

Source: Community Development - Planning

Agenda Item No: REP 48-13

To: City Council
From: City Manager and Staff

Council Meeting Date: Apr 1, 2013

Re: Accessory Dwellings Report (Council Tracker #3770)

EXECUTIVE SUMMARY:

Council has requested that staff prepare an amendment to the Zoning Regulations to accommodate accessory dwellings in "open" zoned residential districts. Staff has prepared the following report to define the issue and identify potential regulatory amendment options.

Two alternatives are suggested for incorporating accessory dwellings into the existing zoning code structure:

1. Make accessory dwellings conditional uses in the R-1 district, and permitted uses in R-2, R-3, and R-4 districts.
2. Establish a floating overlay district, functionally similar to the U-C overlay district, which can be applied to specific geographical areas.

A third option, not recommended, is to continue using the PUD (Planned Unit Development) zoning district to accommodate accessory dwellings on a case-by-case basis, subject to a public hearing process and approval by Council.

Staff recommends referring the task of drafting an ordinance amendment to the Planning and Zoning Commission.

DISCUSSION:

Background

On November 19, 2012, Council asked staff to prepare an amendment to the Zoning Regulations (Chapter 29 of the City Code) to accommodate accessory dwellings within the "open" residential districts, including R-1 (One-Family Dwelling), R-2 (Two-Family Dwelling), R-3 (Medium Density Multiple-Family Dwelling), and R-4 (High Density Multiple-Family Dwelling) districts (Council Tracker #3770).

Existing regulations allow accessory dwellings only within the PUD (Planned Unit Development) district. While the PUD District is intended to accommodate unique development concepts, and could accommodate development of accessory dwellings, it requires a public hearing process to rezone property and approve a PUD development plan. The goal of Council's requested ordinance revision is to establish a specific process and criteria to accommodate development of accessory dwellings within open-zoned residential districts.

Definition

An accessory dwelling (AD) is a secondary dwelling unit created on a lot with a principal one-family dwelling, and which is subordinate to the principal dwelling. Accessory dwellings may be attached to the principal dwelling, or built as a detached structure.

Purpose

The purpose of accessory dwellings is to create new housing units while preserving the look and scale of detached one-family dwelling neighborhoods. Accessory dwellings:

1. Allow more efficient use of the City's existing housing stock and infrastructure
2. Provide a mix of housing types that responds to changing family needs and smaller households
3. Provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services
4. Provide a broader range of accessible and more affordable housing

Types

Accessory dwellings can be created within a detached one-family dwelling by:

- a. Converting part of the existing living area into an apartment,
- b. Finishing an existing basement or attic,
- c. Making an addition to an existing structure, or
- d. Building a new structure

Attics, basements, and some existing attached or detached garages may be converted into ADs, provided that minimum building code requirements are met for finished living space. In unfinished areas, existing features such as ceiling heights, windows, stairs and insulation may not meet current building code requirements for finished space. These conditions could make it expensive, difficult or even impossible to change an attic, basement or garage into living space.

Existing Zoning Limitations

Current Zoning Regulations limit R-1 lots to a single one-family dwelling. R-2 lots are allowed to have a single two-family dwelling, but are restricted from having second dwellings on lots less than 10,000 square feet. The R-3 and R-4 districts accommodate multiple dwelling units and multiple structures to be situated on a single lot provided there is at least 7,500 square feet of lot area in R-3 and 7,000 square feet of lot area in R-4. A single-family dwelling is allowed on any R-1, R-2, or R-3 zoned lot containing at least 5,000 sq. ft. (See Table 1: Minimum Dwelling Density Standards by District).

In addition to maximum density restrictions in each district (i.e., minimum lot area/unit), requirements such as setbacks, parking, minimum unit floor areas and maximum building heights may further restrict the number of dwelling units that can be accommodated on a site.

Infrastructure Considerations

Sanitary Sewer:

A number of Columbia's central city neighborhoods are still served by private common collectors, many of which fail to meet wastewater demands placed on them by existing residential users. While the City is working to replace or repair these shared private sanitary sewer lines with public sewers, it may be many years before all of these Private Common Collector Elimination projects are completed. In the meantime, it is recommended that the addition of accessory dwellings be limited to sites that are served by public sanitary sewers to prevent additional sewer from overwhelming failing or capacity-restricted systems.

Typical Standards

Staff has conducted a review of several accessory dwelling best practices reports and ordinances from around the nation, and compiled the following list of criteria and standards that commonly appear in such ordinances. Potential requirements listed in the following regulatory theme areas have been edited to ensure consistency with the existing language and standards found in other parts of Chapter 29. This is particularly evident in the suggested Height and Area language, which borrow heavily from Section 29-27(d). Accessory uses, and Section 29-26(b)(6) (Height and area exceptions).

