



Mount
Vernon
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**City of Mt. Vernon
Planning and Zoning Commission
January 31, 2024 6:30 PM
City Hall, 213 1st Street NW**

MEETING PACKET

Remote / Zoom Access:

For those who are unable to attend please log onto Zoom 5-10 minutes prior to the meeting. Contact staff member Leigh Bradbury at (319) 929-6541 for a link to be emailed to you, or log on utilizing the meeting ID#: **687 626 2505**

**City of Mount Vernon
Planning and Zoning Commission
City Hall 213 First St NW
January 31, 2024 6:30 PM**



AGENDA

1. Call to Order / Roll Call
2. Approval of Agenda
3. Approval of the November 30, 2023; minutes.
4. Public Discussion - Items not on the agenda. Each citizen is limited to 5 minutes.
5. Rezoning Application for 606 2nd Ave SW - Washington Square, 2nd Addition Lot 2.
 - Public Hearing
 - Recommendation to City Council

6. Staff Updates

- Community Housing Initiative's LMI project
- Accessory Dwelling Units / ECICOG

In October 2022, City Council asked that the Commission work with ECICOG to research Accessory Dwelling Units (ADUs) and come back with a recommendation on whether to move forward with an ordinance. That process stalled with the departure of staff member Laura Eckels shortly thereafter, and is resuming at this time. The enclosed packet was prepared by Laura prior to her leaving and will serve as the starting point for discussion going forward.

ECICOG Community Development Specialist Tom Gruis visited Mount Vernon on January 24, 2024, to formulate a plan and answer questions on recent developments / legislation affecting affordable housing, ADU's, and short-term rentals.

Assuming approval of ECICOG's service agreement by City Council in February, 2024, discussion and formulation of an ordinance is expected to take place in early spring.

7. Adjournment.

PLANNING & ZONING COMMISSION
Meeting Minutes
November 30, 2023

The Mount Vernon Planning & Zoning Commission met November 30, 2023 at the Lester Buresh Center, 855 Palisades Road SW, Mount Vernon, IA; with the option of attendance via Zoom.

Call to Order: At 6:30 p.m., Commission Chair Truman Jordan called the meeting to order.

Role Call: Four members attended in person, including Joan Burge, Truman Jordan, Jacob Lindauer and Jay Willems, with Matt Nelson joining via Zoom at 7:18. Commission members Trude Elliot and Jake Buster were absent.

Agenda addendum: Agenda item #7 amended to include consideration and approval of Preliminary Plat of Stoner Plaza, 10th Addition; per staff member Bradbury.

Minutes Approval: Motion by Willems to approve the minutes from October 25, 2023, meeting; seconded by Lindauer. All in favor.

Mayoral Address: Mayor Tom Wieseler was in attendance to extend thanks to commission members for their service, and to answer any questions or concerns members may have. It was noted that one position remains open on the commission and applications are being solicited at this time.

Public discussion - items not on the agenda: None

Agenda Item #7:

Public hearing, discussion and review of Final Plat for Stoner Plaza 10th Addition

City Administrator Chris Nosbisch was available to answer questions and the public hearing was open and closed without comment. The developer for Lot 1 will be Community Housing Initiative (CHI) out of Des Moines, which specializes in Low to Moderate Income (LMI) housing and has developments in numerous Iowa cities. The public infrastructure for this plat will be funded by LMI funds, which were previously set aside as part of an LMI housing incentive program. The project will extend Glenn Street east and establish a north/south street on the eastern edge of the plat to provide access to Business Hwy 30. An outlot on the north side of Glenn Street has been set aside for

possible future stormwater management. A portion of the outlot may be used for further development once that requirement has been determined and met.

Public Hearing was open and closed without comment.

Motion by Willems approving the Preliminary and Final Plats for Stoner Plaza 10th Addition, and making recommendation for approval to City Council. Seconded by Lindauer, all in favor 4-0.

Agenda Item #8:

Rezoning Application for Stoner Plaza, 10th Addition & Amending the US Hwy 30 Master Plan Future Land Use Map

This plat lies within the boundaries of Mount Vernon's US Hwy 30 Master Plan and overlay district. The base zoning is General Commercial, with overlay of Mixed-Use Development and Low-Density Residential. Applicant requests rezoning of the base district to Mixed-Use in accordance with the overlay plan.

Public Hearing was opened and closed without comment.

