

ZONING CODE TEXT AMENDMENT SUMMARY

Initiator: Council Member Bender
Introduction Date: July 1, 2016
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Specific Site: Citywide
Ward: Citywide
Neighborhood: Citywide
Intent: To amend regulations related to accessory dwelling units.

APPLICABLE SECTION(S) OF THE ZONING CODE

- Chapter 525, Administration and Enforcement
- Chapter 535, Regulations of General Applicability
- Chapter 537, Accessory Uses and Structures
- Chapter 551, Overlay Districts

BACKGROUND

The Minneapolis City Council passed a zoning code text amendment to allow accessory dwelling units citywide on December 5, 2014. ADUs have received significant attention in recent years as a way to provide more flexible housing options in urban neighborhoods. Over the past few decades, municipalities across the country have adopted standards to allow or encourage the construction of ADUs. Prior to the passage of this ordinance, ADUs were only allowed in Minneapolis in a small portion of the Phillips neighborhood. The [adopted ordinance](#) permits accessory dwelling units (ADUs) on lots with single- or two-family homes. The ordinance also introduced three different types of ADUs, each subject to specific regulatory and design standards.

Since the ordinance was adopted, staff has approved 50 accessory dwelling unit administrative applications (11 detached, 8 attached, and 31 internal accessory dwelling units). These ADUs have been relatively evenly distributed citywide ([interactive map](#)). Twenty-two of the approved ADUs were existing dwelling units that had not been lawfully established. In addition, there have been eight projects seeking variances of the standards of ADUs, all of which have been approved by the Zoning Board of Adjustment or City Council.

Staff has received feedback from applicants, analyzed proposed ADUs that have not met the regulatory or design standards, and reviewed the approved variances. With this data, staff has determined that further amendment to the ADU ordinances are merited at this time. The majority of the concerns are related to the bulk limitations for detached ADUs. Property owners and designers have stated that the maximum 1,000 square foot allotment for all parking and habitable areas in a detached ADU does not provide enough flexibility in incorporating desired features, such as covered parking, storage, and circulation space, while maintaining adequate livable area for the dwelling. As a result, staff is proposing to increase the permitted square footage for detached ADUs while maintaining the restriction that the ADU cannot exceed the area or height of the main residential structure. This provision is intended to allow for greater design flexibility while mitigating the potential negative impacts of building bulk on both typical and large residential lots.

The proposed ordinance refinement would also provide further clarification of the regulatory and design standards to address unintended consequences in the zoning code. A summary of the proposed is as follows:

Detached ADUs

- Currently, detached ADUs cannot exceed 1,000 sq. ft. in area (including parking and habitable areas) for all lot sizes. The proposed amendment would increase the maximum gross floor area (GFA) from 1,000 sq. ft. to 1,300 sq. ft. or 16% of the lot area, whichever is greater, but not to exceed 1,600 sq. ft.
- The GFA of the detached ADU still cannot exceed the GFA of the main house.
- Amendment clarifies that GFA measurement is used, as opposed to “floor area.” GFA measurement would still include parking and habitable areas on all floors.
- Reduce minimum window percentage from 10% to 5% of the wall facing a public street or alley.

Internal/Attached ADUs

- Currently, stairways leading to an upper story of an ADU have to be fully enclosed. Proposed change would allow stairways to be enclosed or located entirely to the rear of the main house.

All ADUs

- ADU entrances facing a side lot line would no longer be subject to the increased setback of 15 feet, or 22 feet where a driveway is present. This is a regulation that applies to principal entrances for dwellings and would continue to be in place, but poses unique constraints for ADUs.
- Clarify that ADUs do not require off-street parking, including property located in the UA University Area Overlay District, which otherwise requires 0.5 on-site spaces for each bedroom.
- Clarify that the requirement that the maximum of one ADU per property cannot be varied.
- Clarify that neither balconies nor decks on an ADU are allowed to face an interior side yard.

PURPOSE

What is the reason for the amendment?

The purpose of the amendment is to allow for more flexibility in implementing accessory dwelling units (ADUs) in Minneapolis. After careful analysis of built and proposed ADUs since ordinance adoption, staff has determined that the current regulations in the ordinance are too restrictive and that some provisions require clarification in order for ADUs to continue to be successfully implemented in the city of Minneapolis.

What problem is the amendment designed to solve?

The primary concern of staff, and of community members seeking to construct ADUs, is the current bulk restriction for detached ADUs, which limits all parking and habitable areas to a maximum of 1,000 square feet for lots of all sizes. This limit is seen as too restrictive to allow for the desired flexibility to include adequate living space, as well as enclosed parking, and it does not provide additional flexibility for large lot areas. Additionally, the original ordinance language included a significant setback requirement for entrances facing a side lot line, which makes it particularly difficult to convert existing space in principal dwellings into ADUs without a significant cost burden.

Other issues that the amendment addresses include the requirement that all stairways leading to an ADU be enclosed and that the wall of an ADU facing the public street or alley contain a minimum 10 percent windows. Both requirements are seen as too difficult to implement from a design and cost perspective.

What public purpose will be served by the amendment?

This amendment will serve a public purpose by allowing greater flexibility for accessory dwelling units. Accessory dwelling units support City policies and goals related to allowing a range of housing types and family needs while respecting the character and scale of low-density residential areas. To date, 50 ADUs have been approved by CPED-Zoning. The implementation of these regulations has resulted in the establishment of 22 dwellings which were not previously recognized as legal dwelling units, while creating new opportunities for multi-generational living arrangements, and the development of additional affordable units in an already tight market. All of these living units require a rental license and are regularly inspected through the Rental Licensing program.

The proposed amendment seeks to add clarification to the existing regulations for detached ADUs and allow for greater bulk requirements for the detached ADU type. By providing more flexibility in the current bulk regulations, property owners are able to provide covered parking, storage, and circulation space, and adequate livable area for the dwelling. Additionally, the proposed changes add greater flexibility related to accessing units by stair or exterior door, ensuring minimal alteration to the existing

structure and the preservation of neighborhood character. Finally, ADUs would be able to be established in the UA University Area Overlay District without additional off-street parking required.

The draft ordinance would not alter the existing requirement that a homeowner must certify that either the ADU or the main dwelling unit will be owner-occupied, and a covenant to that effect be recorded on the property's deed in order to inform future property owners of the owner-occupancy requirement. By requiring the property owner to live on site, the ordinance supports the public health, safety, and general welfare; the property owner is more likely to maintain and be able to exercise control over the property rather than a landlord that does not live on-site.

