

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
March 7, 2024**

SUMMARY

A request by the City of Columbia to amend Sections 29-3.3(gg) [Use-specific Standards – Accessory Dwelling Units] and 29-4.1(a), Table 4.1-1 [Dimensional Standards for Residential Districts] of Chapter 29 of the City Code (Unified Development Code). The amendments propose revisions to the regulation of accessory dwelling units (ADUs) and the dimensional requirements applicable to single and two-family structures within the R-MF (Multiple-family Dwelling) district. **(Case # 110-2024)**

DISCUSSION

The attached text amendment has been prepared pursuant to Council's January 16, 2024 direction which followed a request by Adrienne Stolwyk, a registered local architect and accessory dwelling unit advocate/owner. The proposed amendments would revise sections 29-3.3(gg) and 29-4.1, Table 4.1-1 of the Unified Development Code (UDC) as they pertain to the use-specific standards governing accessory dwelling units (ADUs) and the dimensional standards for residential development, respectively. The proposed revisions are focused on removing barriers to the construction of ADUs and would establish parity with respect to the required side yard setback within the R-MF district for single and two-family construction when compared to the similar construction in the R-1 and R-2 districts.

The City adopted standards permitting the construction of ADUs on R-1, R-2, and R-MF (formerly R-3) lots in 2015. Adoption of regulations allowing this housing typology was an objective of the city's 2013 comprehensive plan as a means of creating more livable and sustainable neighborhoods with greater housing diversity. When adopted, the regulations contained provisions that established minimum lot area and other dimensional requirements as well as controls relating to design features, parking, and other standards that were intended to mitigate the potential impacts of an increase in the number of dwelling units on a single lot. While many of the standards have fulfilled their objectives, the original regulations have been modified to reduce parking and a "fee-waiver" program was created to encourage the production of more ADUs within the City in 2019 and 2018, respectively.

However, following the revisions to the use-specific standards and creation of the "fee-waiver" program there has been limited additional ADU production. To-date there have been 5 R-1 ADU conditional use applications submitted and approved. The city has received a total of 16 permit applications to construct ADUs since 2019. Of these permits 5 have received certificates of occupancy, 1 was voided, 1 was withdrawn, 3 have expired, 3 have been issued, 1 was approved, and 2 are in review. Mrs. Stolwyk's request seeking amendments to the current regulations are based upon her interactions with others seeking guidance on constructing ADUs and common concerns expressed about the challenge that the current regulations pose to facilitate their construction.

Following consultation with staff, there were three specific revisions believed to be "minor" adjustments to the existing regulation of ADUs which, if approved, may remove barriers to their construction. These revisions are:

- 1. Allow "legal lots" as narrow as 30-feet and containing no less than 3000 sq. ft. to become eligible for construction of an ADU. In the R-1 district, a lot must contain the current 5000 sq. ft. minimum lot area. (Revises sec. 29-3.3(gg)(2))**

This standard is being recommended given the recent UDC changes to the definition of "legal lot" to include the R-MF district and the ability to obtain "legal lot" status for existing parcels with less than 60-feet of frontage. The revisions allow lots as narrow as 30-feet and as small as 3000 sq. ft. to be developed – this standard previously was not available and resulted in unnecessary

consolidation platting. The recommendation to require R-1 lots retain 5000 sq. ft. of lot area to be eligible for an ADU permit is to assure that the density impacts on small R-1 lots are not compounded. Furthermore, retaining this restriction mirrors the current regulations. The reason for not extending this restriction to R-2 and R-MF lots is based upon the belief that both districts allow more than 1 dwelling per lot presently and that the reduction in lot size is not nearly as significant with respect to dwelling unit density.

It is important to note that the retention of a 5000 sq. ft. lot area minimum does not prohibit a property owner of an R-1 that contains less than 50-feet of frontage to obtain “legal lot” status. Such an owner could plat an R-1 lot with as little as 30-feet of frontage and 3000 sq. ft. of lot area and be considered a “legal lot”. Retaining this standard only impacts the owner’s ability to seek a permit for an ADU in addition to the existing home on the lot when the lot area is less than 5000 sq. ft..

2. Eliminate the restriction that only one entry door may face the front property line when an ADU is attached to the principal dwelling. (Revises sec. 29-3.3(gg)(6))

This provision was originally intended to prohibit a single-family dwelling’s appearance to look like a “duplex” when an ADU was integrated into an existing home. The provision, while well intentioned, failed to consider the reality that many homes within the city already have two doors facing the street entering different portions of the home (i.e. the main dwelling and/or garage). Furthermore, the restriction has created the possibility that a less than safe entry point into an ADU must be installed along a side or rear building façade.

Elimination of this requirement will permit a secondary door along an existing dwelling’s street frontage potentially activating an unused entry into the home, especially if serving an attached garage that is converted, or allow for a new entry to be established. Allowing this entry will increase ADU visibility from the street leading to higher levels of resident safety and consistency with the city’s dwelling unit addressing protocols which in turn would aid emergency responders in the delivery of services. Finally, eliminating this prohibition will result in a consistent application of the city’s adopted building code which does not restrict how many entry doors may be located along a dwelling’s street facing façade.

3. Revise the residential side yard setback applicable to single and two-family construction within the R-MF district such that it mirrors the setback required for similar construction within the R-1 and R-2 zoning districts. (Revises sec. 29-4.1(a), Table 4.1-1)

Presently the side yard setback for the R-MF district regardless of the housing type constructed is a minimum of 10-feet. This setback was carried forward from the pre-2017 standards of chapter 29. The historical basis for this larger setback was predicated on the fact that multi-family dwellings are permitted “by-right” within the district.

However, when the UDC was adopted new “neighborhood protection” standards were created to address the impacts that larger multi-family dwellings may create on single and two-family homes. Given the new standards and after considering the side yard setback requirements for single and two-family dwellings in the R-1 and R-2 district, it is believed that reducing the setback for similar construction in the R-MF district is warranted. The proposed amendment to the residential dimensional standards table (Table 4.1-1) will ensure all single and two-family construction regardless of residential zoning district will have a consistent side yard setback of 6-feet.

This change will allow an additional 8-feet of building envelope to be created on an R-MF lot for single and two-family construction. The increase in building envelope provides an opportunity to

expand the footprint of an existing dwelling to accommodate an ADU or locate a new principal dwelling unit and detached ADU on a lot such that they can meet other regulatory requirements such as access and parking. The existing neighborhood protection standards applicable to R-MF multi-family development adjacent to single or two-family dwellings is not impacted by the proposed revisions. Proposed Note # 7 of Table 4.1-1 makes clear that multi-family structures (three or more units) must maintain a 10-foot setback.

Conclusion

The proposed regulatory changes outlined above and shown within the attached amendment offer an opportunity to reduce barriers potentially responsible for impeding the construction of ADUs within the city. The changes are not viewed as significant and given the most recent regulatory changes to the UDC are believed to be timely. The proposed changes would permit a broader range of lots the opportunity to utilize the ADU fee-waiver program, further the objectives of the city's comprehensive plan, and potentially assist in the construction of attainable housing for members of our community.

RECOMMENDATION

Approve the proposed text change as presented.

SUPPORTING DOCUMENTS (ATTACHED)

- Proposed Text Amendment
- Stolwyk Correspondence

PUBLIC NOTIFICATION

Public hearing ad published within the Columbia Tribune on February 20, 2024. No correspondence has been received.

Report Approved by Patrick Zenner