

Midway City Council
21 January 2021
Planning Meeting

Code Text Amendments

Memo



Date: January 21, 2021
To: Midway City Council
From: Michael Henke
Re: Completed 2020 Code Text Amendments & Current in Progress Amendments

In 2020 the City Council approved several code text amendments. Other were only considered and were not approved. Those proposals were the following:

- Festival Event Parking – not approved
 - The proposed code would have allowed booths on private property on the Friday and Saturday before Labor Day if public parking was allowed on the property year-round.
- Outside Dining and Parking – approved
 - The proposed code decreased the amount of parking required for restaurants and cafes based on inside dining area. Additionally, it required parking for outside dining at cafes and restaurants.
- Accessory Buildings Prohibited as Living Quarters – in progress
 - The proposed code will better describe what is allowed in an accessory structure and define what is considered living quarters.
- One-family dwellings definition – in progress
 - The proposed code will define One-Family Dwellings. Also, this proposal will define when a second kitchen is allowed in a one-family dwelling and will explain what constitutes a second kitchen.
- Planning Commission by-laws - approved
 - The Planning Commission by-laws were updated and amended.

- P-160 – approved
 - The proposal created a new zone, the Preservation Zone (P-160).
- Accessory structures in commercial zones – approved
 - The proposed code amendment added commercial and residential accessory structures as a permitted use in the commercial zones. Setbacks were also added to the code for accessory structures.
- Food Trucks on public property - approved
 - The proposed code allowed food trucks on public property, excluding the public right-of-way, if the property is rented for an event.
- Identification of streets and addressing – approved
 - The amendment regulates road numbering and street names. It also established requirements for addresses on dwellings.
- Tree Board – approved
 - The Trails and Parks Advisory Committee was amended to the Parks, Trails, and Trees Advisory Committee along with new duties of the revised committee.
- Tree regulation and preservation – approved
 - Tree Regulations and Preservation were added to the land use code.
- Double frontage lots – approved
 - Definitions were added to the code that regulates when double frontage lots are allowed.
- Density Reduction Subdivision – approved
 - The Density Reduction Subdivision was adopted as another development option.
- Bed & Breakfast Establishments - approved
 - The proposed code amended the regulations for Bed and Breakfast establishments.
- Cannabis Production Establishments – in progress
 - The proposed code will adopt definitions and regulations for Cannabis Production Establishments.

Memo



Date: January 21, 2021
To: Midway City Council
From: Michael Henke
Re: Potential 2021 Code Text Amendments

The purpose of this memo is to discuss potential code text amendments. The City is constantly amending the code. Since 2018, the code has been amended 35 times and, at least another six amendments have been proposed and discussed but not approved by the City Council. Each code text amendment requires time and effort, so the process is sometimes slow. For example, the recent amendment regarding the requirement of parking for outside dining had its first public hearing before the Planning Commission on July 9, 2019 and was approved by the City Council April 7, 2020. It appeared on eight different agendas before the Planning Commission and City Council. Most text amendments take less time than the example given but they usually all take between three to five months to process. It is something that we need to keep doing to make sure Midway continues to be what we envision it to be as we move forward.

There are several potential code text amendments that have been identified by staff or that the City Council has directed staff to review and propose. The following is list of those items:

- Accessory Dwelling Units
 - A potential amendment that would allow accessory structures if requirements are met (please see attached memo and supporting documents)
- One-family dwellings definition
 - The proposed code will define One-Family Dwellings. Also, this proposal will define when a second kitchen is allowed in a one-family dwelling and will explain what constitutes a second kitchen.
- Accessory Buildings Prohibited as Living Quarters
 - The proposed code will better describe what is allowed in an accessory structure and define what is considered living quarters.

- McMansions
 - A potential amendment that would limit the size of dwellings in Midway (please see attached memo and supporting documents)
- Setbacks
 - Possibly amend the setback requirements in Midway for dwellings and accessory structures
- Non-conforming buildings and uses
 - Possibly amend the non-conforming section of the code in conjunction with amending the setbacks. These need to be reviewed together because if setbacks are changed then many structures will become non-conforming. Clear regulations must be adopted to administer requests for non-conforming structures.
- Sensitive lands and required open space
 - Possibly amend the open space regulations to reduce or not allow sensitive lands to count towards required open space.
- Temporary vendor sales in Midway
 - Possibly amend the code to clarify and better define when temporary sales allowed in Midway.
- Visual and Architectural Committee
 - The proposed amendment would require a town architect to review projects before VAC review. The developer would pay for all costs for the architect's review. This amendment would help Midway Main Street and all areas on the commercial zones and resort zone to better match the vision as described in the General Plan.
- Water rights required for wetlands
 - The concern has been raised regarding water rights and wetlands. We have found some wetlands in Midway have dried over time and those areas may need water rights if the property owner begins to water the dried areas. The proposed code would require some water rights for wetland areas.
- Landscaping Code
 - The proposed amendment would create more detail regarding required landscaping for developments.
- Cannabis Production Establishments
 - The proposed code will adopt definitions and regulations for Cannabis Production Establishments.

Memo



Date: January 21, 2021
To: Midway City Council
From: Michael Henke
Re: City Council Work Meeting discussion on Additional Dwelling Units

The question has been raised if Midway should allow additional dwelling units (ADUs). Some cities in Utah have allowed ADUs for years and some have recently adopted ordinances, such as Salt Lake City, that has been reported in the news. Agencies such as the Utah League of Cities and Towns and the American Planning Association have published information to help cities create ordinances if they choose to allow ADUs in their jurisdiction. For some cities, ADUs help alleviate housing issues and are considered a positive. For others, there may be consequences that must be considered to assure the positives created by ADUs are greater than any negative impacts that are created. The discussion in the City Council Strategic Planning Meeting is planned to be a broad discussion about ADUs that will inform the City Council of issues that should be considered. Staff has developed an outline of potential positives and negatives of ADUs and their specific impact on Midway. Also, attached is the North Salt Lake ADU application for review. Councilmember Dougherty has also prepared a draft ordinance based on Salt Lake City's ADU ordinance. The final attached document is ADU information supplied by the Utah League of Cities and Towns.

Midway ADUs

Potential Positives

- Affordable Housing (Potentially if rents aren't too high)
- Helps families live together but independently
- Maximize use of a dwelling especially after kids have left
- Potential income for homeowners
- Potentially supports more local businesses because of increased population

Potential Negatives

- Creates more population
 - Possible loss of Resort Tax
 - Quality of life (traffic, less open space, more population, etc.)
- More traffic
 - One of the most common complaints about new developments
 - Especially if the ADU is not in the center of town and located in the periphery of the City
- More impact on the school district
- More demand on water and sewer
- More demand on services
- May promote larger dwellings and building massing

Points of discussion

- General Plan has goals of retaining rural atmosphere, preserving open space, and reducing density wherever appropriate. The General Plan also promotes affordable housing and ADUs have the potential of helping with that goal.
- Midway citizens voted to approve a 5 million bond for open space. All would agree that open space is the main issue, but density is also closely related. Essentially, Midway is paying to reduce density but adding ADUs would increase density which seems counterproductive and should be considered.
- Midway already allows duplexes
- Location in Midway
 - Should be in the center of town (R-1-7 and R-1-9)
 - Close to services, stores, parks, schools, etc.
 - We could adjust frontage for ADUs and make it easier to have them in these zones
- Size of ADUs
 - 300 sq. ft. min to 800 sq. ft. max
 - Allows for up to two bedrooms
- Impact fees
- Water requirements
 - If you add onto the home or build a detached unit then water rights would be required?
 - If a basement or other inner area finish, then water rights not required?
- Owner occupied
- Driveway location
- Should still look like one dwelling
 - Lot coverage percentage maximum

Exhibits

**Exhibit 1: Councilman Dougherty's revision of the SLC
ADU ordinance**

Exhibit 2: North Salt Lake's ADU ordinance

Exhibit 3: North Salt Lake' ADU application

Exhibit 4: Various ADU Articles

Exhibit 1

SLC 21A.40.200: **ACCESSORY DWELLING UNITS:**

A. Purpose Statement: The regulatory intentions of this section are to:

1. Create new housing units while respecting the appearance and scale of single-family residential development;
2. Provide more housing choices in residential districts;
3. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
4. Provide housing options for moderate income service workers (food service workers, teachers, contractors, law and fire enforcement, healthcare workers, etc.), family caregivers, adult children, aging parents, and families seeking smaller households;
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
6. Broaden the range of affordable housing throughout the City;
7. Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing traffic, greenhouse gas emissions and fossil fuel consumption;
8. ~~Support transit oriented development and reduce auto usage by increasing density near transit; and~~
9. Support the economic viability of historic properties and the City's historic preservation goals by allowing accessory dwellings in historic structures.

B. Owner Occupant: For the purposes of this title, "owner occupant" shall mean the following:

1. An individual who is listed on a recorded deed as an owner of the property;
2. Any person who is related by blood, marriage, adoption to an individual who is listed on a recorded deed as an owner of the property; or
3. An individual who is a trustor of a family trust who possesses legal ownership of the property.

C. Applicability: Accessory dwelling units shall be permitted as specified in chapter **21A.33**, "Land Use Tables", of this title and subject to compliance with the applicable provisions of this title.

D. Methods Of Creation: An accessory dwelling unit may be created through, but not limited to, the following methods:

1. Converting existing living area within a single family dwelling, as an addition to an existing single family dwelling, or within a single family dwelling created as new construction; or

2. Converting an existing detached accessory building, as an addition to an existing accessory building, or as a newly constructed accessory building.

E. Standards: **Accessory dwelling units** shall conform to the following requirements:

1. General Requirements Applicable To All **Accessory Dwelling Units**:

- a. One Per Lot: City may permit one **accessory dwelling unit** for each lot that contains a single-family dwelling.
- b. Not A Unit Of Density: **Accessory dwelling units** are not considered a unit of density and therefore are not included in the density calculation for residential property.
- c. Ownership: An **accessory dwelling unit** shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.
- d. Owner Occupancy: The City shall only permit an **accessory dwelling unit** when an owner occupant lives on the property within either the principal or **accessory dwelling unit**. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
- e. Number Of Residents: The total number of residents that reside in an **accessory dwelling unit** may not exceed the number allowed for a "family" as defined in section **21A.62.040**, "Definitions Of Terms", of this title.
- f. ~~Home Occupations: Home occupations may be conducted in an **accessory dwelling unit** as per section **21A.36.030** of this title.~~
- g. Parking: An **accessory dwelling unit** shall require a minimum of one on-site parking space. If the property has an existing driveway, the driveway area located between the property line with an adjacent street and a legally located off-street parking area can satisfy the parking requirement if the parking requirement for the principal use is complied with and the driveway area has a space that is at least twenty feet (20') deep by eight feet (8') wide. The parking requirement may be waived if:
 - (1) Legally located on street parking is available along the street frontage of the subject property; or
 - (2) The subject property is located within one-quarter ($\frac{1}{4}$) mile of transit stop.

2. Additional Requirements For **Accessory Dwelling Units** Located Within A Single Family Dwelling: **Accessory dwelling units** located within a single family dwelling shall comply with the following standards:

- a. Any addition shall comply with the building height, yard requirements, and building coverage requirements of the underlying zoning district or applicable overlay district ~~unless modified by the~~

Historic Landmark Commission for a property located within an H Historic Preservation Overlay District.

- b. Size Requirements: No accessory dwelling unit shall occupy more than fifty percent (50%) of the gross square footage of the single family dwelling. The square footage of an attached garage shall not be included in the gross square footage unless the accessory dwelling unit is located in a basement that includes habitable space below the garage.
- c. Entrance Locations: Entrances to an accessory dwelling unit that are located within a single family dwelling shall only be permitted in the following locations:
 - (1) An existing entrance to the single family dwelling;
 - (2) When located on a building facade that faces a corner side yard, the entrance shall be set back a minimum of twenty feet (20') from the front building facade;
 - (3) Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building;
 - (4) ~~Side entrances to an accessory dwelling unit are not considered a principal entry to the building and are exempt from subsection 21A.24.010H, "Side Entry Buildings", of this title;~~
 - (5) Located on the rear facade of the dwelling;
 - (6) Located in a side yard provided the side yard is at least eight feet (8') in width. Stairs leading to an ADU in the basement are permitted to encroach into the side yard.
- 3. Additional Requirements For An Accessory Dwelling Unit Located In A Detached Accessory Building: An accessory dwelling unit located in a detached accessory building or as an addition to an existing accessory building shall comply with the following standards, ~~(except that any of the standards in this section may be modified by the Historic Landmark Commission for a property located in an H Historic Preservation Overlay District):~~
 - a. Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations found in section 21A.40.050 of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district unless otherwise regulated by this section. An accessory dwelling unit located in an additional accessory building may be constructed and shall not count towards the maximum square footage of all accessory buildings as stated in subsection 21A.40.050B2 of this chapter. The accessory building containing an accessory dwelling unit shall not have a footprint that is greater than fifty percent (50%) of the footprint of the principal dwelling, and shall not exceed six hundred fifty (650) square feet. An accessory building that contains an accessory dwelling unit and any other permitted accessory use shall comply with all building coverage requirements in section 21A.40.050 of this chapter.
 - b. Maximum Coverage: Shall comply with the building maximum coverage requirements of the underlying zoning district or applicable overlay zoning district, whichever is more restrictive.
 - c. Setbacks: All accessory dwelling units located in an accessory building shall be located between the rear wall of the single family dwelling and the rear property line and be subject to the following setback requirements:

(1) Shall be located a minimum of ten feet (10') from the single family dwelling located on the same parcel and any single family dwelling on an adjacent property.

(2) Side and rear yard setbacks:

(A) New Accessory Buildings: Shall be located a minimum of four feet (4') from any side or rear lot line.

(B) Additions To Existing Accessory Buildings: The addition shall be located a minimum of four feet (4') from any side or rear lot line. If an existing accessory building includes an addition, all of or portions of the existing structure may be used as an accessory dwelling unit provided the existing setbacks are not further reduced and the structure complies or can be altered to comply with the applicable sections of the adopted Fire Code of the City.

(C) Second Story Additions: A second story addition to an existing accessory building is permitted provided the second story addition has a minimum setback of ten feet (10') from a side or rear property line and the second story addition complies with all applicable regulations for accessory dwelling units located on a second floor of a detached accessory building. If the side or rear lot line is adjacent to an alley, the setback may be reduced to four feet (4').

d. Building Height:

(1) The maximum height of an accessory building containing an accessory dwelling unit shall not exceed the height of the single family dwelling on the property or exceed seventeen feet (17') in height, whichever is less.

Exception: If the single family dwelling on the property is over seventeen feet (17') in height, an accessory building containing an accessory dwelling unit may be equal to the height of the single family dwelling up to a maximum building height of twenty four feet (24') for an accessory building with a pitched roof or twenty feet (20') for an accessory building with a flat roof provided the accessory building is set back a minimum of ten feet (10') from a side or rear property line. The setback for additional height may be reduced to four feet (4') if the side or rear lot line is adjacent to an alley.

(2) Accessory building height shall be measured to the ridge of the roof for buildings with a pitched roof and to the top of the roof line for a flat roof.

e. Size Requirements: An accessory building that contains an accessory dwelling unit shall be subject to the building coverage requirements for accessory buildings found in section 21A.40.050 of this chapter. In no instance shall any accessory dwelling unit exceed a gross floor area of six hundred fifty (650) square feet.

f. Entrance Locations: The entrance to an accessory dwelling unit in an accessory building shall be located:

(1) Facing an alley, public street or facing the rear facade of the single family dwelling on the same property.

(2) Facing a side or rear property line provided the entrance is located a minimum of ten feet (10') from the side or rear property line.

(3) Exterior stairs leading to an entrance shall be located a minimum of ten feet (10') from a side or rear property line unless the applicable side or rear property line is adjacent to an alley in which case the minimum setback for the accessory building applies to the stairs.

g. Requirements For Windows: Windows on an accessory building containing an accessory dwelling unit shall comply with the following standards:

(1) Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required. Skylights, clerestory windows, or obscured glazing shall be used when facing a side or rear property line to comply with minimum Building Code requirements for air and light on building elevations that are within ten feet (10') of a side or rear property line unless the side or rear property line is adjacent to an alley.

(2) Except as required in subsection E3g(1) of this section, windows shall maintain a similar dimension and design as the windows found on the principal structure.

(3) Window openings located on the ground floor within an existing accessory building, whether conforming or non-conforming with window regulations in this chapter, may be retained if compliant with Building and Fire Codes. Existing windows located on a second level within an existing accessory building shall be brought into compliance with this section.

h. Balconies And Decks: Balconies and decks shall be designed as follows:

(1) Shall not exceed eighty (80) square feet in size when located above the ground level of the building;

(2) Shall be located a minimum of ten feet (10') from a side or rear yard lot line unless the applicable side or rear yard lot line is adjacent to an alley;

(3) Rooftop decks are prohibited.

F. Registration Process: Property owners seeking to establish an accessory dwelling unit shall comply with the following:

1. Application:

a. Zoning Certificate: Apply for a zoning certificate in accordance with chapter 21A.08 of this title.

(1) Certificate Of Occupancy: A certificate of occupancy for the ADU shall not be issued until a zoning certificate is issued. A zoning certificate may be issued at the same time as the certificate of occupancy. If a certificate of occupancy is not required, the zoning certificate shall be issued prior to the ADU being occupied.

(2) Good Landlord Program: If a business license is required for the rental of either the ADU or the single family dwelling, the owner shall be enrolled in the landlord/tenant initiative program as defined in title 5, "Business Taxes, Licenses And Regulations", of this Code prior to issuing a zoning certificate.

b. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation.