What problems might the amendment create?

The amendment is not expected to create problems. Staff has conducted extensive best practices research on the regulation of ADUs in peer cities where they are allowed. In addition, staff has evaluated all of the approved ADUs, including those that required variances. The Zoning Board of Adjustment and City Council have reviewed a total of seven variance requests to allow for the construction of an ADU and all of them have been approved. The variances primarily fell into two classifications: (1) bulk limitations for detached ADUs and (2) exterior stairs accessing the ADU. Staff is recommending this amendment to address these two provisions.

Staff has created an internal workflow for the evaluation of all ADUs. First, the applicant meets with a CPED planner and plan reviewer to discuss the zoning and building code requirements. Next, the applicant applies for a building permit, which is reviewed by Zoning and Construction Code Services staff for compliance with the applicable codes. The applicant then records the owner occupancy covenant on the deed of the property at Hennepin County. Finally, the applicant applies for an annual rental license to ensure compliance with the owner-occupancy requirement and regular inspections of the ADU. To date, staff has not received any complaints about an ADU.

TIMELINESS

Is the amendment timely?

The proposed changes would respond to a large number of applications and inquiries related to the floor area restrictions for detached ADUs, as well as converting existing space within existing structures to accommodate new internal ADUs. The amendment is timely, as it has been demonstrated that the initial regulations for ADUs are overly restrictive and warrant an update in order for this type of housing option to be implemented successfully citywide.

In addition, the current ordinance contains language that needs to be clarified in order to ensure that the applicable regulations for all accessory dwelling units can be consistent interpreted by staff and by the public according to the intent of the ordinance. The proposed amendments would therefore support the City's ongoing efforts to improve City processes and streamline regulations.

Providing for the development of ADUs accessory to single-family homes and duplexes helps to implement many interrelated City goals and policies cited in the adopted comprehensive plan, including expanding housing options to respond to families' diverse and evolving needs, allowing residents to age in place by earning extra income through an ADU rental, and accommodating growth while preserving neighborhood character. The amendment is timely in that it supports CPED's departmental goals of planning and developing a vibrant, sustainable community; promoting economic self-sufficiency for individuals and families; and developing and preserving life-cycle housing throughout the city.

Is the amendment consistent with practices in surrounding areas?

Staff has researched best practices to see how bulk is regulated for detached accessory dwelling units. Many cities allow at least 600 square feet of habitable area in detached ADUs, exclusive of parking areas, and often allow larger ADUs for larger lots. Minneapolis currently restricts the maximum square footage to 1,000 square feet, including parking, for all lot sizes. Allowing for a maximum of between 1,300 square feet and 1,600 square feet for an ADU, depending on the lot size – but never to exceed the maximum gross floor area of the main dwelling – would provide more consistency with peer cities with ADU ordinances that have had demonstrated success in implementing and adjusting their ADU ordinances over the past decade.

Staff's additional suggestions related to easing the restrictions on enclosed stairways, windows, and side-facing entrances would also be consistent with other North American cities without compromising the accessory nature of this housing type.

Are there consequences in denying this amendment?

Denying the amendment would leave existing regulations in place, which are relatively restrictive in terms of providing flexible, context-specific design options for all ADU types. As a result of denying the amendment, the City of Minneapolis would continue to be restrictive in regulating this housing type relative to its peers.

COMPREHENSIVE PLAN

The amendment will implement the following applicable policies of *The Minneapolis Plan for Sustainable Growth*:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Housing Policy 3.1: Grow by increasing the supply of housing.

3.1.2 Use planning processes and other opportunities for community engagement to build community understanding of the important role that urban density plays in stabilizing and strengthening the city.

3.1.3 Continue to streamline city development review, permitting, and licensing to make it easier to develop property in the City of Minneapolis.

Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

3.2.2 Engage in dialogue with communities about appropriate locations for housing density, and ways to make new development compatible with existing structures and uses.

Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.

3.6.4 Provide and maintain moderate and high-density residential areas, as well as areas that are predominantly developed with single and two family structures.

3.6.5 Promote accessible housing designs to support persons with disabilities and the elderly.

Housing Policy 3.7: Maintain the quality, safety and unique character of the city's housing stock.

3.7.1 Promote and incentivize private investment in housing maintenance and renovation.

3.7.4 Utilize decision-making criteria when considering possible demolitions that recognize the value that the original housing stock typically has for surrounding properties and the community.

3.7.5 Promote the use of high quality materials in new housing construction to minimize long-term deterioration of the housing stock.

3.7.6 Continue regular inspections of rental housing to preserve its functionality and safety.

3.7.11 Ensure safety, livability and durability of the housing stock through enforcement of the Minnesota State Building Code.

Environment Policy 6.3: Encourage sustainable design practices in the planning, construction and operations of new developments, large additions and building renovations.

6.3.1 Encourage developments to implement sustainable design practices during programming and design, deconstruction and construction, and operations and maintenance.

6.3.5 Support the development of sustainable site and building standards on a citywide basis.

Environment Policy 6.5: Support the efficient use of land and development that reduces the reliance on fossil fuels.

6.5.2 Encourage development projects that maximize the development capacity of the site while at the same time reducing non-renewable energy needs.

6.5.4 Educate citizens about the environmental, economic, and equity implications of land use and transportation decisions, and enlist the partnership of citizen and advocacy organizations in moving toward more sustainable patterns of development.

Urban Design Policy 10.7: Maintain and preserve the quality and unique character of the city's existing housing stock.

10.7.1 Rehabilitation of older and historic housing stock should be encouraged over demolition.

10.7.2 Encourage the use of high quality and durable materials for construction and historic preservation.

10.7.3 Encourage adaptive reuse, retrofit and renovation projects that make the city's housing stock competitive on the regional market.

10.7.4 Renovation of housing should reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.

10.7.5 Provide the flexibility in the city's ordinances to improve and maintain existing structures.

10.8: Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.

10.8.1 Infill development shall reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.

10.8.2 Infill development shall incorporate the traditional layout of residential development that includes a standard front and side yard setbacks, open space in the back yard, and detached garage along the alley or at back of lot.

10.8.3 Building features of infill development, such as windows and doors, height of floors, and exposed basements, shall reflect the scale of surrounding dwellings.