Motion by Willems approving rezoning of Stoner Plaza, 10th Addition to Mixed-Use Development and recommending approval to City Council; and amending the US Hwy 30 Master Plan Future Land Use Map accordingly. Seconded by Burge, all in favor 4-0.

Agenda Item #9:

Zoning Designation & Recommendation - Voluntary Annexations

CTM Holdings LLC, Troy and Tracey Louwagie are seeking voluntary annexation of property north of Mount Vernon as described below:

- 1) the west fifty feet (50') of parcel #17044-01001-00000
- 2) The following parcels, in their entirety:

#17041-76002-00000

#17041-51001-00000

#17041-01001-00000

#17041-26002-00000

Per Nobsch, Iowa State code has no infrastructure requirement for City services when the annexation is voluntary. Zoning designation is made at the time of annexation and is recommended as Agricultural District for Louwagie's parcel, and Business Park (BP) for CTM Holdings. Nobsch recommended annexation, stating that the venture under

consideration could potentially provide significant opportunities for both students and faculty at Cornell College and within the Mount Vernon Community School District.

Motion by Willems for Zoning designation and recommendation to Council as Agricultural District (AG) for the west fifty feet (50') of parcel #17044-01001-00000; and zoning designation and recommendation to Council as Business Park (BP) for the following parcels:

#17041-76002-00000

#17041-51001-00000

#17041-01001-00000

#17041-26002-00000

Seconded by Burge, all in favor 5-0 (commission member Nelson joining via Zoom).

Staff Updates: Staff will be working with East Central Iowa Council of Governments (ECICOG) to establish code language governing Accessory Dwelling Units (ADU).

Community Housing Initiative (CHI) is working through US Hwy 30 Overlay design standards for the LMI project on Glenn Street.

Commission member Trude Elliot has submitted her resignation, to be effective January 1, 2023. Trude stated in her resignation letter that it has been an honor to serve with her fellow Commission members and expressed hope that individuals from unrepresented areas of town would volunteer for the Commission in the future.

Adjournment: Motion to adjourn at 7:35 by Willems.

Staff present: Mayor Tom Wieseler, City Manager Chris Nosbisch and City Planner Leigh Bradbury

Members of the Public: None.

PLANNING & ZONING COMMISSION

January 31, 2024

STAFF REPORT

Prepared by: Leigh Bradbury, City Planner

AGENDA ITEM: Rezoning of Washington Square 2nd Addition, Lot 2

Current Zoning: Base: Traditional Residential (TR)
Overlay: Public Use (P)

Requested Action: Rezoning to Urban Corridor (UC) w/ Public Use (P)

Applicant / Owner: City of Mount Vernon

Size: 1.25 acres

Location: Washington Square, 2nd Addition Lot 2 / 606 2nd Ave SW

Background Information: This parcel was acquired by the City of Mount Vernon in 2010 for construction of a new fire station in order to accommodate the need for additional space and site constraints at the First Street location. Safety Services was (and still is) a qualified Conditional Use within the existing zoning of Traditional Residential. A Public Use Overlay was later approved by City Council in 2022

The parcel is also immediately adjacent to the Urban Corridor (UC) zoning district on Hwy 1, which extends north from Palisades Road to 3rd Avenue South. The UC was established to establish specific design standards in the area which were more accommodating to the mixed-use character of commercial, residential and professional offices.

The City of Mount Vernon is requesting rezoning of the Fire Station parcel from Traditional Residential (TR) to Urban Corridor (UC) at this time. The Public Use Overlay (P) will remain in effect.

Analysis: It is in the public interest to continue utilizing this location for the provision of public services. With this consideration, rezoning the parcel to Urban Corridor is appropriate at this time.

Action Required:

- Rezoning of Washington Square, 2nd Addition Lot 2 to Urban Corridor with preservation of the Public Use Overlay, with recommendation for City Council approval.
- Amendment of the City of Mount Vernon Zoning Map

Next Step: Council holds a public hearing and acts on the proposed rezoning and amendment.

