Planning Commission Agenda

Springfield City Hall
225 Fifth Street
Springfield, Oregon 97477

Springfield Planning Commissioners:
Greg James, Chair
Michael Koivula, Vice Chair
Tim Vohs
Sean Dunn
Andrew Landen
Troy Sherwood
Grace Bergen

Lane County Planning Commissioners:
Gary Rose, Chair
Robert Weeks, Vice Chair
Dwight Coon
Randy Hledik
Charlcie Kaylor
Ryan Sisson
Larry Thorp
Stephen Dignam

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available. To arrange for these services, call 541.726.3710.
Meetings will end prior to 10:00 p.m. unless extended by a vote of the Planning Commission.

All proceedings before the Planning Commission are recorded.

May 8, 2018

6:30 p.m. Dinner for Planning Commission and Staff
DPW Conference Room 615/616

7:00 p.m. Joint Special Session
Council Chambers

CALL TO ORDER

ATTENDANCE:

Springfield: Chair James _____, Vice Chair Koivula _____, Vohs _____, Dunn _____, Landen _____, Sherwood _____, and Bergen _____.

Lane County: Rose _____, Weeks _____, Coon _____, Hledik _____, Kaylor _____, Sisson _____, Thorp _____, and Dignam _____.

PLEDGE OF ALLEGIANCE

LEGISLATIVE PUBLIC HEARING –

1. **Amendment of the Springfield Development Code Accessory Dwelling Units, Journal No. 811-18-000065-TYP4-**

In compliance with state legislation passed in 2017 (Senate Bill 1051) and 2018 (House Bill 4031), the City of Springfield and Lane County are considering amendments to the Springfield Development Code to allow accessory dwelling units within the urbanizable area of Springfield's urban growth boundary. The amendments proposed affect Springfield Development Code, Section 3.2-200 Residential Zoning Districts, Section 3.3-800 Urbanizable Fringe Overlay District, and Section 5.5 Accessory Dwelling Units. These code amendments would allow owners of residentially-zoned property between the city limits and urban growth boundary to add an accessory dwelling unit on land developed with a single family detached home, subject to specific conditions identified in Sections 3.3-825 and 5.5. The Commissions will also consider minor amendments to the standards for accessory dwelling units.

Staff: Sandy Belson, Comprehensive Planning Manager
60 Minutes

CONDUCT OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION

- ☐ Chair opens the public hearing
- ☐ Staff report
- ☐ Testimony in support of the proposal
- ☐ Testimony opposed to the proposal
- ☐ Testimony neither in support of nor opposed to the proposal
- ☐ Questions from the Commission
- ☐ Summation by staff
- ☐ Consideration of request for continuation of public hearing, extension of written record, or both
- ☐ Close or continue public hearing; close or extend written record (continuance or extension by motion)
- ☐ Discussion of the proposal including testimony and evidence addressing the applicable approval criteria or other criteria cited in the record as applicable to the proposal; possible questions to staff or public
- ☐ Motion to recommend approval, approval with modification or conditions, or recommendation not to adopt the proposal based on the information contained in the staff report, oral and written testimony, and all other evidence submitted into the record

ADJOURN SPECIAL SESSION OF THE SPRINGFIELD and LANE COUNTY PLANNING COMMISSIONS

AGENDA ITEM SUMMARY		
	Meeting Date:	5/8/2018
	Meeting Type:	Regular Meeting
	Staff Contact/Dept.:	Sandy Belson, DPW
	Staff Phone No:	541-7436-7135
	Estimated Time:	60 Minutes
S P R I N G F I E L D and LANE COUNTY PLANNING COMMISSION	**Council Goals:**	Mandate

ITEM TITLE: REQUEST FOR AMENDMENTS OF THE SPRINGFIELD DEVELOPMENT CODE FOR ACCESSORY DWELLING UNITS, JOURNAL # 811-18-000065-TYP4

ACTION REQUESTED: Conduct a public hearing on the proposed legislative amendments and consider public testimony along with the staff report prior to forwarding a recommendation to the elected officials regarding adoption of language amending the Springfield Development Code.