10.8.4 Detached garages are preferred over attached garages and should be accessory in size and use to the primary residential structure.

10.8.5 New driveways should be prohibited on blocks that have alley access and no existing driveways.

10.8.6 Traditional setbacks, orientations, pattern, height and scale of dwellings should be created in areas where no clear pattern exists.

10.8.7 Low density residential development proposals should be evaluated and compared to the form and density of the neighborhood.

This amendment will allow accessory dwelling units throughout the city while minimizing potential negative impacts, as consistent with the above policies of the comprehensive plan.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings to amend Title 20 of the Minneapolis Code of Ordinances, as follows:

A. Text amendment to amend the regulations related to accessory dwelling units.

Recommended motion: **Approve** the zoning code text amendment, amending Chapters 525, 535, 537, and 551.

Chapter 525 related to the Zoning Code: *Administration and Enforcement*

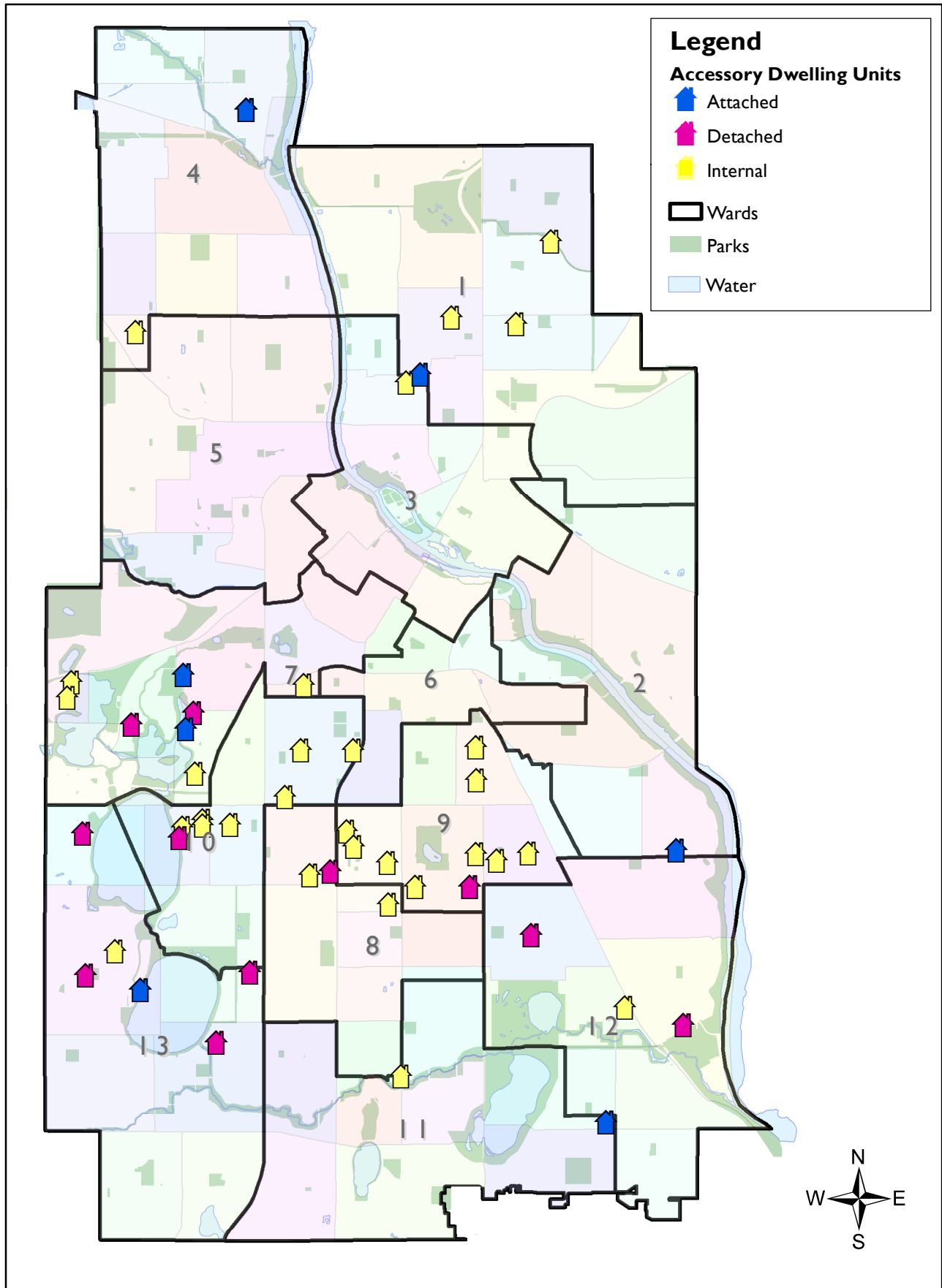
Chapter 535 related to the Zoning Code: *Regulations of General Applicability*

Chapter 537 related to the Zoning Code: *Accessory Uses and Structures*

Chapter 551 related to the Zoning Code: *Overlay Districts*

ATTACHMENTS

1. Approved ADU map
2. Summary of ordinance updates
3. Ordinance amending Chapter 525, Administration and Enforcement.
4. Ordinance amending Chapter 535, Regulations of General Applicability.
5. Ordinance amending Chapter 537, Accessory Uses and Structures.
6. Ordinance amending Chapter 551, Overlay Districts.



Minneapolis' Accessory Dwelling Units

Accessory Dwelling Units (ADU) Ordinance

Summary of Proposed Changes

Detached ADUs

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All ADUs

- ADU entrances facing a side lot line would no longer be subject to the increased setback of 15 feet, or 22 feet where a driveway is present. This is a regulation that applies to principal entrances for dwellings and would continue to be in place, but poses unique constraints for ADUs.
- Clarify that ADUs do not require off-street parking, including property located in the UA University Area Overlay District, which otherwise requires 0.5 on-site spaces for each bedroom.
- Clarify that the requirement that the maximum of one ADU per property cannot be varied.
- Clarify that neither balconies nor decks on an ADU are allowed to face an interior side yard.