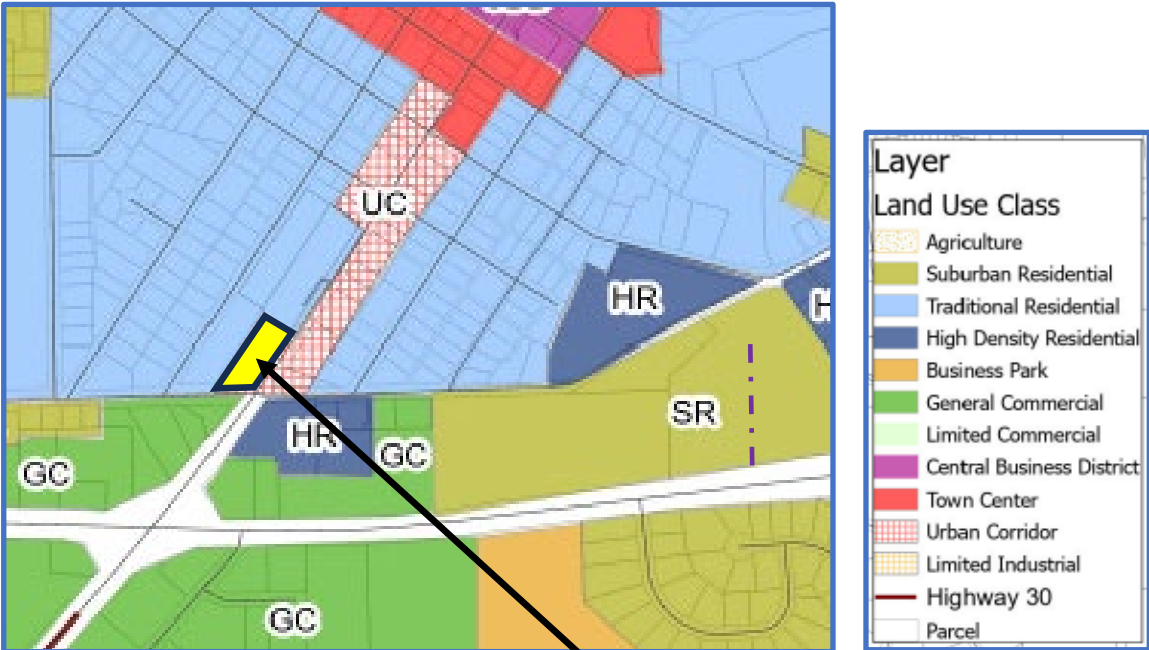


Fig. 1 City of Mount Vernon Zoning Map - Washington Square 2nd Addition, Lot 2 – Proposed for Rezoning



Fig. 2 Mount Vernon Fire Station @ 606 2nd Ave SW

Accessory Dwelling Unit Ordinance Recommendation

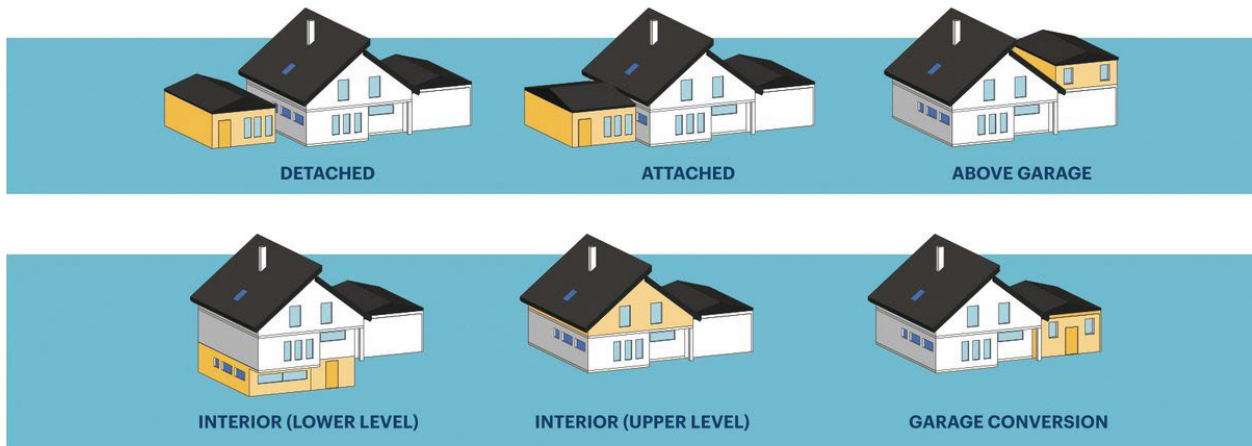
The Housing Commission encourages the City to investigate adopting an Accessory Dwelling Unit (ADU) Ordinance, with regulations designed to assure the compatibility of these units with existing neighborhood characteristics. The addition of this ordinance has the potential to address several housing needs identified by the Housing Commission:

1. Senior housing, allowing current residents to downsize or seniors to locate in Mount Vernon (perhaps to locate near family members).
2. Affordable housing opportunities for individuals working in Mount Vernon (such as new teachers, city employees, and service workers), allowing people to live where they work.
3. Increase the number of rental units.
4. Increase affordability for current owners by providing rental income.

