

Report to the Manitowoc Plan Commission

Meeting Date: September 27, 2023

Request: Discussion Regarding Amendment to Chapter 15 Related to Accessory Dwelling Units.

Reason for Request: Address city-wide housing needs.

Comprehensive Plan: Housing is one of the seven Key Strategies highlighted in the Executive Summary which specifically states to “Work with partners across sectors to develop new housing in various formats to meet the City’s urgent housing needs.” Moreover, Chapter Six specifically addresses housing needs in more detail with a focus on diversifying housing options including an update to the current zoning ordinance to allow for accessory dwelling units.

Chapter Six, Policy F “Conduct a review of the City’s Zoning Ordinance and update it to be consistent with the goals and objectives of this Plan. Examples include enabling smaller single-family lot sizes, allowing for **accessory dwelling unit land uses** within all single-family zoning districts, increasing both small-scale and higher-density multi-family opportunities, integrating design and landscaping standards, and promoting mixed use in all commercial districts.”

Chapter Six, Key Implementation Strategy: “Update the City’s zoning ordinances to help address housing affordability and variety issues, promote infill development, and encourage the development of missing middle housing (duplexes, small-scale multi-family buildings, **accessory dwelling units, etc.**).”

Consistency Analysis:

The proposed ordinance amendment is consistent with the goals and recommendations of the newly adopted Comprehensive Plan by proposing language to allow for accessory dwelling units on owner occupied lots in potentially all residential districts.

Recommendation:

Staff is recommending an initial review of the proposed language and requests comments and revisions from Commissioners prior to the October Planning Commission meeting at which time adoption will likely be recommended.

Purpose

The accessory dwelling unit regulations are intended to help promote a diverse range of housing choices throughout the city while preserving the intent of the zoning regulations.

The following regulations address a need to:

1. Expand the number of housing units available within the city while efficiently using existing infrastructure.
2. Develop greater diversity of housing to respond to the needs within the community including income levels, changes in household size and lifestyle needs.
3. Create an opportunity for residents to age in place, remaining in their homes and/or neighborhoods.

Definitions: The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in section 15.030.

1. **Accessory Dwelling Unit:** (ADU) means a residential living unit on the same parcel on which a principal building used as a single-family dwelling is present or may be constructed. It provides complete independent living facilities for one or more persons and may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.
2. **Attached Accessory Dwelling Unit:** means a dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling.
3. **Detached Accessory Dwelling Unit** means a freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single family detached dwelling, including the conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.
4. **Principle Dwelling Unit:** means a building used as the main or primary single-family dwelling on a lot.
5. **Owner Occupied:** means the primary residence of the individual/individuals who hold the title to the property for at least eight months of the calendar year
6. **Established Front Yard:** means the closest distance measured from the principal dwelling unit to the front lot line(s).
7. **Independent Living Facilities:** means a dwelling unit having permanent provisions of all of the following features: living, sleeping, eating, cooking, bathing and sanitation facilities.
8. **Substandard Lots:** Any residential lot of record held in one ownership at the time of the adoption of the ordinance codified in this chapter, that does not meet the requirements of this chapter for minimum lot area standards of the district in which it is located; provided, that the lot area is within 75 percent of that required by the terms of this chapter.

Permitted Zoning Districts: Accessory Dwelling Units may be permitted in the following districts following an approved site plan:

- R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1

Alternate Language:

- *Detached Accessory Dwelling Units may be permitted in the following districts following an approved site plan:*
 - *R-4, R-5, R-6, R-7, B-1*
- *Attached Accessory Dwelling Units may be permitted in the following districts following an approved site plan:*
 - *R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1*

Location: All Accessory Dwelling Units shall be located on the same lot as any owner occupied, single-family detached dwelling and shall not be subdivided from the principal building after construction.

Establishment and Construction Sequence: ADU's shall only be established on lots where a principle dwelling unit has already been established or may be constructed. ADUs shall not be established or occupied prior to the establishment and occupancy of a principal dwelling unit.

Accessory Dwelling Unit Number: The number of accessory dwelling units shall be limited to one per single family lot.

Sale of Property: The ADU shall be in and remain in the same ownership as the principal dwelling unit on the lot and shall not be sold separately or otherwise conveyed separately from the principal dwelling unit. No separate tax parcel number shall be assigned to an ADU.

Deed Restriction: Before the issuance of a certificate of occupancy for any ADU, the subject property owner must file a deed restriction with the Register of Deeds. The deed restriction must be in a form prescribed by the Community Development Director and will include language stating that the owners of the subject property agree to comply with all applicable regulations and are required to notify all prospective purchasers of such regulations. The deed restriction shall run with the land be binding upon the property owner, their heirs and assigns upon any parties subsequently acquiring any right, title or interest in the property.

Residential Rental Registration: All ADU's shall be required to register with the City of Manitowoc Rental Registration program and will be required to maintain an up to date registration for as long as the ADU exists and is used for occupancy.

Area Standards: All ADUs shall adhere to the districts area standards in which it is located.

1. Setbacks:

- **Attached**
 - **Minimum Front Yard:** The minimum front yard setback shall be what is required in the underlying zoning district for the principal dwelling unit.
 - Where the front yard setback of the existing dwelling unit is greater or less than the requirements of the district, the ADU shall conform to the established front yard setback.

