

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 8 / 8 / 17

Date of meeting 8 / 16 / 17

(City Council meetings are held the 1st and 3rd Wednesday of each month.)

Name of Citizen, Organization, Elected Official, or Department Head making request:

Planning Department

Address: 1123 Lake Street

Phone number and email address: 208.255.1738 aqualls@sandpointidaho.gov

Authorized by: Aaron Qualls

name of City official

City official:

Aaron Qualls

(Department Heads, City Council members, and the Mayor and City officials.)

Subject: Accessory Dwelling Regulations Amending Ordinance

Summary of what is being requested: Adoption of Ordinance amending Sandpoint City Code §9-1-8

The following information MUST be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city? Yes No

If yes, in what way?

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Have they been contacted? **Yes or No**

3. Is there a need for a general public information or public involvement plan? **Yes or No**

If yes, please specify and suggest a method to accomplish the plan: Yes No

4. Is an enforcement plan needed? **Yes or No** Additional funds needed? **Yes or No**

5. Have all the affected departments been informed about this agenda item? **Yes or No**

This form must be submitted no later than 5 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.

ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM

**CITY OF SANDPOINT
AGENDA REPORT**

DATE: 8/8/17

TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: Accessory Dwelling Unit (ADU) Amendments – Ordinance Prepared for Adoption

DESCRIPTION/BACKGROUND:

Following a public hearing by both the Planning Commission and the City Council, Council approved changes to Sandpoint City Code section 9-1-8 “Accessory Dwelling Regulations” which clarifies six hundred fifty (650) square foot size limit, minimizes design standards, limits height in the single family “SF” zone to twenty-six (26) feet, eliminates redundancies and provides for various minor code cleanups.

STAFF RECOMMENDATION:

Adoption of the Accessory Dwelling Regulations Ordinance

ACTION:

Motion to adopt

WILL THERE BE ANY FINANCIAL IMPACT? No HAS THIS ITEM BEEN BUDGETED?

No

ATTACHMENTS:

Ordinance for accessory dwelling regulations amendments

MINUTES
REGULAR MEETING OF THE SANDPOINT CITY COUNCIL
July 19, 2017

D. PROPOSED REVISIONS TO SANDPOINT CITY CODE TITLE 9, CHAPTER 1, SECTION 8 – ACCESSORY DWELLING UNITS

Mayor Rognstad announced that at the June 21, 2017 regular meeting, City staff provided a presentation, the public hearing was opened with no public comment and the public hearing was closed. There was a motion and second to approve the proposed amendments to Title 9, Chapter 1, Section 8 of Sandpoint City Code, then City Council approved removing the proposed added sentence under 9-1-8(A). City Council then unanimously tabled this issue.

Councilman Snedden moved that City Council remove this item from the table. **Councilwoman Ruehle** seconded the motion.

A roll call vote of Council resulted as follows:

Councilman Eddy	Yes
Councilman Aitken	Yes
Councilman Camp	Yes
Councilman Snedden	Yes
Councilwoman Williamson	Yes
Councilwoman Ruehle	Yes

The motion passed by a unanimous vote of Council.

Planning and Economic Development Director Aaron Qualls noted that City staff established a purpose and intent to 9-1-8(A) as there was concern with protecting the character of neighborhoods. **Councilwoman Ruehle** felt the proposed revisions were very subjective with very little direction for City staff. Her intent is to send this back to the Planning and Zoning Commission in order to allow for more creativity but have basic subjective standards so City staff can do their jobs. Aaron Qualls said a new regulation would limit the height to 26 feet which could arguably go to 35 feet currently. He said by striking out the first sentence under Section B, that the design of any accessory dwelling unit must be compatible with the existing neighborhood, it becomes completely objective to enforce. The Planning and Zoning Commission addressed affordability and raised concern with design standards.

