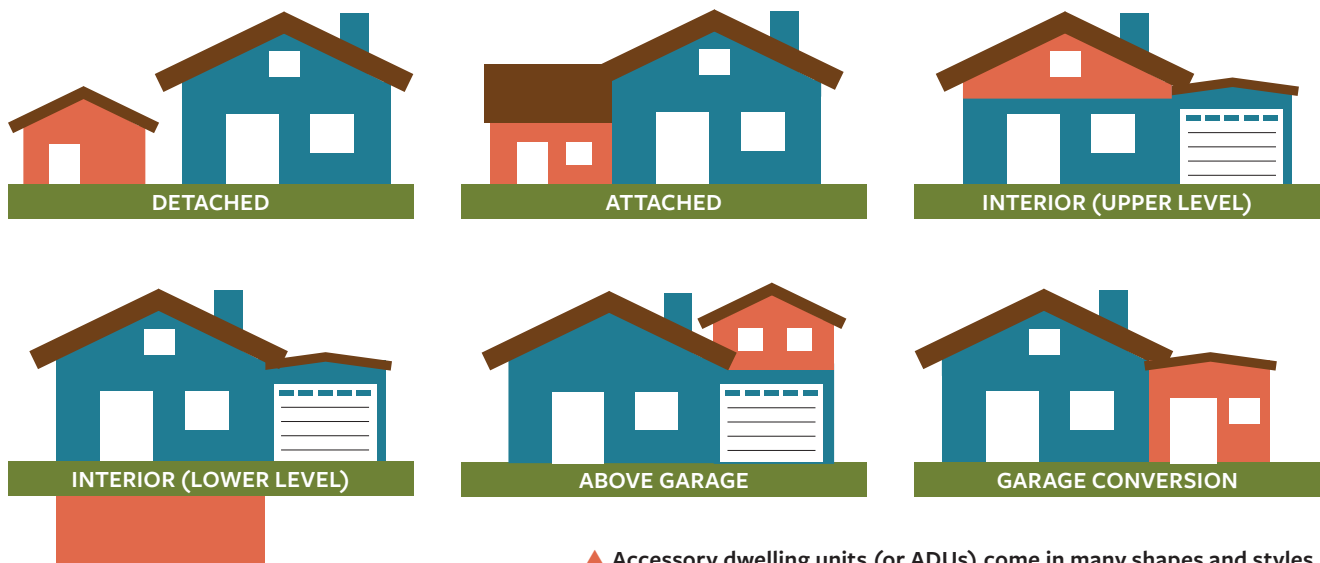
As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2021 AARP Home and Community Preferences Survey, adults age 18 or older who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (86%)
- provide housing for relatives or friends (86%)
- have a space for guests (82%)
- create a place for a caregiver to stay (74%)
- increase the value of their home (69%)
- feel safer by having someone living nearby (67%)
- earn extra income from renting to a tenant (63%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and entire states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs. ■



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can support the creation of ADUs as a way to expand and diversify housing options.

What ADUs Are — And What They Can Do

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what’s being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs are found in cities, in suburbs and in rural areas, yet are often invisible from view because they’re positioned behind or are tucked within a larger home
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can enable family members (including family caregivers) to reside on the same property while having their own living spaces
- An ADU can provide housing for a hired caregiver
- An ADU can provide rental income to homeowners
- ADUs are a practical option for tenants seeking small, affordably priced rental housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if they’re older, an age-restricted community
- ADUs can help older residents remain independent and “age in place”
- As an adaptable form of housing, ADUs provide flexible solutions for changing needs. ■



▲ Accessory dwelling units show up in neighborhoods throughout the country — and even in pop culture. One example: In the sitcom *Happy Days*, Fonzie (right) rents an above-garage ADU from the Cunningham family in 1950s-era Milwaukee, Wisconsin.

CREATIVE COMMONS

ADUs Are Also Known As ...

