

# #14

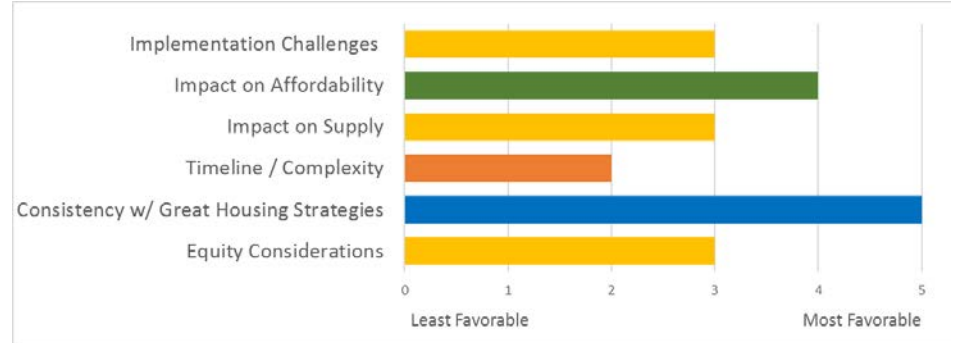
## Allow Accessory Dwelling Units by Right

### Zoning Strategy

#### Proposal Summary

Allow accessory dwelling units (ADUs) by right.

#### Analysis Quick Score:



#### If we expand the allowance of ADUs; then we can expect...

- Concerns regarding change to neighborhood character.
- Incremental increases in housing stock within neighborhoods.
- Alternative housing options for single and two-person households.
- Opportunity for multigenerational housing and similar living.

#### Current Conditions

Currently, accessory dwelling units (ADUs) are permitted in the CC, TCC, TBA, TOD, C, and NOS districts subject to Director Review (Administrative). They are allowed in LDR and MDR as a Special Land Use (Planning Commission). Use standards apply to accessory dwelling units including minimum lot size, allowable unit size (400 – 850 square feet), owner-occupancy of one unit, limited occupancy (2 persons) minimum length of tenancies, consistency in design with the primary residence, etc. (See Section 5.9.03.) Since 2012, only two accessory dwelling units have been requested through the Special land Use process, both of which were approved.

*References: Zoning Code: Table 5.5.05.B; Table 5.6.06.B, Section 5.9.03*

#### Analysis

Accessory dwelling units provide an opportunity for individuals to live within a desirable neighborhood which may not be financially available to them if they were seeking a traditional single-family rental. The accessory dwelling unit can also provide supplemental income to the property owner, allowing them to retain ownership and maintain/improve their property. Accessory dwelling units also offer opportunities for alternative living models, such as multigenerational housing, which provides independence for each unit while still having the close-by support or companionship that they may need.

The further allowance of ADUs by Director Review could be made as a wholesale change in all zone districts, or as a more limited change in only LDR or MDR or by neighborhood type (TN, MCN, or MON). This is a complex issue which would be influenced by community outreach. For example, ADUs in certain neighborhoods may have more tangible impacts to adjacent neighbors due to the placement of the structure, parking, etc. on the property versus other neighborhoods or districts.

#### Implementation Challenges



The actual change would be a relatively simple zoning text amendment but the neighborhood engagement process could be substantial. Specifically, there are concerns that accessory dwelling units can change the character of a neighborhood and result in additional impacts such as parking and traffic. The current Special Land Use process provides a level of notice and involvement in the decision-making process for surrounding neighbors that would not be available if review become administrative.

In addition, some aspects of the accessory dwelling unit regulations are difficult to enforce. Specifically, the requirement that the primary dwelling unit be owner-occupied and the ADU, if leased, be registered with the City can be challenging because both units could be used as illegally as rentals. Similarly, it may be difficult to enforce the 30-day tenancy requirement (designed to support non-transient rental) as there are minimal mechanisms in place to monitor and enforce this limitation. *(Score = 3)*



Accessory dwelling units provide an alternative housing type that is, in general, more affordable than the surrounding primary housing stock. These units are limited in size and number of bedrooms, again serving as a limit to their rent within the market. However, rental and pricing of each unit is an individual decision, and someone may even choose not to rent the unit, but rather maintain it for family or guests. *(Score = 4)*



The impact of accessory dwelling units is dependent on the market and how many people choose to construct and rent these units. The current districts where ADUs are allowed has not resulted in a substantial number of units, however this may be because many of these districts allow multifamily housing types without the ownership restrictions of an ADU. There has also been limited interest in the other districts where they require a Special Land Use approval. It is unclear if this is due to the cost and process or lack of interest. *(Score = 3)*