ISSUE STATEMENT: The legislature passed Senate Bill 1051 in 2017 and House Bill 4031 in 2018 which is codified as ORS 197.312(5). Those bills require that the City of Springfield and Lane County amend Springfield's Development Code to allow accessory dwelling units (ADUs) outside the city limits and within the urban growth boundary.

ATTACHMENTS:

1. Order and Recommendation
   Exhibit A – Staff Report and Findings
   Exhibit B – Amendments to the Springfield Development Code

DISCUSSION: In 2017, the City Council developed an affordable housing strategy with the goal of increasing the supply and accessibility of housing in Springfield throughout the housing continuum. One of the strategies is to encourage the construction of ADUs. On March 5, 2018, the Council adopted Ordinance 6376 which amended the Springfield Development Code to make it easier and potentially less expensive to add an ADU within the city limits. Those amendments were acknowledged by the Department of Land Conservation and Development and become effective on April 4, 2018. Key changes included allowing ADUs in the Medium and High Density Residential zones (in addition to the Low Density Residential zone) if the resulting development meets minimum densities, allowing ADUs in the Washburne Historic District, removing the owner occupancy requirement, relaxing the off-street parking requirements, and providing more flexibility in design standards.

Now, in compliance with Senate Bill 1051 and House Bill 4031 which is codified as ORS 197.312(5), the City and Lane County are amending the code to allow accessory dwelling units outside the city, within the urban growth boundary. The development and design standards for an ADU outside the city limits are proposed to be the same as those required for ADUs inside the city.

Benefitting from some experience applying the newly adopted code language for ADUs, city staff also identified a few minor edits to help clarify alley setbacks, unpaved parking, and foundations for manufactured homes and towable structures.

The public hearing is the opportunity for members of the public to express support, objections, questions, and concerns regarding the proposed amendments. The Commissions will then decide if there is a need to accept additional testimony or for staff to provide additional information for the record. If not, the Commissions can deliberate toward a recommendation to their respective elected officials. The Commissions may recommend that the Council and Board of County Commissioners adopt the code amendments as written, recommend revisions, or direct staff to modify the proposal in response to public comment.

BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON
ORDER AND RECOMMENDATION FOR:

AMENDMENT TO THE SPRINGFIELD DEVELOPMENT CODE TO ALLOW	**]**	
ACCESSORY DWELLING UNITS IN URBANIZABLE FRINGE OVERLAY ZONE	**]**	**811-18-000065-TYP4**

NATURE OF THE PROPOSAL

In compliance with state legislation passed in 2017 (Senate Bill 1051) and 2018 (House Bill 4031), request that the Springfield Planning Commission forward a recommendation of approval to the Springfield City Council regarding amendments to the following sections of the Springfield Development Code as shown in Exhibit B:

Chapter 3 Land Use Districts:
- Section 3.2-200 Residential Zoning Districts
- Section 3.3-800 Urbanizable Fringe Overlay District

Chapter 5 The Development Review Process and Applications
- Section 5.5 Accessory Dwelling Units

Notice was sent to the Department of Land Conservation and Development on April 26, 2017, which is less than 35 days prior to the first evidentiary hearing in compliance with OAR 660-018-0020. However, the scheduling of the City Council hearing at least 23 days after the Planning Commission hearing enables the City to cure the untimely submission per ORS 197.620 (3).

Timely and sufficient notice of the public hearing has been provided, pursuant to Springfield Development Code Section 5.2-115.

On May 8, 2018, the Springfield Planning Commission held a duly noticed public hearing on the proposed text amendments. The public hearing was conducted in accordance with Springfield Development Code Sections 5.2-120 through 5.2-145. After review of the staff report, evidence in the record, and public testimony, the Planning Commission determined that the code amendments meet the approval criteria.

CONCLUSION
On the basis of the Findings of Fact (Exhibit A) and evidence in the record, the proposed code amendments (Exhibit B) meet the approval criteria of Springfield Development Code Section 5.6-115 .

ORDER/RECOMMENDATION
It is ORDERED by the Springfield Planning Commission that a RECOMMENDATION for approval of 811-18-000065-TYP4 as amended be forwarded to the Springfield City Council for consideration at an upcoming public hearing.

