



Zoning Text Amendment Auxiliary Dwellings

Text Amendment #2022-00004

City Council July 5, 2022



Summary of Proposed Changes

The proposed text amendments update the "Accessory apartment" provisions across most commercial zones and rebrands "Accessory apartments" as "Auxiliary dwellings."

Creation of Definition:

- Creation of definition for auxiliary dwellings.

Amend Ordinance to

- allow auxiliary dwellings in basements;
- allow auxiliary dwellings on first floors if criteria are met;
- allow the number of auxiliary dwellings to increase; and
- ensure that parking for auxiliary dwellings is consistent for all zones.



What are they and why the Change?

Auxiliary dwellings vs. accessory apartments

Auxiliary dwellings are not new. Currently, they are identified as accessory apartments. These units are allowed in all but four commercial zones in the City. They are defined as:

One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone.

Why the Change?

With the adoption of “Accessory Dwelling Units” the definition of accessory changed”

2-104 Accessory use.

A use or structure which is clearly subordinate to and serves a permitted principal use; and is subordinate in area, extent and purpose to the principal structure or use served. An accessory use or structure generally occupies less than 33 percent of the principal use or structure’s gross floor area and does not change the character of the principal structure or use.



Challenges of Current Regulations

- ❑ **Zones do not provide flexibility for basement or ground floor units**
 - Basement and ground floor units require a Special Use Permit.

- ❑ **Zones are inconsistent**
 - Changes will allow consistency and ensure equity by allowing these units in the NR zone (Arlandria).

- ❑ **Accessory Dwelling Units (ADUs) definition of “accessory” could cause confusion**
 - Current definition indicates that “accessory” is 1/3 of structure, however; accessory apartments are typically greater than 1/3 of the structure.

Proposed Language

Auxiliary dwellings.

Up to four auxiliary dwelling units are permitted and shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone. Such dwellings shall comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line





Parking



Text Amendment 2022-00004
Auxiliary Dwelling Units



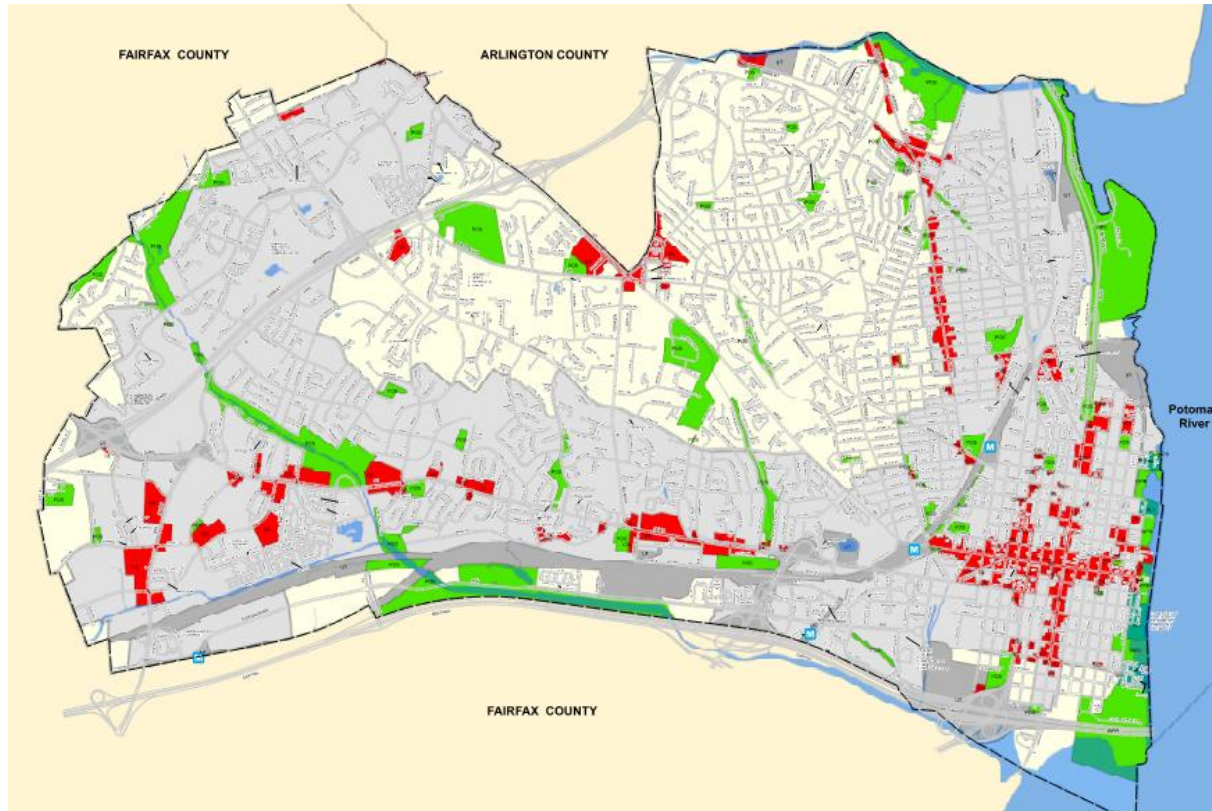
		Existing		Proposed	
Zone	Zone Name	Max Units	Parking	Max Units	Parking (Commercial)
CL	Commercial Low	2	multifamily	4	8-200(A)(16)(c)(iii)
CC	Commercial Community	2	multifamily	4	8-200(A)(16)(c)(iii)
CSL	Commercial Service Low	2	multifamily	4	8-200(A)(16)(c)(iii)
CG	Commercial General	2	multifamily	4	8-200(A)(16)(c)(iii)
CD	Commercial Downtown	4	1 per unit, distance	4	8-200(A)(16)(c)(iii)
CD-X	Commercial Downtown (Old Town North)	2	multifamily	4	8-200(A)(16)(c)(iii)
OC	Office Commercial	2	multifamily	4	8-200(A)(16)(c)(iii)
OCM-50	Office commercial medium (50)	2	multifamily	4	8-200(A)(16)(c)(iii)
OCM-100	Office commercial medium (100)	2	multifamily	4	8-200(A)(16)(c)(iii)
NR	Neighborhood Retail	n/a	n/a	4	8-200(A)(16)(c)(iii)
CRMU-L	Commercial residential mixed use (low)	2	multifamily	4	8-200(A)(16)(c)(iii)
CRMU-H	Commercial residential mixed use (high)	2	multifamily	4	8-200(A)(16)(c)(iii)
CRMU-H	Commercial residential mixed use (high)	2	multifamily	4	8-200(A)(16)(c)(iii)
CRMU-X	Commercial residential mixed use (Old Town North)	2	multifamily	4	8-200(A)(16)(c)(iii)
W-1	Waterfront Mixed Use	2	multifamily	4	8-200(A)(16)(c)(iii)
KR	King Street Urban Retail	8	1 per unit, distance	8	1 per unit, distance