- c. Proof Of Owner Occupancy: An application for an accessory dwelling unit shall include documentation that demonstrates an owner occupant resides on the property. The documentation shall include any legal document that demonstrates compliance with subsection B, "Owner Occupant", of this section.
2. Deed Restriction: A lot approved for development with an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the City Attorney, and shall be filed with the County Recorder's Office. The form shall state that the owner occupant must occupy the property as required within this section. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.
3. Certificate Of Occupancy: No accessory dwelling unit shall receive a certificate of occupancy or be occupied until the property owner completes the registration process outlined in this section. Registration is not required if the ADU is occupied by relatives of the property owner.
- G. Abandonment: If a property 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.
- H. Reporting: The Planning Division shall provide an annual report to the City Council detailing the number of applications, address of each unit for which an application was submitted, a brief explanation of reasons why an application was denied, and a map showing approved accessory dwelling units. The report shall be transmitted to the City Council by February 15th for the previous year. (Ord. 53-18, 2018)

Provisions to be modified or deleted:

Section 16.13.2 Every Dwelling to be on a Zoning Lot All buildings which contain a dwelling unit shall be located and maintained on a zoning lot as defined in this Title. Two-family or multi-family dwelling units may be in more than one building on a lot as allowed in the R-1-7 and R-1-9 zones. This section does not apply to dwelling units in Planned Unit Developments. (2010-12, Section Replaced, eff. 6/2/2010)

Section 16.13.5 Area of Accessory Buildings Accessory buildings in any residential zone shall not cover more than 25 percent of the rear yard

Section 16.13.6 Accessory Buildings Prohibited as Living Quarters Living and sleeping quarters in any building other than the main residential building is prohibited except as allowed for detached two family dwellings in the R-1-7 and R-1-9 zones. (2010-12, Section Replaced, eff. 6/2/2010)

Section 16.13.35 Bed and Breakfast Establishments Bed and breakfast establishments shall be allowed as a conditional use in any zone, but only if at least one of the following criteria is met and such a use is not prohibited by private Covenants, Conditions, and Restrictions (CC&R's) governing the lot: 1. Located in the Transient Rental Overlay District (TROD) 2. Established in a structure that is at least 75 years old 3. Located on lot that is at least two acres in size In addition, all bed and breakfast establishments shall be subject to the following provisions: A. The lot shall have at least 100 feet of frontage on a dedicated street; B. One off-street parking space shall be provided for each employee plus one space per sleeping room. Parking shall not be allowed in the front setback area. Parking must be paved. C. Breakfast shall be the only meal served. Breakfast meals shall only be served to residents, employees, and overnight lodgers. D. No cooking facilities shall be allowed in the sleeping rooms. E. Such use shall conform to all applicable health, safety and building codes. F. No structural alterations shall be allowed which change the residential character of the structure. G. Alcoholic beverages may not be served unless a license has been granted by the Utah Department of Alcoholic Beverage Control and the City Council has specifically approved the same as part of the conditional use permit. H. Receptions, banquets, or catering may be permitted as an additional use to an approved bed and breakfast conditional use when the applicant can show adequate facilities and parking exists on the lot or when arrangements are made with the permission of surrounding lot owners. I. Any commercial or retail use shall be incidental to the bed and breakfast establishment use, i.e. gift shop, and shall be limited to 5 percent of the total square footage of the main floor of the residence. J. All signs shall comply with the current Title 16. K. A Midway City business license shall be required as a condition of approval. L. The bed and breakfast establishment shall, at the time of approval and thereafter, be the property owner's primary residence. Conditional use approval shall cease upon sale of the property. The new owner shall apply for conditional use

approval before operating the bed and breakfast establishment. 65 M. Supervision by an on-site manager or owner shall be required on an overnight basis when the establishment has guests. N. Care shall be taken to ensure that no exterior lighting shines directly onto adjoining property. Incident light at the property line shall not measure more than ten foot-candles. O. A fire hydrant shall be within 250 feet from the property. P. The Fire Marshal shall determine maximum occupancy. Q. A site plan shall be submitted with the conditional use application. 2015-11, Section Replaced eff. 7/8/15)

CHAPTER 16.19 TRANSIENT RENTAL OVERLAY DISTRICT (TR-OD)

Exhibit 2

10-1-44: Accessory Dwelling Units

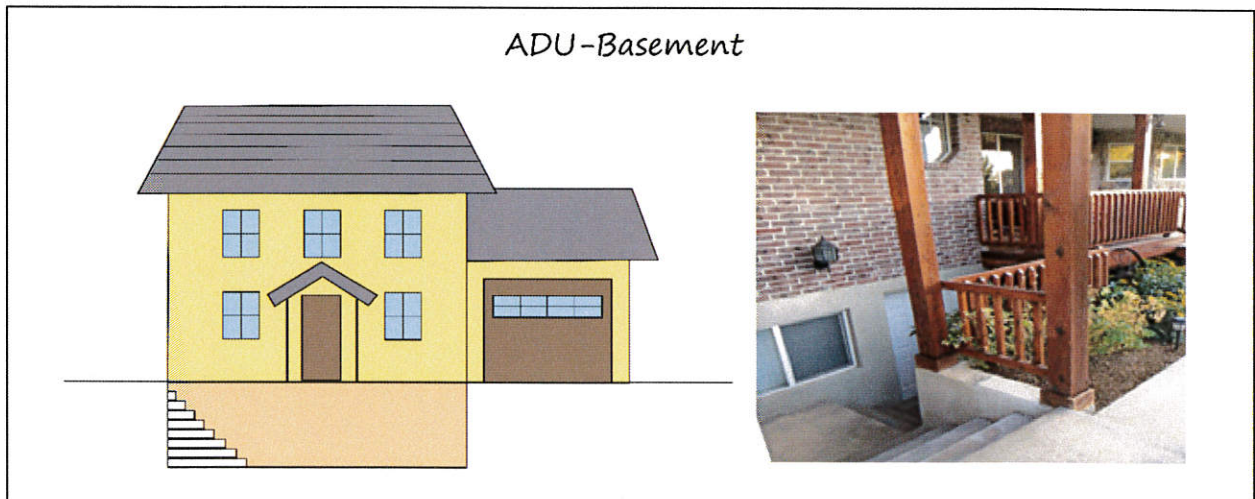
- A. **Definition Of Accessory Dwelling Unit:** A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities which is: 1) within or attached to a single-family residential building, or 2) within a detached accessory structure associated with a single-family dwelling.
- B. **Purpose And Intent:** The purpose and intent of this section is to recognize the residential character of the City of North Salt Lake and to provide for supplementary living accommodations in the community, as well as provide for supplementary income opportunities of property owners. These provisions are intended to provide for affordable housing with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory dwelling units.
- C. **Owner Occupied:** No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Davis County tax assessment rolls. Owner occupancy for a dwelling with an accessory dwelling unit shall not be required when:
1. The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary job assignment, sabbatical, or voluntary service;
 2. The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and
 3. The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical or voluntary service.
- D. **Dwelling unit Occupancy:** The occupants of an accessory dwelling unit shall be limited by one of the following family categories:
1. One person living alone; or
 2. Two (2) or more persons all related by blood, by marriage, by adoption; by legal guardianship or foster children; or
 3. Up to four (4) unrelated persons living as a single housekeeping unit.
 4. Any of the above categories plus a temporary guest. A "temporary guest" is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.
 5. For purposes of the definition of family, the term "related" shall mean a spouse, parent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousins, great-grandparent, and great-grandchild. The term "related" does not include other, more distant relationships.
- E. **Zones:** An accessory dwelling unit which meets ordinance requirements may be allowed in a single-family dwelling unit or in a detached accessory structure within any zone upon a single

family lot. No accessory dwelling unit may be allowed in any multi-family dwelling or multi-family lot, or on any lot that cannot satisfy the parking, setback, or lot coverage requirements.

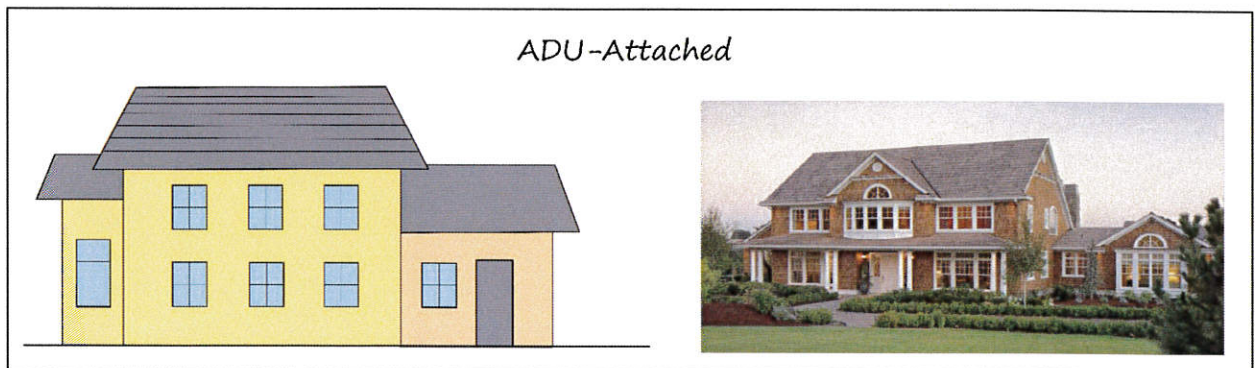
- F. Number Of Accessory Dwelling units: A maximum of one accessory dwelling unit shall be allowed in each owner occupied single-family dwelling, or in a detached accessory structure associated with a single-family dwelling.

G. Location & Type:

1. Accessory dwelling units may be allowed within or attached to the main residential dwelling (basement or addition), over the garage (attached or detached), or in a detached accessory structure (cottage home, guest house, or tiny home).

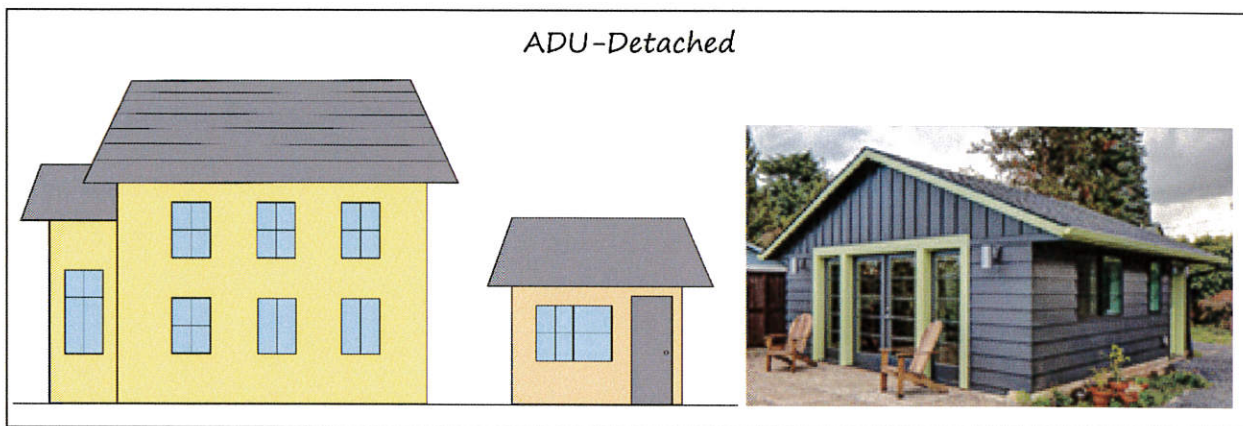


2. Accessory dwelling units as an addition to a primary dwelling shall meet all minimum setback standards required for the primary dwelling.

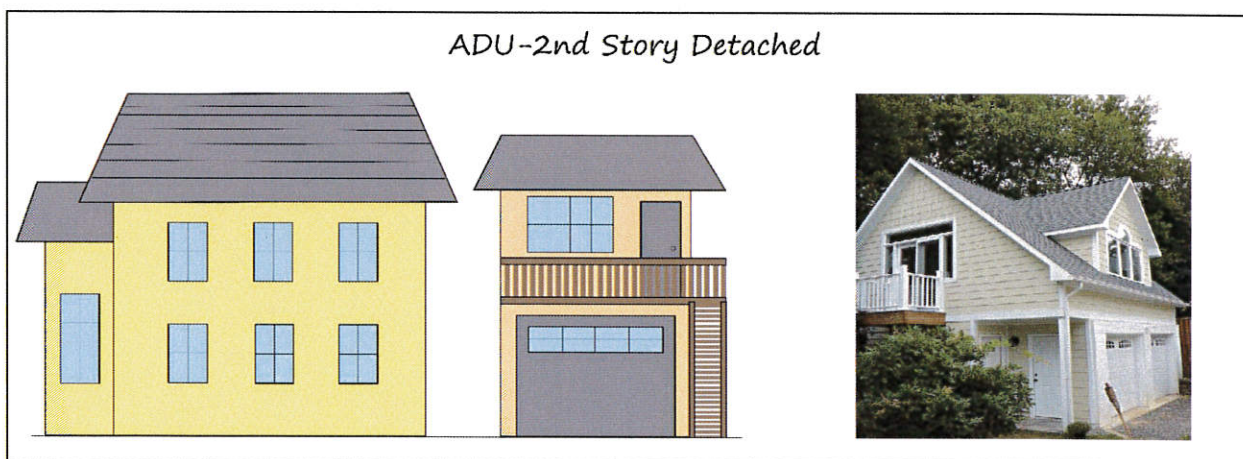


3. Behind the primary dwelling: An accessory dwelling unit within an accessory structure must meet the minimum of side yard required by the zone for the primary dwelling and a rear yard setback of ten (10) feet, unless no windows, doors, or other openings are adjacent to the property line, in which case the allowed setback shall be five (5) feet.

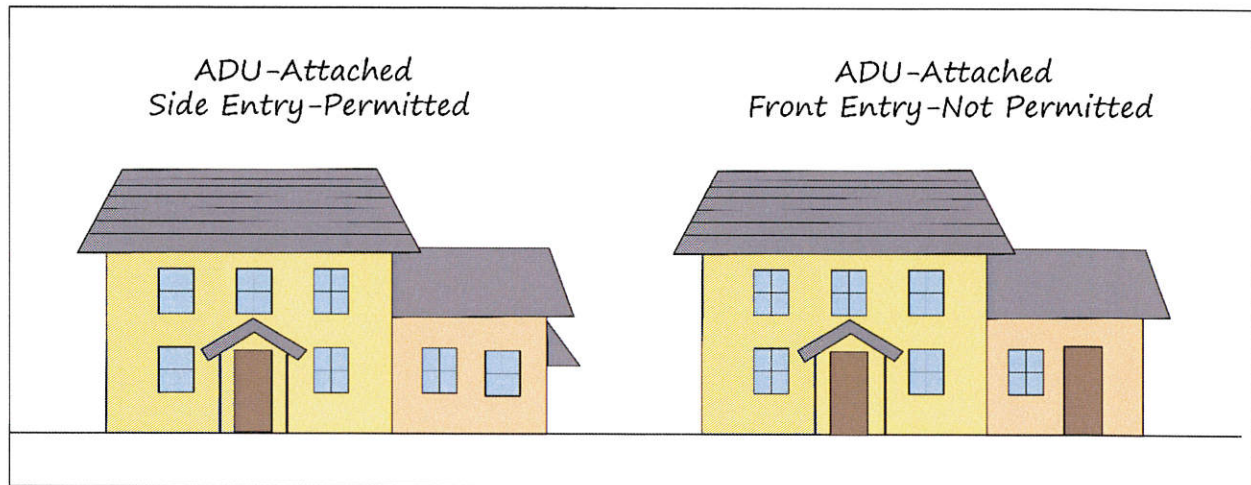
4. Adjacent to the primary dwelling: An accessory dwelling unit within the side yard of the primary dwelling are required to meet the same front, side, and rear yard setback as the primary dwelling.



5. Second story accessory dwelling units: An accessory dwelling unit located in an accessory structure may only be located on a second story if the structure meets the same minimum standards in the zone for height, as well as front, side, and rear setback as the primary dwelling.



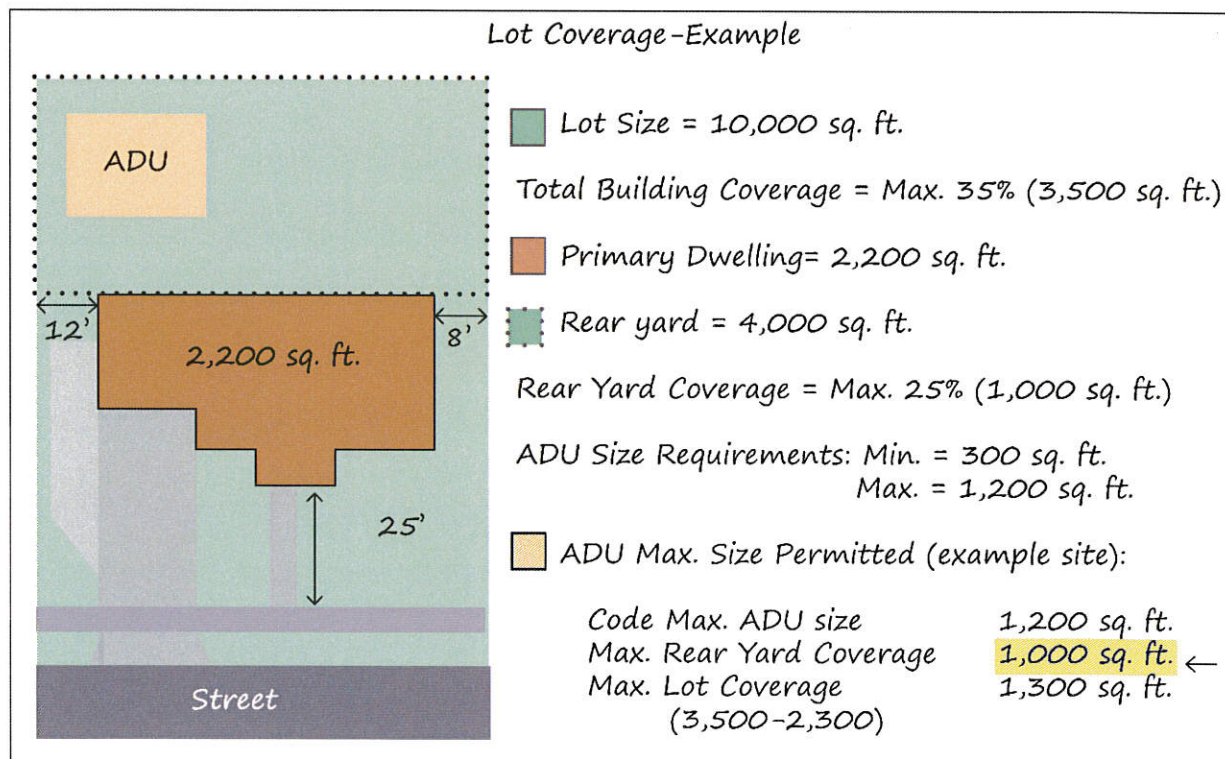
- H. Appearance: Single family residences with interior accessory dwelling units shall retain the appearance of a single family home. An accessory dwelling unit in an accessory structure shall be designed so that, to the degree reasonably feasible, the appearance of the building is compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).



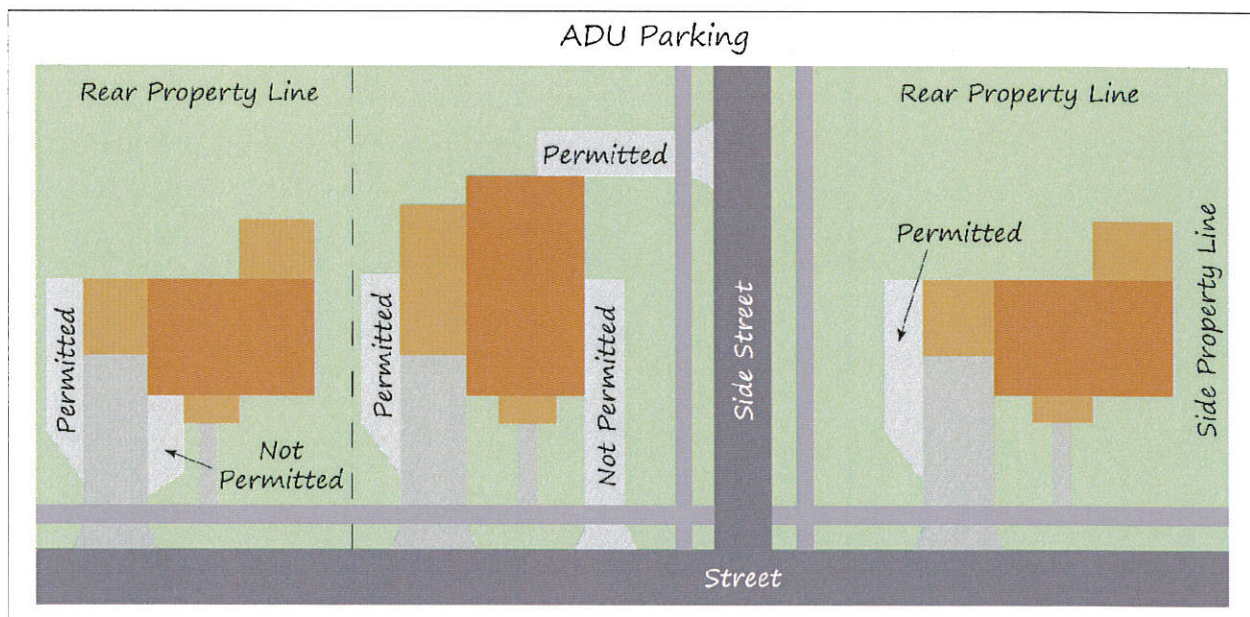
I. Size:

1. Basement dwelling units: Shall be permitted to occupy the entirety of the basement of the primary home regardless of area or bedroom count.
2. Accessory dwelling units (detached structures): The size of an accessory dwelling unit shall be at least three hundred (300) square feet and shall not exceed twelve hundred (1200) square feet and be limited to no more than two (2) bedrooms.

- J. Lot Coverage: The combined building coverage for the detached accessory dwelling units, main dwelling and additional accessory buildings may not be larger than the maximum coverage allowed in the zone for the lot and rear yards per section 10-10-3.



- K. **Building Entrances:** A new single-family structure approved with an accessory dwelling unit attached to or detached from the main dwelling unit, shall have a separate, accessible entrance or stairway. An accessory dwelling unit approved in an existing structure may use existing entrances on any side of the structure that faces a street, or a side or rear entrance. Dwellings with two (2) front doors side by side may not be used to provide separate entrances for each unit with the exception of dwellings where the second door provides direct access to the dwelling basement. The purpose of this requirement is to preserve the single-family residential appearance of the building.
- L. **Address:** The principal dwelling unit and the accessory dwelling unit shall have the same address number, but shall refer to the accessory dwelling unit as unit B. Addresses must be located in a visible location on the street frontage side of the home.
- M. **Parking:**
1. A single-family dwelling with an accessory dwelling unit shall provide at least one (1) additional off street parking spaces for the accessory unit, above the minimum spaces required for a single family dwelling. Accessory dwelling unit parking may not be in tandem with required parking of the main dwelling. One additional off street parking space shall be required accessory dwelling units with 2 or more bedrooms. ADU's located within one-quarter (1/4) mile of a bus rapid transit route shall be permitted to reduce the parking requirement by one (1) space for the main dwelling unit.
 2. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway.
 3. The minimum width of parking areas and driveways shall be paved with concrete or asphalt,



- N. **Separate Living Areas:** An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.

- O. Building Code: All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah state code section 10-9a-511.5, changes to dwellings - egress windows.
- P. Utility Meters: A single-family dwelling with an accessory dwelling unit may have separate meters for each water, gas, and electricity utility service. Each utility meter shall be in the property owner's name and the property owner shall be responsible for payment of all utilities. No additional water development or connection fee shall be required, unless a separate utility connection is requested and installed by the property owner.
- Q. Interior Access: An interior access between the main living area and an attached accessory dwelling unit must be maintained, unless sufficient means of egress have been determined during an inspection by the fire department.
- R. Not Intended For Sale: The accessory dwelling unit shall not be intended for sale or detached by deed and shall only be rented.
- S. Accessory Dwelling Unit Permit: Any person owning an existing accessory dwelling unit that has not previously been permitted by the city, or any person constructing or causing the construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall obtain a land use permit for the accessory dwelling unit from the community development department. This shall be in addition to any required building permit for the work to be performed. In order to meet the requirements of the land use permit, the applicant shall:
 - 1. Submit a completed application form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters,
 - 2. Include detailed floor plans with labels on rooms indicating uses or proposed uses,
 - 3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges,
 - 4. Make all corrections identified as necessary to comply with building code requirements, as identified by the chief building official or his designee, and provide photos of the life safety items required by building code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters, and
 - 5. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance.
- T. Exceptions to Standards: The Planning Commission may issue a conditional use permit for ADU's which modify the requirements for an ADU with respect to maximum size, minimum parking, or setback.
 - 1. In approving a conditional use permit the Planning Commission may require additional conditions to mitigate the impact of the ADU on surrounding properties. Specifically the Planning Commission may require:

1. For ADU's that exceed the maximum size of 1,200 sq. ft.: increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.
 2. For ADUs with reduced or no additional parking: restrictions on occupancy to tenants without vehicles.
 3. For ADU's with reduced setbacks: privacy fencing and limitation on windows and doors adjacent to abutting property lines.
- U. Failure To Complete To Obtain A Land Use Permit: If the property owner does not obtain a land use permit as outlined above, the accessory dwelling unit shall not be considered legal nor approved. Failure to obtain a land use permit for an existing accessory dwelling unit within two (2) years of the passing of this section may result in a citation for a code violation as governed by the process in North Salt Lake City Title 12, Administrative Code Enforcement Hearing Program.
- V. Home Occupation Businesses: Home occupation businesses in an accessory dwelling unit shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory dwelling unit without the express written permission of the property owner.
- W Accessory Dwelling Units, Tiny Homes:
1. Only one tiny home shall be permitted as an accessory dwelling unit per residential lot.
 2. The tiny home shall be permanently connected to and approved for all required utilities.
 3. The tiny home dwelling structure must be attached to a site built permanent foundation which meets the building code. The type of foundation could be a slab on grade or a perimeter foundation.
 4. Building inspections are required for construction of the foundation, as well as to ensure the correct installation of the structure, and to approve the correct connection to the utilities.
 5. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.
 6. The dwelling structure shall be constructed with materials that are weather resistant and aesthetically consistent with the main dwelling.
 7. The community development director may approve deviations from the architectural standards on the basis of a finding that the architectural style proposed provides compensation design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.
 8. The parking shall be the same as subsection L of this section.

Exhibit 3



CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

LAND USE PERMIT APPLICATION ACCESSORY DWELLING UNIT (ADU)

The land use permit is a zoning ordinance compliance review only.

Any structural change, remodel, or new construction will be reviewed separately.

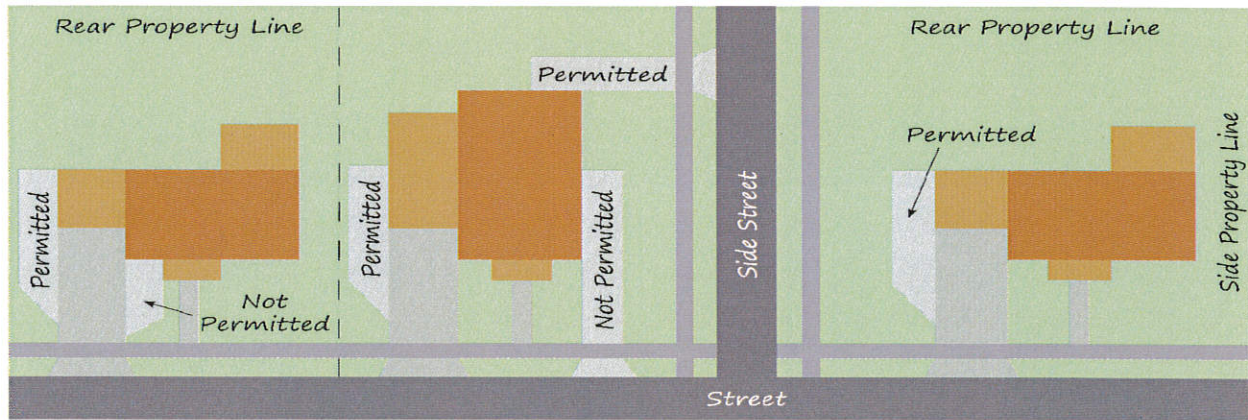
No fee will be charged for the land use permit.

Permit holders are responsible for constructing accessory dwelling units in accordance with the approved zoning review and may be required to obtain a building permit.

For Office Use Only					
ADU Permit #:		Building Permit#:			
ADU Type:		Zoning:		Existing/New:	
Approved By:				Date Approved:	

Applicant Information			
Owner(s)		Application Date:	
Property Address:		Email Address:	
		Phone Number:	
Mailing Address:		Parcel #:	

Answer the following questions regarding your ADU:	(Check One)	Staff Review
1. <u>Applicant</u> . The applicant for an ADU must be the current owner-occupant of the property. <i>Are you the property owner and do you reside at the property?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. <u>Occupancy</u> . The owner must live on the property, except bona fide temporary absence (up to 3 years) for job assignment, sabbatical, or voluntary service. <i>In the event of temporary absence, do you intend to return and resume permanent occupancy?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
3. <u>Existing ADUs</u> . <i>Do you have an existing ADU that was constructed prior to the adoption of ORD 2018-14 on November 21, 2018?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
a. <i>If Yes, to the best of your knowledge what year was the ADU constructed?</i>		
b. <i>To the best of your knowledge was the existing ADU built to comply with building codes at the time of construction?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. <u>Safety</u> . The following building and safety requirements must be demonstrated with either attached photos or by scheduling an appointment with the Building Inspector for final inspection prior to occupancy:		

a. Does each bedroom have a working smoke detector?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Staff Review
b. Is a smoke and CO detector located outside of each bedroom?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
c. Are all kitchen and bathroom outlets approved GFCI outlets?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
d. Is the water heater strapped to the wall?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
e. Do all bedroom windows meet minimum egress requirements?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
f. For basements, is a handrail installed on basement entrance staircase? (if applicable)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
g. For basements, is there a guardrail above the basement entrance, minimum 36" above grade level? (if applicable)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. <u>Address</u> . The ADU must use the same address as the main dwelling with the addition of Unit B, the address and unit number shall be visible from the street. Have you attached a photo demonstrating the visibility of the address from the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. <u>Parking</u> . Additional hard surfaced parking spaces must be provided for an ADU at the following rate: 1 space/1 bedroom ADU; 2 spaces/2+bedroom ADU. (above required 2 spaces for main dwelling and not in tandem with garage)		
<div style="text-align: center;">ADU Parking</div> 		
a. How many bedrooms does the ADU have?		
b. How many parking spaces have been provide that are not in tandem with the main dwelling unit parking?		
c. Attached a site plan, which demonstrates the required main dwelling parking and the additional parking in compliance with the code? (see example above)	<input type="checkbox"/> Attached	
7. <u>Water Meters</u> : An ADU may have separate utility meters. Each meter shall be in the property owner's name with the responsibility of payment of all utilities. Additional water development & connection fee shall be required for a separate connection requested and installed by the property owner. Request a second water meter?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8. <u>Interior Access</u> : An interior access between the main living area and an attached accessory dwelling unit must be maintained, unless sufficient means of egress have been provided. Will a separate means of egress from the ADU be provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<p>9. Size. Detached ADUs are required to be a minimum of 300 sq. ft. and a maximum of 1,200 sq. ft. without a conditional use permit. What is the total sq. ft. of the detached ADU?</p>		Staff Review
<p>10. Lot coverage. The maximum total lot coverage of buildings on a single family lot is 35%; maximum rear yard coverage is 25%.</p>		
<div style="display: flex; align-items: flex-start;"> <div style="flex: 1;"> <p style="text-align: center;">Lot Coverage-Example</p> <ul style="list-style-type: none"> Lot Size = 10,000 sq. ft. Total Building Coverage = Max. 35% (3,500 sq. ft.) Primary Dwelling= 2,200 sq. ft. Rear yard = 4,000 sq. ft. Rear Yard Coverage = Max. 25% (1,000 sq. ft.) ADU Size Requirements: Min. = 300 sq. ft. Max. = 1,200 sq. ft. ADU Max. Size Permitted (example site): <ul style="list-style-type: none"> Code Max. ADU size 1,200 sq. ft. Max. Rear Yard Coverage 1,000 sq. ft. ← Max. Lot Coverage 1,300 sq. ft. (3,500-2,300) </div> <div style="flex: 1; margin-left: 20px;"> <p>ADU</p> <p>12'</p> <p>8'</p> <p>2,200 sq. ft.</p> <p>25'</p> <p>Street</p> </div> </div>		
<p>a. What is the total lot size of your property in sq. ft.?</p>		Staff Review
<p>b. What is the total sq. ft. footprint of all existing structures on your property?</p>		
<p>c. What is the total sq. ft. footprint of any proposed structures to be built in conjunction with the ADU?</p>		
<p>d. What is the total lot coverage % of all existing and proposed buildings on your property?</p>		
<p>e. For rear yard detached ADUs: What is the total rear yard sq. ft.?</p>		
<p>f. What is the total rear yard coverage % of all existing and proposed buildings in the rear yard area?</p>		
<p>11. Setbacks. Please provide the following information for the specific ADU type proposed.</p>		
<p><input type="checkbox"/> a. Attached ADUs shall meet the minimum setback standards required for the primary dwelling.</p>	<p>Side:</p> <p>Rear:</p>	
<p><input type="checkbox"/> b. Rear Yard detached ADUs shall meet the minimum side yard required by the zone and a rear yard setback of 10 feet, unless no windows, doors, or other openings are adjacent to the property line, in which case the rear setback shall be 5 feet.</p>	<p>Side:</p> <p>Rear:</p>	
<p><input type="checkbox"/> c. Side Yard detached ADUs shall meet the minimum setbacks required for the primary dwelling.</p>	<p>Front:</p> <p>Rear:</p> <p>Side:</p> <p>Side Street:</p>	

ACKNOWLEDGEMENT

FOR ACCESSORY DWELLING UNIT APPLICATION

I/WE, _____
Property owner name(s)

do hereby certify and declare as follows:

(1) The subject property is located at:

_____ *Address* _____ *Parcel Number*

(2) The information and representations provided by the applicant, including the completed Land Use Permit Application and required documentation, are materially true and correct.

(3) I/we hereby certify that, as of the date of this application, I am the current owner-occupant of the subject property in compliance with the City of North Salt Lake Municipal Code section 10-1-44.

I/we declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct.

Executed on this day:

Date

Signature

Name (Print)

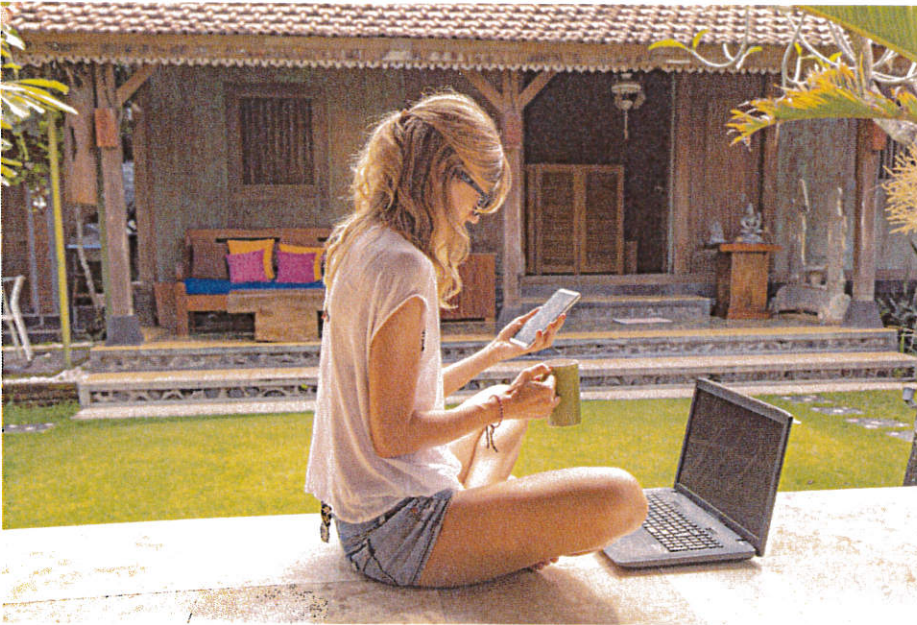
Signature

Name (Print)

Exhibit 4

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5 Reasons Why an Accessory Dwelling Unit Is Perfect for Your Boomerang Kid



First off, you might be asking yourself, what's a boomerang kid? Well, the answer to that is simple. Boomerang kids are adult children that usually just finished college, are actively starting their careers, but move back home to recuperate from their debts or due to high costs of living in California.

With housing costs on the rise in Silicon Valley, Accessory Dwelling Units (ADUs), also known as granny flats, are becoming an increasingly popular boomerang kid housing option.

There are so many benefits to adding a granny flat to your property, like increasing property value, keeping the family together, and having a quality retirement. Plus, you can assure a private starter home for future generations.

But, just speaking to boomerang kids, here are five reasons why an ADU is perfect for them:

1. Increase Property Value

If you're looking to increase your property value in California, then ADU's are a great long-term investment for your family. Since more young adults are living at home than at any other time in the past 100 years, ADU's are an awesome flexible housing option for your boomerang kid.

Welcome to Acton ADU!

How do accessory dwelling units increase property value?

According to the real estate company Zillow, over 20% of millennials in America are choosing to either stay at their parent's house or come back to their family home.

What does this actually mean?

It means that more people are looking for alternative living options for their family as a smart long-term investment.

Plus, granny flats help to increase the value of your house. This definitely comes in handy if you ever choose to:

- Put your home up for sale on the market.
- Pass your house down to your kids.

How do accessory dwelling units increase property value?

ADU's are a wise investment for families in Silicon Valley because they are built on existing property that was previously unused. By creating a secondary backyard home, you're adding to your home's versatility and (if the unit is of a decent quality) a potential revenue source that can impact the resale price.

Bottom line: ADU's add equity to your home. In fact, the Sydney Morning Herald reported that granny flats could inflate the value of your house by 20 to 30 percent. It's no wonder why more families in Palo Alto, Los Altos, and Los Altos Hills are choosing to add ADU's to their homes.

2. Keep Your Family Together

The point is: nowadays, it has become extremely difficult for boomerang kids to find their own apartments or houses due to the unaffordable housing market. While they are holding down jobs and starting careers, millennials are also struggling to pay back student loan debt.

Why does this matter?

Accessory dwelling keep the family together on one property. Instead of just texting and calling your boomerang kid, you can connect with them face-to-face in a multigenerational household.

With almost 22 percent of adults between 23 and 37 years old moving back in with their parents, ADU's are a fantastic alternative for families to spend time with their loved ones while supporting them the best way they can.

By letting your loved one live in your investment property, you are also supporting them to build a stronger financial foundation for their lives.

3. ADU Cost

Want to know the craziest part? The skyrocketing cost of housing might just result in a national housing crisis.

In fact, Harvard University conducted a study that found that the average cost of rent in America has risen by 20%.

Welcome to Acton ADU!



It gets worse: the university's study found that the average cost of housing has increased by 41%.

With the price of rent soaring, families are seeking long-term housing for their family members. As a safe and private boomerang kid housing option, ADU's are a much more affordable investment for your home--and an investment that appreciates, not just in value, but in long-term utility. Not just sunk rents

When you add an ADU to your home, you'll also save a ton of money over time on the cost of a backyard home compared to other housing options in:

- Palo Alto
- San Jose
- Santa Clara
- Mountain View

With all of the amazing benefits that ADUs have to offer for your boomerang kid, there's no reason not to consider adding a backyard home to your property right away.

4. Privacy Matters

Here's the deal: privacy matters. That's why ADUs or granny flats are the best solution for your ADU boomerang kid. If you're a homeowner with family living on a lot between 5,000 and 10,000 square feet (or even less depending on you city), you should seriously consider adding an in-law suite to your property.

You might be wondering: how does a backyard home solve the privacy issue for my family?

As a private and independent house for your boomerang kid, ADUs give parents and their adult children the space that they need to grow as families and individuals. Plus, backyard cottages help to resolve common family issues like:

- Sharing the bathroom.
- Cramping the kitchen.
- Sleeping on the couch.

With the addition of a granny flat to your Silicon Valley home, you'll never have to worry about fumbling over each other or invading each other's space again.

5. Starter Home

Raising a family in California is truly challenging, especially considering that the average price of a home in the Golden State is two-and-a-half times more expensive than the median national home price. That's why ADUs are excellent starter homes for young families.

Now: Accessory dwelling unit benefits include giving your boomerang kid the time that they need to save their money for a new home. Plus, you can

Welcome to Acton ADU!



enjoy a close relationship with your child while you help them to start a new life in their starter home.

Don't Take Our Word for It...

We can't emphasize this enough: ADU's are a fabulous way for families living with boomerang kids to increase their property value and keep their family together. Granny flats are also an exceptional way to save money, guarantee privacy, and provide starter homes for your boomerang kid in Silicon Valley.

What are you waiting for?

Contact Acton ADU for your accessory dwelling unit design, regulation, and building needs. Check out our [services](#) page for more information about your new backyard home.

Featured Blog Posts



What I Learned in the Amazon Rainforest

I reached up, clasped the rope with both hands, and winched myself the final few feet to the top.



My Father the Astronaut

On July 29, 1985 at Florida's Kennedy Space Center, I watched my father launch into earth's orbit on the Space Shuttle Challenger...

Welcome to Acton ADU!



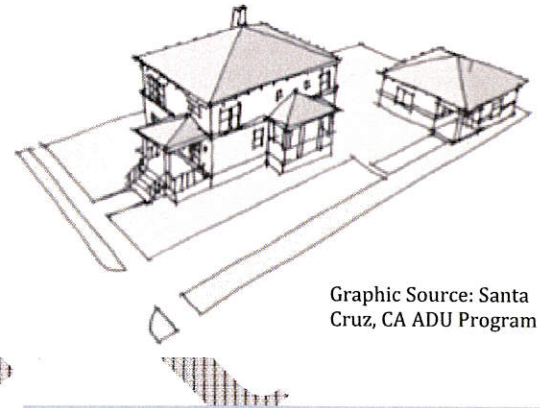
Health Impact Assessment: Accessory Dwelling Units

Benton County Health Department

Project Summary

Project Description

Currently, Benton County does not allow accessory dwelling units (ADUs), which are small, secondary housing units on a property with an existing single-family home. Community members continue to request permits to develop ADUs and the County comprehensive plan encourages the adoption of ADU development standards. A health impact assessment (HIA) was completed by the County Health Department to determine the potential health impacts of allowing ADUs in rural Benton County. Assist decision makers in considering health when deciding upon accessory dwelling units issues.



Graphic Source: Santa Cruz, CA ADU Program

Potential Impacts on Health

Positive Impacts:

- Provide living spaces for persons with disabilities of medical hardships to live near caretakers or family members.
- Generate additional income for homeowners by offering the unit as a rental.
- Provide an affordable housing alternative for individual and small households in rural areas.
- Encourage multi-generational housing that strengthens the family unit.
- Reduce the number of sub-standard and overcrowded housing units by allowing legal development of accessory units.
- Allow elderly homeowners to "age-in-place" and remain in their home by providing living space for a caregiver or family member.

Negative Impacts:

- Allow development in rural areas with poor access to schools, food markets, medical facilities, and parks.
- Allow development in rural areas with poor public transit services and high auto-dependence.
- Increased vehicle emissions caused by more people driving to and from rural areas.
- Allow development in rural areas without adequate pedestrian and bicycle infrastructure, reducing walkability and opportunity for physical activity.

Community Input

Two community meetings were held in Alsea and Monroe to discuss accessory dwelling units and housing issues in Benton County. Some comments from the community meetings include:

"I want my disabled grandson to live with me, but I don't want to live with his caregiver" - a community member expressed a need for a second unit because of a family member's dependence on a live-in caregiver.

"There are very few starter homes out here, because you have to buy the acreage that comes with the house" - A response from a community member when asked the potential benefits of accessory dwelling units as an alternative housing option.

"Manufactured homes work well with temporary medical needs. Once your done with them you pick them up and move them" - a response when asked about the current laws permitting temporary medical hardship trailers.



Health Impact Assessment: Accessory Dwelling Units

Benton County Health Department

Summary of Findings

Policy Options	Impact Categories			
	Healthy Housing	Access to Goods/Services	Social Cohesion	Transportation And Mobility
Option 1: No Policy Change	*	*	*	*
Option 2: Restriction of Current Rules	-	+	-	+
Option 3: Dependent ADUs	+	--	+++	-
Option 4: Independent ADUs	++	---	++	--
Option 5: Independent ADUs in UGB zones	+	--	+	-

Methodology

Policy impacts were assessed using indicators from the Healthy Development Measurement Tool (HDMT) and existing health conditions in Benton County. Visit www.thehdm.org or see the complete HIA report available at the Health Dept. for more information.

Projected Impacts

Policy option three has the greatest positive health impact assessment concluded that impact on health by improving healthy housing accessory dwelling units will have a positive impact on health if they are restricted in size and limited to family use. Dependent ADUs have a negative impact on health. These options benefit healthy housing and social cohesion but have stronger negative impacts related to access to goods/services and transportation.

Policy options four and five have an overall negative impact on health. These options benefit healthy housing and social cohesion but have stronger negative impacts related to access to goods/services and transportation.

Taking no policy action, as in option one, will have no negative or positive impact on health.

If an ADU policy is adopted, an estimated 8 units will be permitted and constructed annually.

If an ADU policy is adopted allowing units in UGB zones only, an estimated 3-4 units will be permitted and constructed annually.

Conclusions

The health impact assessment concluded that accessory dwelling units will have a positive impact on health if they are restricted in size and limited to family use. Dependent ADUs have a negative impact on health. These options benefit healthy housing and social cohesion but have stronger negative impacts related to access to goods/services and transportation. ADUs also provide these benefits to family cohesion and significant benefits to healthy housing options. But the larger size of independent ADUs and capacity to be offered as rental units encourages increased residency in areas without adequate goods, services, transportation systems, and pedestrian infrastructure.

Policy Recommendation

Based on the HIA conclusions, it is recommended that **Policy Option Three: Dependent Accessory Dwelling Units** be adopted with certain mitigations: 1) resident of ADU must be the homeowner, a relative or a caregiver; 2) the units cannot be offered as a rental; 3) review the policy after adoption to identify any unpredicted impacts; and 4) "cap" the number of annual permits allowed to limit potential negative impacts.



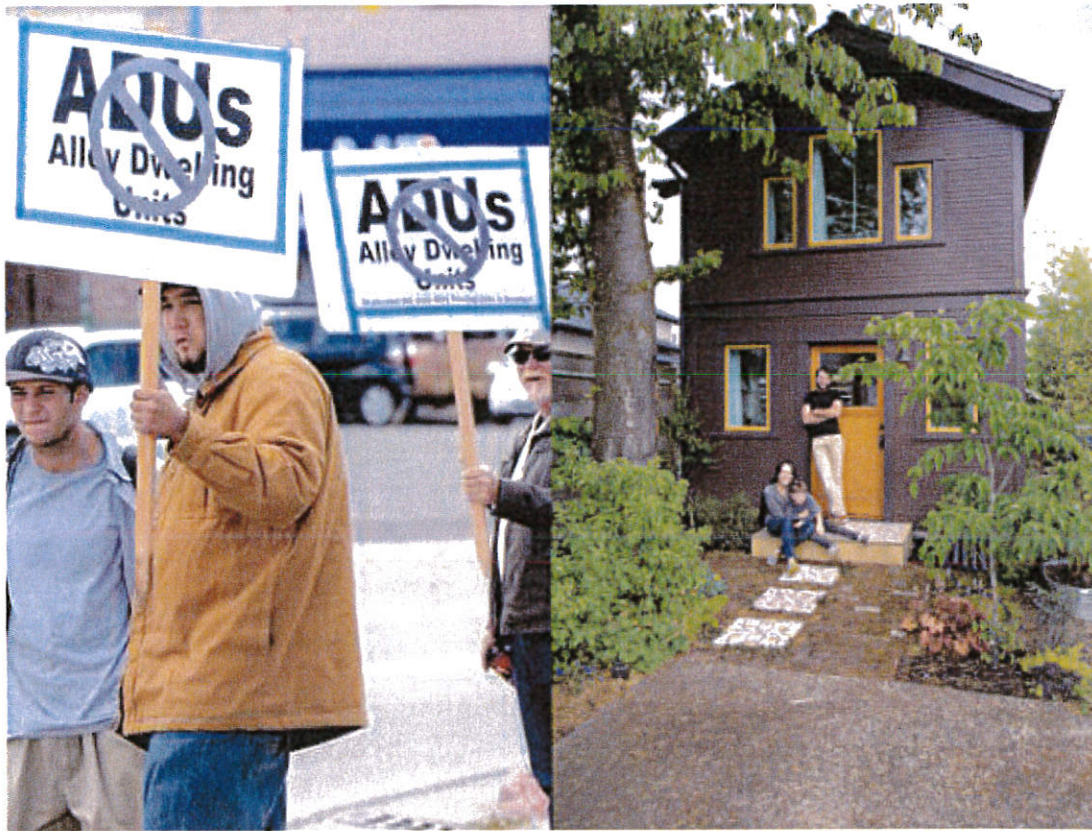
Accessory Dwellings

A one-stop source about accessory dwelling units, multigenerational homes, laneway houses, ADUs, granny flats, in-law units...

Summing up ADU research: are accessory dwelling units as great, or as horrible, as people say?

I am by nature a skeptical person, who rather enjoys debunking things. So, a few years ago, when I decided to dig into the many hopes and fears about accessory dwelling units (also known as ADUs, granny flats, in-law units, laneway houses, etc) I knew I might end up shooting myself in the foot. After all (full disclosure here), I have an ADU of my own, and am one of the editors of a site about ADUs. I had a *notion* that this form of development was a promising nod towards a gentler, more sustainable society. But what if it turned out there was no objective evidence that ADUs had any benefits beyond my own yard?

I carried on because the civic “discourse” about ADUs drove me nuts. It had an endless, cyclical quality, like those discussions sports or comic book guys can get in to: who was better, Babe Ruth or Willy Mays? Could Batman beat Superman in a fight? Could Superman beat Captain Nemo? When there is no real evidence to be had, you can stay at the bar all night. 😊



photos by Steve Lewis of the Durango Herald (left) and Laure Joliet of the New York Times (right)

In the noisy confines of local planning meetings and “Letters to the Editor” pages, exchanges went like this:

- ADU advocates said ADUs would create affordable housing, house older citizens (less popularly known as “the elderly”), create “green,” less car-dependent housing, and generally strengthen informal family and neighborhood ties.
- ADU opponents said that ADUs would create parking problems, bring down property values (and generally bring in undesirable people), create overcrowding, change the appearance of neighborhoods, generate noise and garbage, and perhaps end the single-family nature of existing neighborhoods.

Meanwhile, in the more formal literature, there were some comparative analyses of policy.

In short, there was plenty of talk about the *idea* of ADUs, but virtually nothing about the *reality* of them. There was close to zero factual information about how many ADUs exist, who lives in them, where they are, how many cars come with them, and so on – the kind of basic factual information that should inform policy and debate.

I set out to collect and discover those basic facts. Fortunately in the last few years some objective data has been published about ADUs (listed in my post about [research needs](#)), and in [this series of posts](#), I’ve expanded those findings as much as I dare. To sum up, here’s what this series has uncovered:

Questions	Answers from Portland and beyond
Are ADUs a confusing topic?	<u>Definitely.</u> Here’s why.

Do ADUs actually provide housing?	<u>Yes</u> . The great majority are used for long-term housing, though flexibility for occasional other uses is a big motivation for people to build them.
How much do ADUs cost to build?	It varies a lot, but <u>averages in Portland are \$45,500 for attached and \$90,000 for detached units</u> .
How do ADUs affect neighboring property values?	There is no direct evidence, but <u>homes in denser, more “new urbanist” neighborhoods (including features like ADUs) have higher sales prices</u> .
Are ADUs green housing?	<u>Very much so</u> , at least in comparison to the traditional American “single family residence.”
Do ADUs create parking problems?	<u>There is zero evidence for this idea</u> . Legal ADUs are extremely rare. Moreover, they contribute fewer cars per household than SFRs, almost as low as “transit-oriented” apartments.
Do ADUs serve the elderly, either as residences or investments?	At this time, not in particular. But a decade from now, probably – <u>read why here</u> .
How much do ADUs support the community economically?	<u>Quite significantly</u> , through construction spending and ongoing property taxes.
Do ADUs provide affordable housing?	<u>Yes, but in a very unique way</u> that does not fit the standard idea of affordable housing as an institutional product.
What are the barriers to ADU development?	Local rules are the most obvious barriers, but it ESSENTIAL to note <u>they are not the only ones</u> .
What further research needs to be done?	Researchers should continue to examine the development and use of real ADUs, <u>using field data instead of planning assumptions</u> to quantify the effects of ADUS in contrast to other housing types.

In short, there is compelling, if early, evidence that ADUs benefit the community in the areas of environmental impact, reduction in car use, and a non-institutionalized style of affordable housing. I also anticipate that positive effects for older citizens (“the elderly”) will become more notable as time goes on.

Meanwhile, I have found zero objective evidence supporting two specific fears often mentioned by ADU opponents: parking problems and declines in property values. This is not to deny those things could ever happen – perhaps new evidence will emerge – but there is no basis for them right now.

When it comes to the less objective hopes and fears mentioned by ADU advocates and opponents, such as (paraphrasing here) ‘strengthening family ties’ or ‘bringing in undesirable residents’, it is harder to measure things and make statistical comparisons. However, the anecdotal accounts in comments from ADU owners, and in the case studies on accessorydwellings.org, are so consistent I feel confident making a few more tentative conclusions.

ADUs support families in several ways. They serve as a flexible resource that provides stabilizing income during some phases of life and provides housing for extended family during other phases. When they are housing family members, their simultaneous proximity and independence allows naturally

supportive relationships to work smoothly. For example, when grandma lives in the ADU, she gets the help she needs with stuff like shopping, and can trade back child care – no commuting, appointments, or day care centers necessary.

These kind of informal support services seem completely natural to the people who experience them. They'd probably be amazed to learn that, in some cities, Grandma wouldn't legally be allowed to live with them — at least not if she had her own apartment downstairs. When you express single-family zoning in this way it sounds extreme, yet that zoning applies to much of our population.

ADUs show there are many ways that families can live together. In this way, they are quiet refutation of the *Leave It To Beaver* “nuclear family” ideal, where a “normal, healthy family” is two parents and their children, and other relations and friends are distant satellites. As far as I can tell, very few people, even arch-conservatives, believe in this radical version of familialism anymore, yet zoning tries its best to enforce it.

Second, ADUs are a small but meaningful step toward sustainable housing. What sustainability really means is a pretty big discussion that won't fit in this blog post. However, it seems safe to say that sustainability involves finding a better balance between the production and consumption of essential resources (e.g. energy supplies). And *that*, I'd venture, involves making a choice of quality over quantity in lifestyle. As the [case studies on accessorydwellings.org show](https://accessorydwellings.org/show), ADUs can provide a pretty high quality of life in small spaces that are inherently greener than the standard “SFR”. That quality of life comes not necessarily from the building itself but its context— e.g. to family, transit, etc.

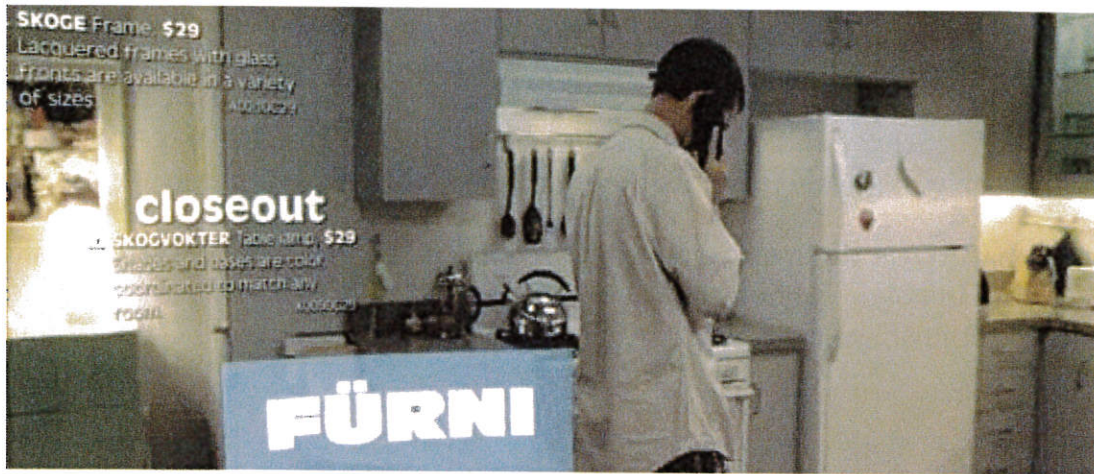
ADU critics must be acknowledged at least one way. It is true that ADUs are “infill” development that densifies existing neighborhoods. Yes, they are a mild, incremental form of densification in the sense that each individual ADU is only a tiny change that can have little effect on neighborhood conditions. But over *decades* an accumulation of ADUs probably would notably change the character and demographics of a place.

But, can any neighborhood really be held in an unchanging state? The implied message of some ADU critics is that banning ADUs will prevent or slow densification or at least remove it to some distant place, where it will be more acceptable. But these are not reliable assumptions. If there are economic forces driving densification or gentrification, they will be expressed somehow – for example in rising prices and unpermitted ADUs. The question for many communities is not “should we have ADUs or nothing?” but rather “are permitted ADUs a good choice compared to the other options out there – such as transit-oriented developments, townhouses, gated single-family developments, or a new crop of unpermitted ADUs?”

Portland's experience in the last few years provides an interesting comparison. Hundreds of permitted ADUs have been created, and there has been practically no reaction on a neighborhood basis — sometimes the new developments are hardly noticed. Meanwhile, an alternative form of densification, the transit-oriented apartment block, has caused a lot of protest.

ADUs are not a panacea. They cannot solve every urban, family, or environmental problem. But, as I've documented in this series, they clearly have some benefits in those areas compared to standard American mode of “single family” development. Those benefits need to be quantified more, especially with comparison to other densifying forms of developments, but I have little doubt they exist.

Beyond that, ADUs are simply a refreshing grassroots alternative to “big” development. To a design buff like me, there’s something tiresome about big apartment blocks, rowhouses, and other “professional” developments, no matter how well thought out. You can practically see the investment calculations floating over them, like the furniture prices in *Fight Club*.



This post's single-serving friend.

In contrast, ADUs are typically created and managed by homeowners, not real estate professionals. These homegrown residences are unique, each with a purpose and a story. Though the biggest single motivation for creating ADUs is financial gain, a notable fraction of these “amateur” developers make a fascinating choice – to *not* maximize investment return, for a month, a year, or a decade, so they can house a family member or a friend, start a business, or do something else to spread good beyond their yard. In short, they often show that people value things beyond money, and that may be the best pro-ADU argument of all.

About Martin John Brown



Martin John Brown is a researcher and consultant on environment and housing. Find out more at <http://martinjohnbrown.net>.

[View all posts by Martin John Brown →](#)

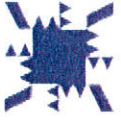
13 comments on “Summing up ADU research: are accessory dwelling units as great, or as horrible, as people say?”

Pingback: [Research and policy about accessory dwelling units: introducing a 13-part series | Accessory Dwellings](#)

Pingback: [Accessory dwelling units: what further research should be done? | Accessory Dwellings](#)

Susan Pantell

March 19, 2015



For some reason, your comments are not visible.

There are 2 main problems with your argument, and I support ADUs in general.

First, it is not the property values of people who build the ADUs that are of concern, but of neighbors, who worry their values will decline because of the reduced privacy and crowding.

Second, saying that ADUs add a tiny amount to parking of the overall city is irrelevant. If they are built on streets and in neighborhoods where parking is currently tight, then they will add to the problem if the residents have cars. That is a big concern in the debate over ADUs in Austin, where I live.

Reply.

Martin John Brown

March 19, 2015



Hi Susan, thanks for your thoughts! It's always nice to get a substantial comment.

If you follow some of the links in the article you will see that (for what it's worth 😊) I've written in more detail about the concerns you raise. The issue of neighboring property values is extremely difficult to study, but I do what I can in the following post:

<https://accessorydwellings.org/2014/07/02/how-do-adus-affect-property-values/> . As for parking, I look at it more in this post — <https://accessorydwellings.org/2014/07/16/do-adus-cause-neighborhood-parking-problems/> .

The property values and parking issues are similar in that they are common worries about the consequences of ADU development. "Worries" is the right word, because these are hypothetical bad consequences. People foresee them, but they haven't happened anywhere yet. Not saying those things could never happen, but there is no evidence for them at this point. I have not read about a single street in America where permitted ADUs are common enough to change parking conditions.

On the other hand, there *is* evidence that ADUs have positive effects in other areas of concern to citizens.

Ultimately, judging types of development by a single yardstick may not be that helpful. Consider parking — there are lots of places to live in America where parking is no problem, but that doesn't make them desirable. It's typically better-quality urban neighborhoods such as Seattle's Laurelhurst where the ADU parking worry comes up. The people there live in Laurelhurst because it's Laurelhurst, not because Laurelhurst happens to have parking. 😊 Neighborhoods are a total package. Neighborhoods with less parking may be desirable in some other way — consider Central Park West.

A better way to think about the effects of ADUs might be in the context of their total effect on neighborhoods compared to other kinds of densification.

We must start by acknowledging it is impossible to hold a neighborhood static — it will change, no matter what the rules are, simply as a result of demographics and market forces.

Now, in a place like Austin I imagine the change is in the direction of more people and more density. So, will these people be placed in a few giant skyscrapers? In numerous apartment blocks along corridors edging existing neighborhoods? Or will they be spread out more through neighborhoods in developments like ADUs, courtyard housing, etc. ?

ADUs aren't a panacea, but when you consider them against the other options, they definitely have some appealing qualities.

Reply

Pingback: [Real estate rage in Portland! Or, ode on a purple shed | Accessory Dwellings](#)

Pingback: [To DADU or Not To DADU—Seattle's ADU Debates | Accessory Dwellings](#)

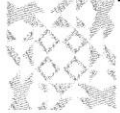
Pingback: [Why ADUs are hard to study, and confuse nearly everyone | Accessory Dwellings](#)

Pingback: [Will short term rentals actually reduce long term housing in granny flats? | Accessory Dwellings](#)

Pingback: [I'm semi-retiring! \(On a personal note...\) | Accessory Dwellings](#)

Steve Williams

February 25, 2019



I find the language used in this article to be indicative of extreme bias in favor of ADUs. It would be refreshing to see some objective analysis and time worn statistics to help citizens make informed decisions. There are plenty of surveys of happy, eve smug, ADU owners. But I have yet too see surveys of non-ADU owners who live nearby these developments. Why is that??

Reply

[Martin John Brown](#)

March 25, 2019



Hi Steve, thanks for coming to the site! To take the more specific question first, why aren't there surveys of non-ADU owners who live nearby ADUs? I agree this would be interesting, but since legal ADUs are incredibly rare (e.g. even in the "mecca" of Portland they are only on 1-2% of properties), finding and surveying those people would be challenging. It's easier to survey people who have developed ADUs since they are in the city permit system.

Your more general comment relates to the objectivity of the analysis. For what it's worth, this summary is the end result of a [13-part series](#) where I struggled to objectively evaluate all the hopes and fears about ADUs. Look in the links for ALL those 13 posts. Check those sources. If you've got anything to add, let us know about it. If you find new evidence that's different, I'd be happy to publish a post by you about it. Cheers, Martin

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FACULTY FEATURE / KAREN CHAPPLE

Studying the Benefits of Accessory Dwelling Units



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Left, 1415 Allston Way; right, 1843 Berryman Street.

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inable Communities and Climate Protection Act of 2008, is putting new pressure to support infill development. So the timing could not be more perfect for the East Bay Regional Development's Center for Community Innovation to study small-scale, the potential impact of an accessory dwelling unit strategy in the East Bay.

Accessory dwelling units (ADUs), are self-contained, smaller living units on the lot of a primary residence. They can be either attached to the primary house, such as an above-the-garage unit, or, as is more typical in Berkeley, an independent cottage or bungalow. They are an easy way to provide homeowners with flexible space for a home office or an on-site caregiver, additional rental income, or a space for elderly family members to remain in a family environment. In short, they offer the kind of flexibility that has become imperative in today's world to accommodate fluctuating work schedules and alternative family arrangements.



Left, 2601 Derby Street; right, 1822 Virginia Street.

The concept, often termed "invisible density" or "distributed housing," is hardly a new idea — indeed, the practice of building a supplementary unit behind a main house has been prevalent in Berkeley and throughout the East Bay for over a century. But ADUs particularly fit the context of Berkeley's flatlands, with their historically "blue-collar urban form." These "minimal-bungalow" districts are characterized by neat regularity, uniform land use, and little change — making them ideal for ADU development. Developers in the 1910s and 1920s widened the lots from 25 feet to 40 feet, created uniform setbacks, and supplied single backyard garages in order to maintain lower densities in the neighborhood. CED Professor Paul Groth argues that this uniformity was meant to create more predictable land values and erase the visual evidence of class struggle seen in more

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efits for both society and individuals. As infill development, they make efficient and sting infrastructure and help increase densities to levels at which transit becomes .ower costs and quicker permitting processes than for larger, multi-family building)Us tend to be relatively small and their amenities modest, they provide more g options (at less than one-third of the cost of comparable units in multi-family mes, these units are the only rental housing available in older, predominantly hborhoods, making it possible for people from all walks of life to live in the area. ificantly improve the value of the property, in essence constituting an asset-building strategy for homeowners.



Left, Ventura Avenue at Marin Avenue; right, Edwards Street at Channing Way.

The Center for Community Innovation (CCI) is studying the potential to add detached ADUs on single-family lots in Berkeley and other East Bay cities as a way to moderately increase density, provide homeowners with extra income, and create affordable rental units — all while preserving the character of existing neighborhoods. Based solely on lot size requirements and the square footage of existing structures, tens of thousands of homeowners could construct ADUs. However, a closer look at city regulations reveals other barriers to scaling up the strategy. Most importantly, most cities require the property to provide space for two parking spots — one for the existing single-family home, and another for the ADU.

CCI is studying ways to relax these off-street parking requirements without contributing to neighborhood parking problems. In neighborhoods near Bay Area Rapid Transit (BART) stations, residents may not need to own a car, particularly if car sharing is available. Car sharing services like

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transit ridership and car sharing, CCI hopes to facilitate the development of dable housing options in Berkeley's neighborhoods. The study will be available by



Virginia Street.

But the biggest barrier is perhaps psychological. Homeowners regularly fight neighbors' plans to alter their property. Though they may object to a building's form and appearance, or the loss of privacy in their own backyards, more likely they are concerned about the impacts of increased car parking on the street. Sensing the objections of the neighbors, homeowners balk at improving their own property, even if it makes financial sense. And ironically, the homeowners who would most benefit from the improvement — whether because they live in older small houses or because their

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Overcome these fears is by demonstrating the benefits and value of ADUs. Luckily, a sustainable design, taught by Ashok Gadgil from the Lawrence Berkeley National Lab, is a demonstration project — a model cottage in my West Berkeley backyard. I zoning requirements and developed preliminary designs for a net-zero-energy efficiency measures, such as well-insulated walls, reduce the building's electricity and a solar photovoltaic system removes the cottage and the main house from the grid. Built for \$100,000, and rented for \$1,200 per month, the cottage not only makes it also demonstrates how careful design can make a small space beautiful. That there is significant interest in the idea became apparent during our open house in January 2011, which attracted almost 500 people.



Net-zero-energy affordable unit located in author Karen Chapple's backyard.

The next step is to demonstrate the value of scaling up an ADU strategy. The CCI study is analyzing the potential impact of constructing thousands of these units in the East Bay. In economic terms, the impact is significant. A \$100,000 ADU generates an additional \$80,000 of indirect and induced

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fers. And, each net-zero-energy ADU creates energy savings that impact the local households save \$25 in energy costs each month, construction of 4,000 ADUs could thus at \$1.8 million spent on local goods and services each year. If the new households y may be able to help the region's struggling retail corridors become more viable.

are evaluating certain more to resource use, particularly in California. Distributed duce dependence on utility-produced energy. Incorporation of greywater systems cycling water for irrigation needs — at a large scale could reduce pressure on supply. And clustered demand for alternative transportation modes could make local car share and transit systems more sustainable.

Ultimately, though, an academic study will not persuade policymakers to scale up this strategy. What should happen next is another demonstration project, this time on a larger scale. What if the local utility, water, housing, and transit agencies, working closely with the cities, sponsored a pilot program that incentivizes homeowners to build 100 ADUs in the region? Such a pilot could help overcome homeowner inertia, and would also demonstrate the benefits of scale to the agencies themselves. The precedent for this exists in the pilot energy-efficiency programs that cities, funded by federal stimulus dollars, have been offering to local homeowners. CED and its research centers look forward to providing a venue that spurs this conversation — and results in a more sustainable Bay Area and California.

CATEGORIES: [city and regional planning](#) [urban design](#) [ced faculty](#) [institute of urban and regional development](#)

TAGS: [2011](#) [accessory dwellings](#) [adu](#) [distributed housing](#) [karen chapple](#) [residential architecture](#) [residential design](#) [sb 375](#)

About the Author



KAREN CHAPPLE is Associate Professor of City and Regional Planning at UC Berkeley and faculty director of its Center for Community Innovation. She is heading a study funded by the UC Transportation Center to determine how many of these accessory homes could be built around five Bay Area Rapid Transit stations in the East Bay, and how they might affect the local economy.

[more about this author >](#)

Memo



Date: January 21, 2021
To: Midway City Council
From: Michael Henke
Re: Possible code text amendment to limit dwelling size

The question has been raised if Midway should limit the size of dwellings in the City. Some cities in the country have adopted ordinances that limit dwellings and staff has found one city in Utah that has done this in several of its zones. There are two predominant ways that cities accomplish this. The first is to limit the size of the dwelling on a ratio basis based on the size of the lot. This works well in areas with small lots, usually 7,000 sq. ft. or less. Another method is to create a hard cap on the size of the dwelling, independent of lot size. This is the example from Utah found in Sandy (please see attached). If the City Council would like to adopt this type of ordinance, some questions will need to be answered. This includes how do we handle additions; how would we handle large open areas in the dwelling that extend to multiple floors; how would we advertise to potential home builders that there is a limit in Midway when this type of regulation is rare in Utah? Staff has gathered some information that is attached to this memo for the City Council to consider.

Sec. 21-20-4. - Table; Minimum/Maximum Dwelling Size for R-1 and R-2 Zoning Districts.

Table for R-1 and R-2 Minimum/Maximum Dwelling Size

Zone	One-Story Split Level and Split Entry (square feet)		Two-Story Total Both Levels (square feet)	
R-1-40	1,500	6,500	1,875	7,500
R-1-30	1,500	6,500	1,875	7,500
R-1-20	1,400	6,500	1,750	7,500
R-1-15	1,400	5,500	1,750	6,500
R-1-12	1,350	4,500	1,685	6,000
R-1-10	1,300	5,000	1,625	6,000
R-1-9	1,200	4,500	1,500	5,500
R-1-8	1,000	4,000	1,250	5,500
R-1-8(INF)	1,100	4,000	1,600	5,000
R-1-7.5(HS)	1,000	3,200	1,250	4,000
R-1-6	800	2,800	1,350	3,500
R-2-10	800	2,100	1,350	4,000
R-2-8	800	2,000	1,350	3,500

- (1) *Allowable Square Footage.* Determination of allowable square footage measures livable space only, which does not include subterranean basements, garages or similar spaces. The square footage established above for the R-2-10 and R-2-8 Zoning Districts refers to each dwelling unit in a multifamily dwelling.
- (2) *Approval for a Home Larger than Maximum Size.* Individuals who desire to construct a new home larger than the maximum home size limits (or desire to increase the size of an existing home) may apply for a special exception from the Planning Commission. To qualify for the special exception, the applicant shall comply with the following requirements:
- The proposed square footage of the home (excluding basement) is within ten percent of the average

home size within a 1,000-foot radius as measured from the property line or if the proposed home is located within a planned unit development, it is consistent with the approved standards and home sizes for the entire planned unit development.

- b. The proposed home or addition is consistent with the existing architectural standard for the surrounding neighborhood (e.g., rambler style homes, two-story homes, brick facade, stucco, half-timber, similar pitched roof, etc.).
- c. The proposed enlargement is not permitted to increase the available space for an accessory apartment.
- d. The increased square footage is not permitted for nonresidential structures. Institutional care uses shall comply with the minimum and maximum square footage requirements for the underlying zone.

(LDC 2008, § 15A-20-04; Ord. No. 10-26, 7-30-2010)

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CHAPTER 5.2 HOUSING DIVERSITY

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BEST BETTER

ESTABLISH MAXIMUM SIZE OF SINGLE-FAMILY RESIDENCES

VARYING UNIT SIZES WITHIN MULTI-FAMILY AND MIXED-USE BUILDINGS

GOOD

[ALL](#)[REMOVE CODE BARRIERS](#)[CREATE INCENTIVES](#)[FILL REGULATORY GAPS](#)

Establish Maximum Size of Single-Family Residences

Alec LeSher (author), Jonathan Rosenbloom & Christopher Duerksen (editors)

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set a limit on the size of single-family homes to mitigate these harmful effects. Typically, these ordinances seek to limit the spread of “McMansions.” McMansions are large houses in suburban neighborhoods that are regarded as oversized in relation to the character of the neighborhood.^[4]

Ordinances setting a maximum house size typically regulate the maximum floor area ratio (FAR), which is the portion of the lot that may be covered by a structure. A municipality may also limit the maximum height, number of stories, or total square feet of the house. Setback and minimum yard requirements can also be used to limit how much of a lot may be covered by the house. Some municipalities have varied height restrictions within the lot. For instance, a two-story structure may be allowed at the rear of the lot, whereas only single-story buildings can be constructed near the public right of way.

A municipality can further tailor the requirements based on individual neighborhoods, rather than residential zones as a whole. For example, if a neighborhood has always had larger homes, new large homes could continue to be permitted. However, neighborhoods with smaller homes could have a more restrictive size limit that would help retain the character of the neighborhood and provide many of the economic and environmental benefits discussed below. In this way, developers can still replace old homes, but only if the new home does not increase the impact on the community and environment.

One potential criticism of these ordinances is that they keep certain people and uses out of certain neighborhoods. However, these ordinances are limiting *maximum* home size, as opposed to minimum home size, which can make some areas exclusive. Limiting maximum home sizes prevents intrusively large homes in neighborhoods that are occupied by more moderate homes and by people with more moderate means, thereby protecting middle and lower income property owners.

EFFECTS

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the output of GHG emissions. If a municipality limits how large houses can be, it also limits how much GHGs are emitted.

Larger homes also require more energy and materials to construct than more moderately sized homes.^[9] Construction produces GHGs in four areas: “manufacture and transportation of building materials; energy consumption of construction equipment; energy consumption for processing materials; and disposal of construction waste.”^[10] Limiting the maximum size of single-family homes may help reduce the construction sector’s impact on climate change by reducing GHGs in any and all four of these areas.

This ordinance can also help insure the preservation of historic districts and increase affordable housing options. Often builders merge two adjacent properties and demolish the existing structures in favor of one new, much larger structure.^[11] In historic districts, this process replaces culturally valuable old homes with large, new homes that disturb the character of the district. In other residential districts, smaller, more affordable homes are replaced with larger homes that low-income populations cannot afford. Municipalities should keep these effects in mind when considering ordinances that limit house sizes.

EXAMPLES

Los Angeles, CA

In 2017, Los Angeles revised its zoning ordinance and FAR calculations to combat the rise of McMansions.^[12] The 2017 ordinance changed the way that the FAR is calculated in residential zones. Any portion of a building with a ceiling height of fourteen feet or higher counts as twice the square footage of that area in the FAR calculation.^[13] This has the effect of encouraging owners to build houses with more usable space, or in the alternative, sacrifice overall size in favor of high ceilings. The City also now regulates the size of new residential buildings based on the character of existing houses in residential zones. For example, one residential zone allows for a larger building mass only at the front of the lot, while another allows for larger mass only at the rear of the lot.^[14] These

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protect its citizens and neighborhoods from more McMansion-like development, the City implemented “Residential Design and Compatibility Standards,” which regulate the size of houses in certain districts of the City.^[15] New developments in these areas are subject to a FAR ratio of 0.4 square feet of building to 1.0 square feet of lot size.^[16] Alternatively, if that calculation returns a FAR that would only allow a building smaller than 2,300 square feet to be constructed, then the City does not apply the .4 / 1.0 FAR and allows the developer to construct a 2,300 square foot building.^[17] Further, the City limits building height to a maximum of thirty-two feet.^[18]

The ordinances also set forth unique setback requirements that insure no new building can be substantially larger than the others. For the front yard, the new building must be setback as far as other provisions of the Code allow, or alternatively, as far as the average setback of at least four other buildings on the same side of the street.^[19] This promotes uniformity in the aesthetic of the neighborhood and prevents new buildings from occupying the entire lot with a McMansion-like structure. The City also establishes “setback planes.”^[20] These planes are a line beyond which no structure may extend. In general, a line extends 15 feet straight up from lot line and then slants toward the center of the property at a 45-degree angle.^[21] This prevents new buildings from encroaching on neighboring properties even if they meet the setback requirements at ground level.

To view the provisions, see [Austin, TX, Code of Ordinances, tit. 25, subchapter F, §§ 2.1–2.7 \(2006\)](#).

ADDITIONAL EXAMPLES

[Ashland, OR, Land Use Ordinance § 18.2.5.070 \(current through Nov. 2017\)](#) (limiting new residences in historic districts to a height of thirty feet and restricting FAR ratios to minimize development impact).

[Newport, RI, Code of Ordinances § 17.020.050 \(2000\)](#) (preventing buildings from covering more than twenty percent of a lot).

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acre in size).

CITATIONS

- [1] United States Census Bureau, *Median and Average Square Feet of Floor Area in New Single-Family Houses Completed by Location*, <https://perma.cc/QA5P-64PK> (last visited June 6, 2018).
- [2] Editorial, *Interim McMansion Law is a Fit Addition for Some Areas*, Los Angeles Times, Mar. 17, 2018, <https://perma.cc/NR67-88UL>.
- [3] Gabriella Morrison, *Why Tiny Houses Can Save the Earth* Infographic, tinyhousebuild.com (Oct. 26, 2014), <https://perma.cc/KHG2-EPHX>.
- [4] *McMansion*, Merriam-Webster, <https://perma.cc/LLA5-GETQ>.
- [5] *Sources of Greenhouse Gas Emissions: Commercial and Residential Sector Emissions*, Env'tl. Prot. Agency (April 11, 2018), <https://perma.cc/3QRL-WQAP>.
- [6] *Id.*
- [7] Gabriella, *supra* note 3.
- [8] *Id.*
- [9] *See id.*
- [10] Hui Yan et al., *Greenhouse Gas Emissions in Building Construction: A Case Study of One Peking in Hong Kong*, 45 *Building and Environment* 4, 949 (2010).
- [11] Editorial, *Interim McMansion Law is a Fit Addition for Some Areas*, Los Angeles Times, Mar. 17, 2018, <https://perma.cc/NR67-88UL>.
- [12] Elijah Chiland, *LA Takes New Steps to Fight McMansions*, Curbed Los Angeles (Mar. 1, 2017, 4:28pm PST), <https://perma.cc/9V9V-U3PF>.
- [13] Los Angeles, CA, Municipal Code §12.03 (2017) (defining "Floor Area, Residential").
- [14] *Id.* at §§ 12.08.5.c, 12.08.5.d.

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[20] *Id.* at § 2.6.

[21] *Id.*

Please note, although the above cited and described ordinances have been enacted, each community should ensure that newly enacted ordinances are within local authority, have not been preempted, and are consistent with state comprehensive planning laws. Also, the effects described above are based on existing examples. Those effects may or may not be replicated elsewhere.

Please contact us and let us know your experience.

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§ 2.1. - MAXIMUM DEVELOPMENT PERMITTED.

The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of Section 25-1-22 (Measurements).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.



THE PORTLAND PLAN: DOWN WITH MCMANSIONS, UP WITH ABUNDANT HOUSING OPTIONS

How the Rose City is taking on displacement and affordability challenges.



Author: **Michael Andersen**

(@andersem) on November 15, 2016 at 6:30 am

This article is part of the series [Legalizing Inexpensive Housing](#)

Editor's note: This article combines and adapts three articles by the Portland for Everyone coalition's [Michael Andersen](#). See the originals [on this blog](#), and learn more about the group [here](#). Portland's approach shares similarities with the [Seattle Housing Affordability and Livability Agenda](#) recommendation to allow small duplexes and triplexes in single-family zones without letting property owners erect buildings larger than currently zoned.

Growing cities across the US and Canada are grappling with the challenges of displacement and affordability in their housing markets, and many of them are looking to Cascadia's innovative cities for answers. Portland, the smallest of Cascadia's three major metropolitan areas, has perhaps one of its biggest and best ideas: the "residential infill project."

So, what's in the Rose City's innovative plan? First, let's take a closer look at the city's growing affordability problem.

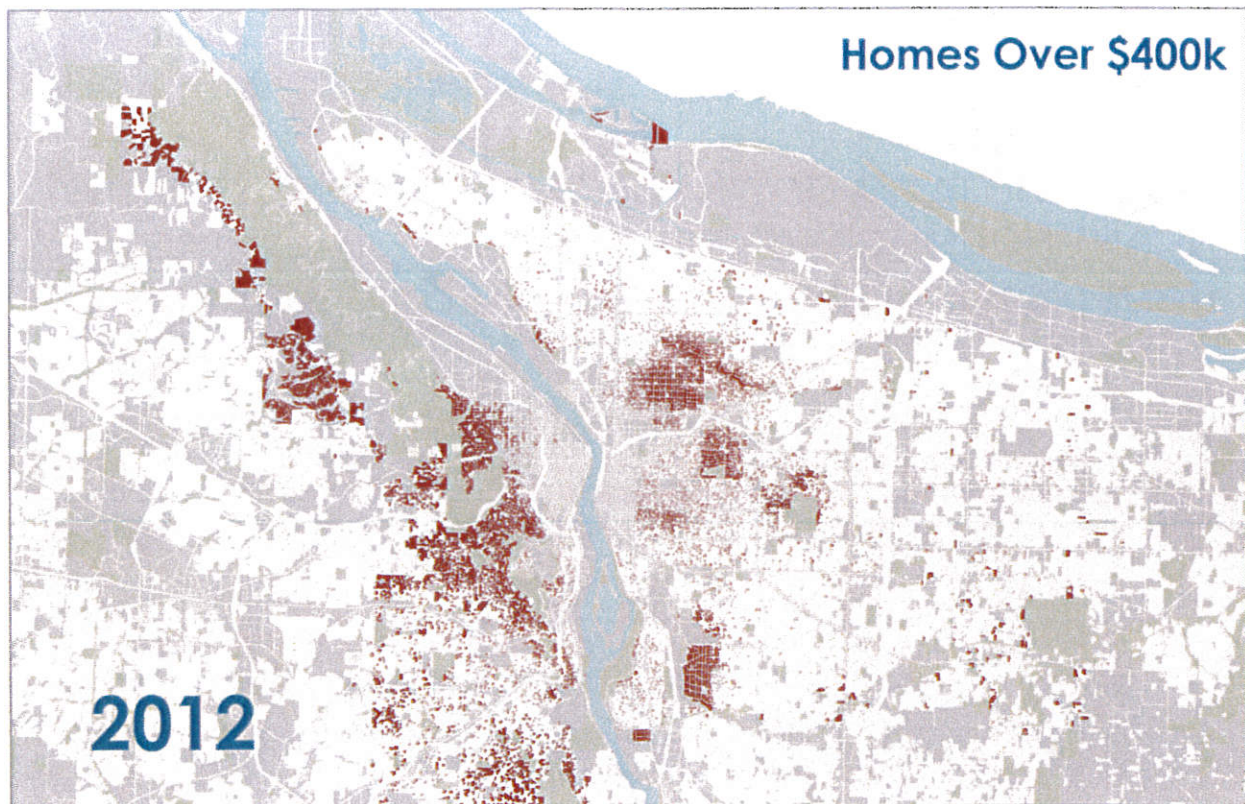
The rapid spread of out-of-reach home prices in Portland

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At \$400,000, 59 percent of Portland households are excluded from homeownership. Many houses in these areas are now well over \$400,000. Animated map by Mike Sellinger, used with permission. 2016 data is through August.

Every month, Portland's most beloved neighborhoods are moving further beyond the reach of typical homebuyers.

Property tax records show the alarming spread, over the last four years, of homes valued at \$400,000 or more—enough to make them unaffordable to 59 percent of Portlanders, according to the latest Census estimates.

As the map above makes obvious, the wave of price increases isn't simply tied to construction or demolition. It's hitting new houses and old ones, in neighborhoods that are adding homes and in neighborhoods where adding homes isn't allowed.

What does this look like on the street? Well, here's what it looks like in my own neighborhood:

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Montevilla Portland remodel by Michael Andersen (used with permission).

This house is 1,700 square feet on SE 75th Avenue in Montavilla. Last year, it sold for \$247,500—a \$1,200 monthly mortgage payment. After the really nice remodel you see here, it's going for \$549,000. Profitable for the flipper, but the only thing this project did for the city was replace one middle-class family with one rich one.

But the really odd thing is that **on this lot, replacing one middle-class family with one rich one is just about the only thing a landowner is legally allowed to do.**

When a city gets more desirable but isn't allowed to add more places for people to sleep, this is what happens: *the old homes don't stay affordable*. They just get priced up and up and up.

It seems a little strange, but one of the things Portland needs to do as a city is to *prevent that remodel* and get more of the city's capital invested in projects that prevent displacement rather than enable it.

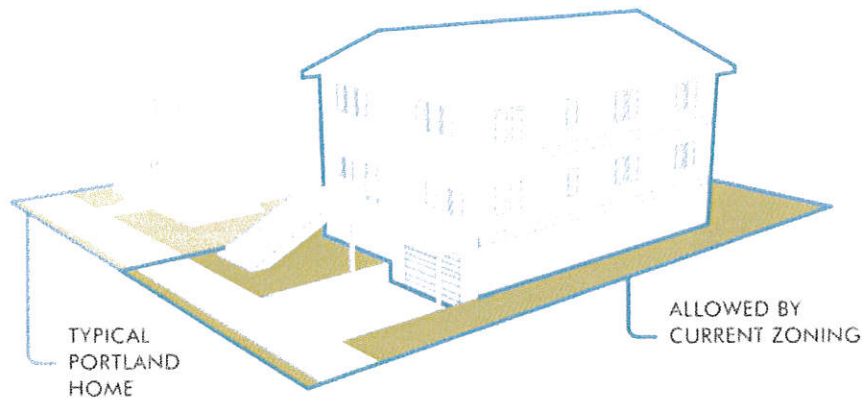
The residential infill project that **went before Portland City Council November 9 and will again November 16** is an opportunity to make this happen. It's a chance for the city to strike an **anti-McMansion compromise** and shrink the maximum size of new homes (which would reduce demolitions) while also

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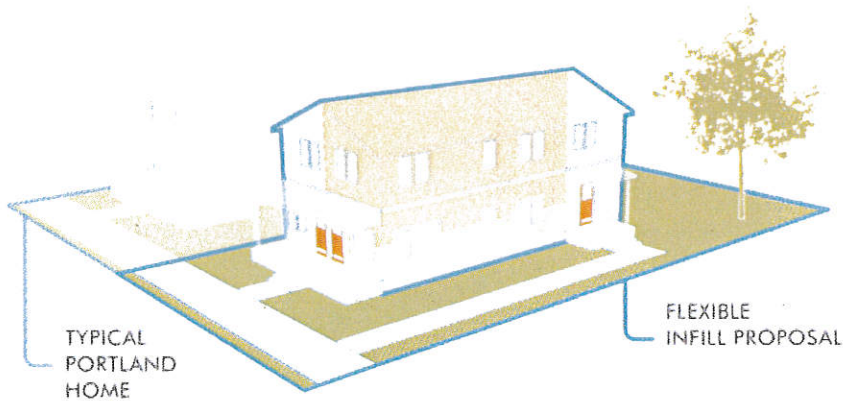


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A typical Portland home vs the maximum single-family home size allowed under current Portland law. The city's proposal is to change this. Rendering by Courtney Ferris (used with permission).

They'd be allowed to look, for instance, like this (and like several other models noted later in this article):



A duplex plus AADU, totaling 2,500 square feet, a housing option that would be available under the proposed Residential Infill Project. Rendering by Courtney Ferris (used with permission).

To be clear, nobody is talking about *requiring* new homes to look like this. The overwhelming majority of residential homes would still have lots of space and yards of their own. But by making it once again *legal* to build these small homes in residential areas, Portland would make this an *option* for people who want something in between an apartment building and a freestanding house, which means fewer people would be competing for apartments and for freestanding homes.

There's another possibility, though: the city might decide to slash the size of a single-family home to make

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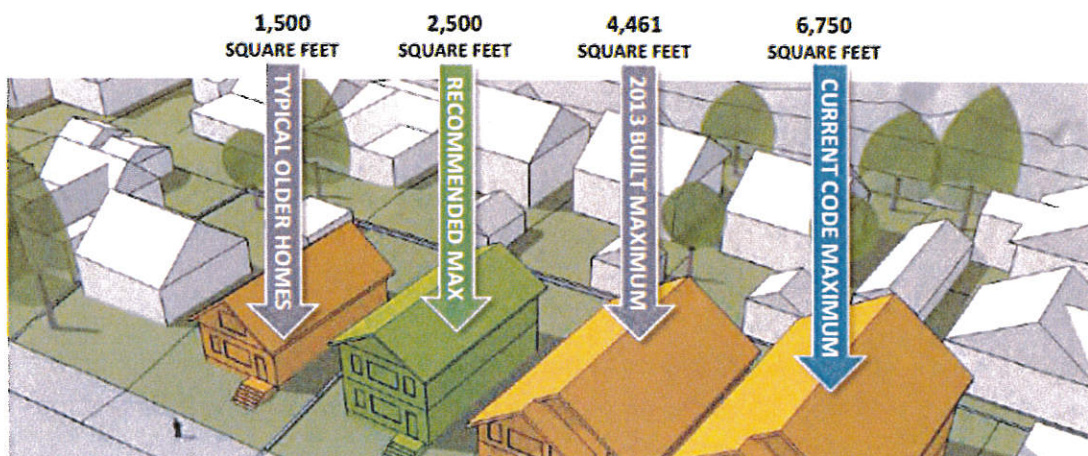
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Montevilla Portland remodel with listing by Michael Andersen (used with permission).

Portlanders have already seen what that would look like, in more and more neighborhoods across the city. But it doesn't have to be that way, and Portland has a smart plan to combat that trend.

The 'residential infill project': Portland's anti-McMansion recipe



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The single biggest effect of Portland's residential infill project, according to an analysis released last month, is that new single-family homes would have to be much smaller (image from Residential Infill Report, Oct 2016, p. 6) by City of Portland.

If there's one thing virtually all Portlanders can agree on, it's that homes should cost less than they do right now.

There's a lot of disagreement about how to do this.

But if there's a second thing that most Portlanders can agree on, it's that McMansions are dumb.

Knock down a 1920s cottage, build a 2010s behemoth: **you just spent half-a-million dollars to replace one home with one home**, and you basically paid for it by replacing a middle-class household with a rich one.

The fact that so many people agree this is bad—affordability advocates, historic preservationists, immediate neighbors—is the key to the compromise behind Portland's **residential infill project**.

Its basic idea: the city should reduce 1:1 demolitions in much of the city by:

- 1) **Greatly reducing the maximum size of new homes**, which also reduces the number of demolition projects that turn out to be profitable (and therefore the number of demolitions that happen).
- 2) **Re-legalizing midblock duplexes, corner triplexes, and multiple accessory units**, which means that when homes are replaced, the new ones will be cheaper and there will be more of them instead of being much larger and more expensive.

According to an **analysis** by Johnson Economics commissioned by the City of Portland and released last month, the residential infill project would do both of these things:

- 1) The total number of **demolitions** would drop substantially. But...
- 2) The number of **new homes built** wouldn't drop by much because the smaller number of homes that would be demolished would be replaced by *multiple* smaller, cheaper units—instead of freestanding McMansions.

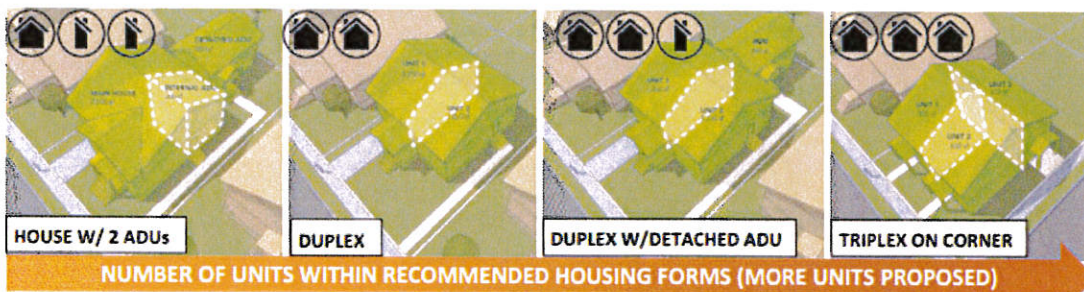
(Frustratingly, the analysis doesn't put exact numbers on either of these: the number of demolitions reduced or the number of new homes added. But these numbers ought to be calculable. If we can find this answer we'll write about it **on the Portland for Everyone blog**.)

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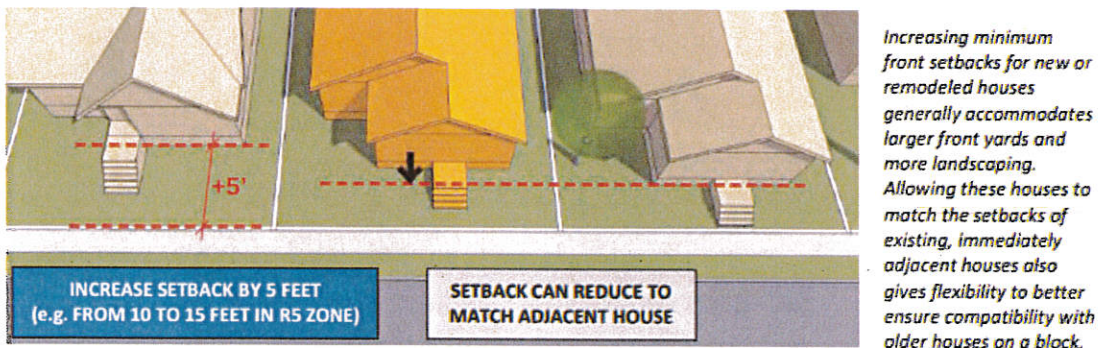
These housing types and number of units would be allowed in select areas of Portland's single-dwelling zones.

Portland residential infill-proposed housing forms (image from Residential Infill Report, Oct 2016, p. 15) by City of Portland.

Today, McMansions are totally legal to build, but none of the homes above is. The city's proposal would reverse this.

Front yards would need to be larger, and more on-street parking would be preserved

Under the city's **latest proposal**, also released Tuesday, all of these new buildings would also be subject to other new rules about building height and distance from the street. Developers would have to build farther from the street...



Increasing minimum front setbacks for new or remodeled houses generally accommodates larger front yards and more landscaping. Allowing these houses to match the setbacks of existing, immediately adjacent houses also gives flexibility to better ensure compatibility with older houses on a block.

Portland residential infill-proposed setbacks (image from Residential Infill Report, Oct 2016, p. 11) by City of Portland.

...except in situations where a neighboring house is already close to the street. (In which case, the thinking is presumably "no harm, no foul.")

Another proposal in the residential infill project would create more tree-lined streets in the future and preserve more on-street parking space. One-car driveways, after all, don't really increase the number of parking spaces because each one eliminates a curbside space.

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Garages and driveways often dominate the front of narrow houses (current code).



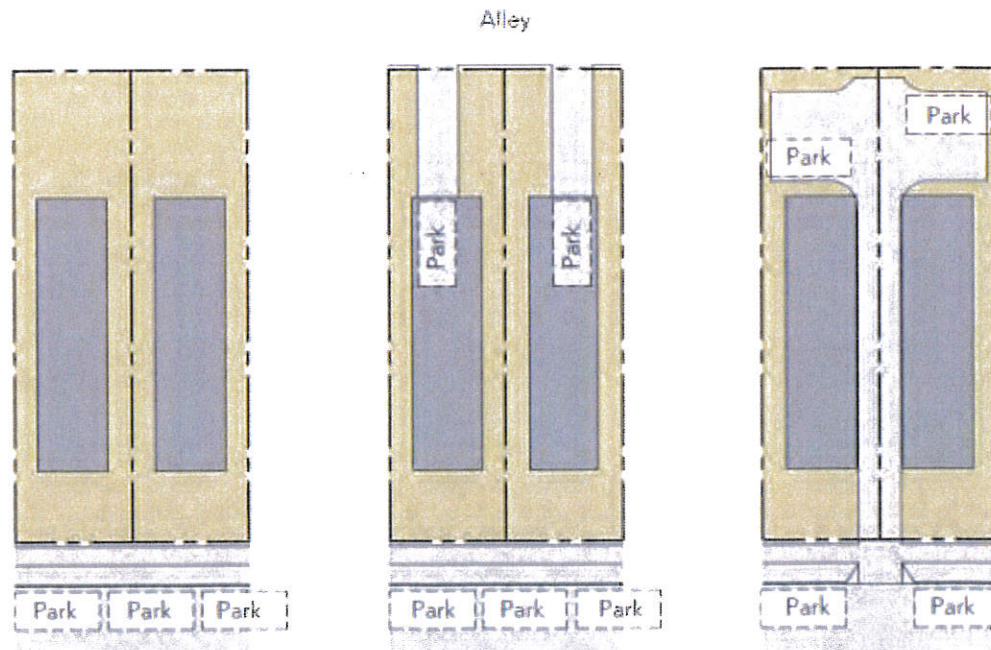
The recommended change would disallow front-loaded garages on narrow lots, which improves street facing façades and leaves more room for landscaping and on-street parking.

RESIDENTIAL INFILL PROJECT - October 2016

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Portland residential infill-proposed parking efficiency (image from Residential Infill Report, Oct 2016, p. 21) by City of Portland.

The city's proposal is to maximize parking efficiency by legalizing alley-facing driveways and shared driveways leading behind the house.



Instead of a series of narrow lot curb cuts that eliminate

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There are lots of things the city's proposal does not accomplish. Newly built duplexes would be a lot cheaper than newly built McMansions—check out the price estimates in the green box below.

	Ownership	
	Single Family	Duplex
Physical Characteristics		
Site Size/SF	5,000	5,000
Saleable Area (SF)	2,500	2,500
FAR	0.50	0.50
Market Pricing / SF	\$300.0	\$345.0
Pricing		
Number of Units	1	2
Avg. Unit Size (SF)	2,500	1,250
Efficiency Ratio	100%	100%
Stabilized Occupancy Rate		
Threshold Yield Rate	15.00%	15.00%
Per Unit Pricing		
Sales Price	\$750,000	\$431,250
Monthly Base Rent		
Operating Costs as % of Gross		
Estimated Project Cost		
Construction Cost/SF	\$204	\$227
Total Construction Cost	\$510,750	\$567,500
Project Impact on Value		
Indicated Residual Land Value	\$126,750	\$165,625
Residual Land Value/Unit	\$126,750	\$82,813

Portland residential infill projected pricing estimates comparison by Johnson Economics.

But \$431,000 is not exactly cheap, even for a brand-new home.

"You need a four-plex to get at least one of those units into the \$100,000 to \$150,000 range," said Garlynn Woodsong, a northeast Portland neighborhood advocate who has developed a four-plex and a three-plex out of old buildings in his area.

Danell Norby, who represents advocacy coalition Anti-Displacement PDX on the residential infill project, said the project doesn't do as much as it could to increase the number of homes in Portland.

"On the one hand, lower rates of redevelopment may increase the likelihood of longer-term residents staying in their neighborhoods, and the lower per-unit price is of course a good thing," she wrote in an email. "But even if home prices are lower than they would otherwise be, lower-income families are still at risk of being outbid. There's tons of competition, and we need more housing."

Norby suggested expanding the focus area to include *all* of Portland's residential land instead of the

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outside the city's proposed residential infill project area, so they weren't analyzed here. Mostly that's because the other land isn't zoned residential.)

Note, for example, that much of Cully, St. Johns, and southwest Portland would gradually be replaced by McMansions:

Projected demolitions in Portland, OR, in next 20 years, without residential infill implementation, map by Johnson Economics.

Here's where demolitions would be most likely under the city's proposal *with* the residential infill project, according to the economic analysis. Note that there are still lots of red (higher-demolition) areas, but they're less intense. And there are more areas of solid blue, the least likely to see redevelopment. So neighborhoods like Cully, St. Johns, and southwest Portland would still see most of the change, but they'd see notably less:

Projected demolitions in Portland, OR, in next 20 years, WITH residential infill implementation, map by Johnson Economics

In an interview last month, the economist who did the analysis above called the city's proposal "an interesting compromise."

"You'll be knocking down less buildings," Jerry Johnson said. "You'll get more units, and they'll be at a lower price point, generally."

Johnson said that when he got the assignment from the city, he wasn't sure what his model would turn up and wasn't even sure what the city hoped his analysis would conclude.

"It's rare that I'm involved in one of these processes where I don't sort of know... what's trying to be accomplished," Johnson said. Then he laughed. "Heck, maybe it's better. They just ask me a question and I give them an answer."

What sort of homes might Portland re-legalize? Check it out

So, it's clear that Portland faces serious affordability and displacement challenges, as discussed above. And Portlanders, in their plucky, problem-solving, community-minded way, are eager to find solutions together. Facing [the spread of startlingly expensive housing across Portland](#), city officials are considering re-legalizing certain types of housing in many of its residential areas.

Find this article interesting? [Support more research like this with a year-end gift!](#)

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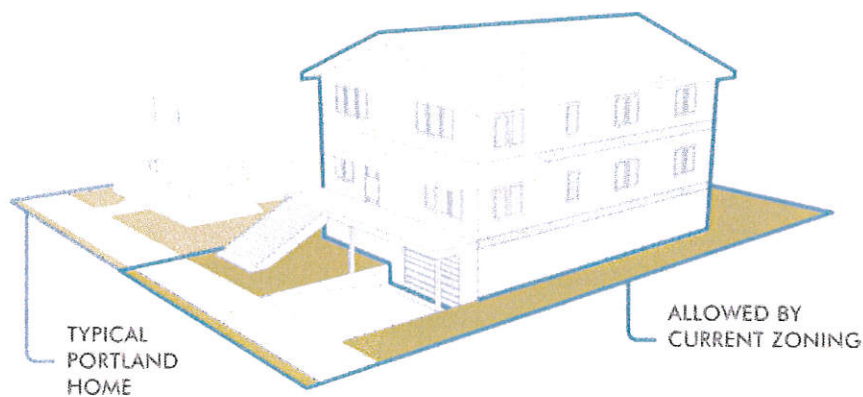
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But some Portlanders are very, very upset about this idea. In August, one group marched through Southwest Portland with preprinted signs saying “Don’t Rezone Us” (DRU). Margaret Davis of United Neighborhoods for Reform (UNR) **described the concept** as “rezoning huge swaths of the city.”

The building on the right in the above image is what they’re talking about.

And whether or not groups like DRU and UNR like it (or even know about it), there are lots of buildings like it scattered through Portland’s neighborhoods *already*. Notably, though, almost none of them is new, because in 1959 the city made it illegal to build any more triplexes in most Portland residential areas.

So what *is* currently legal to build instead of triplexes? This:



A typical Portland home vs the maximum 6,750-sf single-family home size allowed under current Portland law. The city’s proposal is to reduce this allowable maximum to 2,500 sf. Rendering by Courtney Ferris (used with permission).

To be fair, the 6,000-square-foot McPalace on the right is the largest that could possibly be built, not what is in fact currently being built. Last time the city checked (in 2013), most new homes on standard residential lots were between 2,500 and 4,000 square feet, and it’s unlikely that they’ve shrunk since.

By comparison, the “typical Portland home” pictured on the left, hypothetically built in 1920, is 1,700 square feet (not counting that cool porch).

The city’s **most recent proposal** is to **cap all new buildings on standard residential lots at 2,500 square feet total**. This would prevent the largest 60 percent of new single-family homes—the McMansions, in other words—from ever being built.

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Again, the **economic study noted above** concluded that this new maximum on the size of homes would reduce the number of demolitions in the city over the next 20 years. That's because, with smaller maximum home sizes, demolitions would become less profitable. Mostly, this would happen by reducing the number of 1:1 demolitions (McMansions) and 1:2 demolitions ("skinny houses").

