

**Date:** February 3, 2024  
**To:** Planning and Zoning Commission Members  
**From:** Patrick R. Zenner, Development Services Manager  
**Re:** Accessory Dwelling Unit (ADU) Text Change

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During the January 16, 2024 Council meeting, the Commission was assigned the task of reviewing proposed revisions relating to the UDC's standards specific to accessory dwelling units (ADUs). The assignment was narrowly defined to consideration of three specific modifications to UDC that were believed to be a cause for the sluggish construction of ADUs within the community. The proposed amendments were identified by Adrienne Stolwyk, a register architect and ADU advocate.

The proposed revisions would impact the use-specific standards that are applicable to ADUs as shown within sec. 29-3.3(gg) of the UDC and the dimensional standards relating to residential uses shown within Table 4.1-1 of the UDC. The proposed text changes are attached and represent staff's recommended action with respect to the Council assigned task. Additionally, the correspondence provided by Ms. Stolwyk that was used as part of Council's consideration to have the Commission undertake this assignment has been provided for your review.

The proposed revisions attempt to address the underlying intent and desired outcomes expressed by Ms. Stolwyk. Staff does not have significant issue with the general scope of the changes and finds them appropriate given the limited number of ADUs constructed since 2015. In consideration of the ongoing and recently completed text amendments related to the topics of "small & medium" lot integration and substandard lots, staff identified several additional changes that it believes are necessary to consider as work on the present Council assignment proceeds. These "supplemental" revisions are shown within items 2 and 4 of the attached use-specific standards and are further explain below.

Within item 2, staff believes it is essential to not permit an ADU on a lot less than 5000 sq. ft. in the R-1 district. This belief is based on the ongoing discussion of "small" lot integration into the R-1 district as a "by-right" lot size. As has been discussed, lots ranging from 3,000 to 5,000 sq. ft. in the R-1 district are intended to be created specifically for one single-family dwelling. If this restriction were removed, as it is proposed with the R-2 and R-MF districts, staff believes it would create significant impacts to quality of life and result in too much housing being located on such a small lot.

Presently, the threshold for an ADU in the R-1 district, subject to a CUP, is 5,000 sq. ft. The proposed revisions would not remove this requirement; therefore, nothing would be significantly changing in the R-1 district. However, it should be noted that the revision would allow an R-1 lot less than 50-

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feet (those covered by the substandard lot text amendment) to become eligible for ADU construction subject to the required CUP approval.

The remaining text within item 2 has been revised to permit an existing R-2 or R-MF lot as small as 3,000 sq. ft. and 30-feet wide to become eligible for an ADU permit. This revision would permit a significant number of properties within the City’s core neighborhoods an opportunity to construct an additional “small-footprint” home on their lot. While the minimum 3,000 sq. ft. lot is a rarity within this area, lots with frontages less than 60-feet are not. The additional of this new text promotes greater use of lots in locations that are often under-utilized.

Within item 4 of the use-specific standards, staff has identified the need to rework the provisions such that the size of an ADU is also regulated by maximum FAR (floor area ratio) limitations being proposed for “small” and “medium” lots. The original two constraints governing ADU size, 75% of principal dwelling or no greater than 800 sq. ft., are proposed to remain. To supplement these standards, staff proposes a new constraint that stipulates the **combined** floor area of the ADU and principal dwelling cannot exceed that allowed when the lot is classified as “small or medium”. This provision will ensure total **combined** dwelling area is not excessive on the lots that are benefitting from reduced setbacks. An option to allow for greater ADU area could be to permit an increase if the standard front and rear setbacks are applied.

While the final text amendment relating to integration of “small and medium” lots has not been completed, staff believes thinking ahead will save time and reduce the need for a future text change. It should also be noted that upon completion of the “small and medium” lot integration amendment, the current substandard lot text amendment may become obsolete given the lot types addressed by that amendment will permitted “by-right” in residential districts.

Finally, the attached amend revises the residential zoning district dimensional standards table. The revisions shown are consistent with previous staff and Commission discussion on the apparent disconnect between single and two-family side yard setbacks within the R-MF district when compared to the R-1 and R-2 districts. The change proposed would establish 6-feet and the common side yard setback in R-1, R-2 and R-MF district when single or two-family dwellings were constructed.

The proposed amendments will be discussed in greater depth at the upcoming February 8 work session. Should consensus be reach on the proposed amendments, a formal public hearing on them can be scheduled for the March 7, 2024 Regular Commission meeting.