ORDINANCE

By Bender

Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 525.520 contained in Chapter 525, Administration and Enforcement, be amended to read as follows:

525.520. Authorized variances.

Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment, city planning commission, or city council only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

- (1) To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.
- (2) To vary the lot area or lot width requirements up to thirty (30) percent, except for the following uses, where the maximum variance of thirty (30) percent shall not apply.
 - a. To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12, located in the OR2, OR3 and commercial districts.
 - b. To vary the lot area or lot width requirements up to fifty-five (55) percent for newly constructed two-family dwellings located in the R2B District, provided the surrounding properties are primarily two-family dwellings developed on lots similar in size to the proposed development.
- (3) To vary the gross floor area, floor area ratio and seating requirements of a structure or use.
- (4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater. The maximum height of a detached accessory dwelling unit may be varied, provided that the height of the detached accessory dwelling unit shall not exceed the height of the principal structure.
- (5) To permit an increase in the maximum height of a fence.
- (6) To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.
- (7) To increase the percentage of required parking spaces that may be satisfied by providing compact spaces.
- (8) To permit parking or accessory structures that cannot comply with the location requirements for on-site parking, or the minimum distance from a dwelling, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.
- (9) To increase by not more than five hundred (500) feet the maximum distance that required parking spaces are permitted to be located from the use served, and where off-site parking is prohibited, to allow off-site parking up to five hundred (500) feet away.

(10) To vary the location of off-site parking, as specified in Table 541-5 Location of Off-Site Parking, provided such off-site parking is not located in a residence or office residence district.

(11) To increase the maximum number of vehicles permitted to be parked outdoors.

(12) To vary the minimum width of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units provided the dwelling is located on a zoning lot existing on the effective date of this ordinance that is forty (40) feet or less in width.

(13) To increase the maximum allowed length of a recreational vehicle, or to permit the parking of such vehicle outside the rear forty (40) feet of the lot, as regulated in Chapter 541, Off-Street Parking and Loading. In no case shall the variance allow such vehicle to exceed thirty-five (35) feet in length.

(14) To reduce the minimum required width of parking aisles or to increase the maximum width of driveways in any zoning district, as regulated in Chapter 541, Off-Street Parking and Loading, or to reduce the minimum required width of driveways in the residence and OR1 Districts from ten (10) feet to eight (8) feet, provided there is no alley or alternative public access to the lot.

(15) To vary the maximum lot coverage and impervious surface coverage requirements.

(16) To vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading. Factors to be considered in varying the surfacing requirements for the industrial districts shall include but not be limited to the following: The yard and parking uses are in the same area; use of heavy equipment will cause excessive hard surface breakup; parking movements are infrequent; the area is distant from other nonindustrial zone uses; or water infiltration is ecologically desirable.

(17) To permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff.

(18) To permit development in the SH Shoreland Overlay District within fifty (50) feet of a protected water.

(19) To permit alternative forms of flood protection for uses and structures located in the FP Floodplain Overlay District, provided no variance shall permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law. In areas designated as AO zones on the flood insurance rate map, a variance may be granted to the requirement that buildings be elevated to one (1) foot above the elevation of the ground surface prior to construction next to the proposed walls of the building, provided the application includes a detailed hydraulic analysis that supports such variance as sound floodplain management and a letter of map revision from the Federal Emergency Management Agency.

(20) To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District.

(21) To vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs.

(22) To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures, except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to

distance. Further, the owner occupancy requirement for accessory dwelling units and the limit of one accessory dwelling unit per zoning lot shall not be varied.

(23) To vary the limit of one (1) principal residential structure per zoning lot for structures located in the R2 District existing on the effective date of this ordinance, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) square feet of floor area.

(24) To permit development on a zoning lot existing on the effective date of this ordinance that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage.

(25) To vary the screening and landscaping requirements of this zoning ordinance.

(26) To vary the enclosed building requirements of this zoning ordinance.

(27) To vary the minimum sign spacing standards and nonconforming sign area credits requirements of Chapter 544, Off-Premise Advertising Signs and Billboards, to allow the relocation of an existing off-premise advertising sign of the same or less square footage, where removal of the sign is necessary to allow a development that includes not less than thirty (30) housing units that meet the definition of affordable housing, or to allow a mixed-income development of not less than thirty (30) housing units that receives city financial assistance, or to allow a capital improvement project of a governmental agency. An existing off-premise advertising sign shall include but not be limited to a sign existing on June 17, 2002.

(28) To vary the width and location restrictions on attached garages facing the front lot line for residential uses.

(29) To vary the development standards of Chapter 535, Plazas.

(30) To vary the requirement for enclosed off-street parking for new single- and two-family dwellings established after November 1, 2009.

(31) To permit curb cut access to the street for properties with an alley that serves a single- and two-family dwelling or multiple-family dwelling having three (3) or four (4) units.

Section 2. That Section 535.250 contained in Chapter 535, Regulations of General Applicability, be amended to read as follows:

535.250. - Interior side yards for dwellings with side entrances. The minimum width of interior side yards for all multiple-family dwellings, single- and two-family dwellings, ~~accessory dwelling units~~, or cluster developments with a principal entrance facing the interior lot line, shall be not less than fifteen (15) feet, and the minimum width of said interior side yard plus any driveway shall not be less than twenty-two (22) feet, unless a greater width is required by the regulations governing interior side yards in the district in which the structure is located.

Section 3. That the definition for "Accessory dwelling units" contained in Section 537.110 of Chapter 537, Accessory Uses and Structures, be amended to read as follows:

537.110. Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

Accessory dwelling units. Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure, subject to the following:

(1) The principal residential structure shall be a permitted or conditional single-family or two-family dwelling, accessory dwelling units shall be prohibited accessory to all other uses.

(2) No more than one (1) accessory dwelling unit shall be allowed on a zoning lot.

(3) The creation of an accessory dwelling unit shall not create a separate tax parcel.

(4) Balconies and decks shall not face an interior side yard.

(5) Rooftop decks shall not be allowed.

(6) An owner of the property must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence.

a. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.

b. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.

c. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.

d. At the request of a property owner and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.

