

Postponed indefinitely 9/9/03

Submitted by: Assemblymember Van Etten

Prepared by: Department of Assembly

For reading: February 25, 2003

ANCHORAGE, ALASKA

AO NO. 2003-47

Section 1. That a new Section 21.45.035 of the Anchorage Municipal Code is enacted to read as follows:

21.45.035 Accessory Dwelling Units.

A. *Definitions*

An *Accessory Dwelling Unit* (ADU) means a dwelling unit added to or created within an existing single-family residence, or a preexisting or newly constructed detached building with a living unit and garage capable of housing two vehicles, which living unit has not less than two hundred twenty square feet of floor area and is provided with a separate closet, kitchen sink, cooking appliance, refrigeration facilities, and a separate bathroom from the principal dwelling unit.

Owner means a property owner as reflected in title records who makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, or similar means.

Single family residence means a structure maintained and used as a single dwelling unit.

B. *Purpose and Intent*

The purpose and intent of this section is to fulfill housing policy goal #15 of the 2020 Comprehensive Plan, which provides that accessory housing units shall be allowed in certain residential zones;

2. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
3. Allow more efficient use of existing housing stock and infrastructure;

4. Create new housing units while respecting the look and scale of single-dwelling development;
5. Adapt to changing housing needs by providing a mix of housing that responds to changing family needs and smaller households;
6. Provide 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;
7. Stabilize home ownership and enhance property values; and
8. Provide a broader range of accessible and more affordable housing.

C *Standards and Criteria.* ADUs shall meet the following standards and criteria:

1. One ADU is allowed per single family residential lot as a subordinate use in connection with an R1, R1-A, or R-10 district.
2. The principal dwelling unit footprint area, excluding garage, before the establishment of the ADU must be not less than eight hundred square feet.
3. The size of the ADU must be not less than two hundred twenty square feet and not more than eight hundred square feet, excluding any related garage area. An ADU created by internal conversion of the principal dwelling unit may not exceed 50% of the total living area of the principal dwelling unit.
4. An ADU may be established by one of the following methods:
 - a. Internal conversion, including the basement or attic, of the principal structure. Minor changes to the exterior of the building may be made for entrance location;
 - b. Attached additions to the principal structure when the addition is designed to maintain the appearance of the main building as a single-family residence. Additions that extend beyond the current footprint of the principal building must be consistent with the existing roof pitch, siding, and windows. Additions to the front of the principal dwelling are not allowed; or

- c. Construction of a detached ADU on a site with an existing house in conformity with the standards and criteria set forth in 21.45.035C1-13. A detached ADU must include at least a two-vehicle garage.
5. If a separate outside entrance for an ADU is required, it must be located at a 90 degree angle or greater in relation to the principal street.
6. The ADU must utilize those municipal utilities and address established for the principal dwelling unit.
7. One off-street parking space is required for an ADU, in addition to any off-street parking spaces required for the principal residence.
8. No home profession or day care center is allowed in the accessory unit.
9. The principal dwelling or the ADU must be an owner-occupied residence.
10. The ADU must meet all technical code standards of the Anchorage Municipal Code, including building, electrical, fire, and plumbing code requirements.
1. ADUs are subject to the underlying zoning and code setback, height, and building coverage standards for residential uses. Footprint dimensions of a second story detached ADU cannot extend beyond the lower structure.
12. An ADU permit is not transferrable to any other property or any other person except as described in the application.
13. Approval of an ADU expires when:
 - a. the ADU is altered and is thus no longer in conformance with the plans approved by the planning and zoning and code enforcement departments; or
 - b. the property ceases to maintain the required off-street parking spaces for the accessory and principal dwelling units; or
 - c. the legal title holder of the property does not own and reside in either the principal or the accessory dwelling unit.