The following themes are meant to represent what *could* be addressed in an ordinance revision. It may be desirable to omit or modify language to better suit the needs of the community.

Occupancy:

Either the principal or accessory dwelling must be occupied by the property owner. A maximum of two individuals shall be allowed to reside in an accessory dwelling.

Entrances:

Where a second dwelling unit is added in a single-family district, only one entrance can be located on the front façade of a principal structure that faces the street, unless the principal building contained an additional street-facing entrance before the AD was created.

When the AD is located behind the rear wall of the principal building, the AD entrance shall face the front lot line, except in cases where the AD does not have access to the ground, such as ADs with entrances from balconies or elevated decks.

Parking:

A minimum of 3 off-street parking spaces shall be provided on the subject lot, except that one required parking space may be located on-street if parking is available along the street front directly adjacent to a lot containing an accessory dwelling.

Height and Area:

The lot area must be a minimum of 5,000 square feet, and lot width must be a minimum of 50 feet to accommodate an accessory dwelling.

A detached accessory dwelling shall be located a minimum of 60 feet from the front lot line, or 6 feet behind the principal dwelling. A minimum of three feet shall be maintained from any side lot line, and one foot from any alley line. When the rear lot line is common to a side or rear lot line of another lot, detached accessory dwellings must be located a minimum of 3 feet from such rear lot line, and for corner lots, not less than the distance required for residences from side streets.

An accessory dwelling shall not exceed 75% of the living area of the principal dwelling or 800 square feet, whichever is less. A detached accessory dwelling shall not occupy more than 30% of the rear yard.

A detached accessory dwelling shall not exceed the height of the principal dwelling, or 24 feet, whichever is less. Detached cottages shall have no more than one and one-half stories and a converted garage no more than two stories.

Architecture:

Roof pitch, trim, eaves, and windows should match principal dwelling.

Registration:

Prior to issuance of a building permit for an accessory dwelling, application shall be made to the Building and Site Development Division of the Community Development Department, including a plot plan showing existing buildings and proposed accessory dwelling location, in addition to the above-listed criteria

Other Conditions for Consideration:

- Maximum of one accessory dwellings per lot.
- Current building code requirements for finished space must be met.
- Accessory dwellings shall not be allowed in conjunction with expanded home occupation (i.e., home occupation requiring BOA approval) in principal dwelling.
- Lot must have access to public sewer.
- ADs in U-C overlay districts are subject to additional requirements of the overlay.

Options

Staff has identified two options for updating the Zoning Regulations to accommodate accessory dwellings:

1. Make accessory dwellings conditional uses in the R-1 district, and permitted uses in R-2, R-3, and R-4 districts.
2. Establish a floating overlay district, functionally similar to the U-C overlay district, which can be applied to specific geographical areas as desired by local Neighborhood Associations and HOAs.

Option 1 would provide a greater degree of flexibility and opportunities for individual property owners to develop accessory dwellings, subject to meeting basic criteria. ADs could be permitted "as-of-right" in the R-2, R-3, & R-4 zoning districts, subject to meeting performance standards and administrative approval, similar to the current process for Home Occupation approvals; and allowed in R-1 districts subject to a Conditional Use Permit being issued by the Board of Adjustment. A preliminary draft ordinance revision is attached in order to demonstrate how this option could potentially be incorporated into Chapter 29.

Option 2 would allow neighborhood organizations to "opt in" by allowing ADs to be developed in a defined neighborhood area. This option would offer pre-approved site layout and architectural design standards (similar to form-based coding), which may be selected by neighborhoods or homeowners' associations to be applied to specific geographical areas based on the preference of neighborhood stakeholders.

A third option, which would not require an amendment to the Zoning Regulations, is to continue to use the PUD district to accommodate flexible housing options, including accessory dwellings, on a case-by-case basis. This approach is currently available, and has been used in several instances to allow unconventional housing configurations to be built in conventionally zoned neighborhoods. It requires rezoning of individual parcels to the PUD zoning district, and approval of a development plan by Council after a public hearing process and Planning and Zoning Commission review and recommendation. The PUD district accommodates customized dwelling types, setbacks, and other conditions as necessary to mitigate potential negative impacts on immediately adjacent properties.

Potential Impacts - Option 1

There are 28,573 existing buildable lots (i.e., lots containing a minimum of 5,000 sq. ft.) within the city's so-called "open" residential zoning districts (i.e., zoned R-1, R-2, R-3, and R-4) (See Map 1: Buildable Residential Lots by Zoning District). Of these, 11% (3,090) are already developed with two or more dwelling units, 77% (22,042) are developed with single-family homes, and 12% (3,441) are undeveloped (See Map 2: Development Status).

