

Secondary Dwellings

The following table (Table 1) provides a summary comparison of the current code provisions for secondary dwelling units (SDUs), the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing, and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

Table 1

Secondary Dwellings				
Development Standard	Current Code	As Proposed in Ordinance	Suggested Changes	Implications of Suggested Changes
Minimum Lot Size/Density	<p><i>For attached SDUs:</i> Except for flag lots, the lot shall be at least 4,500 square feet to allow for an SDU.</p> <p><i>For detached SDUs:</i> Except for flag lots, the lot shall be at least 6,000 square feet.</p> <p>Flag lots: Must contain at least 13,500 square feet to allow for any SDU</p> <p>Density: The City’s long standing practice, supported by the Metro Plan, does not include SDUs when calculating density at the time of permit. They are counted in the City’s supply of housing.</p>	<p>No changes to minimum lot size</p> <p>Flag lots: No changes</p> <p>Density: Continue current practice, supported by the Metro Plan, of not counting SDUs when calculating density.</p>	<p>Increase minimum lot size to 6,100 square feet to allow for any SDU</p> <p>Flag lots: Prohibit SDUs on all flag lots</p> <p>Density: Add code language that requires SDUs to be counted when calculating density</p>	<p>By increasing minimum lot and calculating towards density, approximately 5,160 lots or approximately 11% of all lots currently eligible for an SDU would no longer be eligible for an SDU</p> <p>Flag lots: If SDUs are prohibited on flag lots, approximately 300 lots would no longer be eligible for SDUs.</p> <p>This proposed restriction on lots that currently are eligible for an SDU would require a legal notice to those property owners and a new public hearing.</p>
Building Size	800 square feet, unless occupying an entire story of a multi-story home	Limits all SDUs 800 square feet. Clarifies how to measure	Limit total square footage to 10% of lot area, not to exceed 800 square feet.	<p>For lots less than 8,000 square feet, SDU would be required to be less than 800 sq. ft.</p> <p>For a 6,100 square foot lot, the SDU would be limited to 610 square feet. To provide for two bedrooms, 750 square feet is a more realistic size.</p>
Building Height	<p><i>Attached SDUs:</i> 30 feet or 37 feet for roof slopes 6:12 or steeper (same as main house)</p> <p><i>Detached SDUs:</i> 15 feet or 22 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line (Allows for 2 story)</p> <p>20 feet or 27 feet for roof slopes 6:12 or steeper if located greater than 20 feet</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line. (Allows for 1 story)</p> <p>24 feet, if located greater than 20 feet from any property line, (Allows for 2 story)</p>	<p><i>Attached SDUs:</i> 18 feet for any portion of an attached SDU that is more than 60 feet from a front property line. No change for attached SDUs within 60 feet from front property line.</p> <p><i>Detached SDUs:</i> 18 feet</p>	<p>Lowers height for attached SDUs more than 60 feet from front property line (street) to 18 feet, regardless of height of the home containing the SDU.</p> <p>Attached SDUs can include garage conversions, which are likely to be located within 60 feet from a front property line. If the existing garage exceeds 18 feet in</p>

	from a property line.			height, such a conversion would not be permitted. Although difficult to quantify, this would presumably result in a significant reduction in the number of lots that can currently do an attached SDU through a garage conversion.
Sloped Interior Yard Setbacks	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	For detached SDUs located within 20 feet of a property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade. For a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.	For all detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet), and use a maximum slope of 10:12 (83%). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines.	The suggested change for sloped setback/building height is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures. Taking into account that normal ceiling height in residential construction is 8 to 9 feet, not including the typical crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction. Attached SDUs are commonly contained within an existing home (such as an attic or basement or through garage conversion). If the existing home/garage does not meet sloped setback, SDU would not be permitted, except through an adjustment review, and would be further limited in building size and height by adjustment review criteria.
Setback Intrusions	Allows for building features, such as eaves, awnings, chimneys, bays, bay windows and porches, to project into interior yard setbacks up to 2 feet	Limit setback intrusions to eaves, chimneys and gables.	Limit setback intrusions to eaves and chimneys	Would not allow gables to project into sloped setback.
Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. Provides allowance for temporary leave under certain circumstances.	Adopt as proposed in ordinance	
Adjustment Review	None	Allows for adjustment review in limited situations: temporary leave, to allow conversion	To allow for conversion, if the structure meets all SDU standards except the sloped	For conversion of existing structures, would place additional limits on building size and