_____ _____
Planning Commission Chairperson Date

ATTEST
AYES:
NOES:
ABSENT:
ABSTAIN:

STAFF REPORT AND FINDINGS

SPRINGFIELD AND LANE COUNTY PLANNING COMMISSIONS
CODE AMENDMENTS
ALLOWING ACCESSORY DWELLING UNITS (ADUs) IN THE URBAN FRINGE

Planning Commission Public Hearing Date: May 8, 2018
Springfield Journal #: 811-17-000057-TYP4

PROPOSAL DESCRIPTION

Proposal: In compliance with state legislation passed in 2017 (Senate Bill 1051) and 2018 (House Bill 4031), these code amendments would allow accessory dwelling units (ADUs) within the urbanizable area of Springfield's urban growth boundary. The amendments proposed affect Springfield Development Code, Section 3.2-200 Residential Zoning Districts, Section 3.3-800 Urbanizable Fringe Overlay District, and Section 5.5 Accessory Dwelling Units. These code amendments would allow owners of residentially-zoned property between the city limits and urban growth boundary to add an ADU on land developed with a single family detached home, subject to specific conditions identified in Sections 3.3-825 and 5.5.

There are also some minor amendments affecting the setback from an alley when converting a garage to an ADU, requiring that unpaved off-street parking spaces be rocked and maintained, and always requiring a foundation for manufactured homes and towable structures.

Applicant: City of Springfield

Location: The proposed amendments would allow accessory dwelling units on residentially-zoned properties within the Urbanizable Fringe Overlay District.

BACKGROUND

In 2017, the City Council developed an affordable housing strategy with the goal of increasing the supply and accessibility of housing in Springfield throughout the housing continuum. One of the strategies is to encourage the construction of ADUs. On March 5, 2018, the Council adopted Ordinance 6376 which amended the Springfield Development Code to make it easier and potentially less expensive to add an ADU within the city limits. Those amendments were acknowledged by the Department of Land Conservation and Development and become effective on April 4, 2018. Key changes included allowing ADUs in the Medium and High Density Residential zones (in addition to the Low Density Residential zone) if the resulting development meets minimum densities, allowing ADUs in the Washburne Historic District, removing the owner occupancy requirement, relaxing the off-street parking requirements, and providing more flexibility in design standards.

Now, in compliance with Senate Bill 1051 and House Bill 4031 which is codified as ORS 197.312(5), the City and Lane County are amending the code to allow accessory dwelling units outside the city, within the urban growth boundary. The development and design standards for an ADU outside the city limits are proposed to be the same as those required for ADUs inside the city. The existing requirements for detached single-family dwellings outside the city limits to allow for future urbanization, property divisions and/or more intense use of property are proposed to also apply to the ADUs outside the city.

Benefitting from some experience applying the newly adopted code language for ADUs, city staff also identified a few minor edits to help clarify alley setbacks, unpaved parking, and foundations for manufactured homes and towable structures.

NOTIFICATION AND WRITTEN COMMENTS

In accordance with the Oregon Administrative Rules (OARs) 660-018-0020, prior to adopting a change to an acknowledged comprehensive plan or land use regulation, local governments are required to notify the state Department of Land Conservation and Development (DLCD) at least 35 days prior to the first evidentiary hearing. A Notice of Proposed Amendment was transmitted to the DLCD on April 26, 2017, which is less than 35 days prior to the Planning Commissions' public hearing on the matter. Patrick Wingard, the Southern Willamette Valley Regional Representative of DLCD, has been aware of the city and county's efforts to comply with state requirements and has no issue with the late submittal. The City of Springfield and Lane County intend to cure the untimely submission of materials to DLCD as allowed in ORS 197.620 (3) by scheduling the public hearing of the City Council and Board of Commissioners at least 23 days after the Planning Commissions' public hearing.

Notice of the Planning Commissions' public hearing was mailed to the Washburne Neighborhood Association Board and interested parties (including those who testified on the recently adopted ADU amendments) on April 26 as required by Springfield Development Code 5.2-115 A; posted on the city's website on April 26; emailed to the interested parties on April 27; and published in the legal notices section of *The Register Guard* on April 28 as required by Springfield Development Code 5.2-115 B and Lane County; and referred to special districts and other government agencies on April 30.

APPROVAL CRITERIA

Springfield Development Code Section 5.6-115 lists the approval criteria for an amendment to the code.