Commercial Parking Standards



Parking (Commercial)	Within Enhanced Transit Area	Outside Enhanced Transit Area
Commercial Requirement	.25/1000 sq. ft. with a maximum of 3 spaces	.75/1000 sq. ft. with a maximum of 4 spaces per 1000 square feet
If Auxiliary Dwelling deemed commercial	4000 sq. ft. would require one parking space	1,333 sq. ft. would require one parking space

* In addition, Section 8-100 (A)(9), if Auxiliary Dwellings were deemed “non-residential” those sites that have a parking requirement of two spaces or less are exempt from providing the spaces.



Commercial Parking Standards

8-200(A)(16)(c)



Specific commercial uses:

- (a) Within the enhanced transit area:
 - i. Minimum requirement—0.25 spaces per 1,000 square feet of floor area.
 - ii. Maximum requirement—3.0 spaces per 1,000 square feet of floor area.
- (b) Outside the enhanced transit area:
 - i. Minimum requirement—0.75 spaces per 1,000 square feet of floor area.
 - ii. Maximum requirement—4.0 spaces per 1,000 square feet of floor area.
- (c) The following uses are specific commercial for the purposes of determining parking requirements:
 - i. Animal care facility.
 - ii. Collegiate school or university.
 - iii. ~~Reserved.~~ Auxiliary dwellings.
 - a. No parking is required within the enhanced transit area.
 - b. The parking required outside the enhanced transit area is set forth in subsection (b) above.
 - iv. Day care center.
 - v. Light assembly, service and crafts.
 - vi. Personal service establishment.
 - vii. Private school, academic.
 - viii. Private school, commercial.
 - ix. Retail shopping establishment.



Reasons to Change Parking to Commercial

- In enhanced transit area, parking would be exempt. The reasons are as follow:
 - Most of the proposed units will be located in the Enhanced Transit area where ample public transportation is available;
 - The cost of producing the units will be reduced;
 - Units will become attractive to people who do not own cars;
 - Continue to have “people” presence and encourage an active downtown corridor.

Staff recommends the Planning Commission:

Initiate and Approved the Text Amendment





Residential Parking Permits

A site would be eligible for a residential parking permit under two conditions:

- A) The building is within an existing RPP district or sub-district, and
- B) There aren't any SUP conditions prohibiting the building from getting RPP, then

The relevant code section is [5-8-77](#) and reads “The city manager shall, upon payment of the fee provided for by this article, issue permits... to persons who reside in a permit parking district