Although most local governments, zoning codes and planners in the United States use the term *accessory dwelling unit* or *ADU*, these small homes and apartments are known by dozens of other names. The different terms conjure



▲ Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot’s primary residence, pay her home mortgage.

up different images. (Who wouldn’t rather live in a “carriage house” than in an accessory or “ancillary” unit?) Even if you’ve never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted in the list at right. ■

- accessory apartment
- backyard bungalow
- basement apartment
- casita
- carriage house
- coach house
- English basement
- garage apartment
- granny flat
- guest cottage
- guest house
- in-law suite
- laneway house
- multi-generational house
- ohana unit
- secondary dwelling unit

PHOTO AND LIST FROM ACCESSORYDWELLINGS.ORG

ADUs Come in Many Shapes and Styles

Since ADUs are custom designed and created, they're able to fit discreetly into all sorts of locations, including suburban subdivisions, walkable towns, urban neighborhoods — and, of course, large lots and rural regions.



◀ A **DETACHED ADU** (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon
Photo by David Todd



▲ An **ATTACHED ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear. Such units can have a separate or shared entrance. In this example, the owners built a connection between the house and what was a detached garage. The addition and the space above the garage contain the ADU, which has its own entrance (pictured at right).

Location: Anne Arundel County, Maryland
Photo by Melissa Stanton, AARP



▶ Access to an **UPPER-LEVEL ADU** can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU is part of a 1,900-square-foot primary dwelling.

Location: Portland, Oregon
Photo by Eli Spevak,
Orange Splot LLC



▲ A **GARAGE ADU** converts all or part of an attached or detached garage into a residence. Other options: adding an ADU above a garage or building a new unit for both people and cars.

Location: Cape May, New Jersey
Photo by Melissa Stanton, AARP



▲ A **LOWER-LEVEL ADU** is typically created through the conversion of a home's existing basement (provided that height and safety conditions can be met) during construction of the house or (above and on page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Chris Nascimento

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an economical housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only.
- Many ADUs are created for family members or friends to reside in for free or at a discounted rate. In fact, when a loved one is in need of care or can't live alone, an ADU can be a viable alternative to a costly assisted-living facility.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the *only* affordable rental choices in single-family neighborhoods, which typically contain few or no small or rental housing options at all.
- The state of California and some municipalities are boosting ADUs by providing grants and other incentives as part of affordable housing and anti-displacement strategies to help lower-income households build ADUs or reside in them at reliable rents.

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a community than other options, such as multistory apartment buildings.
- ADUs are typically managed by homeowners who live on the premises. Such landlords are less likely to tolerate a destructive tenant.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are able to house people of all ages

- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.
- An ADU's use can be adapted for different household types, income levels, employment situations and stages of life. ■

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2020
Median square footage of new single-family homes	983	2,261
Number of people per household	3.8	2.5
Square feet of living space per person	292	904

FACT: ADUs house more people per square foot of living area than single-family homes do.

HOME VISIT #1

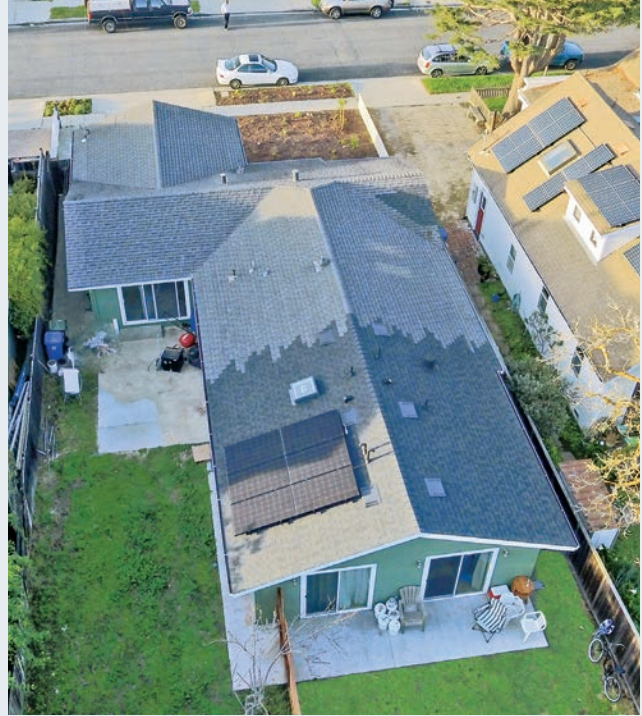
Attached ADU Addition

Santa Cruz, California

Size: 500 square feet



AARP



▲ The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.