A. In reaching a decision on the adoption or amendment of refinement plans and this Code's text, the City Council shall adopt findings that demonstrate conformance to the following:
   1. The Metro Plan;
   2. Applicable State statutes; and
   3. Applicable State-wide Planning Goals and Administrative Rules.

FINDINGS OF FACT

1. Consistency with the Metro Plan

The *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* is the prevailing Comprehensive Plan. The *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* was adopted in 2011 through Springfield Ordinance 6268 and Lane County Ordinance No. PA. 1274 as a refinement to the *Metro Plan.* Amendments to the development code must be considered within the context of adopted policies. Thus any proposed amendments must be consistent with the *Metro Plan* and the *Springfield 2030 Residential Land Use and Housing Element*. Applicable policies and findings of fact showing compliance with those policies are presented below.

The following *Metro Plan* policy from the "Citizen Involvement Element" is an applicable approval criterion for the development code amendments.

K.3 Improve and maintain local mechanisms that provide the opportunity for residents and property owners in existing residential areas to participate in the implementation of policies in the Metro Plan that may affect the character of those areas.

Finding: The code amendments implement the housing policies of the *Metro Plan.* Residents and property owners have the opportunity to participate in the adoption process for the code amendments. All City Council and Planning Commission meetings are advertised and open to the public, including the public hearings during which the elected and appointed officials discussed the code amendments. The general public is informed throughout the process by public hearing notices published in the newspaper, the city's website, and the city's mailing list of people interested in housing issues, including those who testified on the recently-adopted ADU code amendments.

The following *Metro Plan* policies from the "Growth Management Goals, Findings, and Policies" are applicable approval criteria for the development code amendments.

25. Based on direction provided in Policies 4, 8, and 23 of this section, any development taking place in an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. . . .

Finding: Section 5.5 of the Springfield Development Code that regulates ADUs applies equally to ADUs inside and outside the city limits. The amendments to Section 3.3-820 and 3.3-825D ensure that the siting of ADUs allow for the future division and/or more intensive use of the property. In this way, the new ADU development will be designed to the development standards of the City of Springfield.

27. The siting of all residences on urbanizable lots served by on-site sewage disposal systems shall be reviewed by Lane County to ensure the efficient future conversion of these lots to urban densities according to ***Metro Plan*** *assumptions and minimum density requirements.*

Finding: Section 3.3-825B of the Springfield Development Code requires that the Lane County Sanitarian certify that the proposed individual waste water disposal system meets D.E.Q. standards prior to Development Approval. Section 3.3-825C stipulates that Lane County is an affected party and is required to be notified of all development applications. With these to code provisions in place, Lane County can review the siting of ADUs on urbanizable lots to ensure the efficient future conversion of these lots to urban densities according to the *Metro Plan* assumptions and minimum density requirements.

The following *Metro Plan* policies from the "Metropolitan Residential Land Use and Housing Element" are applicable approval criteria for the development code amendments.

Residential Density

A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.

Finding: In the LDR zone, adding an ADU doubles the number of dwelling units on the lot and therefore increases the residential density. In the MDR and HDR zones, either one or two ADUs will be permitted bringing the density of the lot up to the minimum density allowed in the zone. The ADUs will tap into utility lines in place to serve the primary dwelling. Transportation access to the ADUs will be from rights-of-way which in most cases will already be developed. Public services and facilities already in place to serve the residents in the primary dwellings would also be available to serve the residents in the

ADUs. Thus, promoting ADUs promotes higher residential density inside the UGB while utilizing existing infrastructure, improving the efficiency of public services and facilities, and conserving rural resource lands outside the UGB.

A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

Finding: ADUs are new units designed as in-fill projects, either within existing structures or as new structures on developed residential lots. All the development standards such as lot coverage, setbacks, and solar access will continue to apply to all buildings on the lot. These standards thus will continue to address potential impacts of development on adjacent neighbors. The design standards for ADUs require that the ADU either matches the primary dwelling or meets clear and objective standards, with an option to meet other standards subject to a Type II land use decision. Thus these standards ensure that the ADU is designed to be compatible with either the primary dwelling or the neighborhood. Thus, the proposed amendments increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill while considering impacts of increased residential density on historic, existing and future neighborhoods.