What Is an Accessory Dwelling Unit (ADU)?

An accessory dwelling unit (ADU) is a legal and regulatory term for a secondary house or apartment that shares the building lot of a larger, primary home. The units cannot be bought or sold separately, but they are often used to provide additional income through rent or to house a family member. For example, an elderly parent could live in a small unit and avoid having to move to an assisted living facility.

ADUs can be converted portions of existing homes (internal ADUs), additions to new or existing homes (attached ADUs), or new stand-alone structures or converted portions of existing stand-alone accessory structures (detached ADUs). A gallery of images is included in Appendix I.



Accessory Dwelling Units (ADUs) come in many shapes and styles. Illustrations by RPA, based on AARP's ABCs of ADU's Guide.

A National Movement

The addition of accessory dwelling unit provisions to local zoning ordinances is a national movement going back at least two decades. According to [Porch.com](https://www.porch.com), there are about 1.5 million ADUs in the country, making up 2 percent of the nation's housing stock, and ADUs continue to be built at a rate of 100,000 each year. This trend is likely to continue because of the needs being met by ADUs, needs likely to become more prominent in coming years.

AARP first published the [ABCs of Accessory Dwelling Units](#) in 2019 and updated this publication for 2021, since experience with ADUs was accumulating so rapidly. According to this publication, the ADU movement is providing “an affordable and flexible housing option that meets the needs of older adults and young families alike”. AARP lists the following advantages and benefits of ADU zoning (see Appendix II for elaboration):

- Provide affordable housing options
- Are community compatible
- Are good for the environment
- Provide housing for smaller households
- Provide housing for people of all ages

The Golden Colorado Website offers additional advantages:

- Provide a housing option that is more affordable for those who want to live in a single-family neighborhood
- Offer an option that supports special family needs (such as care for a senior family member who also desires independence).
- Allow extra income for homeowners, by helping to offset the cost of a home in their desired neighborhood.

Of course, as in all things, there are drawbacks or pitfalls involved in ADU development. First and foremost, the cost of building ADUs is prohibitive for some homeowners, and some jurisdictions have taken steps to make the approval, design, and construction process less costly. For example, Cedar Rapids recently changed its ADU ordinance from conditional use to by right, along with some other changes to encourage the construction of ADUs. Some common concerns about accessory dwelling unit ordinances include:

- Design compatibility/integration with existing neighborhoods
- A residence perceived to be too close to a neighboring home
- Parking Issues

Zoning for Accessory Dwelling Units

Accessory dwelling unit zoning ordinances are very common at both the state and local level. Many cities and counties permit ADUs in one or more single-family zoning districts by right, subject to use-specific standards. Common provisions include an owner-occupancy requirement (for one of the two dwellings), dimensional and design standards to ensure neighborhood compatibility, and off-street parking requirements. Other relatively common provisions include minimum lot sizes and limits on the number of occupants or bedrooms. (Note: internal and attached ADUs are already permitted under Mount Vernon's Zoning Ordinance.)

Some examples of Accessory Dwelling Unit Ordinances are included in Appendix III.

City staff has reached out to Chris Shires with Confluence for a starting point in the process of considering an ADU ordinance. Shires provided city staff with questions to start shaping the conversation.

1. Form – Do we want to allow detached ADUs, or should they only be allowed either within or attached to the primary dwelling? Do we want separate or shared entrances? Is this even a concern? *(Most ordinances allow detached ADUs, with variations on entrance requirements.)*
2. Parking – Do we want to regulate this to ensure enough off-street parking spaces? Can they share a driveway? *(Ordinances handle this differently, but most require one off-street parking space.)*
3. Owner-Occupied – Do we want to require that the property owner live within one of the units? Requiring this typically placates neighborhood concerns. *(Most ordinances require owner occupancy of one unit.)*
4. Utilities – Do we want to allow the ADU to share the sewer and/or water main service lines with the primary dwelling? This is often an issue in the building/plumbing code and is one of the main reasons we don't see a lot of ADUs as a second sewer and/or water main tap and service line can be cost-prohibitive. *(Most ordinances allow sharing)*
5. Approval Process – Either permitted by right, just need a building permit or special use permit from Board of Adjustment? *(Most ordinances permit ADUs by right.)*

