



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Memorandum

To: Jim Dinley, Municipal Administrator
Mayor McConnell and Assembly Members

From: Wells Williams, Planning Director

Subject: Ordinance 2013-14 Amending the Zoning Code to Allow for Accessory Dwelling Units (ADUs)

Date: March 19, 2013

Ordinance 2013-14 is on the Assembly agenda for review. The ordinance amends the Sitka Zoning Code to allow for accessory dwelling units (ADUs) in residential zones. The Sitka Economic Development Association originally proposed the code changes. After a series of meetings, the Planning Commission recommended in favor of the changes on February 19th of this year.

ADUs are basically apartments in separate structures on residential lots. They can take the form of either apartments over detached garages or smaller stand alone detached buildings. They are seen as an ability to increase the supply of affordable housing.

SEDA Executive Director Garry White provided the Planning Office with a draft of their proposal last year. SEDA's original proposal appears in this packet and is dated February 24, 2012. The Planning Office then developed a revised document. The Planning Office draft, dated September 25th, 2012, was designed to minimize potential impacts of ADUs on adjacent residential properties. The September 25th, 2012 draft further reduced the proposal to two pages.

The Planning Commission's review focused on the September draft. The board worked with staff and Mr. White and made a series of modifications. The board ultimately unanimously recommended approval last month.

While Ordinance 2013-14 is very specific, the concept embraced by the Planning Commission is relatively straight forward. As now proposed, ADUs are stand alone apartments or small apartments over detached garages. They would be allowed on residential lots, as a permitted use, as long as those parcels are immediately adjacent a publicly maintained street. Housing options similar to ADUs can already be constructed in commercial zones.

Providing for today...preparing for tomorrow

The Planning Office anticipates that the Assembly will need to take a number of meetings to work through Ordinance 2013-14. Staff will, of course, assist that process in any way the Assembly considers appropriate.

Thank you.

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
February 19, 2013**

Present: Jeremy Twaddle (Chair), Richard Parmelee (Member), Darrell Windsor (Member), Cheryl Westover (Member), Chris Spivey (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner I)

Members of the Public: Stephen Weatherman (Municipal Engineer), William Stortz (Building Official), Garry White, Michael LaGuire, Chelsea McLeod, Marsha Lysons, Tom Reinholdt, Doug Hardcastle, Shannon Haugland (Sitka Daily Sentinel)

Chair Twaddle called the meeting to order at 7:00 p.m.

Consideration of the Minutes from the February 5, 2013 meeting:

MOTION: M/S WESTOVER/SPIVEY moved to approve the meeting minutes for February 5, 2013

ACTION: Motion **PASSED** unanimously on a voice vote.

The evening business:

**ZONING TEXT AMENDMENT
ACCESSORY DWELLING UNITS (ADU)
SITKA ECONOMIC DEVELOPMENT ASSOCIATION (SEDA)**

Public hearing and consideration of a proposed zoning text amendment on accessory buildings to allow Accessory Dwelling Units (ADU) proposed by Sitka Economic Development Association (SEDA).

Planner Henshaw went over the changes from last meeting that included height restriction, size standards, and design standards.

APPLICANT: Garry White, SCIP Director came forward stating that he would like to see ADU's least restrictive as possible.

PUBLIC COMMENT: William Stortz, Building Official came forward stating that it may be necessary that fire protection requirements be put in place. Under the Building Code there are minimum room requirements of 120 square feet and habitable room requirements of no less than 70 square feet.

The following changes/additions will be made: ADUs shall not exceed the height of the primary dwelling unit or maximum of 25 feet in height whichever is less; For a primary dwelling unit with more than 1,500 square feet of living space (excluding garage area), the ADU shall be no larger than 33% of the primary dwelling unit's total square feet or 800 square feet whichever is smaller; For a primary dwelling unit with less than 1,500 square feet (excluding garage area), the ADU shall not exceed 500 square feet; ADUs shall be designed to preserve or complement the architectural design, style, and appearance of the primary single-family dwelling unit.

Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be the same as, similar to, or an improvement to the appearance of, the primary dwelling unit; the applicant must meet with the Building Official and Planning Department prior to applying for the building permit.

The following code sections will need to be changed: Definition; residential land use table; development standards; amend the off street parking; requirements in supplemental regulations and a hand out will need to be made for this.