Housing Type and Tenure

A.17 Provide opportunities for a full range of choice of housing type, density, size, cost, and location.

Finding: ADUs offer a small size home (800 square feet or less) option in neighborhoods that will often be developed with single-family homes. This housing type newly allowed within the urban fringe provides an alternative to apartment complexes for renters that are generally available in medium and high density residential areas. ADUs also provide an option for housing family members or on-site caregivers that facilitate independence and proximity. Due to their smaller size and the fact that they do not need additional land, ADUs are more affordable than single-family homes. Thus ADUs add to the range of choice of housing types, density, size, cost and location.

A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.

Finding: These amendments that allow ADUs in the urban fringe provide increased opportunities for small homes to be a part of the mix of structure types available within residential designations.

The following policies from the *Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element* are applicable approval criteria for the development code amendments.

Plan for Growth and Needed Housing

H.6 Continue to seek ways to reduce development impediments to more efficient utilization of the residential land supply inside the UGB, especially in the City's sloped areas (southeast Springfield and Willamette Heights).

Finding: ADUs help make efficient use of the residential land supply inside the UGB as they are added to developed lots and don't require additional land. The code amendments

increase the area where ADUs are allowed by allowing them within the urban fringe. Thus, the amendments reduce development impediments to more efficient utilization of the residential land supply inside the UGB.

Finding: The code amendments comply with applicable policies from the *Metro Plan* including the *Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element*, and therefore meet Criterion A.1.

2. Consistency with State statues.

In 2017, the legislature passed Senate Bill 1051. House Bill 4031 passed in 2018 added language (shown in bold) to make it clear that ADUs are required to be allowed in the urbanizable area of the urban growth boundary. The applicable statutes amended by the legislature are listed below as approval criteria.

*ORS 197.312 (5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas **within the urban growth boundary** zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

Finding: Springfield's estimated population for 2016 is 61,893 making this statute applicable to the city. Lane County's estimated population is 369,519 making this statute applicable to Lane County. The LDR, MDR, and HDR zones allow detached single-family dwellings and therefore are required to allow at least one ADU for each detached single-family dwelling. The city's definition of accessory dwelling states that it "may be located within, attached to or detached from the primary single-family dwelling" which complies with subsection (b). The city's acknowledged development code already allows for one or two ADUs in areas zoned for detached single-family dwellings, subject to reasonable local regulations relating to siting and design. The code amendments would allow ADUs within the urbanizable fringe subject to the same reasonable local regulations relating to siting and design. The code amendments include a few minor clarifications of the development and design standards which are also reasonable. Thus, the code amendments comply with this statute.

ORS 197.307 (4)(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.
(B) This paragraph does not apply to:
(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or
(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

Finding: The amendments provide for minor amendments to the development and design standards - clarifying that unpaved off-street parking must be rocked, and relocating the requirement for foundation so that it applies to all manufactured homes or towable

structure, not just those being reviewed through clear and objective standards. They also change the setback from an alley if an existing garage is converted to an ADU. Thus the amendments maintain the clarity and objectiveness of the design and development standards for ADUs.

Finding: The code amendments comply with applicable statues and therefore meet Criterion A.2.

3. Applicable State-wide Planning Goals and Administrative Rules.

The purpose of Statewide Planning Goal 10 "Housing" is to ensure the opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs.

The following OARs provide standards for compliance with Goal 10 "Housing" to implement ORS 197.303 through 197.307:

OAR 660-008-0010 Allocation of Buildable Land

The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

Finding: The *Springfield Residential Land and Housing Needs Analysis* was adopted as a Technical Supplement to the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* in 2011. ADUs are not a dwelling unit type called out in this analysis. Given that by definition, ADUs are only permitted in conjunction with a single-family detached dwelling, they will not utilize vacant or partially vacant land (as defined in the Analysis). They provide an infill opportunity that was not accounted for in the Buildable Land Inventory. Therefore, allowing ADUs in the Urbanizable Fringe Overlay Zone will not have an effect of reducing the buildable land in the residential plan designations. The code amendments have no detrimental impact on the Buildable Land Inventory and have the potential to allow for more housing within the developed areas of the UGB, particularly the smaller rental units that meet the projected need of smaller households who need affordable options. Therefore, the proposed code amendments comply with this administrative rule.