(7) Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:

a. Internal accessory dwelling units are limited to eight hundred (800) square feet. The gross floor area of an internal accessory dwelling unit may exceed eight hundred (800) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of January 1, 2015. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.

b. The entire internal accessory dwelling unit shall be located on one level.

c. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

d. ~~Any~~ Stairways leading to the an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

(8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:

a. The maximum gross floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.

b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

c. ~~Any~~ Stairways leading to an upper story of an internal accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached accessory dwelling units shall also comply with the following requirements:

a. A detached accessory dwelling unit shall not exceed the height of the principal residential structure or twenty (20) feet, whichever is less. In no case shall the highest point of the roof of the detached accessory dwelling unit exceed the highest point of the roof of the principal residential structure.

b. The gross floor area of a detached accessory dwelling unit, including any areas designed or intended to be used for the parking of vehicles and habitable floor area on all levels, shall not exceed ~~one-thousand (1,000)~~ one thousand three hundred (1,300) square feet, including any areas designed or intended to be used for the parking of vehicles and any half-story floor area or sixteen (16) percent of the lot area, whichever is greater. In no case shall the gross floor area exceed one thousand six hundred (1,600) square feet or exceed the gross floor area of the principal residential structure, whichever is less. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one thousand (1,000) square feet.

c. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one-thousand (1,000) square feet.

~~d.~~ d. The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.

~~d.~~ e. The minimum rear yard requirement for a detached accessory dwelling unit may be reduced to three (3) feet, except where vehicle access doors face the rear lot line, in which case ~~the minimum rear yard requirement shall be five (5) feet~~ no reduction of the required yard is permitted.

~~e.~~ f. A detached accessory dwelling unit on a reverse corner lot shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, a detached accessory dwelling unit shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district.

~~f.~~ g. The distance between the detached accessory dwelling unit and the habitable portion of the principal residential structure shall be a minimum of twenty (20) feet.

~~g.~~ h. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

~~h.~~ i. Not less than ~~ten (10)~~ five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

i. j. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

(10) The zoning administrator shall conduct the administrative review of all applications for an accessory dwelling unit. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

Section 4. That Section 551.1320 contained in Chapter 551, Overlay Districts, be amended to read as follows:

551.1320. - Off-street parking.

(a) *Minimum number of off-street parking spaces.* The minimum off-street parking requirement for residential uses shall be one-half (½) parking space per bedroom. For the purpose of this ordinance, an efficiency dwelling unit shall be considered equivalent to a one (1) bedroom dwelling unit in calculating the minimum parking requirement. Parking reductions allowed in the PO Pedestrian Oriented Overlay District shall be applied after calculating parking based on this provision. Accessory dwelling units shall not have a minimum off-street parking requirement.

(b) *Location.* Off-street parking for single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall be located entirely within the rear twenty-five (25) feet of the lot. Lots providing at least one (1) parking space in a detached accessory structure are not subject to this standard.

(c) *Dimensions.* Off-street parking for single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the following standards:

(1) One hundred (100) percent of the required parking spaces may be provided as compact spaces.

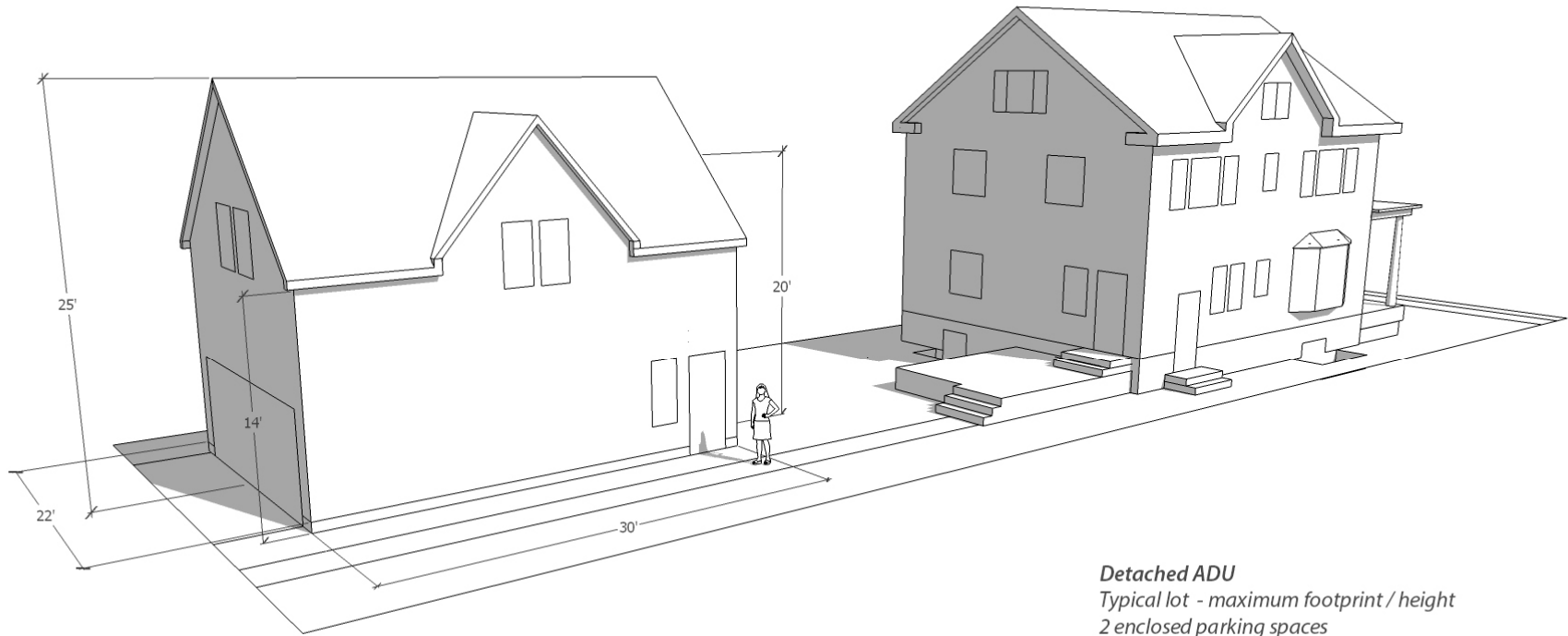
(2) Parking lots of one (1) or more spaces that encroach into the required interior side yard shall provide landscaping and screening not less than three (3) feet in height consistent with the provisions of section 530.170 of this ordinance.

(3) Surface parking areas in the rear twenty-five (25) feet of the lot shall have an interior side yard of not less than two (2) feet.