Councilman Snedden noted there was concern in the past that the language under Section B had very subjective standards that a detached dwelling unit would have to match the neighborhood and the existing structure. This was eliminated because it would be difficult to administer for staff. He felt the purpose and intent strengthened the ordinance and dramatically relaxes the standards for accessory dwelling units. The only qualification for attached accessory dwelling units is that they need to match the main dwelling. Detached accessory dwelling units have a requirement where they are situated on the lot. He's comfortable with the proposal and likes the diversity. He said he's also comfortable with the risks and likes the extension of the grandfather clause as proposed. Aaron Qualls responded to **Councilwoman Ruehle** that the Planning and Zoning Commission recommended that the total height of the accessory dwelling unit shall be no more than 26 feet. The Sandpoint Comprehensive Plan encourages garages in the back. Twenty-six

MINUTES
REGULAR MEETING OF THE SANDPOINT CITY COUNCIL
July 19, 2017

feet is compatible with pitched roofs which applies to single family zones. If it's less than 26 feet, it would inhibit the ability to install one above a garage.

Councilman Snedden moved to amend to approve the amendment to 9-1-8(A), to add a purpose and intent statement. **Councilman Eddy seconded the motion.**

A roll call vote of Council resulted as follows to the amendment:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Snedden	Yes
Councilman Camp	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous vote of Council.

A roll call vote of Council resulted as follows to the main motion of June 21, 2017, as amended (excerpt from the June 21, 2017 City Council minutes) - *Councilman Snedden moved that City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, APPROVE the proposed amendments to Title 9, Chapter 1, Section 8 of Sandpoint City Code as presented by staff.*

The reasons for this decision are:

- 1. Particular consideration has been given to the effects of these proposed changes upon the health, safety and welfare of the residents and the delivery of services by any political subdivision providing public services, including school districts, within the City of Sandpoint.*
- 2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code 67-6511 and Sandpoint City Code Title 9, Chapter 9.*
- 3. The proposed amendments are in accordance with the goals and policies of the Sandpoint Comprehensive Plan.*

Councilwoman Ruehle seconded the motion.)

Councilman Camp	Yes
Councilman Snedden	Yes
Councilwoman Williamson	Yes
Councilwoman Ruehle	No
Councilman Eddy	Yes
Councilman Aitken	Yes

The motion passed by a majority vote of Council with Councilwoman Ruehle dissenting.

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 9, CHAPTER 1, SECTION 8, SANDPOINT CITY CODE, ACCESSORY DWELLING REGULATIONS; CLARIFYING SIX HUNDRED FIFTY (650) SQUARE FOOT SIZE LIMIT; MINIMIZING DESIGN STANDARDS; AND LIMITING HEIGHT IN THE SINGLE FAMILY "SF" ZONE TO TWENTY-SIX (26) FEET; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT CITY CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS: The Sandpoint Comprehensive Plan encourages a variety of housing options within the City;

WHEREAS: The accessory dwelling unit regulations are intended to provide opportunities for a variety of housing choices including the need for smaller, more diverse, and often, more affordable housing choices while ensuring compatibility with surrounding single-family residential development;

WHEREAS: Certain provisions of the accessory dwelling unit regulations have been found to be overly restrictive or inconsistent with other provisions of Sandpoint city code;

WHEREAS: The Sandpoint Mayor and City Council find it in the public interest to update the accessory dwelling unit regulations in order that such developments may become more feasible and consistent with other sections of city code;

WHEREAS: It is necessary to regulate aspects of development to protect the health, safety, welfare and character of a community and

WHEREAS: Duly-noticed public hearings were held before the Sandpoint Planning and Zoning Commission and the City Council pertaining to such amendments.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Sandpoint:

Section 1: Statement of Purpose

The purpose of these amendments is to create more flexibility within the City of Sandpoint Accessory Dwelling Regulations and to eliminate inconsistencies with other areas of Sandpoint City Code.

ORDINANCE NO. _____

Section 2: That Title 9, Chapter 1, Section 8, ACCESSORY DWELLING REGULATIONS be hereby repealed in its entirety and replaced with the following:

9-1-8: ACCESSORY DWELLING REGULATIONS:

A. Purpose and Intent: This provision provides standards for accessory dwelling units to detached single-family dwellings. These standards are intended to encourage diversity in housing types and provide for smaller, more diverse, and often more affordable housing choices that are compatible with existing neighborhoods.