No, legalizing triplexes would *not* mean most houses would suddenly be knocked down to build a triplex

This seems to be the fear expressed by people like Davis or Midge Pierce of the Southeast Examiner (another **vocal critic**), and it's understandable. But the key reason why this wouldn't happen, according to the economic study, is the new cap on building size.

For a demolition to occur, one simple thing needs to be true: a building needs to be more valuable as vacant land than it is as a building. Here's the algebra of demolition:

Original Sightline Institute graphic, available under our free use policy.

If that formula isn't true, then demolition won't happen.

By shrinking the size of new buildings, Portland would greatly reduce those buildings' potential sale price and therefore the number of demolitions that are viable. The other difference is that when demolitions do occur, the city's proposal would ensure that instead of replacing one small home with one huge home, they'd replace one small with two or three small homes—reducing displacement instead of enabling it.

To actually reduce home prices, we need to legalize small homes *and* block big ones

Unfortunately, simply *reducing demolition* wouldn't do anything to help Portland's affordability problem, which is **one of the goals** of the residential infill project. If all building in the city stopped tomorrow, it would only accelerate the process by which tens of thousands of little old bungalows are **gradually becoming as expensive as McMansions**.

That's why the city is also considering **re-legalizing duplexes** in residential zones up to exactly the same size as new single-family homes:

A duplex totaling 2,500 square feet (two 1,250-sf homes), a housing option that would be available under the proposed Residential Infill Project.
Rendering by Courtney Ferris (used with permission).

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Another idea that isn't in the city's [latest proposal](#)—but that could be—would be to make it legal to put a fourth unit on a lot, as long as at least one of the four is both **affordable** to lower-income households and **accessible** to people with disabilities.

A four-plex totaling 2,500 square feet, inclusive of an affordable, accessible unit, a housing option not yet included under the proposed Residential Infill Project. Rendering by Courtney Ferris (used with permission).

Or the city could take a further step toward preventing demolition by making it legal to **internally divide an old building** into multiple homes. There could be lots of options for this, as long as the structure and any on-site trees were preserved:

A four-plex totaling 2,500 square feet, inclusive of an affordable, accessible unit, a housing option not yet included under the proposed Residential Infill Project. Animated rendering by Courtney Ferris (used with permission).

Of these options, only the last one—the four-plex with a cost-control requirement—would directly create a *new* home that's affordable to lower-income Portlanders. Again, this isn't part of the city's latest proposal.

The other ideas above do still advance affordability, though:

- 1) They'd slow price increases citywide by creating additional homes that give middle-class people somewhere to move that doesn't displace a person or family with lower income or wealth.
- 2) They'd make it possible for more homes in Portland's residential zones to be within reach of the city's middle class.

Most Portlanders would probably agree that both of these goals are good. But most Portlanders probably want people with lower incomes and wealth to benefit from housing policy changes, too.

Portland for Everyone [published a followup article](#) that explores the Residential Infill Project's potential for Portland households with lower incomes and wealth.

Portland for Everyone supports abundant, diverse, affordable housing. [Its blog](#), from which Sightline Institute gained permission to repost these articles, is a reported effort to explore the ways to achieve those goals. You can [learn how to influence the residential infill project here](#).

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LEGAL ARTICLES



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OP-ED: Portland Seeks to Cross Threshold with Strict House Size Limits

May 22, 2018

On May 8, the Portland Planning and Sustainability Commission held its first hearing on the Residential Infill Project, which includes strict size limits for single-family homes that can be built or remodeled in most areas of the city. To that end, the city's proposal would limit house size to 50 percent of lot square footage, although certain basement and attic spaces will not count toward the maximum.

This is the first time in recent memory that the city has attempted to limit house size as a general matter, and if the regulations are adopted, Portland will become one of only a few Oregon jurisdictions with residential floor area ratio (FAR) limits. The City Council and the city's planning staff have promoted this change as a way to reduce the impact of new development on existing neighborhoods while artificially constraining the values of existing homes. However, the proposed FAR limit – especially in such a restrictive form – would, if adopted, bring city regulation deeper into the private sphere but probably not create enough

WRITTEN BY

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housing to justify the intrusion.

The strictness of the proposed limit is noteworthy. For the typical 5,000-square-foot Portland lot, new and remodeled houses will be limited to 2,500 square feet of floor area. To put this in perspective, current single-family zone setbacks and height maximums would, in theory, allow a home of up to 6,750 square feet on the same lot. Thus, the 2,500-square-foot maximum is a 62 percent reduction in the potential size of a home on the most common Portland lot. On larger lots, homes can be larger but are still limited in proportion to lot size.

The Residential Infill Project was originally focused on providing additional allowances for duplexes and accessory dwelling units (ADUs) – policies that have the virtue of increasing options for new units in existing neighborhoods. In the background, a general 2,500-square-foot limitation on single-family homes arose as a way of assuaging neighbors' objections to the feared proliferation of ADUs and newer-style homes, which tend to have a larger footprint.

Unlike typical zoning standards such as setback requirements and height maximums, which focus on the direct impact of a home on its neighbors' access to air and light, a limit on house size really gets at tensions related to neighborhood change and image, the skyrocketing price of homeownership, and perceptions of increasing inequality in perhaps its most visible form.

Proponents seem to come from two camps: those who do not want to see houses out of scale with their own and those who believe that a limitation on house size will somehow reduce the costs of housing.

Whether this limit will actually affect housing availability depends on whether you ascribe to the supply side or price control approach to housing policy. An economic analysis commissioned by the city suggests that the new residential FAR limits will slow redevelopment of single-family neighborhoods and generally reduce the value growth of single-family properties, the cooling effect of which will likely offset predicted new housing production – estimated at only 86 new units per year.

Also, one can reasonably question whether keeping all houses to a maximum of 2,500 square feet will somehow make them affordable.

Instead, the proposed limit will likely have a simple deadening effect: increasing construction costs and high city fees often make construction of smaller single-family homes uneconomical, which has induced many builders to focus their production in other cities – a trend that this proposal would only exacerbate. Neighborhood aestheticians and those who already have houses larger than 2,500 square feet are the big winners here.

Absent from this discussion is any consideration of the rights being lost by current and future homeowners, or any recognition that a residential FAR limit constitutes the city's crossing of a long-standing regulatory threshold. Aside from the sheer invasiveness of this proposal, there are many practical reasons not to go there. First and foremost, house size principally relates to peoples' private lives and only indirectly determines how they impact their neighbors. For many families, house size is driven more by family size than a desire for luxury and certainly is a factor in whether they can establish a multi-generational household. Second, by extending to remodels, the proposed limit will substantially cap how much sweat equity people can build from their homes, which smacks of ladder-pulling when one considers just how many Portlanders already have houses larger than 2,500 square feet.

The proposed alternatives are not more affordable. For those lucky enough to own a home, buying a house on a larger lot is not necessarily feasible and will only become more unaffordable if this proposal is adopted. Then consider the considerable city permitting fees and high construction costs of building an ADU. At the end of the day, adding to one's house is still the most affordable option when new kids are born, mother moves in, or a simple increase in comfort is sought. It is also one of the best ways for younger families to build wealth.

A rejoinder to the points above could be that FAR regulations are common in multifamily and commercial contexts, so why not regulate single-family homes the same way? The problem with that argument is that it ignores how differently people see their own homes than do developers evaluating a pro forma on a project. Homes not only reflect current market preferences – much different from those when most Portland neighborhoods were first developed – but also include the expectation that, within some general boundaries, owners can do with them what they wish.

The Residential Infill Project will not limit house size in most of the city's upscale west-side neighborhoods. But for those of us living on Portland's flatter land, the proposed limit will become a major downside when considering reinvestment in existing homes and be yet another factor in choosing where to raise a family. True, it is entirely possible to raise a whole passel of kids in a 2,500-square-foot house. However, at some level, it should not be up to the City Council to make that choice for anyone. This will not be a bell easily un-rung, so we can only hope that the Council considers these substantial downsides and errs on the side of regulatory humility when deciding the issue.

Column first appeared in the Daily Journal of Commerce on May 18, 2018.

McMansion Ordinances/Overlay Zones Limiting Square Footage

Cities nationwide are preserving historic neighborhoods and facilitating smaller residential footprints via McMansion Ordinances.

Cities are working to preserve the character of their older neighborhoods using “McMansion” ordinances that also may have positive implications for sustainable consumption. These ordinances use a combination of Floor Area Ratios (FARs), maximum gross square footage, building height limits, setbacks and other design standards to help limit new construction, remodels and additions to sizes that are compatible in scale and bulk with existing neighborhoods.

In Austin, Texas, the McMansion Ordinance (or [Residential Design and Compatibility Standards](#)) now covers the vast majority of neighborhoods within the city limits. In Los Angeles, California, an interim McMansion Ordinance (or [Neighborhood Conservation Interim Control Ordinance](#)) covers 20 neighborhoods but is set to expire in 2017, while updates to a permanent ordinance are being crafted. (In 2008, a similar ordinance was passed but loopholes in the code made it ineffective.) The Los Angeles ordinance also includes a moratorium on building and demolition in historic districts. Portland, Oregon is including similar restrictions as part of a larger Residential Infill Development Project.

The City of Austin produced this [training presentation](#) to explain how each element of the ordinance plays out spatially.



Examples of McMansions

Value Proposition for Sustainable Consumption

By limiting the size of new construction, remodels and additions, McMansion ordinances help to advance sustainable consumption in the following ways:

- Smaller-sized units require fewer materials to build and lower consumption of utilities like water, gas, and electricity than traditional single-family homes or condominiums. Smaller homes also require fewer materials to construct. As a result, small homes produce fewer lifecycle greenhouse gas emissions than larger homes.
- Smaller-sized dwellings create a cap on the amount of material goods that residents can fit into their homes, encouraging them to acquire fewer possessions and share tools, equipment and other material goods.
- Preserving and using existing dwellings requires fewer materials for maintenance or renovation than new construction.
- By limiting home sizes, property values do not rapidly increase, and potential gentrification is staved off.

Potential City Roles

- **Support & Educate**—Provide easily understood guidance and technical assistance regarding the ordinance to homeowners, builders and developers.
- **Make Policy Adjustments**—Develop an ordinance specifically calling out maximum building sizes for housing. These maximum sizes can be fixed or relative, e.g., no more than X percent larger than the average of other houses on the same street.

Implementation Challenges and Potential Solutions

- **Pushback from developers, building trades and professions, and homeowners**—This type of ordinance is almost certainly going to stir up fear and controversy. Two common arguments

are limited in size or prohibited. And, in areas where land value is very high, it does make financial sense to build a larger house. It is important to introduce and maintain a strong marketing campaign that explains ordinance benefits and to prepare clear, readily understandable responses to common questions and concerns. Finally, it's important to engage community members who will benefit from stability in property and home prices as well as the preservation of their neighborhood's character to provide support as proposals are rolled out.

- **Unintended loopholes in code can limit the efficacy of these ordinances.** Loopholes to watch out for include: Excluding garages, balconies or other unconditioned space in floor area calculations; exemptions or bonuses for elements such as green building materials, building massing proportions and design elements; and exemptions for double volume (height) rooms.

Further Resources

- Austin: [Residential Design & Compatibility Standards \(McMansion Ordinance\)](#)
- Los Angeles: [Neighborhood Conservation Interim Control Ordinance](#)
- LA Progressive: [LA's McMansions Fight](#)
- Portland: [Residential Infill Development Project](#)

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LA's McMansions Fight



Q: Is City Hall finally taking on the mansionization of Los Angeles Neighborhoods?

A: It depends on you.

Reform has finally started on the LA's failed Baseline Mansionization Ordinance and Baseline Hillside Ordinance (BMO/BHO). The Planning Department has recently published its draft amendments and already held two [public workshops](#).

To read the full draft, click on this link ([BMO/BHO Draft Amendments](#)), or go to the web page of the city's Office of Historic Resources, select Updates, and then BMO/BHO Draft Amendments.

The Timetable

The Planning Department is aiming for City Council adoption of the mansionization amendments in late summer 2016, following public workshops, environmental review, public comment, a staff report, and public hearings before the City Planning Commission and the City Council's Planning and Land Use Management Committee (PLUM).

The first step is a series of public outreach meetings now underway in different parts of Los Angeles.

The two remaining outreach meetings are coming up *fast*:

Tuesday, December 15, 2015, 7 – 9 PM

Ronald F. Deaton Civic Auditorium,
100 W First Street, Los Angeles
(Corner of Main Street & West First)

Wednesday, December 16, 7 – 9 PM

Van Nuys Marvin Braude Constituent Center, Conference Rooms 1a and b
6262 Van Nuys Blvd., Los Angeles

Below you will find a summary of the draft amendments, a position statement, and sample emails and talking points.

For background info, contact info, a point-by-point pushback against mansionizers' bogus arguments, a link to the draft amendments, or info on yard signs [please go here](#).

Summary

The city's draft amendments stick close to [Councilmember Koretz's original Council Motion](#), although they weaken it by retaining two loopholes. On the positive side they eliminate the amendments eliminate the 400 square foot freebie for attached garages. But, on the negative side

they retain one bonus and one exemption, despite the City Council's clear direction to remove all loopholes that contribute to mansionization.

The city's draft amendments	The current zoning code (BMO and BHO)	Our position
Includes square footage of attached garages when calculating size of house.	Excludes up to 400 square feet of attached garages when calculating the size of house.	Yes! This gets rid of 400 s.f. of bloat and discourages designs that violate the character of many older neighborhoods.
Drops the base floor area ratio to 0.45 for lots below 7500 sq feet and 0.40 for lots above 7500 sq feet.	Uses 0.50 percent for lots below 7500 sq feet and 0.45 for lots above 7500 sq feet.	Yes! These ratios are much more compatible with the scale of residential neighborhoods.
Eliminates most, but not all, of the bonuses.	Grants bonuses of 20 % of base FAR for "green" building materials, "articulated" front facades, and "proportional" stories (second story smaller than the first).	Drops two bonuses that permitted mansionization (green building materials and articulated front facades), but retains 20 % bonus if a second story is smaller than the first story.
Keeps the 20 percent bonus for proportional stories if the second floor is no more than 60 percent of the first floor.	Gives the 20 percent bonus if the second floor is no more than 75 percent the size of the first floor.	Better formula, but it allows the s.f. of a house to increase around 600 s.f. This bonus should go or become discretionary.
Eliminates the exemption for "double-height" space.	Allows up to 100 square feet of "double height" rooms, usually entryways.	Yes! This eliminates another 100 sq feet of bulk.
Keeps the exemption for roofless or "lattice top" patios, balconies, breezeways. But sets no limit at all on the size of the exempted areas.	Up to 250 square feet of patios, balconies, and breezeways exempted from square footage calculations.	! Danger ! Exemptions invite manipulation and abuse. Need to totally close this loophole. If retained, it could allow McMansions.
Zoning Administrators can grant 10 percent "adjustments" without public oversight.	This is the same as in the current zoning code.	In addition to variances, the city is creating flexible zoning tools tailored to individual neighborhoods. We don't need the zoning "adjustments."

Position of No More McMansions in Los Angeles

- Completely eliminate the exemption for semi-enclosed patios, breezeways, and balconies.

- The 20 percent by-right “proportional stories” bonus should also be eliminated. If retained in any form, similar to all other “discretionary” processes that increase the size of a project, the Planning Department should review applications for this bonus through a properly noticed public hearing, followed by an appealable determination.
- Eliminate the 10 percent Zoning Administrator “adjustment.”
- The BMO amendments will take effect before the ICOs. Confirm that once the amendments are adopted, ICO and RFA neighborhoods will be subject to either their overlay ordinance or the BMO/BHO, whichever ordinance is more restrictive.

The game plan: Show up and speak up!

- Rally your neighbors.
- Ask your Council office, homeowners' association, residents' association, and/or neighborhood council to speak out for meaningful reform of the two mansionization ordinances.
- Go to the remaining public outreach meetings on December 15 and 16, 2015.
- Follow up with comments of support to Council Office and City Planning
- E-mails: Subject line should include: BMO/BHO Amendments, CF #14-0656

Distribution should include Hagu Solomon-Cary (hagu.solomon-cary@lacity.org).

Important talking and writing points

The city's Baseline Mansionization Ordinance and Baseline Hillside Ordinance (BMO/BHO) failed. As a result, mansionization is ruining neighborhoods all over Los Angeles. Now the Planning Department has proposed important amendments to these two ordinances. This time, however, City Planning needs to get it completely right, not – as before – still permit McMansions through remaining backdoor loopholes.

Mansionization eliminates affordable single-family neighborhoods in Los Angeles. The speculators target smaller, affordable houses and replace them with McMansions that are, on average, three times the size and price. They are now eliminating about 2000 such affordable houses per year, and this will continue until it is finally stopped.

Uncovered (or “lattice roof” patios, breezeways, and balconies are not counted as floor space. This is just the kind of loophole that turns houses into McMansions. With or without a roof, these spaces add bulk. We need to totally close this exemption and count all such structures as floor space.

The “proportional stories” bonus should go. If retained in any form, it should no longer be awarded by-right, but should become a discretionary entitlement handled by City Planning. The City Council directive to City Planning was clear that any bonus that promoted mansionization should go, and this bonus can add 600 square feet to the size of a house. In some cases this might be warranted, but it needs to be considered by City Planning through a public hearing that results in an appealable written determination. The case for the increasing the size of a house must be spelled out in detail, not awarded in secret by the Department of Building and Safety.

“**A** adjustments” of 10 percent can be granted by Zoning Administrators behind closed doors. The city already has a process for variances, and now it is also creating many zoning tools tailored to the needs of individual neighborhoods. We do not need additional “adjustments” that increase the size of houses.

Dick Platkin

For further information:

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