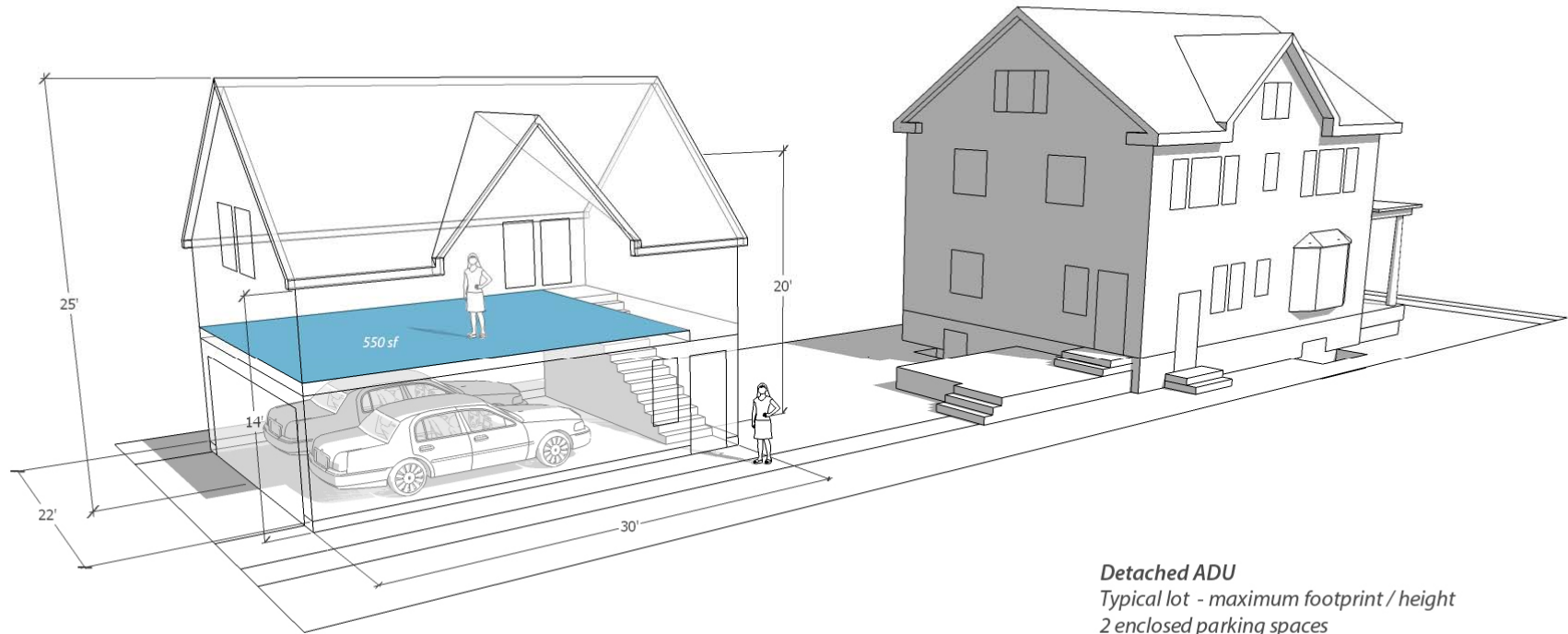
(4) Surface parking areas shall have a rear yard of not less than two (2) feet. The rear yard may be reduced to zero (0) feet where adjacent to an alley.

(5) Parking lots shall be defined by durable curbing material that allows for on site drainage of stormwater runoff and discourages parking of vehicles on landscaped areas of a lot.

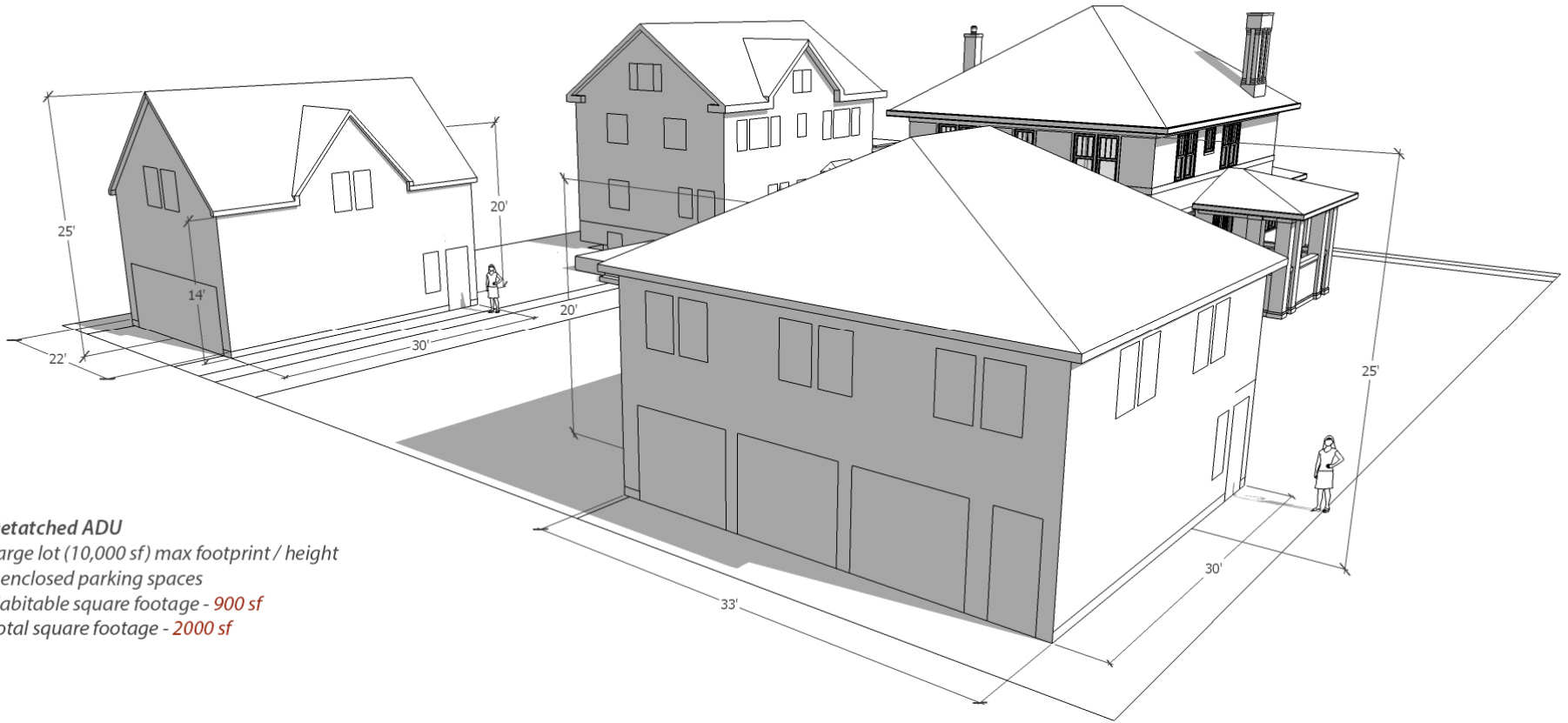
(6) Lots providing at least one (1) parking space in a detached accessory structure are not subject to standards (1) through (4) above.



