

**CITY COUNCIL  
MARCH 15, 2021 STAFF REPORT**

**SUBJECT:** File No. 20-032 DCA HB2001 Code Amendments

**AGENDA DATE:** March 15, 2021

**TO:** City Council

**FROM:** Emily Meharg, Senior Planner

**I. SUMMARY**

File No. 20-032 DCA amends Chapters 17.10, 17.30, 17.34, 17.46, 17.54, 17.74, 17.82, 17.86, 17.98, and 17.100 of the Development Code, which contain definitions, zoning districts, single-family residential (SFR), village commercial (C-3), specific area plan overlay, flood and slope hazard (FSH) overlay district, accessory development, transit streets, parkland & open space, parking, and land division, respectively. The primary goal of the amendments is to amend the Development Code in compliance with House Bill (HB) 2001. HB 2001 requires medium-sized cities to allow attached duplexes anywhere a detached single-family residence is allowed and prevents cities from applying more restrictive development standards to duplexes than what is applied to single-family residences. This includes among other things design standards, parking requirements, and density thresholds. HB 2001 also prevents cities from applying minimum parking standards and owner occupancy requirements to ADUs.

Chapter 17.10 Definitions

- **Discretionary item:** Clarified the definition of “accessory dwelling unit” to allow an ADU on the same lot as a duplex.
- **Discretionary item:** Clarified the definition of “building types, multi-family dwelling” to specify that an ADU and duplex on the same lot are not considered multi-family for the purposes of the multi-family design standards in Section 17.90.160. (Note: This proposed modification is only needed if Council decides to go with the Planning Commission’s recommendation to allow an ADU on the same lot as a duplex.)

Chapter 17.30 Zoning Districts

- **Legislatively required:** Added a clause stating that duplexes shall be counted the same as a single-family residence for the purpose of calculating density.

Chapter 17.34 Single-family Residential (SFR)

- **Legislatively required:** Added “duplex” as a primary use permitted outright.
- **Legislatively required:** Removed “duplex” as a minor conditional use.
- **Legislatively required:** Amended references to “single detached dwelling” for minimum lot area and minimum average lot width to read “single detached dwelling or duplex.”

Chapter 17.46 Village Commercial (C-3)

- **Legislatively required:** Revised residential primary uses permitted outright to include duplexes above, beside or behind a commercial business.

#### Chapter 17.54 Specific Area Plan Overlay

- **Legislatively required:** Updated the table in Section 17.54.80 so that duplexes have the same standards as single family residential.
- **Administrative change:** Added duplexes to the single-family residential design standards in Section 17.54.110 and referenced Chapter 17.90 for design standard calculation for single-family residences and duplexes for consistency in review and streamlining reviews.
- **Legislatively required:** Updated language in 17.54.100(E) to reference Chapter 17.100, Land Division, for standards related to private drives that treat duplexes the same as single-family residences.

#### Chapter 17.74 Accessory Development (specifically Section 17.74.70, ADUs)

- **Legislatively required:** Updated off-street parking standard to be “no minimum.”
- **Legislatively required:** Deleted text related to occupancy limitations.
- **Discretionary item:** Increased maximum square footage of an ADU to 800 square feet.
- **Legislatively required:** Revised design standards and additional requirements to be clear and objective.

#### Chapter 17.82 Special Setbacks on Transit Streets

- **Legislatively required:** Exempted single-family residences converted to duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).
- **Discretionary item:** Exempted single-family residences and duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).

#### Chapter 17.86 Parkland & Open Space

- **Administrative change:** Clarified the parkland fee-in-lieu calculation for duplexes and conversions that add additional units and removed the rounding clause from the calculation since rounding doesn't work when calculating the required dedication for the conversion of an SFR to a duplex.

#### Chapter 17.98 Parking, Loading, and Access Requirements

- **Legislatively required:** Reduced minimum number of required parking spaces for duplexes to 1 per dwelling unit (or 2 total) to match the 2-parking space minimum for SFR.
- **Legislatively required:** Revised code language so driveway requirement for a duplex is the same as for a single-family dwelling.
- **Legislatively required:** Revised residential on-street parking requirement to be the same for a duplex as for a single-family dwelling.
- **Legislatively required:** Exempted ADUs and conversion of a single-family residence to a duplex from the on-street parking standard.
- **Administrative change:** Exempted multi-family from the on-street parking standard. When the on-street parking standards were written in the code, multi-family was never intended to

be included. But since it is not clearly stated and we have received past inquiries/questions we want to add clarity in the code.

#### Chapter 17.100 Land Divisions

- **Legislatively required:** Revised residential shared private drive language to reference required off-street parking spaces rather than dwelling units so that duplexes are treated the same as single-family residences.