The eligibility of lots within these so-called "open" residential zoning districts to accommodate accessory dwellings varies. The R-1 zoning district currently allows only one dwelling unit per lot, and does not provide any opportunities for the addition of accessory dwelling units. In the R-2 district, accessory dwellings are allowed in the form of attached dwellings (i.e., duplexes) on lots containing a minimum area of 10,000 sq. ft.; however detached accessory dwellings are not currently permitted on lots under 10,000 square feet. In the R-3 and R-4 districts, all types of dwelling configurations, including detached accessory dwellings are permitted on lots containing at least 7,500 sq. ft. or 7,000 sq. ft. of land area in the R-3 and R-4 districts, respectively. (Note: The R-4 district is excluded from further analysis since only 12 vacant lots are contained in this district.)

Under existing zoning ordinances, 1,897 lots are currently eligible (i.e., zoned R-2 and R-3) and available (i.e., contain either zero or one dwelling unit) for the addition of an accessory dwelling. Ordinance amendment Option 1 would nearly double the number of R-2 and R-3 zoned lots eligible for accessory dwellings as-of-right, increasing the eligible lots by 48% (1,784) to 3,681 lots (See Map 3: Potential Accessory Dwelling Sites - Allowed vs. Proposed). Nearly half of the city's potential R-2 and R-3 zoned accessory dwelling sites are concentrated in the neighborhoods immediately west of downtown, bounded by Providence Road, Broadway, Clinkscales Road, and Business Loop 70. This area includes the largest contiguous block of R-2 zoned lots in the city. These lots were originally zoned and developed under the R-1 zoning designation before being rezoned to R-2 when the City's Zoning District Map was amended in 1957 (See Map 4: West Ash Case Study).

The R-1 district represents the largest untapped potential for accessory dwelling units, comprising a total of 22,082 (77%) of the city's open-zoned residential lots. If accessory dwellings are allowed in the R-1 district, either as a conditional use or as-of-right, the number of lots eligible for accessory dwellings would increase from 1,897 to as many of the R-1 District lots as the height and area standards and Board approvals would allow. It should be noted that approximately 40% of the city's R-1 zoned lots are more than double the minimum 7,000 sq. ft. lot area requirement. This is indicative of a low density residential development pattern that defines the city as a whole.

Resources

Cobb, Rodney, and Scott Dvorak. 2000. *Accessory Dwelling Units: Model State Act and Local Ordinance*. Washington, D.C.: AARP.

American Planning Association. *PAS QuickNotes No. 19: Accessory Dwelling Units*.

Austin (Texas), City of. *Special Use Infill Options and Design Tools Available Through the Neighborhood Plan Combining District (NPCD)*.

Lawrence (Kansas), City of. *ADU Zoning Regulations*.

Portland (Oregon), City of. *ADU Zoning Regulations*.

Santa Cruz (California), City of. *ADU Zoning Regulations*.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

11.2 Goal: A diversity of housing choices will be dispersed throughout the community to achieve an adequate supply of affordable, energy efficient, and accessible housing.

SUGGESTED COUNCIL ACTIONS:

Council may direct staff to work with the Planning and Zoning Commission to develop an ordinance revision to the Zoning Regulations.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	11.2
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

Preliminary Draft Ordinance

PART II - CODE OF ORDINANCES

Chapter 29 - ZONING

Suggested text changes are in **bold and underline**.

Sec. 29-2. - Definitions.

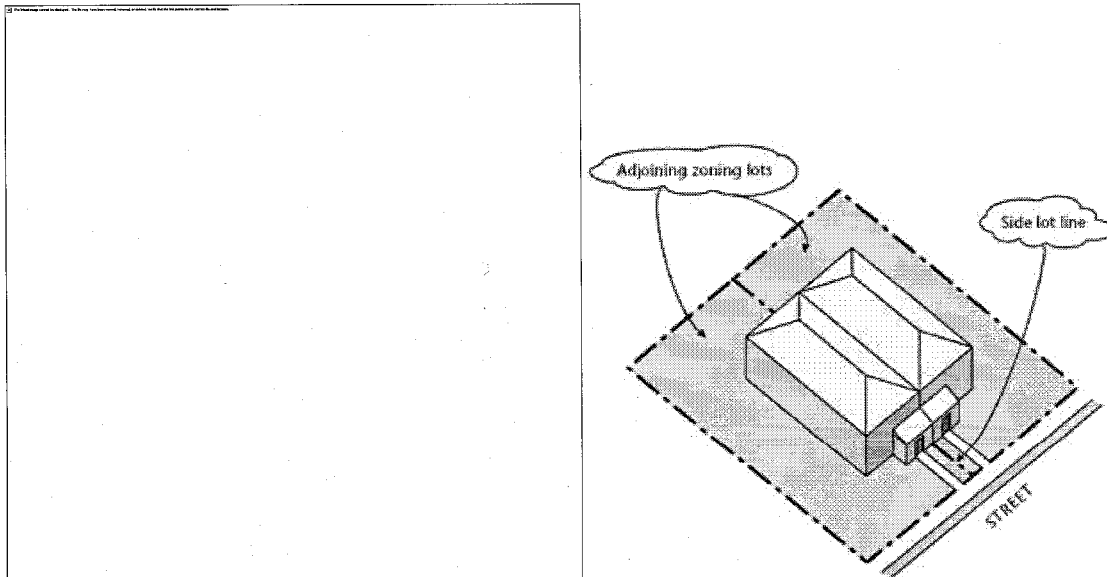
For the purpose of this chapter, the following words and terms as used are defined to mean the following:

