

UDO-CC15: Accessory Dwelling Units (ADUs) Frequently Asked Questions

What is an Accessory Dwelling Unit (ADU)?

Accessory dwelling units (ADUs) are small dwelling units that are subordinate or secondary to the principal home on a lot and provide similar amenities to a standard house. An ADU can be created by converting a basement or attic in the principal structure, expanding the principal structure, constructing a separate building, or converting an existing accessory structure, such as a detached garage.

What is the approval process this text amendment proposes for ADUs? How is it different from how ADUs are currently approved?

With the proposed amendment, ADUs would be permitted by the Planning and Development Services staff if the specified conditions listed in the ordinance regarding size, setback, height, etc. are met. Currently in the City, a property owner wishing to develop an ADU on their property must go through the Special Use rezoning process which requires City Council approval. This process takes a minimum of two months to complete and has a review fee of \$1,000.

Under the proposed ordinance, will the public have an opportunity to comment on a proposed ADU?

No. Under the proposed amendment, a property owner seeking to develop an ADU on their property will not have to conduct public outreach or go through a public hearing process. If the owner meets the conditions outlined in the ordinance, the ADU will be permitted by staff, similar to other accessory structures already permitted under this process.

How does the proposed language compare to language proposed by Planning staff in 2017?

The language is similar in nature but simpler, with a streamlined review process based on those which have been established in peer cities recently. See the attached table for a full comparison between the current ordinance, the proposed language, and the 2017 proposed language.

Is there an alternative compliance process in the proposed amendment for projects which cannot meet any of the provisions?

No. There is no alternative compliance provision in the proposed language.

Does the proposed amendment require parking for ADUs?

The new provision removes the current parking requirement of one off-street parking space per ADU so that no additional parking is required to build an ADU. Parking for the ADU will be provided by existing off-street or on-street parking. This will reduce development costs and impervious coverage for ADUs.

What principal uses allow an accessory dwelling unit? In what zoning districts can a property owner develop an ADU?

An ADU can only be developed in conjunction with a single-family residence. An ADU is permitted in any zoning district that permits single family residences or Class A manufactured homes. These districts include all single-family and multifamily residential districts, Neighborhood Office (NO), Limited Office (LO), Neighborhood Business (NB), Pedestrian Business (PB), Central Business (CB), Institutional/Public (IP), Mixed-Use, Special Use (MU-S), and Entertainment (E).

How does this amendment relate to restrictive covenants for homeowner associations?

The amendment will have no impact on current or future restrictive covenants recorded by homeowner associations. Such covenants are agreements drafted among private property owners which the City does not write or enforce. HOAs will still be allowed to restrict what can be built on each lot in the subdivision and how a property is rented if they choose. As such, certain developments may choose to place limits on the use of ADUs.

Will any type of stormwater review or control measures be required with the development of an ADU?

Like other accessory structures, ADUs do not trigger stormwater or erosion control review or measures given the modest area of site disturbance. For stormwater regulations, developments that cumulatively create less than 20,000 square feet of built-upon area (BUA) are exempt from the quantity management provisions of the City Code. For erosion control, the minimum threshold for review is 10,000 sf of disturbance.

Can an ADU be used as a short-term rental and listed on platforms such as Airbnb and VRBO?

Yes, ADUs can be used for short-term rentals. Currently, there are no restrictions on what residential properties can be used for short-term rentals, or the duration of rental contracts in the City. A special review or permit is not required to use property as a short-term rentals.

City ADU Amendment Comparison

	2021 Proposed Provisions	Current Provisions	2017 Proposed Provisions
Approval Process	Permitted with Conditions: <ul style="list-style-type: none"> Zoning Official approval if conditions met No Elected Body review 	Special Use District Rezoning: <ul style="list-style-type: none"> Elected Body Approval \$1,000 min. fee 2-month process 	<u>Attached:</u> Zoning Official approval if conditions met <u>Detached:</u> Special Use Permit
Principal Use	<u>Attached:</u> residential building, single-family <u>Detached:</u> residential building, single-family or manufactured home, class A	Residential building (stated in definition)	Single-family residential
Number Allowed	1	1	1
Parking	No parking requirement	1 space	1 space
Size	<u>Attached:</u> No change proposed <u>Detached:</u> 70% of principal, 1,000 sf maximum. 576 sf allowance no matter principal square footage	Accessory Structure Provisions: <u>Attached:</u> 50% of principal heated floor area, 1,000 sf maximum <u>Detached:</u> 5% of lot, 25% of rear yard, allowed 576 sf not matter size of lot	<u>Attached:</u> 30% of principal heated floor area, 1,000 sf maximum <u>Detached:</u> 5% of lot area, 1,000 sf maximum; in GMA 3, 1,500 sf max for lots 40,000 sf or larger; in GMA 4 and 5, cannot exceed size of principal **Consideration of larger size possible through Special Use Rezoning process
Setback	<u>New construction:</u> 5 ft from rear and side property lines <u>Accessory Structure Conversions:</u> NC Building Code regarding setbacks	Accessory Structure Provisions: <u>Interior Lot:</u> 75 ft. from front lot line and 5 ft. from side and rear lot line <u>Corner Lot (side yard placement):</u> 75 ft. from front lot line and 3 ft. from side or rear lot line Corner <u>Corner Lot (rear yard placement):</u> 75 ft. from front lot line and cannot project beyond front setback line of adjacent lot	<u>Residential districts:</u> 50% of the required rear setback for the district. The minimum side setback for the district remains the same. <u>Nonresidential districts:</u> 12.5 ft. rear setback; 7 ft. side setback
Height	<u>Attached:</u> Cannot exceed height of principal <u>Detached:</u> 25 ft.	Accessory Structure Maximum (17 ft.)	24 ft. maximum for all accessory structures
Lot Requirements	N/A	N/A	<ul style="list-style-type: none"> 9,000 sf lot minimum Principal occupies no more than 30% of lot