

MEMORANDUM

CITY OF GRAND RAPIDS

DATE: November 6, 2017

TO: Greg Sundstrom
City Manager

FROM: Suzanne Schulz
Managing Director of Design, Development and Community Engagement

SUBJECT: Housing Advisory Committee Recommendation #8 – Allow Accessory Dwelling Units by Right

The Housing Advisory Committee recommended the City consider a Zoning Ordinance amendment that would allow for the development of Accessory Dwelling Units (ADU's) by-right within the residential zone districts. Attached is a proposed ordinance amendment that would implement the recommendation.

The current ordinance permits ADU's as a Special Land Use, subject to the use restrictions of Article 9. As amended, ADU's would be permitted by-right within the Low Density Residential (LDR) and Mixed-Density Residential zone districts, subject to the use restrictions of Article 9. Article 9 regulations have been modified as follows:

1. Modify minimum lot area of 5,000 square feet to lots meeting the minimum lot area for the applicable zone district.
2. Regulate maximum building height for detached ADU's
3. Permit two-story detached ADUs
4. Increase floor area ratio between ADU and primary structure
5. Eliminate maximum occupancy and number of bedrooms

The proposed modifications were made following two neighborhood input sessions (October 23, 2017 and November 2, 2017) and research of comparable communities such as the City of Portland OR, City of Seattle WA and publications from AARP and the American Planning Association.

ARTICLE 2 GENERAL PROVISIONS

Sec. 5.2.08. Accessory Structures.

- A. Permits. All accessory structures shall require a Zoning Permit prior to construction.
- B. Mixed-Use Commercial Zone Districts, Neighborhood Office Service District, and Special Districts.
 - 1. Accessory structures shall comply with applicable setback and height restricts specified for the Zone District in which the accessory use or structure is located.
 - 2. Not more than one (1) detached accessory building is permitted per lot. The area of the permitted accessory building shall not exceed twenty-five (25) percent of the ground level gross floor area of the main building.
- C. Principal Use Required.
 - 1. Unless otherwise expressly allowed in this Chapter, accessory structures shall be permitted and maintained only in conjunction with a principal use and a main building or structure on the same lot.
 - 2. Accessory structures may only be constructed at the same time as or after the construction of the main building or structure on the same lot.
 - 3. If the main building or structure is destroyed, demolished or removed, any accessory buildings or structures on the same lot shall be removed within sixty (60) days, unless a permit for construction of a new main building has been approved.
- D. Public Right-of-Way or Easement. In no instance shall an accessory structure be within a public right-of-way or easement, unless otherwise permitted in an easement agreement.
- E. Architectural Compatibility.
 - 1. Any accessory structure that is one hundred twenty (120) square feet or larger shall be similar in architecture to the main building in its form and slope of roof. Exterior finish materials shall be those materials customarily used for residential construction, and shall be similar in placement and orientation to the main building.
 - 2. No accessory structure shall be constructed with a tubular frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability.
- F. Carport. A carport shall comply with the location requirements applicable to either an attached or detached accessory structure.
- G. Residential Accessory Buildings.
 - 1. Single-Family and Two-Family Dwellings.
 - a. One (1) detached and one (1) attached accessory structure is permitted.
 - b. Except as permitted in Section 5.9.03 and as noted below, the height and combined gross floor area for all attached and detached accessory structures shall not exceed the dimensions based on the requirements of Table 5.2.08.G.1.

Table 5.2.08.G.1. Residential Accessory Structures for Single- and Two-Family and Non-Residential Uses		
Lot Area (sq. ft.)	GFA (sq. ft.) Total	Height (ft.)
Traditional Neighborhood (TN)		
Less than 5,000	624	14
5,000—7,499	832	14
7,500—10,999	936	14
11,000—21,999	1,000	16
22,000 or more	1,200	16
Mid-Century Neighborhood (MCN)		
Less than 5,000	624	14
5,000—7,499	832	14
7,500—10,999	936	14
11,000—21,999	1,000	16
22,000 or more	1,200	16
Modern Neighborhood (MON)		
Less than 5,000	832	14
5,000—7,499	936	14
7,500—10,999	1,000	16
11,000—21,999	1,200	16
22,000 or more	1,500	16
All Neighborhoods		
Lots of 1 acre or more	1,200 (each structure) by Administrative Departure (see Section 5.2.08.G.3.)	16

2. Multiple-Family Uses.

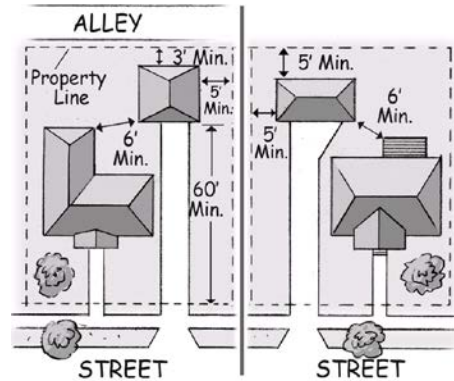
- a. Accessory structures may exceed the gross floor area of Table 5.2.08.G.1. for total garage or carport space up to the necessary GFA to meet the required number of parking spaces in Article 10. All other requirements of this Chapter shall be met.
- b. Administrative Departures. An Administrative Departure may be approved to permit additional GFA for garage or carport space for multiple-family uses above the minimum requirements of Article 10 for up to two (2) spaces per dwelling unit, provided the applicant can demonstrate a need for the space and all other requirements of this Chapter are met.