Dwelling, accessory. A secondary dwelling unit created on a lot with a principal one-family dwelling, and which is subordinate to the principal dwelling. Accessory dwellings may be attached to the principal dwelling, or built as a detached structure.

Dwelling, multiple-family. A building containing three (3) or more dwelling units.

Dwelling, one-family. A building containing one dwelling unit.

Dwelling, one-family attached (also known as "twin house," "zero lot line," "single-family attached," "semi-attached," and "semi-detached"). A building containing two (2) attached dwelling units that share a common wall at the lot line and that are on separate lots.



Dwelling, two-family (also known as "duplex"). A building containing two (2) dwelling units, situated on a single lot.

Dwelling unit. A building or portion thereof, designed to house a family.

Dwelling, villa. A one-family attached dwelling that is subject to the design criteria set forth in section 29-10.

Family:

- (1) An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage; or

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- (2) a. 1. In zoning districts R-1 and PUD (when the PUD development density is five (5) or less dwelling units per acre), a group of not more than three (3) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.
2. The use of a dwelling unit by four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use.
- b. In all other applicable zoning districts, a group of not more than four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.
- ...
- ...

Sec. 29-6. - District R-1, one-family dwelling district.

...

- (c) *Conditional Uses:* The following uses shall be permitted in district R-1 only after the issuance of a conditional use permit pursuant to the provisions of section 29-23
- ...

Dwellings, accessory, subject to the criteria listed for accessory dwellings in section 29-7(b).

...

Sec. 29-7. - District R-2, two-family dwelling district.

- (a) *Purpose.* This district is intended to provide for one-and two-family residential developments of various types and mixes. The principal land use is one-family or duplex residential dwellings.
- (b) *Permitted uses.* In district R-2, no building or land shall be used, and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions see section 29-28, Non-Conforming Uses, and section 29-31, Board of Adjustment):

All permitted uses in district R-1.

Dwellings, accessory, subject to the following criteria:

- (1) Either the principal or accessory dwelling must be occupied by the property owner.
- (2) No more than two dwelling units, including the accessory dwelling, may be permitted on a single lot.
- (3) A maximum of 2 individuals shall be allowed to reside in an accessory dwelling.
- (4) Height and area requirements:
- a. The lot area must be a minimum of 5,000 square feet, and lot width must be a minimum of 60 feet to accommodate an accessory dwelling.

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- b. A detached accessory dwelling shall be located a minimum of 60 feet from the front lot line, or 6 feet behind the principal dwelling. A minimum of three feet shall be maintained from any side lot line, and one foot from any alley line. When the rear lot line is common to a side or rear lot line of another lot, detached accessory dwellings must be located a minimum of 3 feet from such rear lot line, and for corner lots, not less than the distance required for residences from side streets.
- c. An accessory dwelling shall not exceed 75% of the living area of the principal dwelling or 800 square feet, whichever is less. A detached accessory dwelling shall not occupy more than 30% of the rear yard.
- d. A detached accessory dwelling shall not exceed the height of the principal dwelling, or 24 feet, whichever is less.

(5) Design standards:

- a. Roof pitch, trim, eaves, and windows should match principal dwelling.
 - b. Where an accessory dwelling is attached to a principal dwelling, only one entrance can be located on the front façade of the structure that faces the street, unless the principal building contained an additional street-facing entrance before the accessory dwelling was created. When the accessory dwelling is located behind the rear wall of the principal building, the accessory dwelling entrance shall face the front lot line, except in cases where the accessory dwelling does not have access to the ground, such as accessory dwellings with entrances from balconies or elevated decks.
- (6) A minimum of 3 off-street parking spaces shall be provided on the subject lot, except that one required parking space may located on-street if parking is available along the street front directly adjacent to a lot containing an accessory dwelling.
- (7) Current building code requirements for finished space must be met.
- (8) Prior to issuance of a building permit for an accessory dwelling, application shall be made to the Building and Site Development Division of the Community Development Department, including a plot plan showing existing buildings and proposed accessory dwelling location, in addition to the above-listed criteria.

