

GENERAL INFORMATION

Subject

Request	-	Text Amendment adding Accessory Dwelling Units as a permitted use
Applicant	-	Toledo-Lucas County Plan Commission

Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The proposed text amendment is designed to allow Accessory Dwelling Units (ADUs) as a permitted use in Zoning Districts that allow residential uses. The trajectory of ADU legislation is growing throughout the country as more states and local communities grapple with providing diverse and affordable housing options. A report by the American Association of Retired Persons (AARP) and other planning studies have identified multiple reasons that are encouraging cities to reconsider housing and land use regulations to support the expansion of ADUs. The aging of the U.S population and the growing need for housing that serves people of all ages as well as fiscal and density benefits of infill development are some of the reasons ADUs have become one of the policy solutions for housing needs across the country (Been, Gross, & Infranca, 2014) (Stacy, Noble, Morales-Burnett, & Lo, 2020).

ADUs have been around for a long time and used to be known as carriage houses before they became largely not permitted in the 20th century as new zoning ordinances focused primarily on the housing needs of the traditional nuclear family (Rodney & Dvorak, 2021). ADU is a general term for an independent dwelling unit on the same lot as the principal single-family unit. They are sometimes called granny flats, backyard cottages, and in-law suites. ADUs are usually a fully self-contained home with its own kitchen, bathroom(s), and sleeping area. ADUs are a valuable tool to help communities create a broader range of housing options and facilitate better use of existing housing fabric in established neighborhoods. They also provide an independent living space for families, especially seniors, to age in place without sacrificing closeness. It is also a flexible and efficient secondary income source that supports long and short-term rentals, making it an avenue for property owners to maximize the value of their property.

Types of Accessory Dwelling Units

ADUs are broadly categorized into three groups: internal, attached, and detached. An *Internal ADU* is a dwelling unit created within the existing building without increasing the footprint of the primary structure. The *Attached ADU* is a dwelling unit designed by expanding the floor area of the existing building. A *Detached ADU* is separate from the main structure, or converting or expanding the floor area of an existing accessory structure.

STAFF ANALYSIS (cont'd)

Proposed Amendment

Currently, the zoning code does not permit ADUs and considers them an illegal use. The proposed regulation will legalize ADUs on all lots with single-family residential uses. ADUs will only be allowed on lots with single-unit attached or detached dwelling units and must be built on the same lot as the main structure. An ADU may be permitted in a nonconforming single unit attached or detached; however, the structure may not be altered in any manner that further increases the degree of nonconformity and shall be subject to **TMC§1114 Nonconformities**. Additionally, ADUs will be subject to the regulations of the underlying zoning district. An existing accessory structure that does not meet the dimensional standards of the underlying zoning district may be converted into an ADU. However, the structure may not be modified to increase the nonconformity.

All ADUs shall also comply with the design standards of the proposed text amendment (**M-22-24**). ADUs shall be limited to one (1) per lot in addition to one (1) accessory structure. An ADU's maximum gross floor area may not exceed 800 square feet or 60% of the floor area when attached to the primary structure. Applicants who do not meet these standards may request a waiver through the Board of Zoning Appeals. A Certificate of Zoning Compliance shall be required for all ADUs and must meet all provisions of the Building Code requirements.

Forward Toledo

The Forward Toledo Comprehensive Plan calls for promoting a diverse variety of well-designed housing to meet the residential needs of all Toledo citizens. It also notes that the City has lost over 14,000 residential structures in 20 years, with fewer than 200 new residential units being constructed. This challenge is attributed to the high cost of new housing construction. The plan proposes implementing “missing middle housing” to solve this problem. Missing middle housing provides diverse housing types such as duplexes, townhouses, cottage courts, and multiplexes. They fall between single-family homes and apartment buildings, providing a spectrum of affordability and homeownership opportunities. ADUs fit perfectly into the missing middle narrative; hence, the need to make it a permissible use in the City of Toledo.

The proposed amendment supports the following goals of Forward Toledo: Promote Housing Variety, Address Housing Affordability, Improve Decision-making, Historical Impacts on Neighborhoods, and Inclusive Communities.

Comparable Cities

Dayton, OH

- One attached or detached ADU permitted by right in all single-family zoning districts, which may be up to 66% of the total square footage of the principal dwelling.
- The footprint of a detached accessory dwelling unit shall not exceed 33% of that of the principal dwelling.
- Detached ADUs are only permitted in the rear yard.
- ADUs must meet setback and minimum lot size requirements.

STAFF ANALYSIS (cont'd)

Comparable Cities (cont'd)

Cincinnati, OH

- Two accessory structures permitted per a single-family lot.
- ADUs must meet dimensional standards of the underlying zoning district. The footprint of an ADU must not exceed that of the primary structure or 800 square feet.
- Detached ADUs are not permitted in the front yard.
- Parking is not required for ADUs.
- The property owner or a designated responsible person is required to reside in either the primary residence or the ADU.
- Property owners must submit a restrictive covenant on any property with an ADU. This must be approved by the City Solicitor and recorded with the Hamilton County Auditor.

Westerville, OH

- Modified its zoning code in 2023 to remove restrictions, making it easier for homeowners to build ADUs.
- Permitted by right in the Olde Westerville Special Overlay District or by a Conditional Use in all other residential zoning districts.
- The ADU shall not exceed 720 square feet.
- Owner shall reside in one of the dwelling units and shall record a covenant, in the form specified by the City, providing that the property owner shall reside on the property for so long as the ADU exists.

