

Accessory Dwelling Units Accessory Family Suites ADU Overlay Zone

City Council

June 9, 2020

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Summary of Ordinances



Ordinance 1.1 – Accessory Family Suites:

- Introduces accessory family suites as secondary living areas integrated within and with a connection to the principal residence. No more than one family may live on the property.

Ordinance 1.2 – Definitions & Accessory Dwelling Units:

- Existing definitions are being adjusted and new definitions are being added.
- Introduces ADUs into single-family zones through the Conditional Use process allowing two families to occupy the property. In single-family zones, only integrated ADUs are permitted.
- Relaxes requirements for detached ADUs in two-family, multi-family, and some commercial zone districts.

Ordinance 1.3 – ADU Overlay Zone:

- Introduces an overlay zone intended to be used in conjunction with new residential development, and establishes a minimum size threshold.

Ordinance 1.1

Accessory Family Suites



Highlights:

- Creates a new definition which allows full living facilities but states that these are not considered “dwelling units”
 - Does not allow a second family—only one family on the entire property. Requires affidavit.
- Permitted in all zone districts where a detached single-family home is also allowed (including PUD zones)
- No owner-occupancy requirement
- Must have an internal connection
- No fire separation requirements. May use the same mechanical, electrical, and plumbing systems
- Prohibits subdivision from main home (restrictive covenant)
- Architectural requirements
- One off-street parking space

Ordinance 1.2

Definitions & Accessory Dwelling Units



Highlights:

- Adjusts the definition of an ADU; establishes a difference between “integrated” and “detached.” Other definitions adjusted to be more consistent with the IRC
- ADUs allow an independent family unit to occupy—two families per property
- One off-street parking space
- In single-family zones:
 - Must receive approval of a Conditional Use
 - May not be subdivided (restrictive covenant)
 - The property owner must occupy one of the two units (restrictive covenant)
 - Integrated only with requirements for fire separation, and separate mechanical, electrical, and plumbing systems.
- In two-family, multi-family, and select commercial zones:
 - Restrictions which apply to detached ADUs are relaxed according to what was recommended by the ADU Steering Committee

Ordinance 1.3

Accessory Dwelling Unit Overlay Zone



Highlights:

- The purpose is to provide flexible housing options while ensuring the overall character of the development is consistent with the base zone.
- May be used in conjunction with the zoning of new residential development or established for an existing neighborhood meeting the minimum thresholds established. 100% property owner approval is required for existing neighborhoods.
- All ADU development standards shall be met unless otherwise established within a Planned Unit Development (PUD) zone.
- ADUs within the overlay zone shall be considered permitted by right and shall not be subject to the conditional use process.
- Additionally, properties zoned with the overlay shall not be subject to the owner occupancy requirement or the limitation to one family occupying the entire property unless otherwise stated in a PUD zone.

Affidavits & Covenants



Affidavit (Figure 4):

- Required only for Accessory Family Suites
- Notarized acknowledgement of the current property owner. Recorded onto the property's title as warning to future property owners.

Covenant Prohibiting Subdivision & Separate Sale (Figure 5):

- Required for Accessory Family Suites and for Integrated Accessory Dwelling Units
- Notarized promise to not sell the AFS or ADU separately from the principal dwelling unit, or to subdivide the AFS or ADU. Recorded onto the property's title as a warning to future property owners.

Covenant Requiring Property Owner Occupancy (Figure 6):

- Required for Integrated Accessory Dwelling Units in single-family zones which have received Conditional Use approval.

Owner Occupancy Waiver:

- The owner-occupancy requirement may be waived for temporary absences of up to two years, if the requirement creates an unreasonable hardship such as:
 1. Enforcement of the requirement would create an economic hardship;
 2. The property is listed and actively marketed for sale; or
 3. The occupancy requirement is unreasonable due to temporary relocation by the owner for employment (including temporary relocation for military service members) or medical treatment, death of the owner, divorce or legal separation of the owner and a non-owner spouse or similar circumstances.
- An additional one year extension to the original waiver upon the expiration of the original waiver.

Enforcement of codes in Chapter 7:

- If a property owner were to violate owner occupancy, a condition of approval, subdivision, etc., they would be liable for potential code enforcement actions as outlined in Code Sections 7.5.1001 through 7.5.1012.
- Code Section 7.5.707 states, "If a conditional use is not in compliance with the terms of the approval, the conditional use shall be subject to enforcement pursuant to part 10 of this article."
- As written in the ordinance, enforcement actions could not be brought against a tenant for the property owner's failure to occupy one of the two dwelling units.

Recommendation



CPC CA 20-00006 - CODE AMENDMENT

Recommend adoption of ordinances amending Chapter 7 (Planning, Development and Building) City Code defining and establishing standards for accessory dwelling units, accessory family suites, and an accessory dwelling unit overlay zone.