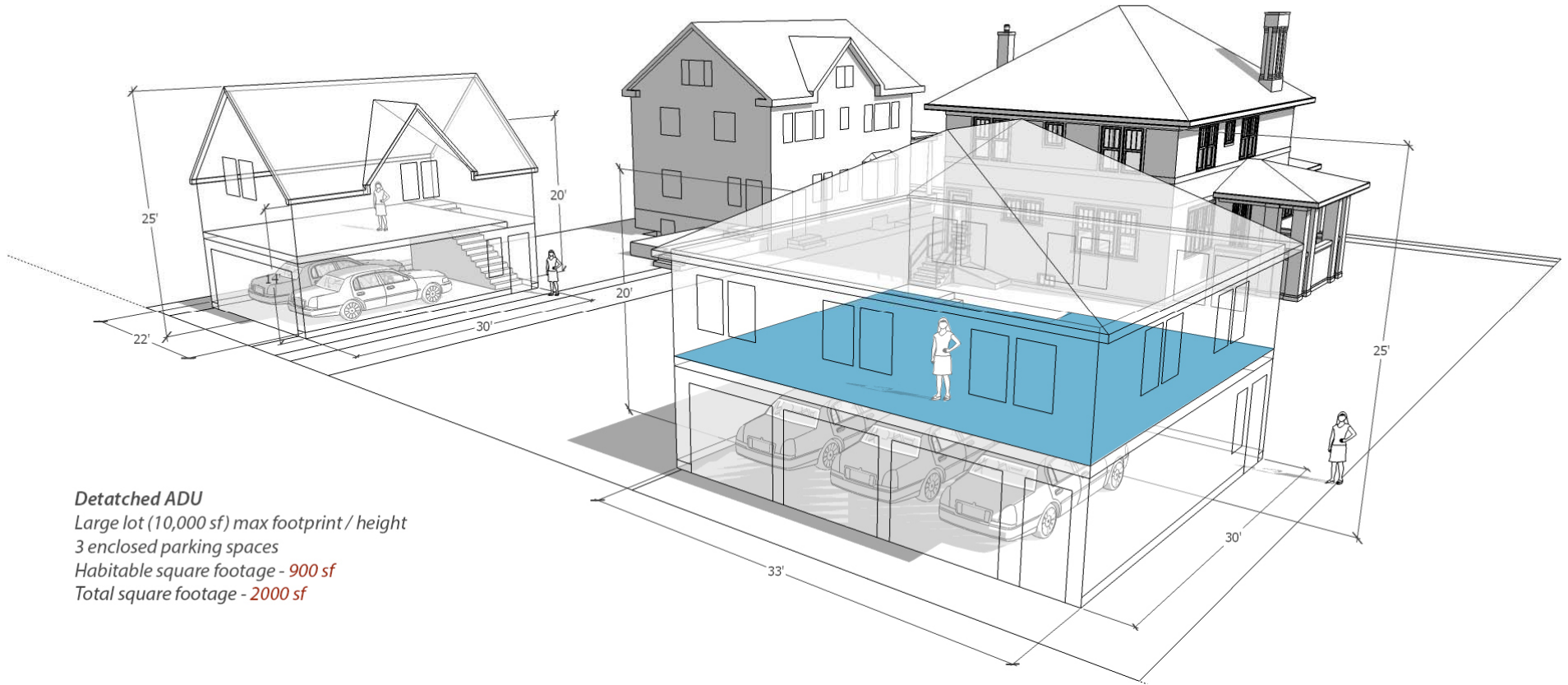
Detached ADU
Typical lot - maximum footprint / height
2 enclosed parking spaces
Habitable square footage - 550 sf
Total square footage - 1320 sf