◀ ▼ The Whitleys' ADU (that's Carrie showing off the front yard's new paths and plantings) has its own entrance on the side of the home and is being rented to the couple's daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than \$15,000. Nearly 50 years later, similar homes on their street have sold for more than \$1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don't want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," Brenda says.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: \$158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (AARP 2018)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

ADUs Are an American Tradition

While today's interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation's households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people who owned land built as many homes as they wished, often for extended family or workers. There were few or no zoning rules, municipal services or infrastructure needs (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the “carriage house,” or “coach house.” Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers such as stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were

converted into rental homes. By becoming landlords, the owners gained income from their often unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing “coach house” ADUs — but only if they remained consistently occupied. In Houston's historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

Many communities don't allow new ADUs, even if they did in the past. Even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings or continuing to live in preexisting ones. Countless units in single-family homes or yards are technically illegal simply because they date from when such units were not allowed.

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release a model state act and local code for ADUs. An updated resource was published by AARP in 2021. (See an image of it on the inside front cover of this guide.)

Many state and local governments are legalizing and encouraging the creation of ADUs (see page 8), driven by high housing costs and, in some cases, the belief that homeowners with suitable space shouldn't be so restricted in the use of their property. ■

▼ This carriage house containing a one-bedroom, one-bath ADU above a two-car garage sits behind a six-level, Gilded Age, Hoboken, New Jersey, townhome that was built in 1883. The dual residence property was on the market in 2018 for \$5 million.



HOME VISIT #2

Garage Apartment ADU

Denver, Colorado

Size: 360 square feet



▲ The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.

“I see our ADU as something very similar to a student loan,” says Mara Owen. “It’s something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It’s great knowing we can check in on her whenever.”

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home’s many residents would be to remove their “leaky and defunct” garage and build a new two-car garage with an apartment above it.

WISE ADVICE: “Get a really great builder and architect,” says Owen. “Interviewing architects was similar to a first date. It’s not just who you feel connected with. That’s important, but get to the values. It’s a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different.”

FUTURE PLANS: The stairs to Diane’s apartment are wide enough for a stair lift, if it’s ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: \$167,000 in 2016 | Photo by Mara Owen | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org. Visit the website to read about and see photographs of more ADU projects.

HOME VISIT #3

Basement ADU

Portland, Oregon

Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.

TEACHING MOMENT: “Here’s a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!” declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company’s website, he says the project provides a lesson in how to “adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home.”

HOW’D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.



▲ By lifting the house and digging beneath it, designers, engineers and builders turned a two-story, single-family home into a three-story, multifamily residence. (The ADU’s entrance is pictured on page 3.)

THE ACHIEVEMENT: Adds Lakeman: “Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment.”

*Design: Communitecture | Home Lift: Emmert International
Builder: Tom Champion | Cost to build: \$125,000 in 2015 | Photos by Communitecture (before) and Chris Nascimento (after)*

The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met. Others start with those basic standards and then layer on extra requirements that can make it challenging to create an ADU. (Learn more on pages 14 and 15.)

Municipalities nationwide have been relaxing their restrictions against ADUs, and several states now require communities to allow them. Some examples:

- New Hampshire and Vermont allow ADUs nearly everywhere single-family housing is permitted. New Hampshire's 2017 legislation stemmed in large part from the frustration of builders who couldn't construct the backyard cottages and garage apartments their clients desired.
- In 2020, the California legislature declared that "allowing accessory dwelling units in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs." The state allows up to one ADU and one JADU per lot. (What's a JADU? See page 14.)
- Oregon requires cities and counties of certain sizes to allow ADUs in all single-family areas within urban growth boundaries. In 2021, the state extended ADU rights to rural residential areas.
- Other states allowing ADUs include Connecticut, Rhode Island and Utah. Many cities now allow ADUs, including Anchorage, Alaska; Atlanta, Georgia; Annapolis, Maryland; Asheville, North Carolina; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Louisville, Kentucky; Philadelphia, Pennsylvania; Phoenix and Tucson, Arizona; Seattle, Washington; and Washington, D.C. ■

► Located on the lowest floor of a town house, an English basement is a partially belowground apartment that has its own exterior entrance. They are typically found in older cities such as New York or (pictured) Washington, D.C. In the past, property owners used the space as servant quarters. Today, these essentially built-in ADUs are often used as rental apartments.