Dwellings, two-family.

...

Sec. 29-30. - Off-street parking and loading regulations.

...

- (b) *Parking Requirements.* Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30(b)(1).

Table 29-30(b)(1)

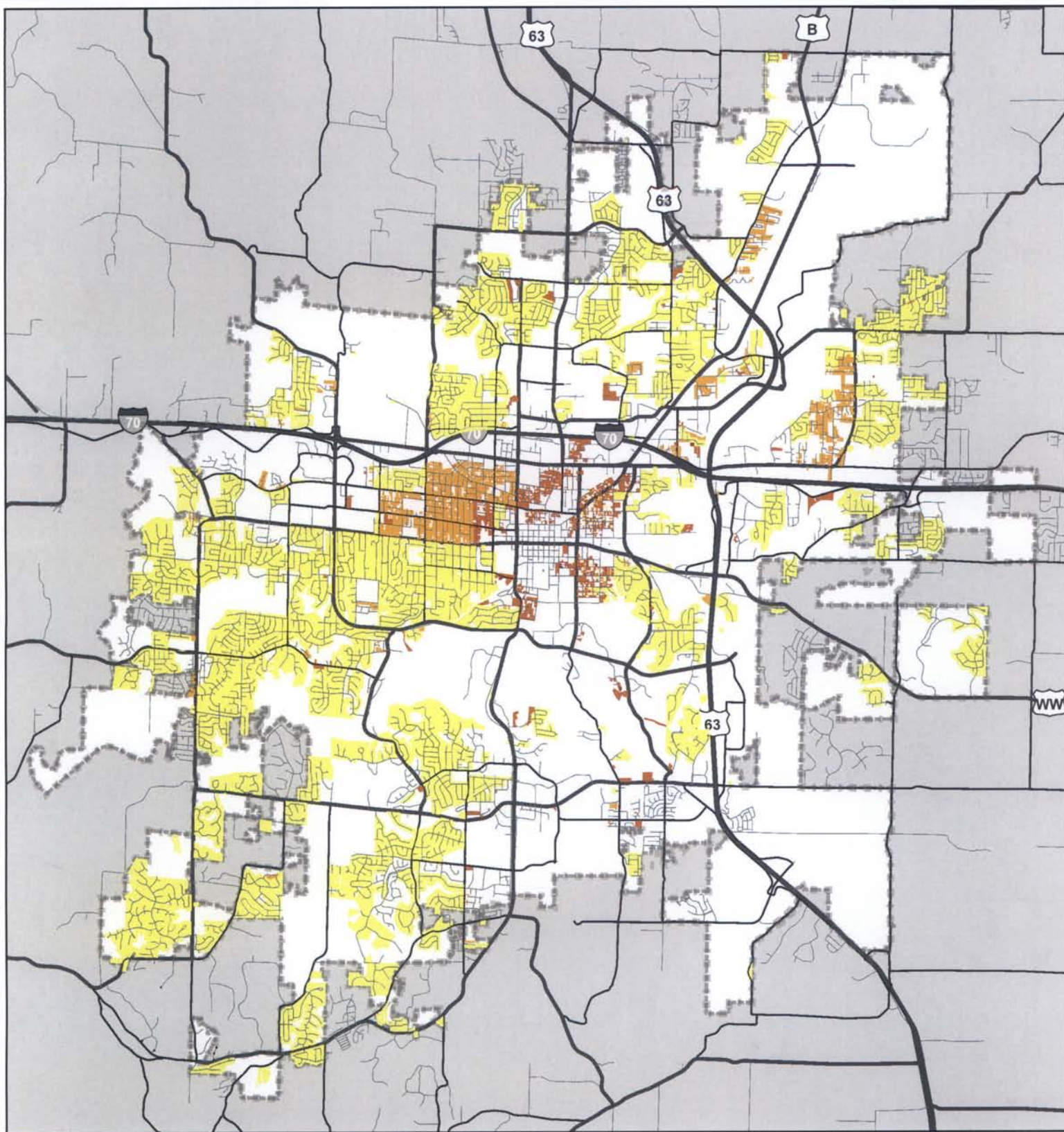
	Required Parking
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<i>Residential</i>	
One- and Two-Family Dwelling Units	2 spaces/dwelling unit for one-family attached and unattached dwellings; 2 spaces/unit for two-family units having up to 2 bedrooms; three spaces/unit in two-family units of 3 or more bedrooms
<u>One-Family Dwelling with an Accessory Dwelling Unit</u>	<u>3 spaces, except that one required parking space may located on-street if parking is available along the street front directly adjacent to a lot containing an accessory dwelling.</u>
One-family Attached Units	2 spaces/dwelling unit
Multi-Family Dwellings	1.0 spaces/dwelling unit for "efficiency" apartment (i.e., units without a separate bedroom); 1.5 spaces/dwelling unit for 1 bedroom units; 2 spaces/dwelling unit for 2 bedroom units; 2.5 spaces/dwelling for 3 or more bedroom units; In addition to required parking for residents, 1 space/5 dwelling units will be required for visitor parking