D. *Application Procedures*

1. Any property owner seeking to establish an ADU must first file with the planning and zoning department an application and, in addition, must obtain a building permit and a certificate of occupancy from the building official.
2. The property owner must file the completed ADU application form affirming that at least one legal title holder will occupy the principal dwelling or the accessory unit and conform to the requirements of the permit and the requirements of this chapter.
3. The approved ADU application shall be filed as a deed restriction with the Anchorage Recording District to indicate the presence of the ADU, the requirement of owner-occupancy, and conformity with the requirements of the permit and the requirements of this chapter. A copy of the recorded deed restriction must be provided to the planning and zoning department prior to the issuance of a building permit or safety inspection.
4. Notice of the approved ADU is published in a newspaper of general circulation and on the Municipality of Anchorage website.

Section 2. One year from the date of passage, the assembly may conduct a review of this ordinance, provide commentary, and recommend amendments to further the purposes of this legislation.

Section 3. This ordinance shall become effective upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this day of _____, 2003.

Chair

ATTEST

Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2003- 47

Title: Amending AMC Title 21 by Enacting a New Section 21.45.035 - Accessory Dwelling Units

Sponsor: Assemblymember Van Etten

Preparing Agency: Department of Assembly

Others Impacted: Development Services

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$	\$	\$	\$	\$
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$	\$	\$	\$	\$
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

If the AMC is amended to allow Accessory Dwelling Units (ADU) in specified single family residential districts, the additional construction and enhancement to the property may result in an increase to the assessed valuation. An increase in the assessed valuation would allow for the collection of additional taxes.

PRIVATE SECTOR ECONOMIC EFFECTS:

If a potential homeowner was allowed to add ADU (AKA "mother-in-law apartments"), an increase in the assessed valuation of the property may be realized.

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MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 47-2003

Meeting Date: February 25, 2003

From: Assemblymember Van Etten
Subject: **AMC 21.45.035 Accessory Dwelling Units**

I have prepared an ordinance authorizing placement of Accessory Dwelling Units (ADU) in specified single family residential districts. Accessory dwelling units are more colloquially referred to as "mother-in-law apartments," and can provide single family residential homeowners with an opportunity to enhance the value of their property and provide separate living facilities for uses such as a mother-in-law apartment, rental facility, or as separate guest quarters for visitors. Accessory dwelling units meet the goals of the 2020 Comprehensive Plan and fulfill many beneficial purposes as set forth in the purpose and intent section of the ordinance. Generally, the ordinance authorizes the construction of ADUs in listed single family residential zones, provides standards for their development, and adopts other requirements. My interest in introducing the ordinance is to refer it to Planning and Zoning for public comments and recommendations. I am also encouraging any person or group who is interested in commenting on the ordinance to do so at their earliest convenience.

Respectfully submitted,

Assemblymember Van Etten

As 2003-47

1 SUBJECT OF AGENDA DOCUMENT		DATE PREPARED	
An Ordinance of the Anchorage Assembly Amending AMC Title		2/13/03	
21 By Enacting a New Section 21.45.035-- Accessory Dwelling Units		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
2 DEPARTMENT NAME Assembly		DIRECTOR'S NAME	
3 THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Assembly Counsel		HIS/HER PHONE NUMBER 4420	
4 COORDINATED WITH AND REVIEWED BY		INITIALS	DATE
Mayor			
Heritage Land Bank			
Merrill Field Airport			
Municipal Light & Power			
Port of Anchorage			
Solid Waste Services			
Water & Wastewater Utility			
Municipal Manager			
Cultural & Recreational Services			
Employee Relations			
Finance, Chief Fiscal Officer			
Fire			
Health & Human Services			
Office of Management and Budget			
Management Information Services			
Police			
Planning, Development & Public Works			
Development Services			
Facility Management			
Planning			
Project Management & Engineering			
Street Maintenance			
Traffic			
Public Transportation Department			
Purchasing			
Municipal Attorney			
Municipal Clerk			
Other			
5 Special Instructions/Comments			
Introduction			
6 ASSEMBLY HEARING DATE REQUESTED		PUBLIC HEARING DATE REQUESTED	
2/13/03		5/13/03	