

DISCUSSION

ACCESSORY DWELLING UNIT (ADU) PROPOSED UPDATES

TOWN COUNCIL MEETING
APRIL 15, 2025



ACCESSORY DWELLING UNITS (ADU)

2018 Town Adopted Chapter 17.61 Regulating ADUs

- An “accessory dwelling unit” (ADU) is a secondary smaller, independent residential dwelling unit located on the same lot as a single-family home.
- Intent of Town ADU regulations is to provide:
 - (i) alternative housing options to make more efficient use of existing housing stock and infrastructure,
 - (ii) flexible use of space for property owners, and
 - (iii) a mix of housing type that responds to changing family dynamics.

ACCESSORY DWELLING UNITS (ADU)

- Allowance – Allowed in all residential zoning districts unless expressly prohibited in PD Zoning Regulations
- Approval Process – Internal ADU’s are Administrative, Detached or Addition’s are UBSR (Neighborhood meetings & two Public Hearings)
- Owner Occupancy/Dual Rental - The property owner must occupy either the primary dwelling unit or the ADU. A deed restriction is recorded prohibiting the concurrent renting of both the primary dwelling unit and the ADU.
- Size – Interior ADU floor area shall not exceed 50% of the primary dwelling unit. Detached ADUs or Addition’s to the primary dwelling unit shall not exceed eight hundred square (800) feet building footprint.

PROPOSED CHANGES

- Allowance – Allowed in all residential zoning districts ~~unless expressly prohibited in PD Zoning Regulations~~
- Approval Process – ~~Internal ADU's are Administrative, Detached or Addition's are UBSR (Neighborhood meetings & two Public Hearings)~~
- Owner Occupancy/Dual Rental ~~Prohibited~~– The property owner must occupy either the primary dwelling unit ~~or the ADU~~ **at time of permitting. No requirement for owner occupancy after that.** ~~A deed restriction is recorded prohibiting the concurrent renting of both the primary dwelling unit and the ADU.~~ **Town is allowed to regulate ADUs for short-term rentals if desired.**
- Size – Interior ADU floor area shall not exceed 50% of the primary dwelling unit, **or 750 sqft whichever is greater.** Detached or Addition's to the primary dwelling unit shall not exceed eight hundred square (800) feet building footprint.
- Setback – **Side setbacks to match setback for accessory structures, unless those setbacks are more restrictive than for the primary structure. Rear setbacks to match setback for accessory structures , however if no rear setback in zone district, it will be 5ft.**

RECOMMENDATION

Staff recommends updating the ADU code to be in compliance with HB24-1152 and improve the homeowner permitting process. Staff recommends bringing forward an ordinance amendment to:

- Eliminate the UBSR process for all ADUs in favor of administrative review
- Remove perpetual owner-occupancy requirements, while requiring proof of owner occupancy at the time of permit
- Set a minimum size for interior ADUs at 750 sq ft
- Clarify setback rules to ensure they are not more restrictive than those for primary structures
- Allow ADUs in all single-family areas, including those with prior PD limitations

PROPOSED MOTIONS

“I move to direct staff to bring back an ordinance amending the ADU regulations as discussed tonight.”

Alternative Motion

“I move to direct staff to bring back an ordinance amending the ADU regulations as discussed tonight with the following changes

_____.”

QUESTIONS?