As noted above, the actual change is a relatively simple text amendment within the Zoning Code. The community engagement process however, would be substantially more complicated and time-consuming requiring both educational, visioning, and feedback processes. *(Score = 2)*



- ✓ **Provide a Variety of Housing Choices**
- ✓ **Encourage Mixed-Income Neighborhoods**
- ✓ **Create and Preserve Affordable Housing**
- Support Low-Income and Vulnerable Populations
- Support Employers and Workforce Development
- Encourage Alternative Transportation & Parking Options
- ✓ **Change Public Perception of Affordable Housing**
- Advocate for Change to State and Federal Policies

*Commentary:* Great Housing Strategies specifically identified accessory dwelling units as a tool to support housing choice. It also recommended their expansion into single-family neighborhoods, with Special Land Use approval to guarantee public notice of the project and public hearing for neighborhood residents. The plan recommends removal of the 12-month owner-occupancy requirement. ADUs also provide opportunity for the creation of additional affordable housing units. Because they are integrated into the fabric of the existing neighborhood, they can also change the perception of affordable housing and how it can be successfully integrated into mixed-income neighborhoods. *(Score = 5)*



Accessory dwelling units are limited to a maximum of two bedrooms and occupancy of no more than two people. This makes the units unavailable to a family or mother with more than one child. However, these units can also offer opportunities for individuals to live in a neighborhood that may not be financially accessible to them if they had to rent a traditional single-family house. *(Score = 3)*

**Possible Alternatives**

- Option A:** No change. Accessory dwelling units may still be permitted by Director Review or Special Land Use, as currently identified.
- Option B:** Initiate a Zoning Text Amendment to modify the existing standards for accessory dwelling units, specifically removal of the owner-occupancy requirement while keeping the approval process intact. Monitor to determine if this change generates additional construction of these units where permitted.
- Option C:** Initiate a Zoning Text Amendment to allow accessory dwelling units as a permitted use (Director Review) in additional zone districts. Careful consideration should be exercised in identifying those districts. A public outreach plan could better identify neighborhood concerns and address some of the potential challenges identified above.

**Recommendations / Actions**

**Housing Advisory Committee Recommendation:**

**City Commission Action:**

**Existing Use Requirements**

Sec. 5.9.03. - Accessory Dwelling Units (ADU).

One (1) Accessory Dwelling Unit (ADU) may be contained within a detached single-family dwelling (primary dwelling unit), included within an accessory structure, or separate from but located on the same lot as a detached single-family dwelling. The Planning Commission shall take into consideration the proximity of a detached Accessory Dwelling Unit to other surrounding residential structures as part of the Special Land Use review. The following regulations shall apply:

- A. Minimum Lot Size. One (1) ADU shall be allowed in conjunction with an existing detached single-family dwelling, located on a lot with a minimum area of five thousand (5,000) square feet.
- B. Minimum/Maximum ADU Size. The ADU shall not exceed twenty-five (25) percent of the gross floor area of the primary dwelling unit, nor shall it be less than four hundred (400) square feet or greater than eight hundred fifty (850) square feet in gross floor area.
- C. Residential Density. The ADU shall not be counted toward maximum residential density requirements.
- D. Owner Occupancy. One (1) of the dwelling units shall be owner-occupied. If the ADU is used for lease, it shall be registered with the City as required in Chapter 140 of the City Code.
- E. Bedroom Maximum. A maximum of two (2) bedrooms are permitted within an ADU. Occupancy shall be limited to no more than two (2) persons.
- F. Leasing or Rental. Leasing or rental of the ADU for tenancies of less than thirty (30) days or to more than eleven (11) different parties in any calendar year shall be prohibited.
- G. Alterations or New Construction. Any alterations to existing buildings or structures or the construction of a new structure to accommodate the ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a detached single-family dwelling, including but not limited to entrances, roof pitch, siding and windows.
- H. Front Yard Prohibited. The ADU may not be located within the front yard.
- I. Deed Restriction. A deed restriction enforceable by the City shall be recorded prior to the issuance of a building permit stipulating that the ADU may not be conveyed separately from the primary dwelling unit. An alternative form of security may be substituted if it meets the intent of this provision and is approved by the City Attorney.

(Ord. No. 2015-75, § 7, 12-15-15)