H. Detached Structures.

1. The structure shall be placed at or behind the front wall of the main building, and at least six (6) feet from the main building, excluding decks and patios. The structure shall be at least three (3) feet from a side lot line or another accessory structure, excluding decks and patios.

2. Interior lots.

- a. If less than sixty (60) feet from the front lot line, a detached accessory structure shall not encroach into the required front yard and side yard setbacks.
- b. If sixty (60) feet or more from the front lot line and no nearer the front lot line than the main building, the wall(s) of a detached accessory structure shall be a minimum of three (3) feet from the side and rear lot lines.



5.2.08.H. Accessory Structures, Detached

- c. City building codes require fire safety measures if less than five (5) feet from the lot line.

3. Corner, Through and Waterfront Lots.

- a. Corner Lots. Detached accessory buildings shall not be within a front yard and shall be set back a minimum of three (3) feet from a side lot line.
- b. Through and Waterfront Lots.
 - i. Side yard setback requirements shall be met.
 - ii. For through lots, front yard setbacks shall be met on the frontage deemed by the Director to be the less predominant frontage as provided Section 5.2.05.E.2.
 - iii. For waterfront lots, all front yard setbacks shall be met.

4. Alley. An accessory structure shall be at least three (3) feet from an alley right-of-way. See also Section 5.10.03.F. regarding driveways.

5. The following shall not be counted toward the number or area of permitted detached accessory structures.

- a. Trellises, pergolas arbors or other similar structures;
- b. Gazebos that are two-hundred and fifty (250) square feet in area or smaller;
- c. Landscape features, such as small ponds, outdoor kitchens, spas, and fire pits;
- d. Sport courts;
- e. Swimming pools or hot tubs and changing rooms that are two-hundred and fifty (250) square feet in area or smaller,
- f. Solar panels;
- g. Decks, patios; and

- h. Other similar structures as determined by the Director.
 - 6. Administrative Departure. An Administrative Departure may be approved to allow the wall(s) of a detached accessory structure to within one (1) foot of the side or rear lot line, where topography, natural features, or other site constraints exist, where there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of the City's building codes are met. A property survey and scaled site plan shall be submitted.
- I. Additional Accessory Structures.
- 1. In addition to the accessory structure(s) provided for in this Section, one (1) accessory structure, such as an enclosed play structure or storage structure, of one hundred twenty (120) square feet or less and up to fourteen (14) feet high may be permitted in the rear yard on a lot with a residential use. A setback of at least three (3) feet from any lot line shall be provided.
 - 2. For community gardens and other similar uses, one (1) accessory structure of one hundred twenty (120) square feet or less and up to fourteen (14) feet high may be erected for storage of supplies and materials related to the use. An additional structure of the same size and height may be added for properties exceeding three (3) acres. The structure(s) shall meet all setback requirements of the Zone District.
- J. Prohibited Structures.
- 1. No mobile home, trailer, vehicle, tank, boat, container, railroad car, dumpster, barrels, crate, furniture, tent, junk object or salvage materials or similar items shall be used as an accessory structure or storage structure.
 - 2. Living or sleeping quarters, temporary or permanent, in an accessory structure or other building (except as an Accessory Dwelling Unit as provided in Section 5.9.03), travel trailer, motor home or other recreation vehicle, auto chassis, boat or portable building, are prohibited.
- K. Minimum Greenspace. Accessory structures are subject to minimum greenspace calculations as established within each Zone District.

ARTICLE 5 RESIDENTIAL ZONE DISTRICTS

B. Allowed Uses Table.

Table 5.5.05.B. Uses: Residential Zone Districts						
Use Category	Specific Use		TN, MCN, MON		Use or Other Regulations	
			LDR	MDR		
RESIDENTIAL						
Household Living	Single-family dwelling, detached		P	P	5.2.07.	
	Single-family dwelling, attached		S	P	5.9.06.	
	Two-family dwelling - existing		E	P	5.3.05.F.	
	Two-family dwelling - new construction		S	P	5.5.06.	
	Multiple family dwelling		S	P	5.9.20.	
	Manufactured housing community		X	P	5.9.17.	
	Adult foster care	Family home (1-6 residents)		P	P	5.9.04.
		Small group home (7-12 residents)		S	S	
		Large group home (13-20 residents)		X	S	
	Assisted living center		S	S	—	
	Nursing/convalescent home		S	S	—	
	Residential rehabilitation facility		S	S	5.9.29.	
	Rooming or boarding house		S	S	5.9.30., Chapter 116	
	Single room occupancy (sro)		X	S	5.9.32.	
Transitional or emergency shelter		X	S	5.9.36.		
Accessory Uses	Accessory dwelling unit		SP	SP	5.9.03.	
	Accessory structure		P	P	5.2.08.	
	Child care home	Family home (1-6 children)		P	P	—
		Group home (7-12 children)		S	S	—
	Home occupation (Class A and Class B)		P	P	5.9.14., Chapter 116	
	Social service facility (w/o residential care)		S	S	5.9.34.	
P = Permitted; S = Special Land Use; E = Existing; X = Not Permitted; “—” = Not Applicable						

ARTICLE 9 USE REGULATIONS

Sec. 5.9.02. Applicability.

