

COUNCIL DECISION REQUEST

FUNDING:

Account Number:	Title:	Amount: \$
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		Total Cost: \$

CFO: _____ Date: _____



MEMO

TO: P & Z Commission

FROM: Ray Erlandsen, Zoning Administrator

DATE: October 13, 2008

SUBJECT: **Accessory Dwelling Unit (ADU) Summary**
Proposed Unified Development Code Amendments

As this matter has not come before the Commission in some time, I will outline a brief history of discussions and work that has been done to this point.

In mid-2007, the Planning & Zoning Commission directed staff to compile a comparison listing of the utilities and Town departments affected by “Guest Quarters” uses. Concerns at that time centered around impact fees, use of different terminology and whether or not affected departments were all on the same page in reference to this issue. After gathering information from the Northern Gila County Sanitary District (NGCSD), as well as the Town of Payson Planning & Zoning, Water, Fire and Building Departments; a report was presented to the P&Z Commission on January 14, 2008. As a result of that discussion, many more relevant issues came to light which staff was directed to explore. Some of the issues brought forth by the Commission for consideration are: guest house (detached) vs. guest quarters (attached); equitable payment of impact fees, including parks, streets, and public safety; workforce housing considerations; and when the code is changed, do it correctly so people will be encouraged “not to cheat.” Just by the broad scope of these suggestions, as well as the changing needs of society in terms of elder housing, extended families, etc., one could foresee many options and considerations prior to adopting new code language.

At the March 10, 2008 P&Z Commission meeting, the Commission reviewed a staff report outlining progress of a “guest quarters” requirements comparison. During the discussion it became clear that this topic was much more involved than first thought. However, it would seem prudent to look at a larger picture in relation to the allowance of guest quarters or “accessory living quarters, accessory dwelling unit, or granny flats” as they are sometimes called. It was agreed that further research and discussion should take place regarding the concept of accessory dwelling units (ADU’s) and value they might have for Payson. As part of the information gathering process, a letter was sent to all homeowners associations (HOA’s) listed on the Town’s records requesting input as to the impact of ADU’s on each individual subdivision. A memo was also sent to the Housing Advisory Commission requesting input on the topic of ADU’s. The Housing Advisory Commission was generally in favor of the concept and is represented on the ADU Study Group that has been formed, by suggestion of the P&Z Commission; to conduct further inquiry of the viability of ADU’s in Payson.

A meeting was held on April 29, 2008, of the ADU Study Group that focused on the concept of ADU's for the Town of Payson. All agreed it could be an alternative option for affordable housing. The conversation centered on the following broad conceptual issues understanding that more specific requirements would come as the research and discussion progressed:

- A. Minimum lot size of 6000 sq. ft.
 - 1. Probably limited to interior ADU's
- B. Additions and detached ADU's limited to progressively larger lots.
- C. Size of the ADU should be restricted by some means, either maximum square footage allowed or by a percentage of the square footage of the primary residence.
- D. Primary residence must be owner occupied.
- E. One meter per lot per utility allowed (separate addresses not allowed).

On May 12, 2008, the Study Group requested the Commission review the above conceptual requirements as a basis for further discussion and development of specific requirements which could lead to code language and a Unified Development Code (UDC) amendment. The Commission generally reached consensus that the concept of ADU's should be explored further, agreeing with these broad requirements and added more issues to be considered.

On May 21, 2008, the Study Group met and narrowed the broad scope of requirements, along with the Commission's comments, to those similar to Sedona, who is in the process of adopting an ADU ordinance. The group agreed that a draft copy of ADU requirements should be put together and brought back to the Study Group for recommendation to the Commission and potentially on to the Council for consideration. On June 3, 2008, the Study Group met and continued discussion. The consensus was that after reviewing the Sedona ordinance on ADU's, we should not "re-invent the wheel," but follow their model with changes adopted specific to Payson. Attached is basically a copy of the Sedona ADU ordinance with modifications included as brought forward from previous discussions.

Also attached is a copy of the letter to the home owners associations (HOA's) that are on record with the Town and a list of responses thus far.

EXHIBIT A

Proposed
Accessory Dwelling Unit
Amendment to the
Unified Development Code



Proposed amendments to the Payson Unified Development Code

Accessory Dwelling Units

October 2008

Revise the following definitions for consistency and clarification as identified below:

ACCESSORY LIVING QUARTERS. See *GUEST HOUSE* and *ACCESSORY DWELLING UNIT*.