To Encourage ADUs

LOCAL OFFICIALS can ...

- allow all ADU types (detached, attached, interior)
- simplify the building permit process for ADUs
- waive or reduce permit and impact fees
- establish funding programs to help homeowners create ADUs
- let garages be converted into ADUs without requiring replacement off-street parking
- allow for the creation of a second ADU, subject to a combined size cap

COMMUNITY PLANNERS can ...

- adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can ...

- work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can ...

- organize tours of completed ADUs in order to inform and inspire the community
- educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can ...

- educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can ...

- report on how and why homeowners build ADUs



PHOTO: SARAH DALE FOR AARP

HOME VISIT #4

Internal ADU (Main Level)

Portland, Oregon

Size: 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

AH-HA MOMENT: According to Joan Grimm, who owns the home with Rita Haberman: “What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn’t have to be complicated.”

REAL LIFE: “Creatively carving out an ADU from the main floor of our house saved on design and construction costs,” Grimm adds. “It provides an opportunity for rental income, with no significant compromise to the livability of our home.”



▲ The steps and side entrance lead to the studio apartment ADU, which was crafted out of an existing space. The covered porch to the right leads to the primary residence. The ADU contains a kitchen, small dining and living area, sleeping area, bathroom and laundry area. (See two interior photos on pages 19 and 20.)

*Design: Rita Haberman | Builder: RS Wallace Construction
Cost to build: \$55,000 in 2015 (with some work done by the homeowners)
Photos courtesy Billy Ulmer | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

HOME VISIT #5

Internal ADU (Lower Level)

Portland, Oregon

Size: 795 square feet

“We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process,” Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. “An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can’t handle the stairs any longer.”

THE SOUND OF SILENCE: Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that’s below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: “Think about how you live in your home and how having downstairs neighbors will change what

▼ The door to the right of the garage leads to a ground-floor ADU with windows along the back and side walls. The upper-level windows are part of the main residence.



you can and can’t do with your space and what investment you are prepared to make in sound insulation.”

AN ADDED BONUS: “We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home.”

*Design: DMS Architects | Builder: Weitzer Company | Cost to build: \$261,000 in 2016 | Photo by Melissa Stanton, AARP
Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org*

Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby ■



▲ The zoning code in Evanston, Illinois, permits accessory dwelling units, creating an opportunity for the owners of this 1911 home with an outbuilding in the backyard.

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated *amateurs*.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality's planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren't cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about \$50,000, new detached ADUs often exceed \$150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that's the plan, it's worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.



▲ Walt Drake’s southern-style, one-bedroom ADU has an outdoor, wraparound porch that can be accessed without using steps. The design is in keeping with other buildings in the neighborhood.

HOME VISIT #6

Detached ADU (One-Story)

Decatur, Georgia

Size: 800 square feet

When Walt Drake decided to downsize, his son Scott purchased his dad’s house for himself and his family and built a detached ADU (or DADU) for Walt.