MOTION: M/S PARMELEE/WESTOVER moved to recommend to the Assembly the adoption of the necessary zoning code text amendments to achieve the accessory dwelling unit permitted use as outlined in the proposal with the attached amendments with the finding that it achieves the goal of the comprehensive plan to further allow for a diverse group of housing units and facilitates the provision of affordable housing options while at the same time protecting adjacent properties.

ACTION: Motion **PASSED unanimously** on a voice vote.

PLANNING DIRECTOR'S REPORT: July 2nd meeting will be cancelled. Melissa Henshaw, Planner I has taken a job in the Administration office. The Planner I position is now being advertised. The Chair has agreed to stay on for a couple months past his term expiring in April. Planning Director Williams went over the responsibilities that the Planner I and Planning Office does. Planner I explained the play yard code as discussed at the last meeting.

Chris Spivey recused himself so that he could speak as a member of the public.

PUBLIC BUSINESS FROM THE FLOOR: Chris Spivey, 109 Lillian Drive, came forward for a discussion regarding the conditional use permit at 102 Burkhart Street. Staff will place in the packet for the next meeting, the documents from this conditional use permit.

Chris Spivey joined the meeting as a Commissioner.

ADJOURNMENT

MOTION: M/S WINDSOR/SPIVEY moved to adjourn at 9:06 pm.

ACTION: Motion **PASSED unanimously** on a voice vote.

Jeremy Twaddle, Chair

Melissa Henshaw, Secretary

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
February 5, 2013**

Present: Jeremy Twaddle (Chair), Richard Parmelee (Member), Cheryl Westover (Member), Chris Spivey (Member), Melissa Henshaw (Planner I)

Members of the Public: Stephen Weatherman (Municipal Engineer), Nancy Yaw-Davis, Kelly Pellett, Garry White, Shannon Haugland (Sitka Daily Sentinel)

Chair Twaddle called the meeting to order at 7:00 p.m.

Consideration of the Minutes from the January 15, 2013 meeting:

MOTION: M/S WESTOVER/PARMELEE moved to approve the meeting minutes for January 15, 2013

ACTION: Motion **PASSED** unanimously on a voice vote.

The evening business:

**ZONING TEXT AMENDMENT
ACCESSORY DWELLING UNITS (ADU)
SITKA ECONOMIC DEVELOPMENT ASSOCIATION (SEDA)**

Public hearing and consideration of a proposed zoning text amendment on accessory buildings to allow Accessory Dwelling Units (ADU) proposed by Sitka Economic Development Association (SEDA).

Planner Henshaw reviewed this request going over the changes from the last meeting including building height, deleting B under requirements, minimum 90 day rental, strike R-1 clerical error, strike SF and R-2, and no relaxation of the code with setbacks, height, and lot coverage, no subdivision unless all requirements are met, two each off-street parking spaces, and replace Building Official to the Planning Department to do the reporting.

PUBLIC COMMENT: Mr. Weather came forward to state that the Building Department would treat these structures as a duplex with possible separate water and sewer depending on the units. Not workable in the old R-1 section of downtown due to constraints but a bit further out of town would work. Public Works would not like another driveway coming off the same street. He made a suggestion that the ADU would not be taller than the existing primary dwelling.

APPLICANT: Garry White, SEDA Board Director came forward. This is from Sedona, Arizona's zoning code for affordable housing. Parking was two for the primary and one for the ADU for their plan however; he does not know how much other parking is available in Sedona.

Discussion occurred on parking; zoning; conditional use permit vs. permitted use; utilities; building height; non-conforming buildings; architectural design, style, and appearance; size according to percentages; competition and commercializing residential areas; vacancy rate.

Planner Henshaw stated that this code will have to be checked off by the Planning Department to make sure they have all the restrictions on it. Each situation will be looked at by Staff.

The following changes were made: Square footage with percentages needed; height of ADU not taller than the existing primary dwelling.

No motion was made. It will come back before the Board at the next regular meeting.

Chair Twaddle recused himself from the next item as he is the representative for it.

PLANNING DIRECTOR'S REPORT: None.

PUBLIC BUSINESS FROM THE FLOOR: Discussion occurred on the minor subdivision process.

ADJOURNMENT

MOTION: M/S PARMELEE/WESTOVER moved to adjourn at 9:25 pm.