660-008-0015 Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);
(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.
(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:
(a) Set approval standards under which a particular housing type is permitted outright;
(b) Impose special conditions upon approval of a specific development proposal; or
(c) Establish approval procedures.

Finding: The amendments add options for housing within the urbanizable area of Springfield's UGB by allowing ADUs where none were allowed previously. ADUs can be approved under a Type I process based on clear and objective standards. The code also allows applicants to go through a Type II process if they want to obtain approval through conformance with other standards. The proposed amendments allow for ADUs in the urbanizable fringe overlay zone and make minor modifications to design and development standards that are clear and objective. Thus the amended code provides clear and objective land use regulations for development of ADUs in the urbanizable fringe.

Finding: The code amendments comply with applicable Statewide Planning Goals and Administrative Rules and therefore meet Criterion A.3.

Exhibit B
Amendments to the Springfield Development Code to Allow Accessory Dwelling Units (ADUs) in the Urbanizable Fringe

The amendments are shown in legislative format (deleted text with strike-thru red font and new text with double underline red font). Commentary is shown in purple italics font.

Chapter 3 Land Use Districts
3.2-200 Residential Zoning Districts

Commentary: Allow for an existing garage that is less than 5 feet from alley to convert to an ADU.

3.2-215 Base Zone Development Standards
The following base zone development standards are established.

	Residential Zoning District			
Development Standard	**Low Density Residential (LDR)**	**Small Lot Residential (SLR)**	**Medium Density Residential (MDR)**	**High Density Residential (HDR)**
Minimum Setbacks for Primary Structures and Accessory Dwelling Units (4)(5)(7)(8)(9)(10)(19)				

(19) Accessory dwelling units may be located up to 5 feet from an alley. If the accessory dwelling is located above an alley access garage, or the existing garage is converted to an accessory dwelling unit, the setback for the garage from the alley also applies to the accessory dwelling unit, even if it is less than 5 feet.

Chapter 3 Land Use Districts
Section 3.3-800 Urbanizable Fringe Overlay District

Commentary: Allow ADUs as a permitted use in residential zones in the urbanizable fringe.

3.3-815 Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District
The following uses may be permitted in the underlying residential, commercial, or industrial district subject to the provisions, additional restrictions and exceptions specified in this Code. **EXCEPT AS SPECIFIED IN SECTION 3.3-810B., URBAN USES (e.g., multiple-family or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.**

"P" = PERMITTED USE subject to the standards of this Code.

"S" = SPECIAL DEVELOPMENT STANDARDS subject to special locational and/or siting standards as specified in Section 4.7-100.

"D" = DISCRETIONARY USE subject to review and analysis under Type III procedure (Section 5.9-100) at the Planning Commission or Hearings Official level.

"N" = NOT PERMITTED

*** = SITE PLAN REVIEW REQUIRED**

	Underlying Zoning District		
Use Category	*Residential*	*Commercial*	*Industrial*
Agricultural uses and structures	**P**	**P**	**P**
Child care facility (Section 4.7-125)	**S**	**N**	**N**
Detached single-family dwellings and manufactured homes (Section 3.3-825)	**P**	**N**	**N**
Accessory dwelling unit (Sections 3.3-825 and 5.5-100)	**P**	**N**	**N**
Home Occupations (Section 4.7-165)	**S**	**S**	**S**

3.3-820 Review

A. The siting of single-family residences and accessory dwelling units in the UF-10 Overlay District that require a Future Development Plan as specified in Section 5.12-120E. shall be reviewed under Type I procedure.

3.3-825 Additional Provisions

D. Siting of Residential Uses. Detached single-family dwellings and accessory dwelling units shall be sited to allow the future division and/or more intensive use of the property. The applicable on-site sewage disposal facility shall be conditional, and made a part of any permit necessary to achieve the standards of this Overlay District. The following standards apply:

1. In order to achieve ultimate densities provided in the Metro Plan, the siting of single-family homes and accessory dwelling units on any lot/parcel designated MDR or HDR, or any lot/parcel 5 acres or more in size and designated LDR, shall require approval of a Future Development Plan as specified in Section 5.12-120E.

2. Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities shall be applied where necessary to reserve land for future urban development.

Chapter 5 The Development Review Process and Applications
Section 5.5 Accessory Dwelling Units

Commentary: Allow ADUs in the urbanizable fringe outside the city limits.

5.5-110 Applicability

A. Accessory dwelling units are permitted on LDR properties with a primary dwelling~~, within the city limits~~.

B. Accessory dwelling units are permitted on MDR properties with a primary dwelling, ~~within the city limits,~~ according to the following standards:

1. On a lot or parcel with area 6,650 square feet or less, 1 or 2 accessory dwelling units are permitted.

2. On a lot or parcel with area greater than 6,650 square feet but not greater than 10,000 square feet, 2 accessory dwelling units are permitted. A single accessory dwelling unit on such lot or parcel is not permitted.

3. An accessory dwelling unit is not permitted on a lot or parcel with area greater than 10,000 square feet.

4. If 2 accessory dwellings are constructed, at least 1 must be detached from the primary dwelling.

C. Accessory dwelling units are permitted on HDR properties with a primary dwelling, ~~within the city limits,~~ according to the following standards:

1. On a lot or parcel with area 3,200 square feet or less, 1 or 2 accessory dwelling units are permitted.

2. On a lot or parcel with area greater than 3,200 square feet but not greater than 4,800 square feet, 2 accessory dwelling units are permitted. A single accessory dwelling unit on such lot or parcel is not permitted.

3. An accessory dwelling is not permitted on a lot or parcel with area greater than 4,800 square feet.

4. If 2 accessory dwellings are constructed, at least 1 must be detached from the primary dwelling.

Commentary: Require that unpaved parking spaces provided off-street must be rocked and maintained.

5.5-125 Development Standards

An accessory dwelling unit shall meet the following standards:

F. There shall be one parking space 9 feet by 18 feet in size for the accessory dwelling unit, in addition to the parking spaces required by Section 4.6-100 for the primary dwelling. Off-street parking spaces may be paved or unpaved as described below. If unpaved, the parking space must be rocked and maintained according to the *Engineering Design Standards and Procedures Manual* and Standard Construction Specifications. The parking space for the accessory dwelling may be provided either on-street or off-street as described below:

Commentary: Move the requirement for a manufactured home or towable structure to be placed on a permanent foundation into the Development Standards rather than the Design Standards so that it applies to all manufactured homes and towable structures, not just those that will be reviewed under Clear and Objective Standards. Renumber remaining Design Standards.

H. If a Type 2 manufactured home or a towable structure (that is permitted, inspected and approved by the local authority having jurisdiction) is brought to the site as an accessory

dwelling unit, it shall have its tongue and towing apparatus removed. It shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the dwelling is placed on a basement, the 24-inch limitation will not apply).

5.5-130 Design Standards

An accessory dwelling unit within or attached to the main dwelling shall either match the primary dwelling or meet the alternative standards. A newly constructed detached accessory dwelling unit shall match the primary dwelling, meet clear and objective standards, or meet the alternative standards. Conversion of a structure permitted under Section 4.7-105A to an accessory dwelling unit is not required to meet the design standards and may be approved under a Type 1 procedure; however, exterior alterations such as those necessary to meet building codes shall meet relevant design standards below (match primary dwelling or meet clear and objective standards).

B. Meet Clear and Objective Standards. A detached accessory dwelling unit may be approved under Type I procedure if it meets the following design standards:

~~**1.** If a Type 2 manufactured home or a towable structure (that is permitted, inspected and approved by the local authority having jurisdiction) is brought to the site as an accessory dwelling unit, it shall have its tongue and towing apparatus removed. It shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the dwelling is placed on a basement, the 24-inch limitation will not apply).~~

~~2~~1. Only non-reflective siding and roofing materials are allowed.

~~3~~2. Minimum roof pitch is 3 in 12.

~~4~~3. Eaves shall project from the accessory dwelling unit at least 1 foot on all elevations.

~~5~~4. The primary entry must have a covered or roofed entrance with a minimum depth and width of 3 feet.

~~6~~5. The accessory dwelling may not exceed the height of the primary dwelling.

~~7~~6. The exterior wall shall provide an offset every 25 feet by providing a recess or extension, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall.