

STAFF REPORT

To: Planning and Zoning Commission Meeting Date: June 3, 2015

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Subject: Changes to Accessory Apartments

Summary Statement: The proposed ordinance would revise regulations for *Accessory Apartments* to create more useful and appropriate parameters for homeowners that better align with city goals.

Background: NOTE: Industry standard terminology for *Accessory apartments* is Accessory Dwelling Unit (ADU), so this term will be used in this report.

ADUs take two basic forms in relation to the primary dwelling: attached or detached.

- An *attached* accessory dwelling unit is a part of the primary dwelling but is a separate, complete dwelling unit with its own entrance and exit. These units share the same roof and are within the envelope of the main house.
- A *detached* accessory dwelling unit is separated from the primary dwelling as a stand-alone structure (e.g. granny flat, garage apartment, small cottage).

ADUs can be created by converting part of an existing house, adding area to an existing house, converting an existing accessory structure, or constructing a new building.

Review:

ADUs provide practical housing options for the elderly, disabled, empty nesters, and young students, and can provide additional rental income for homeowners. ADUs are smaller in size, do not require the extra expense of purchasing land, can be developed by converting existing structures, and do not require the extension of city infrastructure for the additional housing units. ADUs are an inexpensive way for municipalities to increase housing supply, while also increasing the property tax base. As smaller housing units, ADUs are also typically more affordable and thereby provide housing options for low- and moderate-income residents that might otherwise be priced out of the housing market.

Accessory dwellings can provide many benefits, including the following:

- Providing a mix of housing that responds to changing family needs and smaller households;
- Providing 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;
- Providing a broader range of more affordable housing uniformly throughout the city;
- Giving homeowners extra income to help meet rising home ownership costs;

The current industry standard language for accessory units is Accessory Dwelling Units (ADUs). The UDO should move away from the term *Accessory Apartments* to ADUs to be consistent with industry standards. This amendment will make this change.

Current ADU Size Regulations

In regard to the size of the accessory unit, current language is confusing and too prescriptive. In Section 7-16-1 (b)(2)(e), the UDO states, *The gross floor area of the accessory apartment shall not exceed 500 square feet or contain no more than one-fourth of the gross floor area of the principal single-family dwelling, whichever is greater. In no case shall the size of the accessory apartment exceed 50 percent of the gross floor area of the principal dwelling unit on the property (for example, establishment of a 500 square foot accessory apartment would require the principal dwelling unit to be at least 1,000 square feet in size).*

The chart to the right summarizes the size allowance for ADUs under the current zoning regulations.

There is no maximum size except as a percentage in relation to the primary dwelling.

Size of Home	Current ADU Size	
	500 SF or 25% of home But not over 50% of primary	% of primary
700 SF	350 SF	50%
800 SF	400 SF	
900 SF	450 SF	
1000 SF	500 SF	
1200 SF	500 SF	42%
1400 SF	500 SF	36%
1600 SF	500 SF	31%
1800 SF	500 SF	28%
2000 SF	500 SF	25%
2200 SF	550 SF	
2400 SF	600 SF	
2600 SF	650 SF	
2800 SF	700 SF	
3000 SF	750 SF	
3200 SF	800 SF	
3400 SF	850 SF	
3600 SF	900 SF	
3800 SF	950 SF	
4000 SF	1000 SF	
4500 SF	1125 SF	

Proposed Detached ADU Size Regulations

Proposed changes would simplify ADU language: *The size of a detached ADU may be no more than 70% percent of the gross floor area of the primary dwelling unit and the ADU may not exceed 800 square feet.*

This change would provide greater flexibility on the size of ADUs, especially at the smaller end of Asheville’s housing stock for homes under 3,000 square feet. The chart to the right summarizes the proposed changes.

The maximum ADU size is 800 SF. The arrows show how the proposed changes *relate to current regulations*: ADUs would be allowed to be larger for homes under 3000 SF and smaller for homes larger than 3400 SF.

Size of Home	Proposed ADU Size	
	Apt to not exceed 800 SF Or 70% of primary home	% of primary
700 SF	490 SF	70%
800 SF	560 SF	70%
900 SF	630 SF	70%
1000 SF	700 SF	70%
1200 SF	800 SF	67%
1400 SF	800 SF	57%
1600 SF	800 SF	50%
1800 SF	800 SF	44%
2000 SF	800 SF	40%
2200 SF	800 SF	36%
2400 SF	800 SF	33%
2600 SF	800 SF	31%
2800 SF	800 SF	29%
3000 SF	800 SF	27%
3200 SF	800 SF	25%
3400 SF	800 SF	24%
3600 SF	800 SF	22%
3800 SF	800 SF	21%
4000 SF	800 SF	20%
4500 SF	800 SF	18%

Proposed Attached ADU Size Regulations

ADUs located within a primary dwelling can go potentially unnoticed from a neighbor’s perspective because there is no additional structure on the lot. Thus, allowing a larger maximum size for ADUs located within a primary dwelling would encourage the efficient use of housing spaces: finished basements or separate upper floors that measure larger than what would be permitted for detached ADUs could be fully utilized. Proposed language would state: *For ADUs within the primary dwelling unit, the size of the ADU may not exceed 70% of the primary dwelling unit and the ADU may not exceed 1,000 square feet.* This exception would give property owners greater flexibility to access unused home space for housing, such as finished basements, for example.

Height

Building height is measured as the vertical distance from the bottom of the first floor to the ceiling of the highest occupied floor. In order to accommodate vaulted or cathedral ceilings within ADUs, this proposal would increase the height limit of accessory structures from 20 to 25 feet. That height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet.

Parking

Parking for ADUs would be required per general practice today, consistent with 7-11-2 (c)(4): one off-street parking space is required if off-street parking is required for the primary dwelling unit.

Outreach

Staff presented this proposed wording amendment to the Affordable Housing Advisory Committee (AHAC) on 5/7/15, to the Coalition of Asheville Neighborhoods (CAN) on 5/7/15, and to the Planning and Economic Development (PED) and Housing and Community Development (HCD) Committees on 5/19/15. AHAC is strongly in support. CAN has some concerns about neighborhood impact, in particular in regards to parking and neighborhood context. The proposed amendment address both parking and neighborhood context with building height and footprint limits.

Summary

Detached ADU (e.g. Garage or Cottage Apt)

	Current	Proposed
Name	Accessory Apartments	Accessory Dwelling Units (ADUs)
Min parking required	1	1
Max size	N.A.	800 SF
Max size as % of primary dwelling	50%	70%
Min size	N.A.	N.A.
Max height	20 Ft (top of ceiling)	25 Ft (top of ceiling)
Max footprint	N.A.	800 SF
Use of non-conforming lot	Not permitted	Permitted
Setbacks	Must maintain 6' min	Must maintain 6' min

Attached ADU (e.g. Basement Apt)

	Current	Proposed
Name	Accessory Apartments	Accessory Dwelling Units (ADUs)
Min parking required	1	1
Max size	N.A.	1,000 SF
Max size as % of primary dwelling	50%	70%
Min size	N.A.	N.A.
Max height	20 Ft (top of ceiling)	N.A.
Max footprint	N.A.	1,000 SF
Use of non-conforming lot	Not permitted	Permitted
Setbacks	Must meet setback req	N.A.

Compliance with Comprehensive Plan:

This wording amendment complies with City's Comprehensive Plan as it relates to 1) Affordable Housing Goals and Strategies (Goal III) by seeking to explore the full range of zoning tools necessary to increase both the supply of affordable housing and the compatibility of such housing with existing neighborhoods; and 2) Land Use and Transportation Goals and Strategies (Goal I) by identifying infill opportunities and making them readily available to interested developers.

(The most recent housing report, the 2015 Housing Needs Assessment, highlights Asheville's housing shortage. This wording amendment aims to allow for more housing throughout the city to partially address this housing supply shortfall.)

City Council Strategic Plan Considerations:

This wording amendment is consistent with the City Council's 2015-2016 Strategic Plan.

- Focus area 1: Economic Growth and Sustainability. Goal 2: Invest and leverage investment in community infrastructure. Action item: Research, develop and propose incentives for in-fill and redevelopment.
- Focus area 2: Affordability and Economic Mobility. Goal 1: Expand Asheville's supply of quality, affordable homes for current and future residents. Action item: Develop and implement a Comprehensive Affordable Housing Strategy which includes review of land use and zoning regulations, recommendations from the Affordable Housing Advisory Committee and development incentives to increase the production of affordable housing units.

Fiscal Impact: N.A.

Recommendation:

Staff recommends approval of the wording amendment text modifying accessory apartments; and if Commissioners agree with staff recommendations, the suggested motion is as follows.

Suggested Motion:

I move to approve the revised wording amendment modifying accessory apartments, and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) by employing zoning tools to increase the supply of housing that is compatible with existing neighborhoods, (2) by providing incentives for infill development throughout the city, and (3) by providing needed residential units while making efficient use of existing housing stock, parcels of land and community infrastructure.

Attachments:

- (1) Ordinance