ACTION: Motion **PASSED unanimously** on a voice vote.

Jeremy Twaddle, Chair

Melissa Henshaw, Secretary

PROPOSED AMENDMENT TO SITKA GENERAL CODE
Draft - February 24, 2012 SEDA

ACCESSORY DWELLING UNITS

Purpose

The purpose of the proposed changes to Title 22 of the the Sitka General Code is to allow for and regulate the establishment of accessory dwelling units (ADUs). ADUs are allowed in specified situations to:

- Utilize existing housing stock while preserving the appearance and character of single family neighborhoods.
- Provide additional affordable options for long-term rental housing.
- Provide a broader range of more affordable housing.
- Provide a mix of housing that responds to changing family needs and smaller households.
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship and services.
- Encourage a more economic and energy-efficient use of Sitka's housing supply.
- To maintain consistency with City and Borough of Sitka's policies as recommended in the Comprehensive Plan (2.2.15, 2.2.16, 2.4.8.A, 2.5.1.B, 2.5.11, 2.10.3.B)

Title 22 Zoning

Chapter 22.08 DEFINITIONS

22.08.XX Accessory Dwelling Unit

An Accessory Dwelling Unit (ADU) is a second dwelling unit that is located on the same parcel as the primary single-family dwelling unit. An ADU shall be smaller in size to the primary dwelling unit and can be located either within, attached to, or detached from the primary dwelling unit. An ADU must provide a complete, independent residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. ADUs are not required to be connected to the same utility services as the primary dwelling unit. 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.

Chapter 22.16 DISTRICT REGULATIONS

Table 22.16.015-1 Residential Land Uses

Add: Accessory Dwelling Unit as a permitted land use for SF, R-1, R-1 MH, and R-2 districts.

Creation

An Accessory Dwelling Unit (ADU) is a second dwelling unit that is located on the same parcel as the primary single-family dwelling unit. An ADU is smaller in size to the primary dwelling unit and can be located either within, attached to, or detached from the primary single-family dwelling unit. ADUs must provide a complete, independent residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. ADUs can be studio-sized units, and one- and two-bedroom units. An ADU may be created through the following methods:

- A. Converting an existing structure.
- B. Adding floor area.
- C. Constructing a detached ADU on a parcel with an existing single-family home.
- D. Constructing a new single-family home with an internal, attached or detached ADU.

Criteria

The criteria that govern ADUs are intended to preserve the character of a single-family neighborhood.

- A. The property owner(s) must occupy either the primary dwelling unit or the ADU as his/her principal residence. At no time shall both the primary dwelling unit and the ADU unit be used simultaneously as rental units. Full-time occupancy is defined as a legal property owner who makes his/her legal residence at the site, as evidenced by voter registration, vehicle registration or similar means and actually resides at the site more than six months out of any given calendar year.
- B. The owner(s) shall sign an affidavit verifying that either the primary dwelling unit or the ADU is the legal residence of the property owner.
- C. 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.
- D. The total number of people residing on the property, including the primary residential structure and the ADU, cannot exceed XXX per square foot of living space.

Development Standards

The development standards that govern the design and appearance of ADUs are intended to preserve the visual and single-family character of neighborhoods. ADUs will be reviewed on a case-by-case basis. ADUs must meet all zoning and building code requirements except as otherwise provided in Section XXX.

- A. An ADU is allowed in the following residential zoning districts: SF, R-1, R-1 MH, and R-2 districts, subject to specific development, design, and owner-occupancy standards outlined in Section XXX.
- B. The ADU must be located on the same parcel as the primary dwelling unit.
- C. Only one ADU is allowed per parcel.
- D. Mobile homes, travel trailers and recreational vehicles shall not be used as a detached ADU.
- E. 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.
- F. ADUs shall meet all technical code standards including building, electrical, fire,

mechanical, and plumbing code requirements.

G. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.

H. ADUs shall be designed to preserve or complement the architectural design, style, and appearance of the primary single-family dwelling unit. Specifically, whether attached or detached, the roof pitch, siding materials, color, and window treatment of the ADU shall be the same as, similar to, or an improvement to the appearance of, the primary dwelling unit.

I. ADUs shall not contain more than two bedrooms.

J. The following size standards are applicable for ADUs.

1. For a primary dwelling unit with more than 1,500 square feet of living space (excluding garage area), the ADU shall be no less than 400 square feet (total living space) and no larger than 33% of the primary dwelling unit's total square feet or 800 square feet whichever is smaller.
2. For a primary dwelling unit with less than 1,500 square feet of living space (excluding garage area), the ADU shall be no less than 350 square feet (total living space) and shall not exceed 500 square feet.
3. For existing structure conversions, the XXX may allow a lesser or greater amount of floor area for the ADU, up to 25%, if in the opinion of the Director, it is warranted by the circumstances of the particular structure and property.

K. ADUs are required to meet all applicable height requirements as outlined in the Development Standards Code.

L. 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. Solid screening includes solid walls, fences, landscaping, or grade differences subject to the review and approval of the XXX.

M. Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.

N. The following parking requirements are applicable for ADUs.

1. 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. There shall be at least two off-street parking spaces for the primary dwelling unit and at least one off-street parking space for the ADU, but no more than two off street parking spaces for the ADU. The Director may grant a waiver of the parking requirement for the ADU if the topography of the site or existing structure location make the provision physically or economically not feasible or if the specific use does not warrant extra parking. The location for the parking space shall be determined through consultation with XXX Department staff.
2. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties. Solid screening includes solid walls, fences, landscaping or grade differences subject to review and approval of the XXX.

3. On-street parking is prohibited.
 4. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts. If not possible, the XXX and the City Engineer may allow exceptions on a case-by-case basis.
- O. On-site wastewater systems are required to meet current standards as reviewed and approved by all applicable jurisdictions.

Application Submittal and Review Procedure

A. Prior to approval of any ADU, a property owner or agent of the property owner shall submit the following information:

1. Completed application forms
2. Statement or letter of authorization from the property owner (if different from the applicant)
3. Site plan to include the following:
 - a. Parcel identification
 - b. Existing zoning
 - c. Lot size and lot coverage
 - d. Building configurations and heights
 - e. Front, rear and side setbacks
 - f. Location of the primary dwelling and garage (if applicable)
 - g. Location of proposed ADU, the entrance and outdoor space
 - h. Square footage of the primary dwelling unit and garage (if applicable)
 - i. Square footage of the ADU
 - j. Designated off-street parking space(s) for ADU and primary dwelling unit
 - k. Landscape areas
4. Parking Plan delineating parking spaces for ADU and primary dwelling unit.
5. Signed Conditions of Approval Agreement
6. Additional information as may be required by the XXX

B. For new residential construction, which includes an ADU as defined in this Section, the property owner is required to submit plans for both the primary dwelling unit and the ADU.

C. Conditions of Approval Agreement. The property owner(s) shall sign a Conditions of Approval Agreement. This Agreement shall be recorded with the City and Borough of Sitka after final inspection of an ADU. The Agreement is intended to indicate the presence of an ADU and all applicable requirements, including but not limited to the following information:

1. ADU shall not be sold separately.
2. The ADU shall be restricted to the approved size.
3. The ADU and primary dwelling unit shall be restricted to overall occupancy requirements.
4. The ADU permit shall be in effect only so long as the owner of record of the primary dwelling unit occupies either the primary dwelling unit or the ADU.

Conditions of Approval

A. An ADU permit and a building permit for the proposed construction of a new ADU or the

creation of a new ADU within an existing building must be issued by the City and Borough of Sitka.

B. The property owner shall notify prospective buyers of the property about the conditions of approval of the ADU.

C. ADU permit and conditions of approval run with the land. New owners are subject to the same conditions of approval and ordinance requirements.

D. Upon the receipt of a complaint regarding the ADU, the property owner agrees to periodic inspections, at the discretion of the XXX, of the ADU and/or primary single-family dwelling unit

Existing Illegal Accessory Units

It is recognized that although unlawfully occupied, currently utilized accessory units are filling a market demand for housing at more affordable rent costs. An accessory unit created prior to the effective date of this ordinance may be recognized as lawful upon review and approval of an ADU application and issuance of an ADU permit.

A. In order to be considered for lawful status, existing illegal accessory unit must submit an ADU application as outlined in Section XXX Application Submittal and Review Procedures.

B. Beginning on the effective date of this ordinance, a grace period of 12 months is established for the submission of applications for existing illegal accessory units.

Property owners who submit an application for consideration during this 12-month grace period shall not be subject to any applicable fines or enforcement actions.

C. Building permit fees will be waived for property owners who submit an application for consideration during this 12-month grace period.

D. Existing illegal accessory units, which do not apply for and/or do not receive approval for an ADU use, are subject to all applicable fines and/or enforcement actions as outlined in XXX Enforcement of the Land Development Code.

E. Applications for existing illegal accessory units, which are submitted after the 12-month grace period, are not eligible for any fee waivers.

F. The Chief Building Inspector shall inspect the premises for compliance with public safety and public health codes. For the purpose of building code interpretation, the accessory use shall be required to conform to the XXX interpretation of minimal life safety standards.

G. The following requirements shall be met:

1. The owner(s) shall sign an affidavit verifying that either the primary dwelling unit or the accessory dwelling is the legal residence of the property owner.
2. ADUs are intended for long-term rental use only. Rental of any accessory unit for a period of less than 90 consecutive days is prohibited. No accessory units shall be used for short-term vacation rentals and/or bed and breakfast purposes.
3. A home occupation may be conducted, subject to Section 22.20.060 of the Zoning Code in either the existing accessory use or the principal dwelling unit.
4. The total number of people residing on the property, including the primary residential structure and the existing accessory unit, cannot exceed XXX.
5. The existing accessory unit must be located on the same parcel as the primary dwelling unit.
6. Only one ADU is allowed per parcel.
7. The existing accessory unit must meet the parking requirements outlined in

Subsection 22.20.100.

Fees

- A. ADUs are subject to all applicable building permit and inspection fees.
- B. Where the City wastewater system is available to a property, as defined in Sitka General Code section 15.04.030, an ADU shall connect with the City wastewater system. For purposes of any wastewater capacity fee required for hookup an ADU is equal to one half an Equivalent Residential Unit (ERU). The wastewater capacity fee for an ADU shall be based upon the basic rate multiplied by one half an ERU.
- C. In accordance with the Sitka General Code, section XXX an ADU shall not be subject to development impact mitigation fees.

Exercise of Discretion:

The XXX has the discretion to modify or waive the ADU requirements provided that the waiver differs by no more than 25% from the regulations in question and consideration is due to special circumstances applicable to the property or structure, including size, shape, topography, location and surroundings. The XXX may also grant a waiver subject to specific conditions in order to mitigate the impact of the waiver on adjacent properties. The exercise of discretion shall ensure the compatibility of the ADU with its site and surrounding properties and the manner in which discretion is exercised will result in a more practical application of the provisions of these requirements based on specific unique or unusual characteristics of the property and its surroundings.

Enforcement:

- A. ADUs are subject to all requirements set forth in Section XXX of the Zoning Code. Complaints received by the City and Borough of Sitka regarding a possible ADU violation shall be processed in accordance with all applicable procedures, remedies and enforcement actions.
- B. Upon notice of a code enforcement complaint or other violation regarding the ADU, the property owner must make every reasonable attempt to correct the situation. If in the opinion of the XXX the property owner does not cooperate in a timely manner to correct the violation, an ADU may be revoked as a result of an enforcement action including, but not limited to the following: (1) illegal alteration of the ADU, (2) failure of property owner to reside in either the primary or accessory dwelling unit as required, (3) failure to maintain required off-street parking spaces, (4) failure to meet any other requirements including number of occupants, (5) general nuisance violation convictions such as excessive noise levels.
- C. The revocation of an ADU permit will require that the property revert to a single-family use. The City will then record a notice of revocation of the accessory dwelling unit permit.

Report to City Assembly

The XXX shall provide a report to the City Assembly on accessory dwelling unit applications received. The first report will be presented within six months of the adoption of the ADU ordinance and then once a year thereafter. The report shall include the total number of applications received and approved, total number of units and distribution throughout the City, average size of units, and number and type of complaints and enforcement-related actions and other information that may be gathered to judge the effectiveness of the ordinance.

Sunset Clause

No later than five years after the effective date of this ordinance or when XXX newly constructed ADU permits are issued by the City, whichever occurs first, the Director shall report to the Housing Commission and the Planning and Zoning Commission who will make a recommendation to the City Assembly regarding the implementation and effect of this ordinance. The City Assembly shall review this ordinance, consider the Director's report and the Housing Commission's and Planning and Zoning Commission's recommendations, hold a public hearing and determine whether or not to continue this ordinance and thereby issue additional permits for accessory dwelling units.