B. Requirements For All Accessory Dwelling Units: All accessory dwelling units must meet the following requirements when they are the result of converting existing living area, attic, basement, or garage; adding floor area; constructing a detached accessory dwelling unit on a site with an existing primary dwelling unit, attached primary dwelling unit, or manufactured home; or constructing a new primary dwelling unit, attached primary dwelling unit, or manufactured home with an internal or detached accessory dwelling unit:

1. Maximum Allowed: Maximum of one accessory dwelling unit, either detached or attached, is allowed per parcel.
2. Conversion Of Primary Dwelling Structure: In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current structural, electrical and plumbing codes, subject to the review and approval of the building official.
3. Location Of Entrances: Only one entrance may be located on the facade of the primary dwelling unit, attached primary dwelling unit, or manufactured home facing the street, unless the primary dwelling unit, attached primary dwelling unit, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation would be entrances that do not have access from the ground such as entrances from balconies or decks.
4. Parking: Parking for the main residential structure must meet the requirements of chapter 5 of this title.
5. Maximum Size: The size of any accessory dwelling unit attached or detached may be no more than six hundred fifty (650) square feet and may include only one bedroom. Internal stairs leading to an Accessory Dwelling Unit will be counted as half the total square footage of the stairway enclosure and count as part of the total 650 square feet.

C. Creation Of Accessory Dwelling Units Through Addition Of Floor Area: Accessory dwelling units created through the addition of floor area to the primary dwelling unit must meet the following requirements:

ORDINANCE NO. _____

1. Exterior Finish Materials: The exterior finish material must be the same or visually match the type, size, and placement of the exterior finish material of the primary dwelling unit, attached primary dwelling unit or manufactured home.

D. Detached Accessory Dwelling Units: Detached accessory dwelling units must meet the following requirements.

1. Setbacks: Detached Accessory Dwelling Units above a permitted garage will be calculated based on the setbacks for detached garages. In all other cases, the accessory dwelling unit must be at least:
 - a. Fifty feet (50') from the front lot line; or
 - b. Six feet (6') behind the primary dwelling unit, attached primary dwelling unit or manufactured home.
 - c. All newly created detached accessory dwelling units must meet a minimum of ten feet (10') side and rear setbacks. Property that abuts an alley may have a rear setback of five feet (5').
2. Height: In the Single Family "SF" Zone, total height of the Accessory Dwelling Unit shall be no more than 26 feet.

E. Illegal Accessory Dwelling Units: That portion of a single-family residence which meets the definition of accessory dwelling unit which was in existence prior to November 19, 2008, may continue in existence, provided the following requirements are met:

1. The unit complies with the minimum requirements of the international building code.
2. Owners of illegal units who apply for a permit may also be given some leeway on minor violations of ADU size, lot size, setback, parking, and other requirements where full compliance would be impractical.

Section 3: Repeal and Severability

- A. That any provisions of the *Sandpoint City Code* found to be inconsistent with this Ordinance be and the same is hereby repealed.
- B. Should any provision of this ordinance be deemed unlawful or unconstitutional, such finding shall not effect the remaining provisions of this ordinance.

ORDINANCE NO. _____

Section 4: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this 19th day of August, 2017.

Shelby Rognstad, Mayor

Attest: Maree Peck, City Clerk

SUMMARY OF ORDINANCE NO.
Amendment to Sandpoint City Code Title 9, Chapter 1, Section 8 – Accessory Dwelling
Regulations

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 9, CHAPTER 1, SECTION 8, SANDPOINT CITY CODE, ACCESSORY DWELLING REGULATIONS; CLARIFYING SIX HUNDRED FIFTY (650) SQUARE FOOT SIZE LIMIT; MINIMIZING DESIGN STANDARDS; LIMITING HEIGHT IN THE SINGLE FAMILY “SF” ZONE TO TWENTY-SIX (26) FEET; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT CITY CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

SECTION 1 provides a Statement of Purpose; SECTION 2 replaces Section 8 in Chapter 1 of Title 9, Sandpoint City Code; SECTION 3 provides for repeal severability; and SECTION 4 provides for publication an effective date.

The full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular business hours to any citizen on personal request.

Dated the 16th day of August, 2017.

Maree Peck, City Clerk

Publication Date: _____

STATEMENT OF LEGAL ADVISER

I, Scot R. Campbell, legal adviser for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. _____ and find it to be a true and complete summary of said ordinance that provides adequate notice to the public of the contents thereof.

Scot R. Campbell, City Attorney