Yellow Springs, OH

- Accessory structures shall not exceed 66% of the principal building's gross floor area or 800 square feet, whichever is less.
- Accessory structures and buildings shall share all public utilities (water/ sewer/electric) with the principal building.

Columbus, OH

- Working on an ADU pilot program to address the housing crisis in the city.
- This program will focus on creating affordable accessory dwelling units on lots that currently house a single-unit dwelling.
- Provide financial incentives for the construction of ADUs that are accepted into the program.
- Applicants must enroll in the Community Reinvestment Area program.
- ADUs must be owner-occupied and cannot be used for short-term rentals.
- ADU manual for residents considering building an ADU.

STAFF ANALYSIS (cont'd)

Comparable Cities (cont'd)

Portland, OR

- First City to allow ADUs in the country as an infill development project.
- Updated zoning code to increase density and make it easier for Portland to build additional housing.
- Allows two (2) ADUs per lot and permits them on lots with both single-family and duplex.
- Off-street parking is not required for ADUs.
- ADUs are limited to 1,000 square feet and must meet site and dimensional standards.

Seattle, WA

- Removed regulatory barriers in 2019 to make it easier for homeowners to create ADUs.
- Launched the ADUniverse website in 2020, featuring pre-approved ADU designs to offer a faster, easier, and more predictable permitting process.
- Parking is not required for ADUs.
- The property owner is not required to live on the property where the ADU is located.
- Allows up to two (2) ADUs depending on the residential zoning district. ADUs are limited to 1,000 square feet and must meet setback and minimum lot size requirements.

Conclusion and Recommendation

Cities and towns across Ohio and the nation are gradually allowing ADUs as a permitted use on lots with single-family uses to help address the issues of missing middle housing and affordability. Sometimes, big problems do not always need big solutions. The solutions might be hiding in the backyard in the form of an accessory dwelling unit. With a few tweaks like this to the zoning code, the city could boost its housing stock and create more affordable housing options, encourage intergenerational living, and increase density while preserving neighborhood character.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of M-6-25, a Text Amendment regarding Accessory Dwelling Units, to the Toledo City Council for the following reason.

1. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (TMC§1111.0506(B))

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-6-25
DATE: August 14, 2025
TIME: 2:00 P.M.

REF: M-6-25 ... August 14, 2025

ZONING AND PLANNING COMMITTEE OF
CITY COUNCIL

DATE: September 17, 2025

TIME: 4:00 P.M.

ET

Two (2) Exhibits Follow

Exhibit A

1105.0206 Accessory Dwelling Units

All accessory dwelling units must be located, developed, and operated in compliance with the following regulations:

- A. **General.** Where permitted, an accessory dwelling unit may be established within the existing single-family building or as a detached structure on the same lot as a single-family dwelling. No more than one accessory dwelling unit is permitted per lot.
- B. **Occupancy by Owner:** The owner of each lot on which an accessory dwelling unit is established must maintain a residence in the principal single-family dwelling unit for so long as the accessory dwelling unit exists.
- C. **Entrance.** Each accessory dwelling unit must provide a separate exterior entrance independent of the entrance to the single-family dwelling to which it is subordinate and incidental.
- D. **Lot size.** Any lot on which an accessory dwelling unit is established must meet the minimum lot size requirements for single-family dwellings under the applicable zoning district
- E. **Lot Coverage.** The footprint of the accessory dwelling unit shall not occupy more than 800 square feet or 60% when combined with the footprint of the primary single-family dwelling. Accessory dwelling unit shall count towards rear yard coverage requirement per Sec. 1105.0204.A
- F. **Exception.** The alteration of a legally existing accessory structure shall not be subject to 1105.0206.D, provided the structure does not expand its existing footprint or exceed the rear yard coverage requirement per Sec. 1105.0204.A
- G. **Setbacks.**
 - 1. An accessory dwelling unit within the building envelope of a legally existing single-family is not subject to the setback restrictions, provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint
 - 2. Detached accessory dwelling units are subject to Sec. 1105.0201
 - 3. An accessory dwelling unit established as an addition to a legally existing single-family dwelling must comply with all setback requirements for single-family dwellings in the applicable zoning district
 - 4. The alteration of a legally existing accessory structure to establish an accessory dwelling unit is not subject to setback restriction, provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint
- H. **Height.**
 - 1. Detached accessory dwelling units shall be subject to Sec. 1105.0202 or shall not exceed the height of the existing principal structure.
 - 2. An accessory dwelling unit addition to a principal single-family dwelling must comply with all requirements per Sec.1105.0202
- I. Detached accessory dwelling units must be of permanent construction and contain permanent utility hookups.
- J. **Parking.** Accessory dwelling units are exempt from off-street parking requirements outlined in 1107.0300.

Exhibit A (Cont'd)

- K. All accessory dwelling units shall comply with all required Building Code regulations
- L. Mobile homes, recreational vehicles, travel trailers, or other wheeled and transportable structures may not be used as accessory dwelling units.

Exhibit B

References

- Been, V., Gross, B., & Infranca, J. (2014). *Responding to Changing Households: Regulatory Challenges for Micro-Units and Accessory Dwelling Units*. New York: NYU: Furman Center for Real Estate and Urban Policy.
- Rodney, L. C., & Dvorak, S. (2021). *Accessory Dwelling Units: Model State Act and Local Ordinance*. Public Policy Institute: AARP.
- Stacy, C., Noble, E., Morales-Burnett, & Lo, L. (2020). Designing Accessory Dwelling Unit Regulations: Recommendations for the City of Alexandria. *Urban Institute*.