- **Minimum Side Yard:** The minimum side yard setbacks shall be what is required in the underlying zoning district for the principal dwelling unit. *See Setbacks from Existing Structures.*
- **Minimum Rear Yard:** The minimum rear yard setback shall be what is required in the underlying zoning district for the principal dwelling unit.
- *See Setback from Existing Structures*
- **Detached**
 - **Minimum Front Yard:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - Where the front yard setback of the existing dwelling unit is greater or less than the requirements of the district, the ADU shall conform to the established front yard setback.
 - **Minimum Side Yard:** The minimum side yard setback shall be a minimum of 2' from the property line. *See Setbacks from Existing Structures.*
 - **Minimum Rear Yard:** The minimum rear yard setback shall be 2' from the property line. *See Setback from Existing Structures.*

2. Minimum Separation Between Buildings

- **Setback from Existing Structures:**

- **Detached ADU:** All detached ADU's shall be a minimum of 10' away from all other structures on the property and adjacent properties or meet the minimum UDC fire separation requirements.
- **Attached ADU:** All attached ADUs shall meet the minimum UDC fire separation requirements for walls adjoining the primary structure and any exterior walls not 10' away from existing structures located on the property or on adjacent properties.
- **Conversion of Existing Structure:** The required setbacks for an existing structure being converted to and ADU shall be the existing setbacks. Existing setbacks that are less than 10' from existing structures on the property or on adjacent properties shall require that the proposed ADU structure be modified to meet all of the minimum UDC fire separation requirements.

3. Size: All accessory dwellings units shall be a minimum of 200 square feet of habitable floor area and a maximum of 900 square feet gross floor area but not to exceed 90% of the principle dwelling unit gross floor area.

4. Height: ADU's shall not exceed the height of the principle dwelling unit unless converting an existing accessory structure that exceeds the principle dwelling unit height

5. **Lot Coverage:** The lot coverage standards for the district shall apply and include the ADU.
6. **Lot Size:** The minimum lot size will be the same as required by the zoning district in which the ADU is located.
7. **Substandard Lots:** Where a principle single-family dwelling exists on a non-conforming lot, the accessory dwelling may be permitted but will be required to satisfy all other area standards of the district.

Design Standards

1. **Off-Street Parking:** No additional off-street parking is required for an ADU beyond the minimum requirements for the principle dwelling on the lot as required by zoning.
2. **Open Space Requirements:** ADU's shall be provided with a dedicated outdoor area that is a minimum of 100 sf of contiguous space separate from a driveway area.
3. **Foundation Design:**
 - **New construction:** ADU's shall meet the minimum foundation requirements per the UDC.
 - **Existing Structure:** Structures proposed to be converted to an ADU must have documentation from a professionally licensed or certified engineering or construction professional stating that the structure can support all additional loads imposed.
4. **Orientation:** Detached ADUs shall have the same general orientation as the principle dwelling unit on the lot and shall not be located closer to the street than the primary dwelling unit.
 - **Primary Entrance:**
 - **Ground Level Entry:** Entry doors may be located either on the front or side elevation (consistent with the ADU's orientation on the lot) and shall be accessible by an unobstructed hard-surface path.
 - **Stairway/Second Story Entry:** Newly constructed stairways serving the ADU shall be located on the side or rear elevation (consistent with the ADU's orientation on the lot) and shall be accessible by a designated impervious path or existing driveway.
 - **Secondary Entrance:** ADU's may have a secondary entrance point on the side or rear (consistent with the ADU's orientation on the lot). Secondary entrances shall require an unobstructed hard-surface access path.
5. **Exterior Design and Material:** The exterior of an ADU shall be compatible with the design of the principle dwelling unit in form, color and material. This should not be construed to mean the design must be identical, rather complimentary and consistent with the primary dwelling unit avoiding the use of industrial or temporary materials.

Utility Connections

1. **Water and Sewer Service:** ADU's will not be required to have separate water and sewer service from the primary dwelling.
2. **Electrical Service:** ADU's may share the electrical service as the primary dwelling unit or have a separate service provided.

Review Process and Application Requirements

1. **Pre-Application Meeting:** A pre-application review is recommended to all applicants prior to engaging with a contractor or other design professional to determine the feasibility of the project before expending funds.
 - Community Development Staff: Review of Zoning, Site Plan Requirements and Timeline.
 - Building Inspection Staff: Feasibility, Utility Overview, Code Requirements
2. **Preliminary Review and Site Plan Submittal**
 - Required Application Materials
 - Scaled Drawings:
 - I. Site Plan: (1"-20' recommended)
 - II. Elevations
 - III. Floor Plans
 - Community Development staff will complete a preliminary review of the proposal for conformance with the zoning regulations and site plan requirements which includes:
 - Size
 - Placement
 - Design
3. **Final Site Plan Submittal and Review**
 - Following the preliminary plan review and required changes shall be made prior to submitting a final site plan application
4. **Apply for Permit(s)**
 - Building
 - Electrical
 - Plumbing
 - HVAC
5. **Complete Required Inspection(s)**
6. **Obtain a Certificate of Occupancy:** Prior to issuance of a final Certificate of Occupant proof of the following shall be provided to Building Inspection:
 - Proof of Deed Restriction filing required
 - Proof of City of Manitowoc Rental Registry Program enrollment