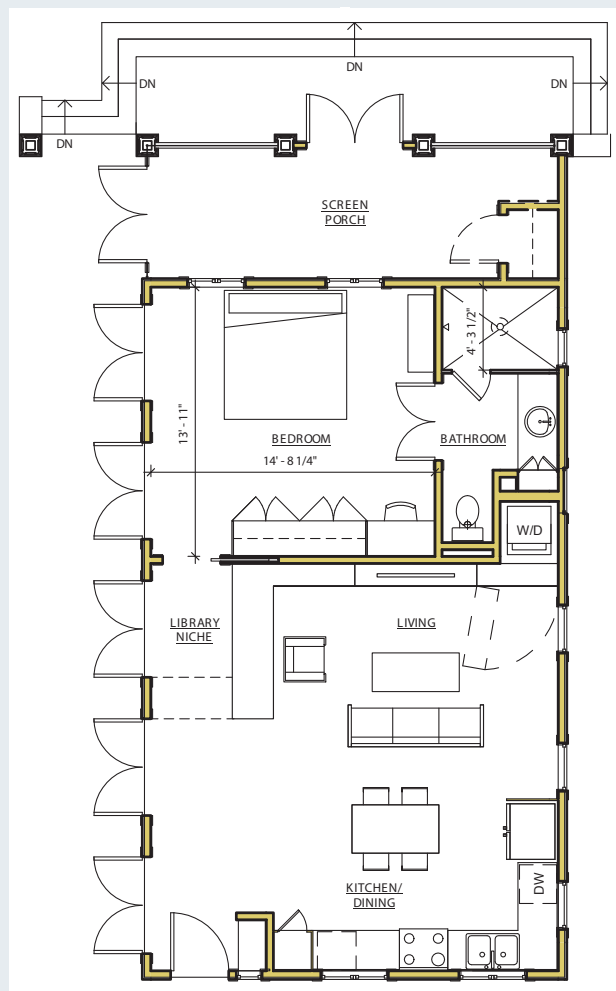
“From not finding what we wanted for Dad, we decided to create it,” says Scott. “Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years.”

NEAR AND FAR: “We wanted the houses to be separate and to feel like we’re each on our own property, but we’re there for each other,” says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn’t have to leave his home and neighborhood. “He was able to keep his own stuff and turn over what he didn’t need to us,” says Scott. “It kept my dad in place, which I think was important.”

FUTURE PLANS: Scott says the ADU is “serving its intended purpose” but that someday down the road it could be used as a long- or short-term rental. “The ADU could turn into lots of different things over the course of its lifetime.”

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: \$350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org



ADUs Are Age-Friendly Housing

New-construction ADUs can be created with “universal design” features

An “age-friendly” home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Converted garages (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they’re preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the *AARP HomeFit Guide* at AARP.org/HomeFit.

HOME VISIT #7

Detached ADU (Two-Story)

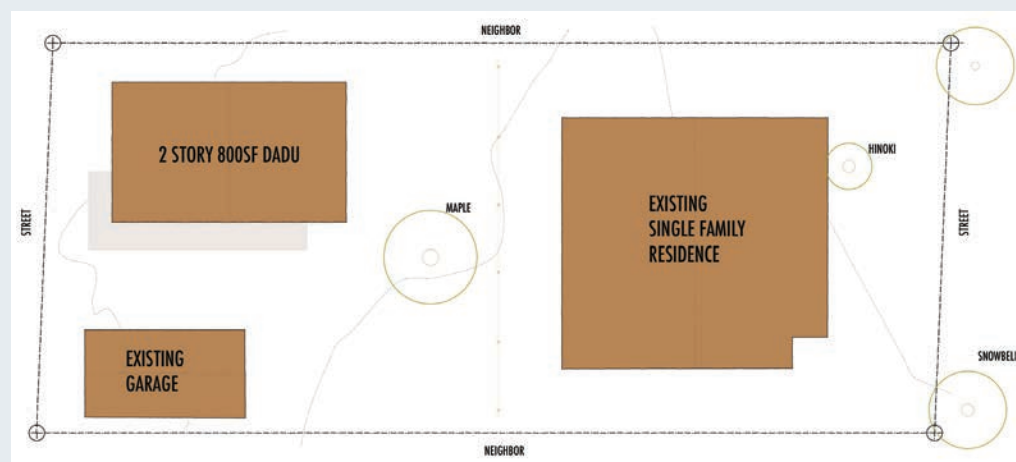
Seattle, Washington

Size: 800 square feet

Evelyn Brom’s plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that *she* wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The \$3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. “Being laid off has made this arrangement a lifesaver,” Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. “Now I have options,” she says.