Source: Based on an amendment to the Sedona Land Development Code, Sedona, Arizona.

**PROPOSED AMENDMENT TO SITKA GENERAL CODE
ACCESSORY DWELLING UNITS (ADUs)**

Adapted From February 24, 2012 SEDA Draft

Planning Office Strikeouts Deleted and Reshuffling

*The Purpose and Creation Sections have been Merged into the Opening Page
The Criteria and Development Standards have been Combined into the Requirements Section
Sections that are not Required for Implementation of the Code have been Removed
...September 25th, 2012...*

Purpose

The purpose of the proposed changes to Title 22 of the the Sitka General Code is to allow for and regulate the establishment of accessory dwelling units (ADUs). ADUs are allowed in specified situations to:

- Utilize existing housing stock while preserving the appearance and character of single family neighborhoods.
- Provide additional affordable options for long-term rental housing.
- Provide a broader range of more affordable housing.
- Provide a mix of housing that responds to changing family needs and smaller households.
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship and services.
- Encourage a more economic and energy-efficient use of Sitka's housing supply.
- To maintain consistency with City and Borough of Sitka's policies as recommended in the Comprehensive Plan (2.2.15, 2.2.16, 2.4.8.A, 2.5.1.B, 2.5.11, 2.10.3.B)

Creation

An Accessory Dwelling Unit (ADU) is a second dwelling unit that is located on the same parcel as the primary single-family dwelling unit. An ADU is smaller in size to the primary dwelling unit and can be located either within, attached to, or detached from the primary single-family dwelling unit. ADUs must provide a complete, independent residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. ADUs can be studio-sized units, and one- and two-bedroom units. An ADU may be created through the following methods:

- A. Converting an existing structure.
- B. Adding floor area.
- C. Constructing a detached ADU on a parcel with an existing single-family home.
- D. Constructing a new single-family home with an internal, attached or detached ADU.

Definition

Accessory Dwelling Unit - An Accessory Dwelling Unit (ADU) is a second dwelling unit that is located on the same parcel as the primary single-family dwelling unit. An ADU shall be smaller in size to the primary dwelling unit and can be located either within, attached to, or detached from the primary dwelling unit. An ADU must provide a complete, independent residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. ADUs are not required to be connected to the same utility services as the primary dwelling unit. 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.

Requirements

- A. An ADU is a Permitted Use, on lots served by a right of way maintained by the City and Borough, in the following residential zoning districts: SF, R-1, R-1, and R-2 and related districts. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by right of ways that have not been accepted by the municipality for maintenance.
- B. The property owner(s) must occupy either the primary dwelling unit or the ADU as his/her principal residence. At no time shall both the primary dwelling unit and the ADU unit be used simultaneously as rental units. Full-time occupancy is defined as a legal property owner who makes his/her legal residence at the site, as evidenced by voter registration, vehicle registration or similar means and actually resides at the site more than six months out of any given calendar year.
- C. 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.
- D. 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.
- E. The ADU must be located on the same parcel as the primary dwelling unit.
- F. Only one ADU is allowed per parcel.
- G. Mobile homes, travel trailers and recreational vehicles shall not be used as a detached ADU.
- H. ADUs shall only be located on a parcel in conjunction with a single family dwelling unit. ADU's shall not be located on parcels that contain a duplex and shall not be located on structures that contain two or more dwelling units. In no case shall ADUs be located on lots that contain a triplex, four plex, or other multiple family dwelling unit.
- I. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.
- J. ADUs shall not contain more than two bedrooms.
- K. 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.
- L. Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.
- M. The following parking requirements are applicable for ADUs:
 - 1. 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.
 - 2. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.
 - 3. On-street parking is prohibited.
 - 4. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.

Report to City Assembly

The Building Official shall provide a report to the City Assembly on accessory dwelling unit applications received. The first report will be presented within six months of the adoption of the ADU ordinance and then once a year thereafter. The report shall include the total number of applications received and approved, total number of units and distribution throughout the City, average size of units, and number and type of complaints and enforcement-related actions and other information that may be gathered to judge the effectiveness of the ordinance.