

Devils Lake Planning Commission
11-17-16

Present: Greg Semenko, Ray Sletteland, Mike Grafsgaard, Tom Traynor, Dick Johnson, Kevin Davidson (via phone), Steven Zimmer.

Greg opened the public hearing to review the proposed changes to the zoning ordinance that would allow an accessory dwelling unit on the same lot as a single family detached home as long as all zoning and building regulations are met (changes in red font).

Definitions.

"Accessory dwelling unit" means an auxiliary or subordinate dwelling unit on the same lot/parcel or within an existing detached single family structure. The unit includes its own independent living provisions for sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary dwelling unit.

"Family" means two or more persons related by blood, marriage, adoption, or child foster care occupying a dwelling unit. A family may include not more than two unrelated persons by blood, marriage, or adoption.

Conditional uses.

Attached and detached accessory dwelling units as provided in Section 17.76.130 of this Code.
(this language will be added to SF, LD, MD, HD and RSU zones)

Provisions for allowing accessory dwelling units in residential zoning districts.

- A. No more than one accessory dwelling unit may be permitted on each lot or parcel.
- B. Accessory dwelling units will only be permitted on lots or parcels that are zoned for and contain a detached single family residential structure as the principal use.
- C. An accessory dwelling unit must be contained completely within a primary structure, or contained within a detached structure that meets the size and setback requirements of this Code.
- D. Either the principal structure or accessory dwelling unit must be occupied by the owner of the property. Occupants of both structures must be members of the same family or providers of home and/or medical support services.
- E. One off street parking space must be provided for an accessory dwelling unit. Parking spaces are required to be located on an improved surface approved by the city. Parking spaces may be located in an existing driveway.
- F. Size requirements for accessory dwelling units (ADU):
 - a. Units within primary structure: the floor area of an ADU may not exceed forty percent (40%) of the gross floor area of the main floor living area of the primary structure. Living areas exclude attached garages, decks, etc. Total square footage of the ADU may not exceed 800 square feet and must be a minimum of 300 square feet.
 - b. An ADU within a principal structure may not reduce the required minimum square footage (900 ft²) of the main floor of a single-family home.
 - c. ADU located in detached structure: the maximum square footage of an ADU may not exceed 800 square feet and must be a minimum of 300 square feet.
 - d. The combined square footage of the primary structure and an ADU may not exceed the maximum lot coverage for the underlying zoning district.
- G. Minimum setback requirements for detached accessory dwelling units (ADU):
 - a. Front – must meet the minimum front yard setback of underlying zoning district and must meet or exceed the front setback of the principal structure.
 - b. Side - must meet current side yard setback requirements for principal structure underlying zoning district.
 - c. Rear - minimum setback for structure will be 10 feet from rear property line.

- H. Detached ADU's are limited to a single story with no basement.
- I. An ADU on any lot that does not conform to minimum lot size of the underlying zoning district will not be allowed.
- J. Accessory dwelling units must be connected to public utilities if available, either through connection to principal structure utilities or through direct connection to ADU structure. If public utilities are not available, the applicant must show that sufficient sewage treatment and disposal is available on-site.
- K. An accessory dwelling unit must comply with all residential building code requirements in Title 15 of the Devils Lake municipal code.
- L. An accessory dwelling unit may be occupied by no more than one family as defined in Title 17 of the Devils Lake municipal code.

17.76.131- Conditional Use Permit Submittal for Accessory Dwelling Units.

- A. A building plan that demonstrates compliance with all requirements of the residential building code.
- B. For all new construction of an accessory structure, a site plan is required. The site plan must show, to scale, the location and dimensions of the building, all required setbacks, and any easements on the property.
- C. For all accessory dwelling units that would not comply with required parking, a parking plan must be submitted to the city for review by the Planning and Zoning Commission and City Commission.
- D. Termination of Conditional Use Permit. A conditional use permit for an accessory dwelling shall automatically expire if the permitted dwelling unit is substantially altered and no longer in conformance with these provisions, the owner of the property no longer occupies one of the units, the required parking is no longer maintained and available for use by the occupant, or the permit is not put to use within twelve (12) months of approval.

It was noted no one was present at the hearing to discuss the changes, nor did anyone provide comments on the proposed changes.

Greg closed the hearing and opened the regular meeting. Ray made a motion to approve the minutes of the last meeting. Motion 2nd by Dick. Carried.

Dick made a motion to recommend the City Commission approve the proposed changes (above changes in red font) to the zoning ordinance that will allow accessory dwelling unit on the same lot as a single family detached home as long as all zoning and building regulations are met Motion 2nd by Mike. Carried.

Meeting adjourned.

Respectfully submitted,

Helen Carlson
Recording Secretary