



Legislation Details (With Text)

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1/17/2019	1	Planning Commission	approve	Pass

**Date:** January 17, 2019

**To:** Members of the Planning Commission

**From:** Scott Tempel, City Planner

Clarification and Discussion of ADU ordinance

**Action Requested:**

The Planning Commission provides clarification as to the intent and impact of changes to Accessory Dwelling Unit regulations.

**Summary Report:**

On January 8, 2019, the City Council considered the ordinance recommended by the Planning Commission to change Accessory Dwelling Unit regulations. The ordinance passed on first reading by a 5-2 vote, but the Council has asked for some changes and clarification of a couple points. The ordinance was not remanded to the Planning Commission. It can be passed on second reading with modifications from the first reading.

The minor changes requested were to clarify that all ADUs must be connected to municipal services and to add language for direct pedestrian access to the ADU. There was considerable discussion over the allowable size of units. Concerns were raised about allowing large homes to have an ADU up to half of their size and whether an accessory unit larger than many standard homes is really an accessory unit. There was also confusion over whether the limitation is on total floor area or the footprint of the unit.

The following language was in the council report and the planning commission reports:

Allowing free-standing ADUs, separate from a garage triggers different provisions for size limitations. An ADU should be subordinate in size to the primary residence or it would not be considered accessory. Northfield has a 30% Building Area Ratio limit, which is the area of a lot covered by the footprint of a principal building, detached garage, and covered porches, expressed as a percentage of the total lot area.

Excluding ADUs from this limit, combined with a unit size limit of 50% of the size of the primary residence or 1,000 square feet (whichever is greater) should allow ADUs to be placed on most residential lots and increase overall community density.

I thought this was very clear that we were discussing the footprint of the structure. Also, ADUs are accessory structures and the regulations address only footprints. Regulating living area or floor area does change the review dynamic. It is easy enough to determine the floor area of a proposed ADU, but it can be difficult, confusing and contentious to determine the floor area of the existing home, particularly when it comes to attic, basement, and transitional areas.

Staff recommends removing any reference to 50% of the primary dwelling and applying the following language *(d)An accessory dwelling unit shall not exceed a 1,000 square feet footprint and 24 feet in height.* This effectively allows up to 2,000 sq. ft. of living space, or more if a basement is used, and is easiest to administer. An alternative is to specify a total 1,000 square feet of total floor area with a 24' height limit.

The other main area of discussion at the Council meeting was on the rental of ADUs. It was clear that the intent of the planning commission is that all ADUs should be allowed to be rented whether or not the owner resides on the property. What was not clear is whether the ADU would be subject to the 20% cap. I have revised the ordinance to clearly state exemption from the numerical limit section and the parking section of the rental code. This language, and all other proposed modifications, is being reviewed by the City Attorney.

It should be noted that without the exemption from the 20% restriction in the rental ordinance, this ordinance will have little effect in creating additional affordable housing close to downtown.

As a reminder, the Planning Commission has authority only over the Land Development Code. The PC can initiate text changes, and can use those changes to exempt language from other sections of the Code, but it cannot initiate code changes outside of Chapter 34. As the rental ordinance is in Chapter 14, it is up to the Council to designate those responsible for amendments.

**Tentative Timelines:**

Second Reading of the ordinance is scheduled for February 5, 2019.