

ACCESSORY DWELLING UNITS



CITY COUNCIL MEETING—JANUARY 22, 2019

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ATTACHMENT 2

BACKGROUND

- September 2018—City Council asked for review of Accessory Dwelling Unit (ADU's) Ordinance to Determine Any Needed Changes to Comply with New State Laws and to Consider Programs to Encourage the Development of ADU's in Merced.
- November 19, 2018—City Council reviewed Possible Changes and New Programs and Directed Staff to:
 - Prepare Ordinance Changes for Public Hearings before Planning Commission & City Council in Early Months of 2019.
 - Develop a Housing program similar to the Clovis Cottage model of having pre-approved plans for ADU's to make it easier for Property Owners to Develop ADU's.
 - Return to City Council in January 2019 to discuss Policy Issues regarding Parking and Owner Occupancy Requirements prior to Drafting the Modified Ordinance.

**PROPOSED
CHANGES TO
MERCED ZONING
ORDINANCE FOR
ACCESSORY
DWELLING UNITS**



ZONING ORDINANCE CHANGES

- Change “Second Units” or “Secondary Dwelling Units” to “Accessory Dwelling Units” throughout the Zoning Ordinance.
- The maximum size of an attached ADU shall be changed from 1,000 square feet to 1,200 square feet.
- Remove the “maximum number permitted” section, but include that “ADU’s cannot exceed the allowable density for the lot.”
- Clarify that the standard that the ADU “be clearly subordinate to the primary dwelling” would not preclude an ADU from being located in the front of the property.
- Clarify the setback requirements for ADU’s.

ZONING ORDINANCE CHANGES (CONT.)

- Change the parking requirements for ADU's with more than 3 bedrooms from 2 to 1 space as State law only requires 1 parking space for all ADU's regardless of size.
- Add a provision that "parking may be allowed in setback areas or as tandem parking on a driveway, unless the City determines that such options are not feasible on the existing property, based on fire and life safety concerns."
- Add a provision that states that the parking requirements do not apply in these cases:
 - Historic districts
 - Within ½ mile of public transit
 - Part of an existing structure
 - On-street parking permits are required
 - Car share vehicles are located within one block



ZONING ORDINANCE CHANGES (CONT.)

- Add provisions regarding fees, including:
 - ADU's are not considered "a new residential use for the purpose of calculating connection fees or capacity charges for utilities, including water and sewer service."
 - Any utility fee or charge imposed "must not exceed the cost of providing the service."
 - The City "cannot require applicants creating ADU's within the existing space of a single-family dwelling or accessory structure...to install a new or separate utility connection or impose a related connection fee or capacity charge."
 - *These provisions may also require changes to the Merced Municipal Code sections relating to the water and sewer connection fees as well.*

Planning staff will prepare these changes to the Zoning Ordinance for consideration at public hearings by the Planning Commission and City Council in the early months of 2019.

**POLICY
DIRECTION RE:
PARKING AND
OWNER
OCCUPANCY
REQUIREMENTS
FOR ACCESSORY
DWELLING UNITS**



PARKING

- Add a provision that “parking may be allowed in setback areas or as tandem parking on a driveway, unless the City determines that such options are not feasible on the existing property, based on fire and life safety concerns.”
- Each Single-Family Home requires one parking space (10’ x 20’), but that space cannot be within the exterior setback area in R-1 and R-2 zones.
- Parking is NOT prohibited in the Driveway, but it does not count as the Legal Required Parking Space. That Space is usually Located within the Garage.
- This Provision can make it difficult to convert the garage into living space. However, during the Comprehensive Zoning Ordinance Update in 2015, this issue was considered by the Focus Group, Planning Commission, and City Council, but the requirements remained the same.



PARKING (CONT.)

- Options for the City Council to Consider:
 - Make Broader Changes to the Zoning Ordinance to Allow Legal Parking Spaces to be Located within the Exterior Setback Areas in R-1 and R-2 Zones OR
 - Grant a Special Exemption from this Requirement for Accessory Dwelling Units Only.
- The Special Exemption would meet the requirements of State Law and would likely have less impacts on Single-Family Neighborhoods
 - More Requests for Garage Conversions to Living Space than ADU's.



OWNER OCCUPENCY

- The City's current Ordinance requires "the owner of a parcel occupied by a second unit (now ADU) shall reside in either the primary dwelling unit or the second unit."
- A Deed Restriction is also Required to be Recorded to Implement the Above.
- State Law does NOT require the City to Eliminate this Requirement, but some Cities are considering it in order to encourage the construction of ADU's.
- Many Cities (Clovis, Modesto, Turlock, Walnut Creek, etc.) Retain this Requirement.
- Eliminating the Requirement May Have Impacts on Single-Family Neighborhoods in that Both Units could be Rentals with No Landlord Onsite.
- The Occupancy Requirement is thought to Minimize Negative Impacts because the Property Owner is Living on the Same Property as Their Tenants.



CITY COUNCIL DIRECTION

1. Should the Driveway be Allowed to Count as the Required Parking Space in All R-1 and R-2 Zones OR Should a Special Exemption be Granted for ADU's Only?
2. Should the Owner of an ADU Still Be Required to Live Onsite?
3. Other Ideas?