▲ There’s a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.

◀ Although Brom’s property is only 0.13 acres, it’s large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.

Design: Chrystine Kim, NEST Architecture & Design | Builder: Ian Jones, Treebird Construction | Photo by Alex Hayden
Cost to build: \$250,000 in 2014 | Article adapted from *Where We Live: Communities for All Ages* (AARP 2018)

HOME VISIT #8

Detached Bedroom

St. Petersburg, Florida

Size: 240 square feet

Bertha and her son John talked about someday buying a house with a mother-in-law suite. “Then one day someone came along and wanted my house, so I up and sold it,” she explains. “But that left me homeless. I asked John if I could build a small house in his backyard and he agreed.”

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that’s what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT’S INSIDE: Bertha’s home contains a sleeping and living area and a full bathroom. “I paid for the little house and it’s on my son’s property. So I figured, if I’m cooking I can do it at my son’s house,” she says. (Her laundry is also done at his house.)



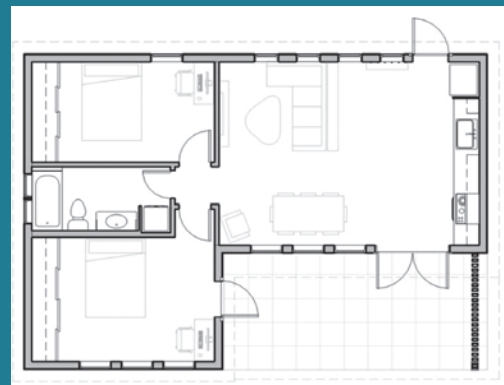
▲ A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.

REAL LIFE: “Having access to my son’s house makes it livable. Otherwise, I personally would not be happy. It’s very comforting to know that John is close by. Hopefully this will be my home forever.”

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: \$50,000 in 2017 | Photo by Historic Sheds | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

Trading Spaces

An ADU is always the smaller of two dwellings on a property, but it’s possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling. Or the opposite can happen! Tired of living in an older house that didn’t get a lot of natural light, the home’s owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. The original, larger home has become a rental.



▲ Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

*Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: \$185,000 in 2017
Adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

Practical Solutions for ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. ADU regulations are typically adopted at the local level, although several state legislatures have required cities to allow them.

Where it's legal to build ADUs, homeowners still need to follow rules about where it can be done, how many square feet they can contain, how they can be used. These rules can be found in the local zoning code.

There is a balance to strike between prudent ADU laws and encouraging their construction. For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to \$12,000), the number of ADUs built rose from about 30 per year between 2000 and 2009 to nearly one a day in 2015.

Changes in California's ADU rules saw Los Angeles go from 80 applications in 2016 to nearly 2,000 in 2017. Allowing Sonoma County homeowners to add both an ADU and a JADU (see the green box below) were among the policies adopted in the wake of the area's many devastating fires.

Well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that ADUs get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing can establish occupancy rules.

Every community has its own priorities and concerns, and there's a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.) ■

Rules that discourage ADUs

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

Are ADUs allowed?

Find out by calling your town, city or county office in charge of land use and permits — or stop by in person. You can also search for and read the zoning code through the local government's website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed and you want them to be, ask an elected official or your community's department of zoning and planning how the codes can be updated.
- Then get organized and start advocating!

JUNIOR ACCESSORY DWELLING UNITS (or JADUs) are smaller than 500 square feet and have a separate entrance but are created within the existing dwelling. A JADU can share a bathroom with the main house and contain a basic kitchen equipped with small plug-in appliances.

Creating (or Understanding) an ADU Zoning Code

The ADU section of a community's zoning code needn't be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. A Definition: A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: “An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.”

2. The Purpose: This is where the code describes key reasons a community allows ADUs. They should:

- increase the number of housing units while respecting the style and scale of the residential neighborhood
- bolster the efficient use of existing housing stock and infrastructure
- provide housing that's affordable and responds to the needs of smaller, changing households
- serve as accessible housing for older adults and people with disabilities

3. Eligibility: Who can build an ADU and on what type of lot? A statement in this part of the code clarifies that an ADU can be placed only on a “residentially zoned lot.” (Some communities provide lot size standards.)

4. Creation: The code sets out how an ADU can be built. For instance: “An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site.”

5. Quantity: Most municipalities that permit ADUs allow one per lot. Those allowing two typically permit one internal and one external. Some allow duplexes or townhomes to have an ADU, either in the backyard or on the ground floor.

6. Occupancy and Use: A code should state that the use-and-safety standards for ADUs match those used for the main dwelling on the property. (See page 17 for more.)

Visit [AARP.org/ADU](https://www.aarp.org/ADU) to download **Accessory Dwelling Units: Model State Act and Local Ordinance**, a free publication that can be used by state and local officials to develop ADU policies.

7. Design Standards:

- **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance: “An ADU may not exceed 1,000 square feet or the size of the primary dwelling, whichever is smaller.” Codes often limit detached ADUs to 1.5 or 2 stories in height. An example of that language: “The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.”
- **Parking:** Most zoning codes address the amount and placement of parking. Some don't require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
- **Appearance:** Standards can specify how an ADU's roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more.)

8. Additional Design Standards for Detached ADUs:

- **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached units that don't meet that standard.) Although such a rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
- **Building coverage:** A code will likely cap the combined lot coverage of a detached ADU and the primary dwelling to a specific percentage.
- **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules. ■

ADU “Hot Topics”

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they'll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors. Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticeable from the street

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.



▲ Providence, Rhode Island, has many homes that were built as or long-ago converted into multidwelling units. (Notice the two front doors.) A homeowner can live in one apartment while renting out the other.

Providing places to park

ADU regulations often include off-street-parking minimums on top of what's already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there's insufficient space for added parking. However, the extra parking often isn't needed.

Studies of Portland, Oregon, and the San Francisco Bay area found that ADU households own an average of 0.9 cars. That's half the national average of 1.8 cars per household. With just over 2 percent of Portland homes having an ADU (the highest percentage of any large city in the country), there's roughly one extra car parked on the street every six blocks. This suggests that, even in booming ADU cities, any impact on street parking from ADUs is likely to be very small and dispersed. More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling's existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using a combination of off-street parking, curb parking and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It's not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren't reflected in certificates of occupancy or by safety inspections. Sadly, in 2021, several city residents living in unsafe basement apartments drowned in their homes due to flooding caused by Hurricane Ida.

Some cities have found that legalizing ADUs, simplifying ADU rules and/or waiving fees can be effective at getting the owners of illegal housing units to “go legit” — and address safety problems in the process. ■

Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities prefer the simple approach: regulating ADUs like other homes. So if a home-based child-care service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples of those regulations include:

Limiting short-term rentals

ADUs tend to work well as short-term rentals. They're small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that's affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they “greatly value the ability to use an

ADU flexibly.” For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visiting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals can regulate them across all housing types. Doing so might mean that special rules are not needed. An approach employed in Portland, Oregon, is to treat ADUs the same as other residences except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

Requiring owner occupancy

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by requiring that an annual statement confirming residency be filed. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate. ■



◀ The zoning code of Brevard, North Carolina, a city of fewer than 10,000 residents, allows ADUs, which are referred to as “secondary dwelling units” and are allowed “within residentially-zoned, single-family and duplex lots.” The code states that such homes “shall be encouraged and designed to meet housing needs,” adding that “[s]econdary dwelling units shall be accessory and subordinate to the primary living quarters.” In the image at left, the one-story cottage is the primary dwelling. The apartment above the detached garage is the secondary dwelling.

Inside Spaces

ADUs vary from studio apartment-like spaces to multi-bedroom, multi-story structures. Regardless of size, the result is a needed residence



▲ A top floor ADU can be a suitable rental for a student or someone who travels a lot for work. ADU expert Kol Peterson grew up in a home with an attic ADU that was usually rented to law school students. “They had to walk up the primary house’s interior stairs in order to access the affordable attic unit,” he writes in *Backdoor Revolution: The Definitive Guide to ADU Development*. “Over the years that each of them lived there, the tenants became part of our family.”