- A. Use Regulations and Approval Process of Table 5.9.02.
 - 1. Director Review. All uses shall be in accordance with the provisions of Section 5.12.16.
 - 2. Counter Reviews. All uses listed shall be in accordance with the provisions of Section 5.12.16.
 - 3. Special Land Uses. All uses listed shall be in accordance with the provisions of Section 5.12.09. Unless otherwise stated within this Article, the Planning Commission shall have the authority to waive or alter the Use Regulations contained in this Article provided the standards of Section 5.12.12.E. are substantially met.

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Use	Section	Counter Review	Director Review	Special Land Use
Accessory dwelling units	5.9.03.	—	CC, TCC, TBA, TOD, C, NOS, <u>LDR, MDR</u>	

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Sec. 5.9.03. Accessory Dwelling Units (ADU).

The following ADU use regulations shall not be waived or altered by the Planning Commission.

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- A. Not more than one (1) Accessory Dwelling Unit (ADU) may be included within a detached single-family dwelling (primary dwelling unit), or accessory structure, or separate from but located on the same lot as a detached single-family dwelling.
- B. Minimum Lot Area. An ADU may be developed on lots meeting the minimum lot size for the applicable zone district.
- C. Residential Density. The ADU shall be excluded from maximum residential density requirements.
- D. Building Height.
 - 1. The portion of a single family detached dwelling with an ADU, when newly added, shall not exceed the permissible main building height of the Zone District.
 - 2. The maximum permitted height for a detached ADU is twenty-five (25) feet where the applicable zone district setback requirements for a primary structure are met. Where zone district setback requirements for a primary structure cannot be satisfied, the detached ADU shall be no higher than (20) feet.
- E. Maximum Floor Area. The maximum permitted floor area for an accessory structure that contains an ADU may be increased by one hundred (100) percent solely for the construction of a second-floor unit.

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- F. Front Yard Prohibited. If not part of the main building, the ADU shall not be in the front yard.
- G. Minimum/Maximum ADU Size. The ADU shall not exceed ~~forty, (40)~~ percent of the gross floor area of the primary dwelling unit, but in any case shall be at least four hundred (400) square feet and not larger than eight hundred fifty (850) square feet in gross floor area.
- H. Owner Occupancy. One (1) of the dwelling units shall be owner-occupied. If the ADU is leased, it shall be registered with the City as required in Chapter 140 of the City Code.
- I. Leasing or Rental. No ADU shall be leased or rented for less than thirty (30) days ~~and shall not be used as a short-term rental.~~
- J. Alterations or New Construction. Any alterations to existing buildings or structures or the construction of a new structure to accommodate the ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a detached single-family dwelling, including but not limited to entrances, roof pitch, siding and windows.
- K. Deed Restriction. A deed restriction enforceable by the City shall be recorded prior to the issuance of a building permit stipulating that the ADU will not be conveyed separately from the primary dwelling unit. An alternative form of security may be substituted if it meets the intent of this provision and is approved by the City Attorney.

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ARTICLE 10 TRANSPORTATION AND MOBILITY

Table 5.10.04.C. Off-Street Parking Requirements						
Use Category	Use		Zone District*			Measurement/ Additional Requirements
			* See Section 5.10.04.F. for TN-CC Requirements			
			TN-TCC; TN-TOD	TN-MDR; TN-TBA; MCN-TOD; MON-TOD	All Other Zone Districts	
			Number of Parking Spaces			
RESIDENTIAL						
Household Living	Single-family dwelling	Detached	1.5	2/	2.0	Per dwelling unit
		Attached	1.5	1.5	2.0	
	Two-family dwelling		1.5	1.5	2.0	
	Multiple-family dwelling		1	1.25	1.5	Per dwelling unit plus .25 per bedroom above 2 bedrooms
	Age-restricted housing		2 per 3 dwelling units			80% of units restricted to age 65 or older
	Lodging, extended stay		.75	1	1	Per room plus accessory uses, plus .25/room above 1 bed
Group Living	Nursing/convalescent home		.5	.75	1	Per bed
	Rooming/boarding houses		1	1	1	Per room
	Single room occupancy		.5	.75	.75	Per dwelling unit
	All other Group Living		.25	.25	.5	Per bed plus 1 per employee
Accessory Uses	Accessory dwelling unit		1	1	1	Per dwelling unit plus 1 per bedroom over 2 bedrooms
<p>Note: The listing of various uses under each Zone District grouping is not intended to imply that those uses are permitted in every Zone District. The Use Table for each Zone District must be consulted for allowed uses.</p> <p>* See Section 5.10.04.F. for TN-CC parking requirements.</p> <p>sq. ft. = square feet; GFA = gross floor area; "-" = Not applicable</p>						

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