

LDC Reform Project

Text Amendment Report



Case Number:	21-LDC-0004
Text Amendment:	Accessory Dwelling Unit
Timeline:	6-month
Project Manager(s):	Chris French and Heather Pollock
LDC Reform Group(s):	Housing

DESCRIPTION:

An amendment to Chapter 1, Part 2 and Chapter 4, Part 3 to create a provision to the LDC that would allow accessory dwelling units as a permitted use with standards. This amendment would replace the accessory apartment conditional use permit with a permitted use with standards for Accessory Dwelling Unit (ADU).

PLAN 2040 REVIEW

- Housing Policy 1.1 - Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and cohousing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.
- Housing Policy 1.2 - Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.
- Housing Policy 3.3 - Encourage the use of innovative methods such as clustering, mixed use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.

EQUITY REVIEW:

The accessory dwelling unit addresses equity issues related to affordable housing, aging in place, and provides another housing option within residential neighborhoods. More specifically, accessory dwelling units provide an important option for wealth building for areas impacted by redlining and associated disinvestment.

BEST PRACTICE RESEARCH:

Planning staff reviewed accessory dwelling unit or accessory apartment provisions in six other jurisdictions such as Nashville, TN and Lexington, KY. In addition, staff reviewed the "Accessory Dwelling Units: Model State Act and Local Ordinance" produced by AARP and with participation by the American Planning Association. This document outlines best practices throughout the country regarding the regulation of accessory dwelling units.

PROPOSED TEXT AMENDMENT:

The following are amendments to Chapter 1, Part 2 of the Land Development Code:

~~**Accessory Apartment**—A secondary residence located on the same parcel as a single family dwelling. The accessory apartment may be located in the same structure as the principal residence, or in a separate building. There shall be no more than two adults residing in the accessory apartment. The accessory apartment shall not constitute a dwelling unit for purposes of calculating permissible density, but shall be considered in calculating the permissible floor area.~~

Dwelling Unit, Accessory (ADU) – A smaller, secondary dwelling unit located on the same lot as a principal dwelling. ADUs provide complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking and sanitation which are accessed independently). The ADU shall not constitute a dwelling unit for purposes of calculating permissible density. There are two types of ADUs:

- (a) Attached ADUs which are connected to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- (b) Detached ADUs which are separate accessory structures from the principal dwelling. Examples include converted garages or new construction.

The following are amendments to Chapter 4, Part 2 of the Land Development Code:

~~4.2.3—Accessory Apartments~~

~~Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.~~

- ~~A.—The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises.~~
- ~~B.—The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater.~~
- ~~C.—If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.~~
- ~~D.—Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
 - ~~1.—Neighborhood Form District—at least three off-street spaces provided on the lot, no more than two spaces outdoors;~~
 - ~~2.—Traditional Neighborhood—at least one off-street space provided on the lot; and~~
 - ~~3.—Other form districts—at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.~~~~

The following are amendments to Chapter 4, Part 3 of the Land Development Code:

4.3.25 Accessory Dwelling Unit (ADU)

Accessory dwelling units may be permitted in all zoning districts that permit residential use in accordance with the following special standards:

- A. One ADU, either attached or detached is permitted per single family dwelling per lot. In zoning districts that permit two family dwellings, one detached ADU is permitted on a lot with a two family dwelling in accordance with the standards of this section.
- B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- C. Location Requirements:
 - 1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.
 - 2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or behind the principal structure.
 - 3. The locational requirements are eligible for relief through the LDC waiver process as outlined within Chapter 11 of the LDC.
- D. ADU Access:
 - 1. For an attached ADU, an exterior stair case used to access a second story or higher ADU shall not be located on the front façade of the structure.
 - 2. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard. If the ADU is adjacent to an alley the exterior pedestrian entrance to the ADU may be located facing the alley instead of the principal structure or side yard.
 - 3. The ADU access provisions are eligible for relief through the LDC Waiver process as outlined within Chapter 11 of the LDC.
- E. Maximum Height:
 - 1. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
 - 2. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure.
 - 3. The maximum height requirement is eligible for relief through the variance process as outlined within Chapter 11 of the LDC.
- F. Short Term Rental: An ADU shall not be used as a short term rental without a conditional use permit, unless the ADU is the primary residence of the host.
- G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees.
- H. Off-street parking shall meet the requirements of Chapter 9 of the LDC.