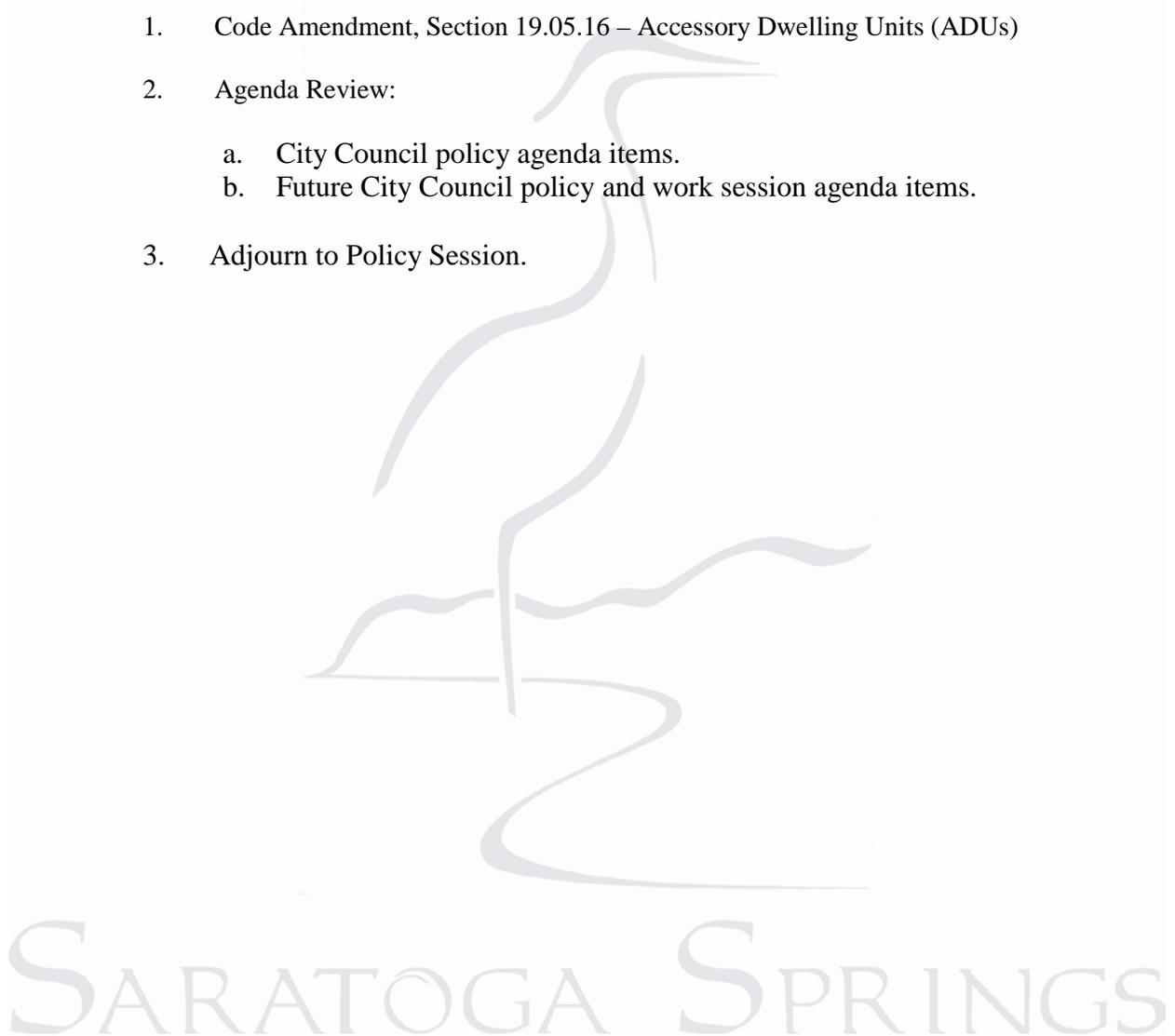


**CITY OF SARATOGA SPRINGS
CITY COUNCIL WORK SESSION
Tuesday, October 4, 2016 - 6:30 P.M.**

City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

CITY COUNCIL WORK SESSION AGENDA

1. Code Amendment, Section 19.05.16 – Accessory Dwelling Units (ADUs)
2. Agenda Review:
 - a. City Council policy agenda items.
 - b. Future City Council policy and work session agenda items.
3. Adjourn to Policy Session.



SARATOGA SPRINGS

Councilmembers may participate in this meeting electronically via video or telephonic conferencing.
The order of the agenda items are subject to change by order of the Mayor.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.

Planning Commission Memorandum

Author: Kimber Gabryszak
Memo Date: Monday, September 26, 2016
Meeting Date: Tuesday, October 4, 2016
Re: Work session on Accessory Dwelling Units (ADUs)

Background:

Over the past months and years, numerous public inquiries about the addition of ADUs to homes in the City have been made. Additionally, Code Enforcement has also been finding advertisements for illegal ADUs existing in the City, and conducting enforcement.

In the meantime, Staff has been conducting research on the status of moderate income housing in the City; due to the referendum limiting new multi-family development, and both State and Federal requirements for moderate income housing, Staff has proposed that the Planning Commission and City Council consider adopting an ADU program to provide another housing option within the City.

ADU: background, benefits, issues, and solutions

Over the last 50+ years, the average household size has gone down while the average home size has gone up, meaning it takes more land to house fewer people. Allowing ADUs can increase the number of people in an area while still maintaining the look and feel of low-density single-family neighborhoods, instead of creating as many multi-family developments.

ADUs can provide numerous benefits. These include:

- Added variety of housing choice, fitting within the existing infrastructure network
- Increased ability to age-in-place as homeowners get older
- Overall neighborhood stability increase through ability for homeowners to better weather financial crises such as recession, illness, job loss, or divorce
- Ability for the next generation to stay in their community
- Neighborhood vibrancy through the presence of multiple family types as communities age and gentrify
- Provision of moderate income housing and compliance with State / Federal laws

Many of the concerns over impacts can be managed through appropriate Code requirements, and a better understanding of typical ADU usage. These include:

- Decrease of adjacent property value decrease through irresponsible tenants.
 - Solution: require owner-occupancy of one of the units. With the owner on site, issues can be better managed.
- Increase of on-street parking and traffic due to high occupancy.

- Solution 1: limit occupancy to two adults with or without minor children.
- Solution 2: require minimum square footage per occupant to prevent overcrowding.
- Solution 3: require additional parking, and know that many ADU occupants are single or young couples with only one vehicle.
- Neighborhood instability.
 - Solution 1: understand that the financial benefit to the homeowner may actually increase stability through allowing owners to stay in their homes longer.
 - Solution 2: consider a minimum lease requirement to prohibit nightly and vacation rentals and turnover.
 - Solution 3: implement a “good landlord” program.
- Safety. Solution: requirement minimum building code compliance for fire / utility separation. Also require owner occupancy to ensure quality tenants.
- Density and the possibility of converting single family neighborhoods into multi-family neighborhoods.
 - Solution: not all homes will be able to meet the standards and have ADUs, ensuring that ADUs occur on a dispersed basis and not on every lot.
 - Additional information: many communities do not define single family homes with ADUs as multi-family. Additionally, most communities that allow ADUs, with the exception of a neighborhoods near colleges and universities, only see a few ADUs installed due to the code requirements to mitigate impacts.
- HOAs, CC&Rs, Covenants.
 - Solution: know that even if the City decided to permit ADUs City-wide, any neighborhood with an HOA, CC&Rs, or Covenants that prohibit ADUs would continue being able to prohibit them. If such a neighborhood chose in the future to amend their CC&Rs or other internal rules, ADUs could be permitted, but not until such time.

General Program Outline

- Allow ADUs in single family developments / on single family lots. Prohibit in multi-family developments / on multi-family lots.
- Limit of one ADU per single family home.
- Require minimum lot size.
- Require owner occupancy.
- Require additional off-street parking.
- Limit size of ADU.
- Limit occupancy to 2 adults with or without minor children.
- Require minimum sq.ft. per person to prohibit overcrowding.
- Implement design standards to continue appearance as a single family home (paved access, no entrance from the front of the home, etc.)

Planning Commission Review

On July 28, 2016 and September 6, 2016, as well as during several general Code and Vision work sessions, the Planning Commission discussed Accessory Dwellings and provided feedback on the potential program. The Planning Commission discussed the need to further regulate the maximum size of dwelling units, as 1/3 of the primary structure could lead to a large accessory dwelling, and adding Education Leave to the list of qualified reason of a temporary absence.

The Planning Commission also discussed the locations where ADUs may be appropriate, expressing concern over potential impacts to existing neighborhoods. Options discussed have included limiting ADUs to only new subdivisions, or creating an overlay zone where ADUs could be permitted, or allowing ADUs in all portions of the City subject to strict standards. As part of this topic, the Planning Commission discussed the existing illegal apartments within the City, and how these options may or may not allow the conversion of these units into legal ADUs.

Many of the draft program components have been updated or added as a result of Planning Commission input.

Resources

Staff has conducted extensive research, looking at codes across the country, American Planning Association (APA) recommendations, FHA requirements, university research, and more. A few relevant resources can be found below.

- Draper City ADU Code: http://www.sterlingcodifiers.com/codebook/index.php?book_id=1002
- A summary of the Urban Land Institute's findings for benefits found at: <http://urbanland.uli.org/planning-design/rethinking-private-accessory-dwellings/>
- Arvada Colorado ADU Code: https://www.municode.com/library/co/arvada/codes/code_of_ordinances?nodeId=PTIILADECO_ART5USRE_5.3ACUSSTINHOOC_5.3.3USSTPEACPRREUS
 - (Or go to <https://arvada.org/city-hall/city-code/municipal-code>, click on “Visit Municode Now” and search for “Accessory Dwelling”

Recommendation

Staff recommends that the City Council discuss the potential program and provide feedback on the proposal and the draft code in preparation for future public hearings with the Planning Commission and City Council.

Exhibits:

A. DRAFT Accessory Dwelling Code and Standards

Exhibit A

19.05.16. Accessory Dwellings.

Potential Definition:

“Dwelling, Accessory” means a secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling, and which may be wholly contained within the single family dwelling, or may be detached from but on the same lot as the single family dwelling. Such a dwelling is an accessory use to a single family dwelling.

Process:

Staff proposes that these applications would follow the staff approval Conditional Use process.

1. **Purpose and Intent.** The purpose and intent of the Accessory Dwelling section is to allow for secondary housing options in Single Family Neighborhoods, which would provide a variety of housing stock, affordable housing, and enable families to age in place within the City of Saratoga Springs.
2. **General Requirements.** All Accessory Dwellings are subject to the following requirements:
 - a. Location. Accessory Dwellings are only permitted on single family lots 8,000 sq.ft. or larger in the following zones; A, RA-5, RR, R-1, R-2, R-3, R-4, R-5 (minimum lot size of 8,000 sq.ft.)
 - b. Number. A single family dwelling is limited to one accessory dwelling unit.
 - c. Occupancy.
 - i. Owner occupancy of either unit is required, except where a valid temporary leave of absence has been approved by the City, as outlined in this chapter.
 - ii. Occupancy of an accessory unit is limited to no more than two adults, with or without minor children.
 - iii. A Certificate of Occupancy shall be obtained from the City prior to any occupancy of the accessory dwelling unit.
 - d. Business License. A business license is required at all times. (Rental Dwelling License, yearly, proof of tenants, for discussion...)
 - e. Living Area. Accessory dwellings shall have a minimum area of living space based on the number of bedrooms:
 - i. 400 square feet for a Studio
 - ii. 600 square feet for a 1 bedroom
 - iii. 800 square feet for a 2 bedroom
 - iv. In no case shall the square footage be less than 200 sq.ft. per occupant.
 - f. Maximum Size.
 - i. No accessory dwelling shall exceed (800?) 1,000 square feet or 1/3 of the main home square footage of living space, whichever is greater. In no case shall an accessory dwelling exceed (1000?) 1,250 square feet.
 - ii. The maximum number of bedrooms in an accessory dwelling shall be two.
 - g. Type

