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Title: Discussion of possible amendments to Chapter 7 (Planning, Development and Building) of City Code pertaining to accessory dwelling units.

(Legislative)

Presenter:
Hannah Van Nimwegen, Senior Planner, Land Use Review Division
Peter Wysocki, Director of Planning and Community Development

Sponsors:

Indexes: Code Amendment

Code sections:

Attachments: 1. Attachment 1 - Option Breakdown, 2. Work Session ADU Presentation - 6.10.pdf, 3. Attachment 1 - Draft 10 ADU Ord - Option A - 5-28-19, 4. Attachment 2 - Draft 10 ADU Ord - Option B - 5-28-19, 5. Attachment 3 - Draft 3 - Affidavit - 5.28.19 - Notification, HOA Covenant, 6. Attachment 4 - Draft 3 - Restrictive Covenant - 5.28.19 - Subdivision, Owner Occupancy, 7. CPC Staff Report - Accessory Dwelling Unit, 8. Figure 1 - ADU Draft Ordinance, 9. Figure 2 - Zone Disticts Map, 10. Figure 3 - Comparable Cities, 11. Figure 4 - ADU Citizen Forum Materials, 12. Figure 5 - Citizen Comment, 13. Figure 6 - ADU Existing Vs Proposed Table, 14. Figure 7 - Integrated ADU Illustration, 15. Figure 8 - Detached ADU Illustration, 16. Figure 9 - PlanCOS Resource Sheet, 17. Figure 10 - Mill Street Plan Summary

Date	Ver.	Action By	Action	Result
9/9/2019	4	City Council Work Session	received	
8/12/2019	4	City Council Work Session	postpone to a date certain	
6/24/2019	3	City Council Work Session	referred	
6/10/2019	3	City Council Work Session	referred	
3/21/2019	1	City Planning Commission	referred	Pass
3/11/2019	1	City Council Work Session	referred	

Discussion of possible amendments to Chapter 7 (Planning, Development and Building) of City Code pertaining to accessory dwelling units.

(Legislative)

Presenter:
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Summary:

During the City Council Work Session meeting on September 9, 2019, City Council requested that town hall meetings be held to discuss accessory dwelling units (ADUs) directly with the public. Two town hall meetings were scheduled and held on November 19 and December 4, 2019. Both meetings were well attended, with duplicative attendance on the second night, and about half of those who spoke were supportive and the other half against the proposed changes.

At the September 9, 2019 Work Session meeting, City Planning staff presented a series of options for the City Council to consider for single-family zone districts. During that meeting, two primary questions were contemplated. First, should integrated or attached accessory dwellings be permitted as a matter of right, should they necessitate a special review prior to permitting, or should they be prohibited in single-family zones? Second, if accessory dwelling units are allowed within single-family zone districts, should the accessory dwelling unit be allowed to house a second “family” as defined by the zoning code, should the entire property be limited to one “family,” or should the use of an accessory dwelling unit be restricted only to those with a “familial relationship” to the property owner? The options considered included:

1. Permitted by right (attached/integrated) for either two families, one family, or require a familial relationship,
2. ADU permit application and approval (attached, integrated, detached) for either two families, one family, or require a familial relationship,
3. Conditionally permitted per a “Conditional Use” (attached, integrated, detached) for either two families, one family, or require a familial relationship,
4. Any of the above for new development with the creation of an ADU Zone District Overlay,
5. No change to the single-family zone districts - continue to allow partial dwelling units for the use of one family as additional living space.

After much discussion, several of the Councilors voiced a general preference for option “2.B” which was presented as requiring a procedural review through the City Planning office that required public notification of an application for an ADU in single-family zones. Many also voiced an interest in establishing an ADU Overlay, or other regulatory tool, which would apply to new developments as they are proposed.

At this time, City Planning staff is looking for direction for proceeding with an update to Chapter 7 regarding ADUs in single-family zone districts. For ease of referencing, the document used in the previous report to describe each option is attached as is the presentation (Attachments 1 and 2).

Previous Council Action:

Staff briefed the City Council on the proposed ADU ordinance at a work session on June 10, 2019. The discussion revolved around accessory dwelling units in single-family zone districts and the several scenarios in which an ADU could be permitted on a property. From that meeting, City Planning staff took away the request to break down the potential options, scenarios, and routes to allowing accessory dwelling units in single-family zone districts. At the September 9, 2019 meeting, Council requested two town hall meetings be held to discuss ADUs directly with the public. Those two meetings have been held (November 19 and December 4, 2019).

Background:

The original accessory dwelling unit ordinance was adopted by the City Council in 2003 (Ordinance 03-74). The ordinance allowed detached ADUs to be constructed in conjunction with a primary residence within the R-2 (Two-Family Residential), R-4 (Multi-Family Residential), R-5 (Multi-family

Residential), SU (Special Use) and C-5 (Intermediate Business) zone districts. The ordinance was adopted to provide flexibility to property owners to construct an additional dwelling on a property rather than requiring that unit to be attached or part of the principal structure. The ADU section of City Code was partially amended in 2012 modifying several of the standards.

Staff began to research ADU allowances in early 2018. Staff reviewed other cities as models, including Denver, Castle Rock, Durango, Lakewood, Golden and Boulder, to examine how other communities are utilizing ADUs within their respective communities. Through this research, staff determined that many communities allow, in their own respective capacities, ADUs within single-family zone districts and many city codes have been updated in past years to expand the use of and size of ADUs.

There are many benefits to allowing ADUs in additional zone districts including:

- Supporting “aging in place”, giving seniors and retirees housing in their neighborhood but with smaller living accommodations;
- Providing families with disabled adult children the opportunity to live independently but within close proximity of family members;
- Creating options for adult children or family members seeking affordable housing;
- Allowing homeowners an additional wealth building opportunity and/or providing retirement income;
- Adding housing stock to developed areas using existing public infrastructure;
- Providing housing choice and options for those who may not desire living in an apartment complex or may not want larger home and property to maintain.

Plans which support the expansion of the ADU code include:

- Mill Street Neighborhood Plan
- Age Friendly Colorado Springs
- Infill and Redevelopment Action Plan
- 2019 Community Development Action Plan
- 2014 Affordable Housing Needs Assessment

As the Council is aware and as presented by a number of residents, there are some concerns that ADUs - especially detached ADUs - will increase traffic and residential density; thereby, changing the character of single-family neighborhoods.

Financial Implications:

N/A

Board/Commission Recommendation:

The City Planning Commission considered the amendments at its March 21, 2019. The Commission recommended approval of proposed Draft Option A (5-0-3 McMurray, McDonald, and Smith absent), which includes allowance of integrated and detached ADUs in single-family residential zoning districts.

However, at this time, the City Planning Commission has requested that revisions to the draft ordinance originally presented be referenced back to them for further consideration and recommendation.

Stakeholder Process:

City Planning staff continues to answer emails and phone calls from the public regarding the status of the ADU proposal and general questions.

Alternatives:

Provide direction to staff.

Proposed Motion:

No formal action required at this time. However, direction to staff should be provided.