...



Map 1:

Buildable Residential Lots by Zoning District

City of Columbia, Missouri
Department of Community Development
3/25/2013

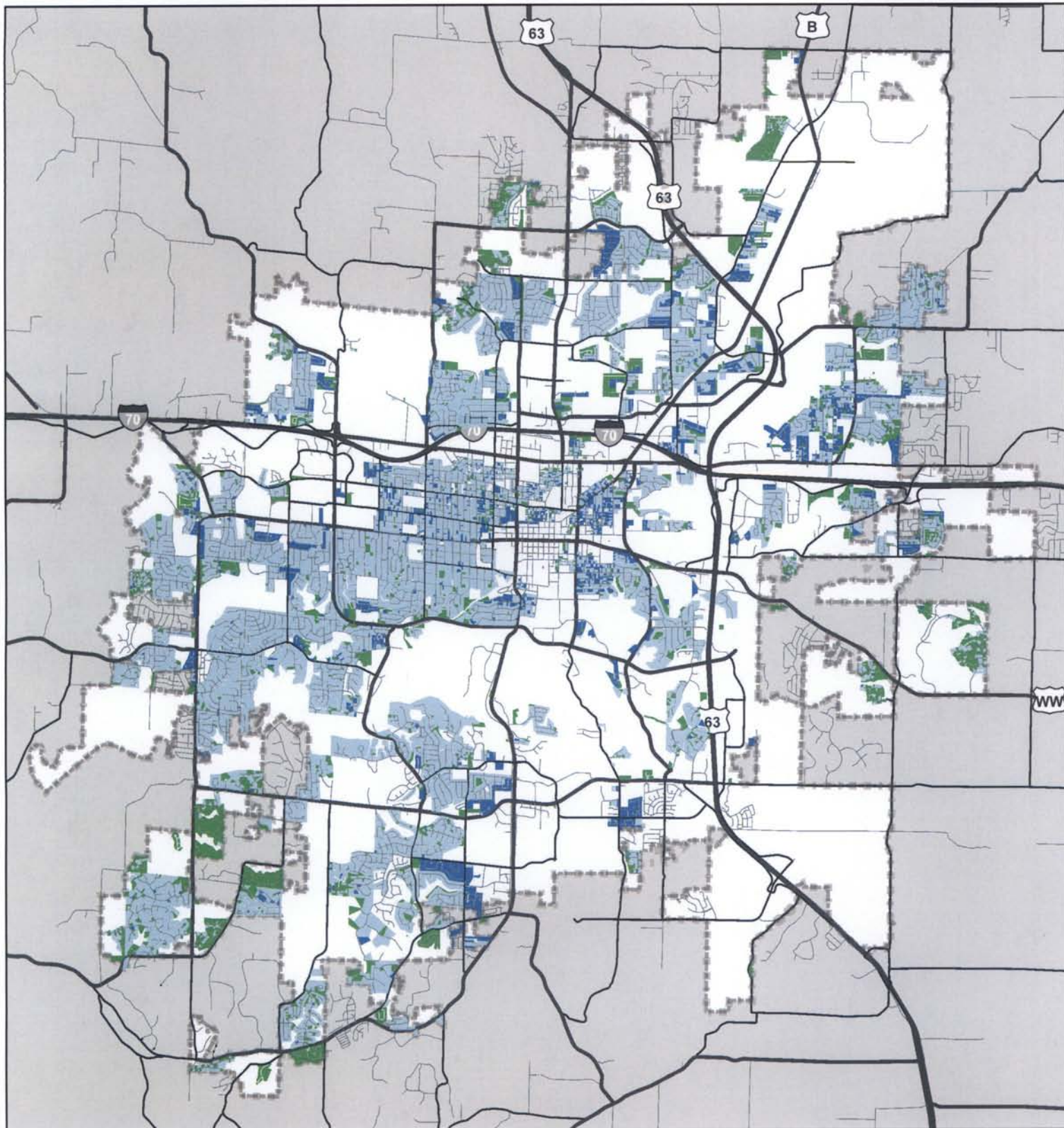
Eligible Lots

Min 5,000 sq ft

	R-1: 21,610 Lots
	R-2: 2,496 Lots
	R-3: 1,180 Lots
	R-4: 12 Lots



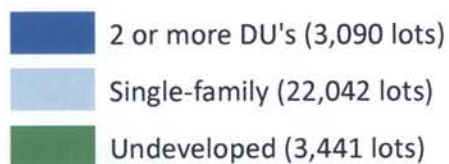
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Miles