The Housing Commission adds further:

1. Do we want to establish design standards?
2. Do we want to designate certain approved designs (which can reduce cost)?
3. Is there interest in building ADUs among current home owners?
4. *Others?*

Appendix I: A Gallery of Accessory Dwelling Units

Detached (other names include garden cottages or pocket houses)











Attached





Internal





Appendix II (from the ABCs of Accessory Dwelling Units)

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an economical housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only.
- Many ADUs are created for family members or friends to reside in for free or at a discounted rate. In fact, when a loved one is in need of care or can't live alone, an ADU can be a viable alternative to a costly assisted-living facility.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the only affordable rental choices in single-family neighborhoods, which typically contain few or no small or rental housing options at all.
- The state of California and some municipalities are boosting ADUs by providing grants and other incentives as part of affordable housing and anti-displacement strategies to help lower-income households build ADUs or reside in them at reliable rents.

ADUs are community compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a community than other options, such as multistory apartment buildings.
- ADUs are typically managed by homeowners who live on the premises. Such landlords are less likely to tolerate a destructive tenant.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two thirds of all households in the United States.

ADUs are able to house people of all ages

- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while

renting out their larger house or letting an adult child and his or her family reside in it.

- An ADU's use can be adapted for different household types, income levels, employment situations and stages of life.

Appendix III: Examples of ADU Ordinances

Mount Vernon, Washington

17.73.110 Accessory Dwelling Units

A. Accessory dwelling units shall be outright permitted uses in the single-family and Residential Agricultural zoning districts codified within Chapter 17.15 and 17.12 of the MVMC. B. Accessory dwelling units are required to comply with the below listed regulations:

1. An accessory dwelling unit may be established in an existing single-family dwelling unit or in a detached structure on a legal lot by any one or by a combination of the following methods: i. Alteration of interior space of the dwelling; or ii. Conversion of an attic, basement, attached or detached private garage, or other previously uninhabited portion of a dwelling; or iii. Addition of attached living area onto an existing dwelling; or iv. Construction of a detached living area.
2. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit.
3. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include title holders and contract purchasers. The owner shall file a certification of owner-occupancy with the Development Services Department prior to the issuance of the permit to establish an accessory dwelling unit.
4. The floor area of the accessory dwelling unit shall not exceed 1,000 square feet.
5. Three off-street parking spaces shall be provided for the principal and accessory dwelling unit to share. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.
6. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.
7. The accessory and principal dwelling unit shall comply with all applicable requirements of the Building, Fire and Zoning Codes in effect when a technically complete application for an Accessory Dwelling Unit is submitted to the City.
8. The owner of a single-family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. Any person who falsely certifies that he or she resides in a

dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of Title 19 of the MVMC.

9. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.

10. All accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:

- i. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the approved plans; or
- ii. The subject lot ceases to maintain at least three off-street parking spaces; or
- iii. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.

11. The applicant shall execute a Covenant and Agreement that shall be approved by the Mount Vernon City Attorney in content and form; that is required to be recorded with the Skagit County Auditor, providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The Covenant and Agreement shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

Linn County

(e) Household living, accessory dwelling unit. All accessory dwelling units shall meet the following standards:

(1) Minor site plan required. A minor site plan shall be submitted and reviewed prior to the approval of an accessory dwelling unit.

(2) Where located. An accessory dwelling unit may be located within a single-family dwelling, or as part of an attached or detached building.

(3) Location of entrance. Any new entrances to the principal building must face the side or rear of the building.

(4) Maximum size. An accessory dwelling unit may not exceed 800 square feet in floor area.

(5) Addition, design. If the accessory dwelling unit is an addition to an existing structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the original building. Exterior finish materials and trim must be the

same or closely match in type, size and location the materials and trim of the original building.

(6) One per associated dwelling. Only one accessory dwelling unit shall be allowed per associated single-family dwelling.

(7) Owner must live on-site. The associated dwelling unit on the property shall be owner-occupied.