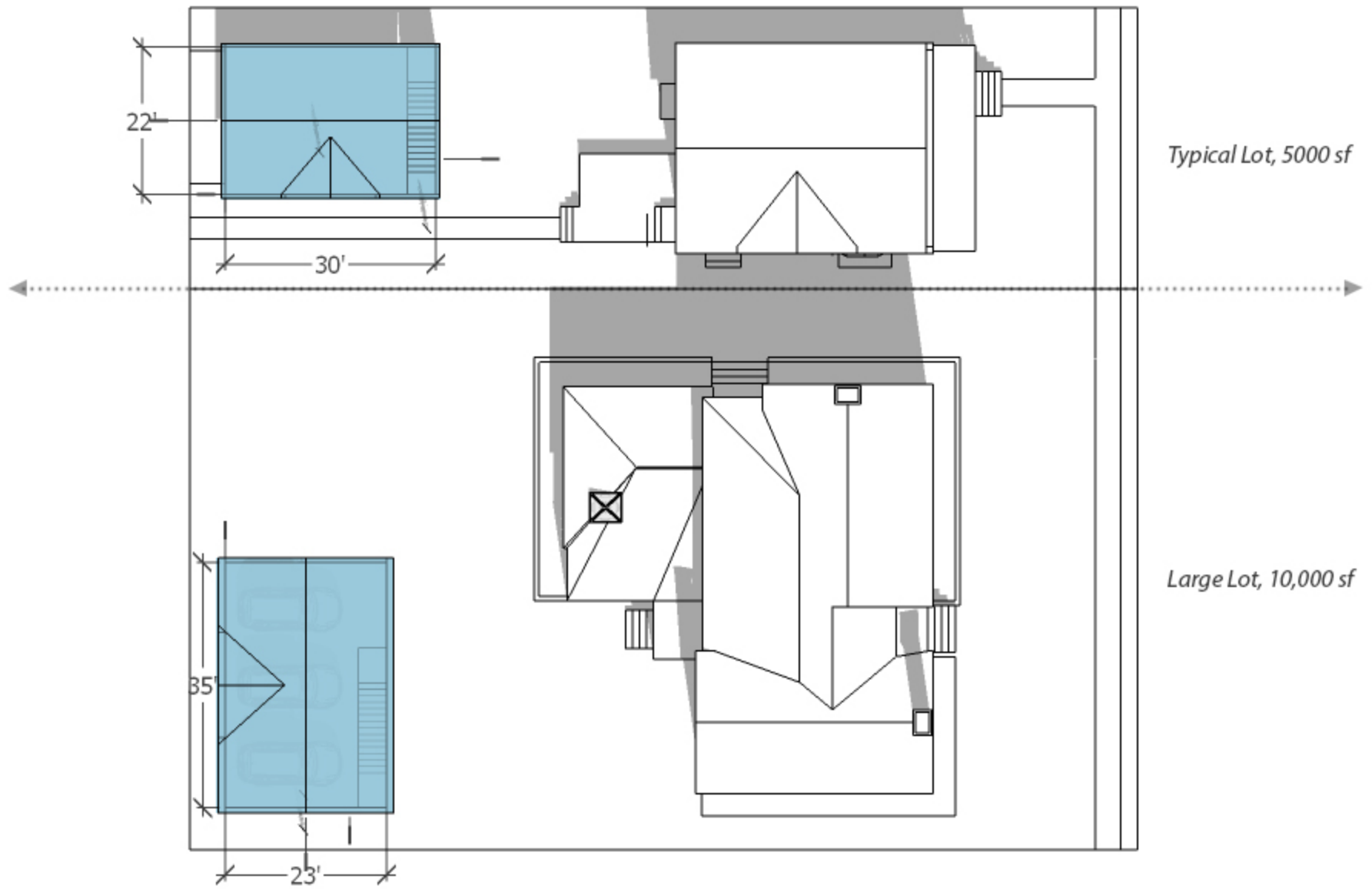
Detached ADU
Typical lot - maximum footprint / height
2 enclosed parking spaces
Habitable square footage - **550 sf**
Total square footage - **1320 sf**



Detached ADU
Large lot (10,000 sf) max footprint / height
3 enclosed parking spaces
Habitable square footage - 900 sf
Total square footage - 2000 sf

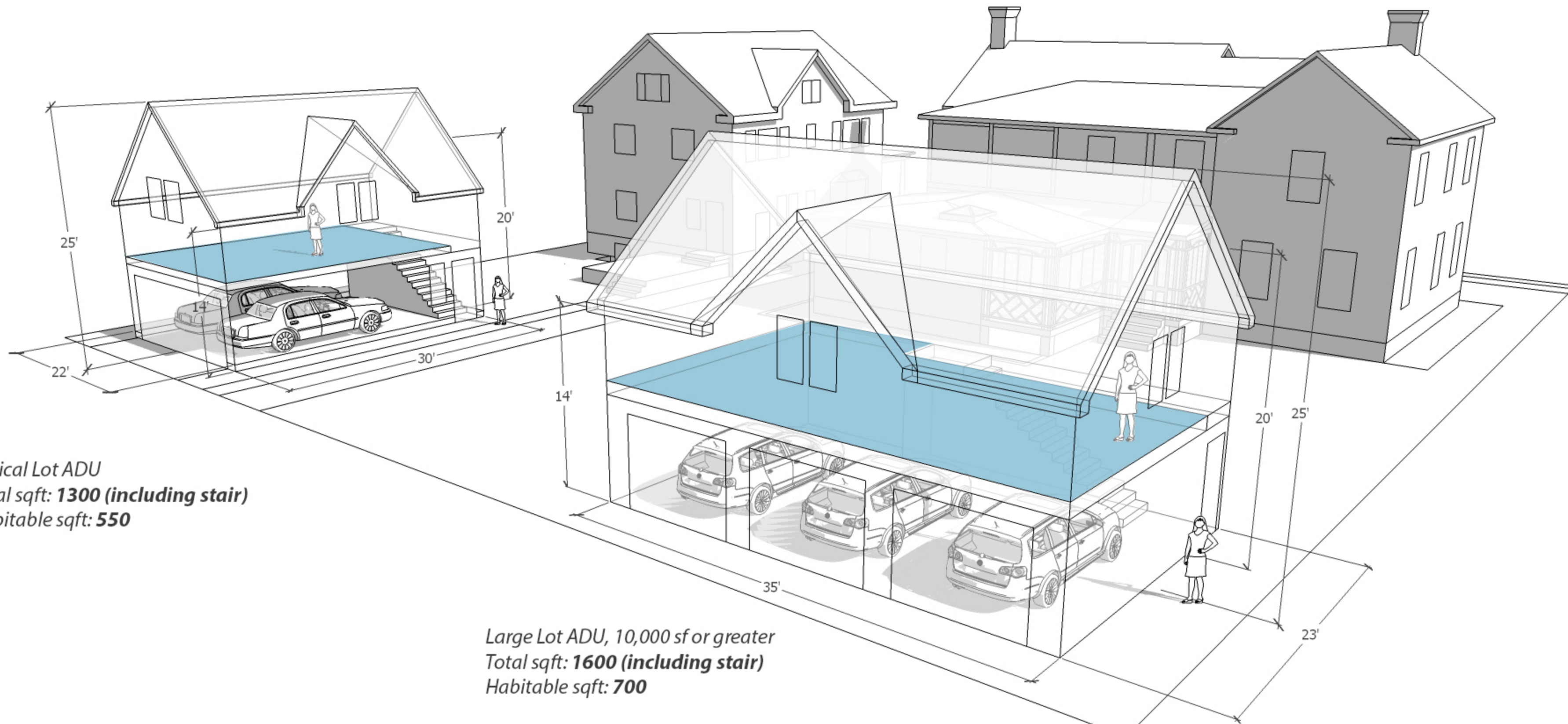


Detached ADU
Large lot (10,000 sf) max footprint / height
3 enclosed parking spaces
Habitable square footage - 900 sf
Total square footage - 2000 sf



Typical Lot, 5000 sf

Large Lot, 10,000 sf



Typical Lot ADU
Total sqft: 1300 (including stair)
Habitable sqft: 550

Large Lot ADU, 10,000 sf or greater
Total sqft: 1600 (including stair)
Habitable sqft: 700