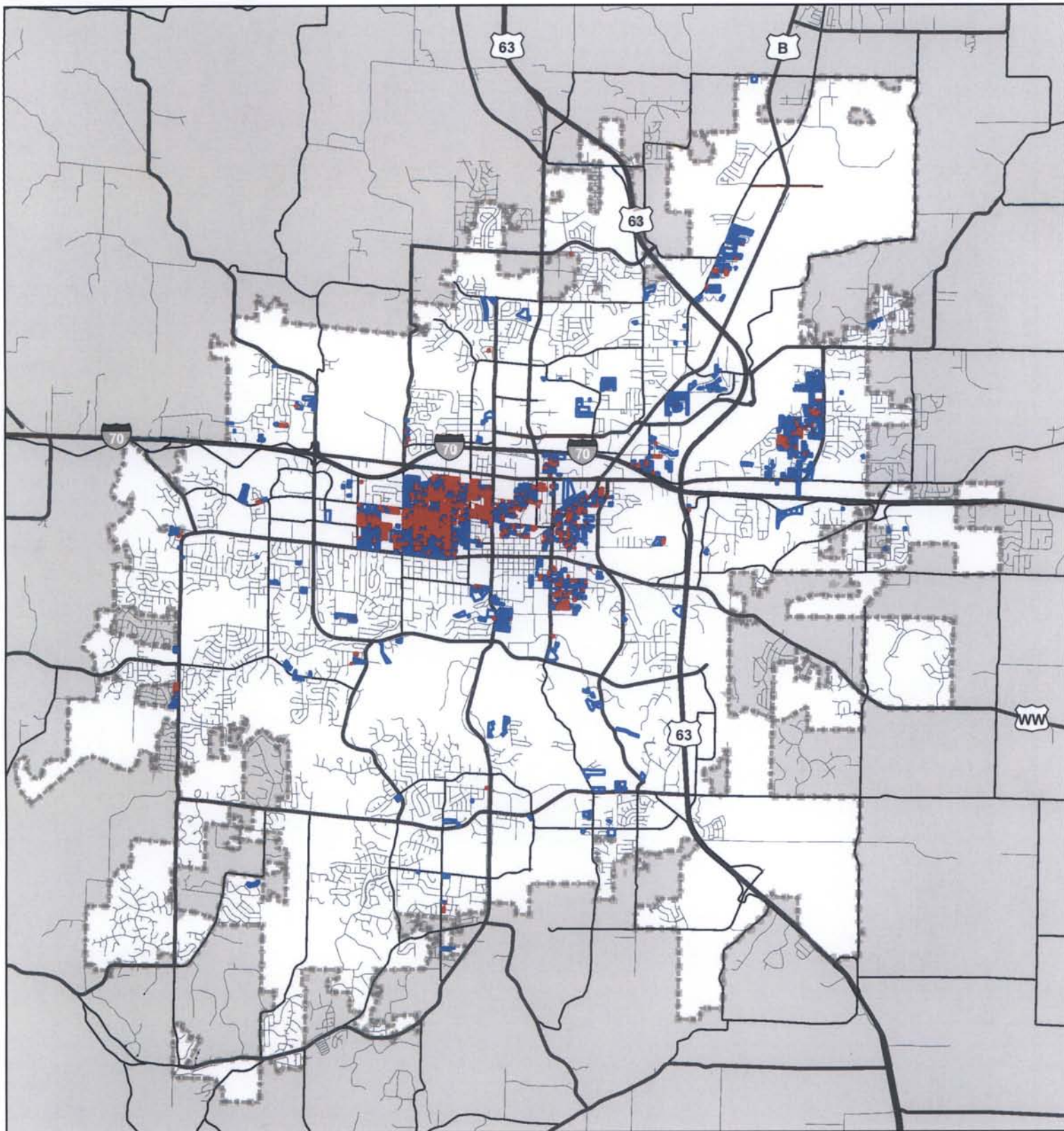


Map 2:

Development Status

City of Columbia, Missouri
Department of Community Development
3/25/2013





Map 3:

Potential Accessory Dwelling Sites, Allowed vs Proposed

City of Columbia, Missouri
Department of Community Development
3/25/2013

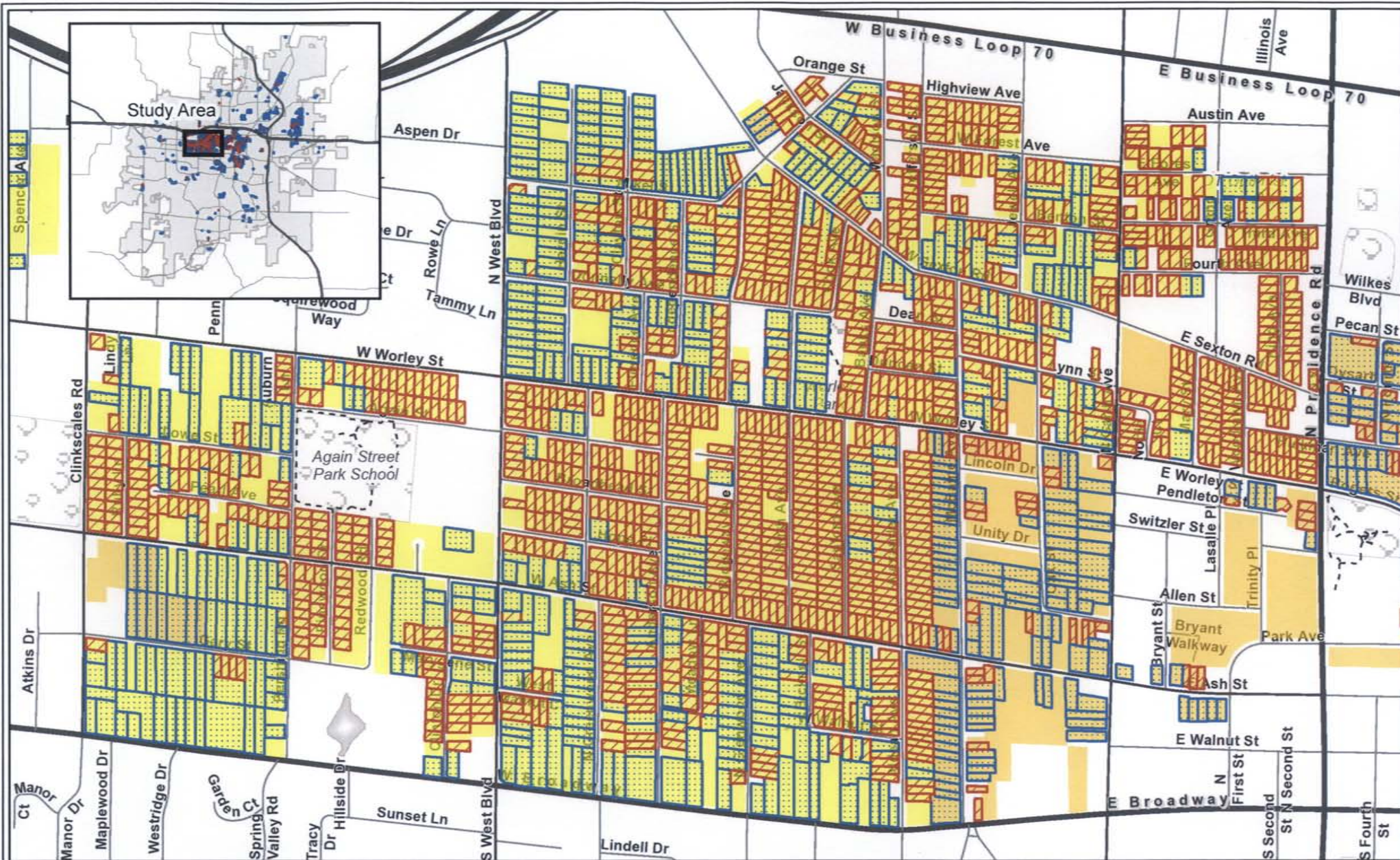
Lots greater than 5000 sq ft with 1 unit or less (3,681 lots)

Zoning includes accessory dwellings (1,897 lots)

Could have accessory dwelling with amendment (1,784 lots)



0 0.5 1 2
Miles



Map 4:

West Ash Case Study

Includes West Ash, Douglass Park,
and Worley Steet Park Neighborhoods

Zoning

- R-2
- R-3

Lots with 1 unit or less

- Zoning includes accessory dwelling (578 lots)
- Could have accessory dwelling with amendment (1,207 lots)



0 375 750 1,500
Feet

City of Columbia, Missouri
Department of Community Development
3/25/2013