Cedar Rapids, Iowa

Section 5. Section 32.03.04.C-1 – Standards Applicable to Specific Accessory Uses 1. Accessory Dwelling Unit of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 32.04.03.C-1 – Accessory Dwelling Unit as follows

32.03.04.C—Standards Applicable to Specific Accessory Uses Accessory Dwelling Unit

Accessory dwelling units may be classified as one of the following:

Internal – A dwelling unit that is located wholly within the primary structure without expansion of the footprint (e.g. basement or attic units).

Attached – A dwelling unit that is considered part of the primary structure but results in an expansion of the primary structure’s footprint.

Detached – A dwelling unit that is separate from the primary structure (e.g. garage apartment or a standalone structure).

An accessory dwelling unit shall comply with the following Use-Specific Standards:

a. Accessory Dwelling Units are permitted by right in all zoning districts that allow residential uses.

- b. Unless specifically addressed in this section, accessory dwelling units shall be subject to the regulations for a structure on the underlying zone district with regard to lot and bulk standards (e.g., height, setback/yard requirements, building coverage).
- c. Accessory dwelling units may only be built on the same lot as the primary structure.
- d. Mobile homes, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.
- e. The maximum size of a detached accessory dwelling unit may be no more than the footprint of the primary structure or 1000 square feet, whichever is less. Internal units may be the same size of the footprint of the primary structure.
- f. An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit but the structure may not be altered in any manner that would increase the degree of non-compliance.
- g. One detached and one attached or internal accessory dwelling unit is permitted per lot.
- h. Home occupations may be permitted in an accessory dwelling unit.
- i. One parking space is required for each accessory dwelling unit. On-street parking adjacent to the lot may count towards this requirement.
- j. Accessory Dwelling Units shall not be considered a unit of density and therefore are not included in the density calculation for a residential property.

Accessory Dwelling Unit Model Code (Source:

<https://accessorydwellings.org/2014/11/25/model-code-for-accessory-dwelling-units/>

1. Purpose. Accessory dwelling units are allowed in certain situations to:

- a. Create new housing units while respecting the look and scale of single-dwelling development;
- b. Support more efficient use of existing housing stock and infrastructure;
- c. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;

- d. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
- e. Provide accessible housing for seniors and persons with disabilities.

2. Definition. An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- a. Garden cottages are detached structures. Examples include converted garages or new construction.
- b. Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

3. Eligibility. An ADU may be added to a house on any residentially zoned lot.

Comment: Some codes restrict ADUs to certain zoning designations, lot sizes, and/or geographic areas within the jurisdiction. Such restrictions significantly constrain the number of eligible properties and suppress the number of ADUs that can (legally) get built under the code.

4. Number. One ADU is permitted per residentially zoned lot.

Comment: Vancouver, BC allows both a garden cottage and an accessory suite on a residentially zoned lot. This has not been tested to our knowledge in the US, but seems like a promising idea.

Possible additional language: "Where more than one house is allowed on a single lot through a planned development process at the same or similar density as would be allowed by subdivision, one ADU is permitted per house."

5. Creation. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.

Comment: It's not uncommon for jurisdictions to limit ADUs to certain types (ie. internal or detached) or to properties where the primary dwelling is of a certain age. Such restrictions constrain ADU development, since property-specific conditions (ie. existence of basement, size of lot) often limit the type of ADU that can be created.

6. Density. ADUs are exempt from the residential density standards of this code.

7. Approval. Applications for ADUs must meet the following criteria. Requests to adjust these standards are handled through a [] process.

- a. The applicant must demonstrate that the ADU complies with all development and design standards of this section.
- b. The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes

Comment: It's appropriate to require a land use process for adjustments to code standards. But when discretionary land use processes or conditional use permits are required for every ADU, this becomes a significant barrier to ADU development. Land use fees and process time, neighbor notification requirements, and approval unpredictability make an already expensive and challenging project even less accessible to owner-builders. In practice, many prospective ADU builders never take the first step if the code doesn't support as-of-right development.

8. Occupancy and Use. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.

Comment: ADU codes that place more restrictions on tenure (ownership vs. rental), short-term rental, affordability and/or home business than would apply to a primary dwelling on the same lot result in less ADU construction. Owner-occupancy requirements make properties with ADUs unsuitable for income-based valuation by appraisers, constraining their value and making them more difficult to finance. Affordable housing restrictions on ADUs sound appealing, except that deed restrictions and tenant income screenings are (unsurprisingly) obstacles for mom-and-pop landlords (fortunately, ADUs provide a surprising amount of market-based affordable housing without subsidy or use restriction).