▲ The alcoves in the ADU area above a garage provide a light-filled work space in one, and a reading nook in the other. (See the attached ADU’s exterior on page 3.)



▲ This studio apartment internal ADU uses a wardrobe cabinet to separate the bedroom from the living area and kitchen (seen on page 19).

PHOTOS: KOI PETERSON, BUILDING AN ADU.COM (TOP) | MELISSA STANTON (BOTTOM LEFT) | BILLY ULMER (BOTTOM RIGHT)



▲ As an independent living space, an ADU has its own bathroom and kitchen. Depending on the available square footage — and sometimes on the local zoning code or the property’s plumbing and utility connections — an ADU might have a full kitchen with full-sized appliances and a dining area (top) or a smaller but functional kitchenette. This interior is from the detached ADU pictured below right and on the back cover. Fun fact: A coat closet and extra kitchen shelving are built into the base of the circular staircase. In a small home, every bit of space counts!



▲ The kitchen of this internal ADU (also seen at the top of page 9 and in the bedroom image at left) has a full-sized range but a mini-refrigerator. Some ADU owners install a one- or two-burner electric cooktop and a convection microwave in lieu of an oven.



▲ The second story of this detached ADU is accessed by the spiral staircase shown in the image at top. The space features a bedroom and a sitting area that could be used as a nursery, office or den. A full-sized, stacked washer-dryer is hidden behind a closet door.

Just One More

While not technically ADUs, tiny houses can serve a similar purpose

Because tiny houses are typically built on a trailer with wheels rather than a fixed foundation, they are usually treated by zoning as recreational vehicles (RVs) or manufactured (aka mobile) homes. In Portland, Oregon, and a growing number of smaller cities, tiny houses can be legally occupied on any residentially-zoned lot. Since they're small — typically under 400 square feet — tiny houses can fit in a space too small for an ADU. Many include a kitchen and bathroom. Some function more like a detached bedroom. A unique plus: Unlike ADUs, tiny houses can move to a new location as needed.



◀ ▲ “The Lucky Penny” tiny house measures 8 feet wide by 14 feet, 6 inches long and provides 100 square feet of living space. The home, which is located in the backyard of a single-family residence, features a pullout bed, a kitchenette, a shower, built-in storage, and three large windows plus a skylight to provide lots of nature light.



◀ ▼ ADUs are sometimes used as short-term rental units for travelers. The “Kangablu,” is one of several units at Caravan, the “world’s first tiny house hotel.” At 170 square feet, the home is the largest tiny house on the lot, located in the Cully neighborhood of Portland, Oregon. The tiny space includes a kitchen, living area, bathroom (with a shower and toilet) and a sleep loft.



Top: Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Dutilh, PhotoXplorer
Bottom: Design and Builder: Benn Kovco | Photos by Jeff Freeman Photography

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages

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Back: Kol Peterson, *BuildingAnADU.com* | Eli Spevak, Orange Splot LLC | Schuyler Smith, Polyphon Architecture & Design, LLC

A NOTE TO READERS: Many of the photographs and project examples in this publication are from Portland, Oregon, which was one of the first municipalities in the nation to allow and encourage the creation of accessory dwelling units.

To learn more about ADUs — and to order or download this guide — visit [AARP.org/Livable](https://aarp.org/Livable).

Other useful resources include:

- *AccessoryDwellings.org*
- *BuildingAnADU.com*
- *Planning.org* (the website of the American Planning Association)
- And the websites of the states, cities and towns mentioned in this guide as allowing and encouraging the creation of accessory dwelling units.



ABOVE-GARAGE ADU



DETACHED-BEDROOM ADU



DETACHED ADU

- An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)
- ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.
- An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.
- Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.
- ADUs help to improve housing affordability and diversify a community's housing stock without changing the physical character of a neighborhood.
- ADUs are a beneficial — and needed — housing option for people of all ages.

Learn more about ADUs and
order or download

The ABCs of ADUs
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