#### **RECOMMENDED DISCUSSION TOPICS:**

- HB 2001 does not require a city to allow both a duplex and an ADU on the same lot, but a city can choose to allow both if they choose. *The Planning Commission recommended allowing a duplex and an ADU on the same lot, and the definition of ADU in Chapter 17.10 has been updated accordingly.*
- If Council decides to allow both an ADU and a duplex on a single lot, the three units would technically qualify as multi-family per the definition of multi-family in Chapter 17.10. Staff proposes updating the definition of multi-family to exempt an ADU and duplex on the same lot from the multi-family design standards in Section 17.90.160. *This change was identified by staff after the Planning Commission hearing so the Planning Commission did not make a recommendation.*
- HB 2001 requires cities to allow attached duplexes wherever detached single family dwellings are allowed. It is up to each city whether to also allow detached duplexes. The existing Development Code allows both attached and detached duplexes where single family dwellings are allowed, except in the SFR zone. The proposed code amendments will allow duplexes outright in the SFR zone in conformance with HB 2001; however, a city can decide whether to allow both detached and attached duplexes in the SFR zone. A city may also allow additional middle-housing options (triplexes, four-plexes, cottage clusters, etc.) if they choose. *The Planning Commission recommended continuing to allow both attached and detached duplexes in all zones that permit single family dwellings but did not make a recommendation to allow additional middle-housing options in zones that don't currently allow them.*
- HB 2001 does not allow a city to require more off-street parking spaces for a duplex than for a single-family residence. This means that the maximum number of off-street parking spaces for a duplex is 2 total (not 2 per unit as written in the existing code). However, a city may require that these spaces shall be side-by-side, and not tandem. *The Planning Commission did not make any recommendations regarding parking layout.*
- HB 2001 does not allow a city to apply more restrictive design standards to a duplex than to a single-family residence; however, HB 2001 does not require a city to apply design standards to duplexes. A city may decide to not apply design standards to a duplex if they choose. The existing Development Code applies the same design standards to single-family residences and duplexes (Section 17.90.150), in compliance with HB 2001. Staff clarified Section 17.54.110(B) such that the design standards for the BVO will apply to both single-

family residences and duplexes. *The Planning Commission did not recommend removing design standards from duplexes. (Note: The Planning Commission did not review the proposed code changes to Chapter 17.54 as these were identified as needing to be updated after the Planning Commission hearing.)*

- Though not required by HB 2001, staff recommends increasing the maximum square footage of an ADU from 600 square feet to 800 square feet. Increasing the maximum square footage of an ADU may indirectly support HB 2001 by encouraging more people to build ADUs. *The Planning Commission recommended increasing the maximum square footage of an ADU from 600 square feet to 800 square feet.*
- In accordance with the existing Development Code, conversion of a single-family dwelling to a duplex on a flag lot on a transit street would trigger additional requirements in Chapter 17.82 regarding orientation of the dwelling unit and connection to the sidewalk, which would not be permitted by HB 2001. Staff proposed exempting conversion of a single-family dwelling to a duplex from the standards in Section 17.82.20(A and B), which would be required by HB 2001. In addition, staff is recommending exempting single-family residences and duplexes from the standards in Section 17.82.20(A and B), which is not required by HB 2001, based on the reasoning that requiring a separate pedestrian walkway adjacent to a paved flag seems redundant and would result in increased impervious surface and potentially stormwater movement on to abutting properties. *The Planning Commission recommended keeping the exemptions as proposed by staff.*
- HB 2001 contains an exception to the middle housing requirements for areas subject to natural hazards, including flood hazard and other hazards. The City is not required to modify Chapter 17.60 based on the exception, provided the adopted ordinance includes findings related to the hazard. Staff does not recommend broadening permitted uses in the Flood and Slope Hazard (FSH) overlay district and, therefore, recommends not including the Chapter 17.60 modifications. *This exemption was identified after the Planning Commission hearing.*
- HB 2001 requires local governments to consider ways to increase the affordability of middle housing, including considerations related to System Development Charges (SDCs), property tax exemptions, and construction taxes, but does not require cities to adopt those policies at this point. Currently, the calculation for the City's land component portion of the parks SDC, including the fee-in-lieu option, is contained in Chapter 17.86. *The Planning Commission did not review the proposed code changes to Chapter 17.86 as these were identified as needing to be addressed after the Planning Commission hearing.*

## **RECOMMENDATION**

Staff recommends the City Council hold a public hearing and take public testimony, and provide staff feedback on discretionary items so that staff can return with revised code language, an ordinance, and findings at an April or May City Council meeting. Staff recommends adopting the code changes prior to June 2021 so that the City of Sandy is in compliance with the mandates of House Bill 2001. If the City does not adopt code amendments in compliance with House Bill 2001

with an effective date of June 30, 2021 or earlier, the state's model code will go into effect in Sandy on July 1, 2021.

**II. ATTACHMENTS:**

- Chapter 17.10 Code Modifications
- Chapter 17.30 Code Modifications
- Chapter 17.34 Code Modifications
- Chapter 17.46 Code Modifications
- Chapter 17.54 Code Modifications
- Chapter 17.74 Code Modifications
- Chapter 17.82 Code Modifications
- Chapter 17.86 Code Modifications
- Chapter 17.98 Code Modifications
- Chapter 17.100 Code Modifications
- DLCD Documents
- Medium Cities Middle Housing Model Code
- January 25, 2021 Planning Commission Staff Report