GUEST HOUSE. An accessory building with one or more rooms used solely as the temporary dwelling of the guests of the occupants of the premises and not rented or used for supplemental income. *GUEST HOUSES* shall not include mobile or manufactured homes, shall contain no kitchen facilities, shall be connected to the same utility services as the main dwelling and shall not be used as separate dwelling unit.

Add New Definition:

ACCESSORY DWELLING UNIT. An accessory dwelling unit (ADU) is a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. ADUs are not required to be connected to the same utility services as the primary dwelling unit and may be used for long term rental of 30 days or more.

DISTRICT REGULATIONS

Proposed amendments are applicable to all single-family districts.

Permitted Uses and Structures:

[Revised "Permitted Uses and Structures" *Guest House* as follows:]

Detached guest house or accessory living quarters subject to the following-conditions.

- a. Guest house shall be architecturally treated in the same or compatible manner as the single-family dwelling. Mobile and manufactured homes, travel trailers and recreational vehicles shall not be used as guest houses.
- b. Guest houses shall contain no kitchen facilities and shall be connected to the same utility services as the single-family dwelling.
- c. Guest houses shall not be rented or used for purposes of supplemental income or used as a separate dwelling unit
- d. Detached guest houses must observe the same setbacks or yards required for the single-family dwelling.

- e. Exception. Guest houses may be converted to an Accessory Dwelling Unit (ADU) provided they meet all ADU requirements as set forth in Section: Accessory Dwelling Units of the Unified Development Code.

Add new item under “Permitted Uses and Structure”, Accessory Dwelling Unit as follows:

Accessory dwelling unit subject to the conditions as set forth in Section: Accessory Dwelling Units of the Unified Development Code.

DEVELOPMENT STANDARDS

Add New Section: Accessory Dwelling Units

Accessory Dwelling Units (ADU)

Purpose. The purpose of this section is to allow for and regulate the establishment of accessory dwelling units (ADUs) within, attached to, or detached from single-family dwellings while preserving the character and property values of single-family neighborhoods. The purposes of these ADU provisions are to:

- Fully utilize residential housing supply in existing neighborhoods while preserving neighborhood character.
- Provide additional options for long term rental housing within a wide range of affordability.
- Increase opportunities for homeownership and allow older homeowners to remain in their homes and obtain extra income companionship, and security.

Standards and Criteria. An accessory Dwelling Unit (ADU) is typically a small residential unit that is located on the same parcel as a single-family residence. It provides a complete, independent residential living unit for living, sleeping, cooking, and personal sanitation. Sometimes ADUs are referred to as “in-law” units or “granny flats”. An ADU may be developed in new or existing single-family dwellings and are allowed in all single-family zones, subject to the following specified development, design, and owner-occupancy standards.

- A. ADUs shall be architecturally treated in the same manner as the single-family dwelling. Mobile homes, travel trailers and recreational vehicles shall not be used as ADUs.
- B. Only one ADU is allowed per residential lot as a subordinate use in conjunction with any new or existing legal, conforming or non-conforming, detached single-family structure.
- C. The owner(s) of the property must occupy either the primary single-family dwelling or the accessory unit on a full-time basis.
- D. The owner(s) shall sign an affidavit verifying that one of the dwelling units is the legal residence of the property owner.
- E. The ADU must meet all development, design and building requirements of the Town at the time of construction pursuant to zoning standard, including, but not limited to all setbacks of primary structures and building coverage standards applicable to single-family residential uses.

- F. Size limitations are applicable for ADUs if the ADU is intended to be used as a long term rental unit, producing supplemental income to the owner. The ADU shall contain a minimum of at least 300 square feet of living space (Excluding garage area) but no more than 800 square feet of living space or no more than 33% of the primary dwelling unit, whichever is greater, unless in the opinion of the Community Development Director, a greater or lesser amount of floor area is warranted by the circumstances of the particular building.

For ADUs created within an existing single-family residence the square footage limitation on an ADU shall be 33% of the total square footage of the primary single-family dwelling unit.

- G. An ADU 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 single-family dwelling. Where attached garage space is converted to an accessory dwelling unit, the garage door shall be replaced with materials that complement the exterior of the house. Mobile and manufactured homes, travel trailers and recreation vehicles shall not be used as ADUs.
- H. If a separate entrance for the ADU is necessary, it shall be located on the side or rear of the structure. On a corner lot, no more than one entrance shall be visible from either street.
- I. Windows that face an adjoining residential property shall be designed to protect the privacy of neighbors; fencing or landscaping may be required to provide screening.
- J. Any exterior stairs shall be placed in the rear or side yard and must comply with setback requirements.
- K. ADUs shall meet all technical code standards including building, electrical, fire, mechanical and plumbing code requirements.
- L. A minimum of one (1) parking space is required for an accessory dwelling unit, in addition to the number of spaces required for the existing single-family residence. A waiver of the requirement for the parking space may be granted by the Community Development Director if topography of the site or existing structure location make its provision physically or economically infeasible or specific use does not warrant extra parking. On-street parking is not allowed. The location for the parking space shall be determined through consultation with the Community Development Department staff.
- M. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts. If not possible, the Director and Public Works Director may allow exceptions on a case-by-case basis.
- N. Occupancy shall be limited to two (2) persons in an ADU of 300 to 400 square feet, Three (3) persons in an ADU of 401 to 600 square feet, and no more than four (4) persons in an ADU of 601 square feet or larger.
- O. Home occupations may be allowed in either the primary residence or the accessory dwelling unit, subject to the applicable provisions as set forth in Section 15-02-004 of the Unified Development Code.

- P. ADUs created within the primary single-family dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit. Detached ADUs may be segregated in ownership from the primary single-family dwelling unit if such segregation meets all minimum requirements for a separate legal lot under zoning and subdivision standard as described in the Unified Development Code.
- Q. Rental of an ADU for a period of less than 30 consecutive days is prohibited.
- R. ***Existing Illegal Units.*** Illegal ADUs existing prior to enactment of these general requirements may be found to be legal, if the property owner complies with all required standards and provisions.

Application Review And Approval. To gain approval for an ADU, a property owner shall file a completed application, sign an Affidavit of Owner Occupancy, and apply for a building permit for necessary remodeling or construction.

Sources:

Sedona, AZ -Land Development Code
Mercer Island, WA – Municipal Code
Seattle, WA – SeaTac ADU ordinance
Bellevue, WA – ADU ordinance
Arvada, CO – AD”U ordinance
Santa Cruz, CA – ADU ordinance
Town of Rindge, New Hampshire – ADU ordinance



MEMO

TO: Payson Home Owners Associations
FROM: Ray Erlandsen, Zoning Administrator
DATE: April 4, 2008
SUBJECT: Accessory Dwelling Units

Accessory dwelling units (ADU's) are independent housing units created within single-family homes or on their lots. Sometimes referred to as "granny flats" or "mother-in-law apartments," these units can be a valuable addition to a community's housing stock. ADU's have the potential to assist older homeowners in maintaining their independence by providing additional income to offset property taxes and the costs of home maintenance and repair. Other potential benefits include companionship, the opportunity to negotiate for home maintenance or personal services in return for reduced rents, and increased personal security. ADU's also offer a cost-effective means of increasing the supply of affordable rental housing for students, singles, workers, and temporary housing for those searching for homes to buy in the community without changing the character of a neighborhood or requiring construction of new infrastructure such as roads, sewers, and schools.

The Town of Payson is considering an amendment to the Unified Development Code (UDC) that may allow accessory dwelling units in single-family residential zoning districts under certain circumstances. Before beginning discussions and initiating any changes, Town staff is requesting input from individuals and organizations that may be affected. Knowing that the Covenants, Conditions, and Restrictions (CC&R's) of some home owners associations (HOA's) restrict or prohibit the use of ADU's, staff is soliciting input from HOA's to better determine the impact of any changes to the UDC regarding ADU's.

Please take a few minutes to respond to this request by forwarding any information from your HOA regarding ADU's to me at the address listed below. If possible, please send a copy of your complete CC&R's. If you have any questions, please contact me at the Community Development Department. Thank you for your interest and cooperation.

Ray Erlandsen
Zoning Administrator
303 N. Beeline Highway
Payson AZ, 85541
928-474-5242, ext. 264

List of HOA CC&R's Received

<u>Subdivision HOA</u>	<u>Copy of CC&R's</u>	<u>Allow ADU</u>
Payson North 4A	No	No
Woodlawn Meadows	No	No
Elk Ridge	Yes	
Greenefaire	Yes	
Greenfaire Unit 1	Yes	
Golden Frontier Unit One	Yes	
Rim View Heights Estates	Yes	No
Alpine Heights	No	No
Stone Creek	Yes	No
Chaparral Pines	Yes	(unclear)