

# ADU Code Change Discussion

CBS Planning Commission

April 15, 2026

# Goals for ADU Code Change

- Expanding zones/circumstances in which ADUs can be permitted outright rather than requiring a conditional use permit
- Consideration of other structures such as tiny houses on chassis and manufactured homes as ADUs
- Alleviating design requirements and making exceptions for pre-approved ADU plans
- Allowing short-term rental use of ADUs for a limited period of time to encourage construction
- Others?

# Where are ADUs permitted, conditional, and prohibited now?

- Permitted (if all 14 requirements are met)
  - R-1 (Single-family & duplex)
  - R-2 (Multifamily)
- Conditional
  - R-1 MH
  - R-LDMH
  - R-2MHP
- Prohibited
  - P (Public)
  - SF/SFLD (Single-family and SF low density)
  - CBD (Central Business District)
  - C-1 (General Commercial 1)
  - C-2 (General Commercial 2)
  - WD (Waterfront)
  - I (Industrial)
  - GI (General Island)
  - LI (Large Island)
  - R (Recreation)
  - OS (Open Space)
  - GP (GPIP)
  - C (Cemetery)

# But, there's the multifamily and commercial zone loophole...

- SGC 22.16.015
  - “...Each lot or parcel in single-family and related zones shall contain only **one principal use** as defined by the use tables in this chapter. Multifamily and commercial zones may contain **up to three principal uses**. Other uses on the lot or parcel may be permitted accessory uses or conditional uses.”
- Multifamily and commercial zones that allow single-family homes, duplexes, and multifamily homes as permitted principal uses:
  - R-2
  - R-2MHP
  - C-1
  - C-2
  - WD
- Is another single-family home on a lot in the above zones an additional, principal use? Or is it an ADU?

# Potential solutions to the loophole

- Close the loophole. Specify that any single-family detached unit on a lot in multifamily and commercial zones which already contains a residential structure will be considered an ADU.
- Codify the loophole. Specify that ADUs only exist in R-1 and related zones, and considered a single-family detached unit in multifamily and commercial districts (i.e., codify the loophole)
  - This would mean that in multifamily and commercial zones, one could build by right (subject to density limitations and development standards) any combination of single-family, duplex, and multifamily buildings so long as there are no more than 3 principal structures on the lot

# Expanding circumstances where ADUs are permitted outright

- Should ADUs be permitted outright in R-1 & related zones that allow duplexes if there is only a single-family home on the lot? This would treat ADUs more like duplexes in these zones.
- For new construction on vacant lots, should we allow ADUs to be constructed first followed by a single-family home as a permitted use? (i.e., not requiring a CUP to retroactively redesignate the first house built from a single-family home to an ADU).

# Review of the 14 ADU requirements

| # | Current Text   | Potential Changes  |
|---|--|--|
| 1 | An ADU is a permitted use on lots served by a publicly maintained right-of-way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by rights-of-way that have not been accepted by the municipality or state of Alaska for maintenance. | Remove this requirement if ADU is proposed in conjunction with a single-family home  |
| 2 | ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than 90 consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes.   | Allow for a certain number of years, and must be applied for no later than (six?) months following issuance of the certificate of occupancy  |
| 3 | ADUs shall meet all development, design, zoning and building requirements at the time of construction (e.g., setback requirements and lot coverage standards) applicable to the primary dwelling unit, except as otherwise noted.  | Consider removing altogether – applicants should apply for variance(s) rather than making the use conditional on this basis. Also hard to know what the standards were for the primary unit in some cases. |
| 4 | The ADU must be located on the same parcel as the primary dwelling unit.   | This is definitional – not something that can or should be waived through a CUP. Recommend removal.  |
| 5 | Only one ADU is allowed per parcel.  | Need to consider the “loophole” issue for multifamily and commercial zones   |

# Review of the 14 ADU requirements

| # | Current Text  | Potential Changes   |
|---|---|---|
| 6 | Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.  | Consider tiny homes on chassis and/or manufactured homes?   |
| 7 | ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.   | Again, need to consider the “loophole” issue for multifamily and commercial zones   |
| 8 | ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.  | <p>This is currently too vague to be of much use/guidance. Discussion is needed on what specific elements we’re looking for (Color? Roof pitch? Roofing materials?).</p> <p>Exceptions would likely be needed for pre-approved plans, tiny houses on chassis, and/or manufactured homes</p> |
| 9 | If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street. | <p>Separate external entrances are always necessary because ADUs are definitionally detached structures.</p> <p>Consider removing altogether – is this a necessary requirement?</p>   |

# Review of the 14 ADU requirements

| #  | Current Text   | Potential Changes   |
|----|--|---|
| 10 | Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.   | Again, consider whether this is a necessary requirement.  |
| 11 | The maximum size of an ADU shall be 800 square feet.   | No changes identified in previous discussion. Should potentially clarify if this is living space or total space (i.e. does a garage count?)   |
| 12 | <p>The following parking requirements are applicable for ADUs:</p> <ul style="list-style-type: none"> <li>a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.</li> <li>b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.</li> <li>c. On-street parking is prohibited.</li> <li>d. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.</li> </ul> | <p>Consider reducing the parking requirements – perhaps 1 space if the unit is of a certain size or only a studio?</p> <p>Consider removing the requirement for solid screening related to parking.</p> |

# Review of the 14 ADU requirements

| #  | Current Text  | Potential Changes  |
|----|---|--|
| 13 | All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met. | The intent is good, but this is an odd place in the code to put it. This would make someone get a CUP for an ADU that already exists, along with a variance and/or platting variance that also has to go along with a subdivision. |
| 14 | Variances are prohibited on any lot containing an ADU including, but not limited to, variances for setbacks, lot coverage, building height, and off-street parking requirements.                                  | Again, consider removing. Have applicants go through the variance process rather than making the use conditional on this basis.  |

# Other discussion points

- ADU height:
  - Note 18 to Table 22.20-1, “Accessory dwelling units in residential zones shall be limited to a maximum height of 25 feet or the height of the existing principal dwelling unit on the property, whichever is less.”
  - We’ve had several ADUs proposed that are a garage on the bottom, apartment on top, and the primary dwelling unit on the property is single-story. Can we accommodate this preference without a variance?
- Other discussion items?