		<p>of existing accessory building into secondary dwelling and to allow a secondary dwelling over an accessory building (height).</p> <p>To allow for conversion of existing building that does not meet all of SDU standards; the SDU must be limited to 800 square feet and must be limited to one story or on ground floor of 2 story building. Other relevant compatibility criteria apply.</p> <p>To allow for a SDU over an accessory building (such as a garage), limit SDU size to 500 square feet, limit building height to 24 feet. Other relevant compatibility criteria apply.</p>	<p>setback, limit SDU to 600 square feet in building size and 15 feet in height. If closer than 5 feet from interior property line, allow if adjacent property owner grants easement.</p> <p>To allow for a SDU over an accessory building, limit height to 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>height (beyond those for new SDUs). Whereas a new SDU could be 800 square feet and 18 feet in height (assuming an 8,000 square foot or greater sized lot), an existing building to be converted to an SDU could not exceed 600 square feet and 15 feet in height.</p> <p>To allow for a SDU over an accessory building, the building would need to be at least 20 feet from all interior property lines and fit within sloped setback established above.</p> <p>Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently do an attached SDU through a garage conversion.</p>
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Alley Access Lots

The following table (Table 2) provides a summary comparison of the current code provisions for dwellings on existing alley lots, the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing (that would apply to existing and new lots), and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

Table 2

Alley Access Lots				
Development Standard	Current Code (applies to existing lots)	Proposed Change (to apply to existing and newly created lots)	Suggested Changes (to apply to existing lots; prohibit new lots)	Implications of Suggested Changes
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.	Same as suggested above for detached SDUs: Limit total square footage to 10% of lot area, not to exceed 800 square feet.	Existing alley access lots are typically less than 5,000 square feet in area, which means that homes would be limited to 500 square feet or less. Homes on alley access lots are a different housing type than SDUs. Limiting the homes to such a small size (and height) will limit the desirability of these homes for owner-occupancy. The recently adopted University Area Interim Protection Measures allow provide for a maximum building size of 1,000 square feet on existing alley access lots.
Building Height	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet	18 feet	Same as suggested above for detached SDUs
Sloped setback	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade. Starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 14 feet), and change maximum slope to 10:12 (instead of 8:12). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines (instead of 20 feet).	Same as suggested above for detached SDUs, which is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures. Taking into account that normal ceiling height in residential construction is 8 to 9 feet, not including the typical crawl space and required, an 8 foot building height is not feasible for construction.
Adjustment Review	None	Provide for adjustment review to building	Provide for adjustment review to allow	Existing alley access lots are typically less than

		<p>height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the dwelling in the context of adjacent properties.</p>	<p>dwelling up to maximum height of 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>5,000 square feet and 50 feet in width. As such, it may not be possible or practicable to create a dwelling that is 20 feet from all interior property lines. Due to the suggested change for building size to 10% of lot area (see above), which results in a small home, it is unlikely a property owner would need or desire to seek an increase in height.</p>
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Accessory Buildings

The following table (Table 3) provides a summary comparison of the current code provisions for accessory buildings (such as garages, sheds and greenhouses), the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing, and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

Table 3

Accessory Buildings				
Development Standard	Current Code	As Proposed in Ordinance	Suggested Changes	
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, limit total square footage to 1,000 square feet</p> <p>On development sites (with a dwelling) that are between 13,501 square feet and 43,559 square feet, limit total square footage to 10 percent of development site, not to exceed 3,000 square feet.</p> <p>On development sites 43,560 square feet (one acre) or greater in area, or on development sites with a non-residential use (such as a park, church or school), no building size limitation.</p>	<p>Limit to 10% of lot size for all lots</p> <p>Allow alternative for large development sites through PUDs</p>	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. PUDs are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.</p>
Building Height	20 feet or 27 feet for roof slopes 6:12 or steeper	<p>22 feet for development sites (with a dwelling) that are 13,500 square feet or less in area</p> <p>25 feet for development sites greater than 13,500 square feet in area or on development sites with a non-residential use.</p>	25 feet for all lots regardless of size	Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.
Sloped setback	No sloped setback (which means the building can reach maximum building height at a point 5 feet in from the interior property line)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 6:12 horizontally away from the property line to a maximum building height of 22 feet.</p> <p>On development sites greater than 13,500 square feet in area or on development sites with</p>	Creates a building envelope for all sized lots that requires a building to slope away from a five foot interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet). Use maximum slope of 10:12 (83%) regardless of lot size. This would result in the ridge (tallest point) of the building being a minimum of 19 feet from the interior property lines.	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requires same 8 foot building height at interior yard setback as suggested for secondary dwellings and alley access lots.</p> <p>Results in a 25 foot tall building 19 feet from</p>

		a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 horizontally away from the property line to a maximum building height of 25 feet.		property line (as opposed to 25 feet from property line).
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the building in the context of adjacent properties.	Allow up to a five foot increase in height only through an approved planned unit development application and as long as the entire structure meets the sloped setback standard.	Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. Planned unit developments are a two-step land use application process that require tentative approval by the City's Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.