9. Design. Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply.

- a. **All ADUs (accessory suites and garden cottages)** must meet the following requirements:
 - i. **Size.** An ADU may be no more than 800 square feet or the size of the primary dwelling, whichever is less.

Comment: In addition to a total size cap (typically 600sf – 1,000sf), some codes also cap ADUs to a certain percentage of the size of the primary dwelling. Note that such constraints effectively act as a small house penalty: limiting the size of ADUs on lots where the primary dwelling is already fairly small, but having no impact when the primary dwelling is big.

Possible additional language: "The size of a basement accessory suite occupying the entire footprint of a home built prior to ___ may be up to [1,000 – 1,200] square feet."

- ii. **Parking.** No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.

Comment: Parking requirements for ADUs can significantly increase costs and remove lots from consideration where it is impractical to add a parking space. A major survey of Oregon ADUs revealed no evidence that ADUs contribute to neighborhood parking problems.

- b. **Accessory suites** must meet the following additional requirements:
 - i. **Location of entrances.** Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have

access from the ground such as entrances from balconies or decks.

ii. **Exterior stairs.** Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.

c. **Garden cottages** must meet the following additional requirements:

i. **Height.** The maximum height allowed for a garden cottage is the lesser of [20-25] feet or the height of the primary dwelling.

Comment: Definitions of height vary from code to code. If they go to the peak of the roof, consider a higher height limit. If they go to the average height of the roof, consider a lower height limit.

ii. **Building setbacks.** Garden cottages must be located at least six feet behind the primary dwelling, unless the garden cottage is in an existing detached structure that does not meet this standard.

iii. **Building coverage.** The building coverage of a garden cottage may not be larger than the building coverage of the primary dwelling.

iv. **Yard setbacks.** No portion of an existing building that encroaches within a required yard setback may be converted to or used as a garden cottage unless the building complies with setback exemptions (ie. for garages, properties abutting alleys...) available elsewhere in the code.

Miscellaneous Topics

Design Compatibility

Some cities, including Seattle, WA, Vancouver, BC, and Eugene, OR, don't have any special requirements that ADUs match the exterior appearance of the primary dwelling. There's a good case for this, especially since ADUs represent a sizable investment and builders have plenty of market incentive to make them look appealing and appropriate for the neighborhood. Design compatibility requirements often single out ADUs while offering no such constraints on other types of accessory structures (ie. garages, art studios...). For these reasons, compatibility guidelines are not included in this model code.

However, since design compatibility requirements are quite common and sometimes help build public acceptance for ADUs, following is some implementing language that could be appended to Sections 9.b and 9.d:

(Add to Section 9.a. – All ADUs)

iii. **Exterior finish materials.** Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.

iv. **Roof pitch.** The roof pitch must be the same as the predominant roof pitch of the primary dwelling.

v. **Windows.** If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.

vi. **Eaves.** If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.

(Add to Section 9.c. – Garden cottages)

v. **Exemptions.** Garden cottages are eligible for either of the following exemptions:

1. **Design compatibility.** Exceptions to Sections 9.a.iii.-vi. are granted for garden cottages that:

- a. Are under 500 square feet and under 18’ average height, or
- b. Meet Community Design Standards, defined elsewhere in the code.

Comment: These exceptions provide design latitude for smaller garden cottages and an alternative path in cases where the primary dwelling is ugly and/or out of character with neighboring homes.

2. **Alteration.** If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the standards of Sections 9.a.iii.-vi., the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards of Sections 9.a.iii.-vi.

Impact Fees

Although not typically included in zoning code language, the way building permits and impact fees (sometimes called ‘system development charges’) are calculated for ADUs can have a big effect on how many get built. This is especially true if such fees represent a significant percentage of the total project cost (particularly likely with relatively inexpensive ADU conversions). Finally, high fees can steer ADU development ‘under the radar screen,’ where there’s no permitting or inspection at all – and a greater likelihood of dangerous life/safety conditions for residents.

It’s common for jurisdictions to charge reduced impact fees for ADUs. Portland’s decision in 2010 to waive impact fees on ADUs to meet public policy goals played a significant role in the subsequent increase in ADU development. Depending on municipal policy goals, there may well be a case for setting ADU fees below what would be charged for a standard single family home or dropping them altogether