



CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

TO: LAND USE COMMITTEE
FROM: BEVELRY MESA-ZENDT
SUBJECT: REGULATORY UPDATES FOR ACCESSORY DWELLING UNITS
DATE: 8/1/2022

Background

On July 1, 2022 city staff presented the Public Involvement Summary Report which provided an overview of input received in stakeholder meetings and through an Accessory Dwelling Unit (ADU) abutter survey. Through the city's outreach efforts, six key themes were identified that reflect public comment to date.

1. Process navigational support is needed.
2. Dimensional relief is both an obstacle and a protection
3. There is considerable cost and risk in the process and this is a deterrent.
4. Regulations for ADUs need to be clear and implementable.
5. Foremost among abutters concerns are: parking, short term rentals, neighborhood character, and buffering and separation.
6. Abutters were generally positive about ADU's.

The table below summarizes proposed amendments organized to reflect public input themes. Explanatory notes are provided for amendments summarizing the intended objected for each proposed change.

| Theme Addressed | Section Amended | Change Summary |
|-----------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| There is considerable cost and risk in the process and this is a deterrent. | | |
| | 10.440.1.211 | AADU – Administrative Approval. Administrative approval for attached accessory dwelling units \leq 750 SF completely contained in existing principal structure |
| | 10.440.1.221 | DADU -Administrative Approval. Administrative approval for detached accessory dwelling units \leq 750 SF that meet all performance and dimensional standards. |
| | 10.440.1.251 | Garden Cottage Administrative Approval. Administrative approval for garden cottages \leq 600 SF in an existing accessory structure. |

| Theme Addressed | Section Amended | Change Summary |
|----------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 10.814.60 | AADU and DADU Administrative Approval Clarified. Provides for Administrative Approval for certain attached and detached accessory dwelling units that meet performance standards. |
| | 10.815.40 | Garden Cottage Administrative Approval Clarified. Provides for Administrative Approval for garden cottages that meet performance standards. |
| Dimensional relief is both an obstacle and a protection | | |
| | 10.814.21 | ALL Addresses minimum lot/ dimensional requirements for all ADUs. This change eliminates the minimum lot requirement for an ADU and treats principal structures and ADUs as a single dwelling unit rather than two dwelling units of equal impact. Retains other dimensional standards. |
| | 10.814.22 | AADU Non-Conforming Clarification - Allows changes to non-conforming structure or lot (height and footprint) but no increase to the nonconforming component and no new non-conformity. |
| | 10.814.42 | AADU Size Limits Imposed. Provides limitations on size for which relief can be sought through a modification of standards. |
| | 10.814.51 | DADU Minimum Lot Size Barrier. This amendment <u>eliminates</u> language that treats DADUs as dwelling unit with the same impact as a principal unit and the corresponding requirement for doubling the lot size in the GRA district. |
| | 10.814.51 | DADU Size Limits Imposed. Provides limitations on size for which relief can be sought through a modification of standards. |
| | 10.814.55 | DADU Separation Requirement Reduced. Less distance between principal Dwelling and DADU reduces impacts to abutting property. |
| | 10.815.31 | Garden Cottage Size Limit Clarification -Clearly provides that any proposed unit that exceeds 600 SF cannot be reviewed as a garden cottage and must be reviewed as an AADU. |
| | 10.815.32 | Garden Cottage Expansion Allowed. Allows expansion of a Garden Cottage to 600 SF. |
| | 10.814.60 | AADU and DADU Administrative Approval Clarified. Provides for Administrative Approval for certain attached and detached accessory dwelling units that meet performance standards. |
| | 10.815.61 | Garden Cottage Size Limited to 600 SF. Size limitations for Garden Cottages set at 600 SF without exception |
| Regulations for ADUs need to be clear and implementable. | | |
| | 10.814.42 | AADU CUP Thresholds Clearly Identified. Provides procedural requirements to modify size. Eliminates bedroom count consideration. |
| | 10.814.44 and 10.814.45 | AADU Subordination Clarified. <u>Eliminates</u> language as duplicative (10.814.33 provides recess requirements) and as part of the subordination structure. |
| | 10.814.452 | AADU Height Standards Clarified. This language was <u>eliminated</u> as duplicative of the more important standard provided in 10.814.434. This language is somewhat hard to interpret. Essentially provides – you can go up but not out. Intention is unclear. Subordination is maintained with easier to implement 10.814.434. |
| | 10.814.51 | CUP thresholds for DADUs clearly defined. Provides procedural requirements to modify size. Eliminates bedroom count consideration. |
| | 10.814.56 | DADU Setbacks. This language is unnecessary and is <u>eliminated</u> . Buildings are not allowed in setbacks without a variance. |

| Theme Addressed | Section Amended | Change Summary |
|--------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 10.814.64 | ALL Eliminate difficult to implement text. This language does not provide new thresholds for review. The city has parking regulations and noise regulations. Traffic from a single unit is not measurably impactful and could not be substantiated in a denial or approval. |
| | 10.815.60 | Garden Cottage Parking Reference Removed. Reference sections do not provides standards for parking. |
| Foremost among abutters concerns are: parking | | |
| | 10.814.21 | ALL Parking standards reinforced. Cross reference added to reinforce minimum parking standards. |
| | 10.1113.20 | ALL Parking Standards Clarified. Allows for parking to for ADUs to be same as single family dwellings. |
| Foremost among abutters concerns are: neighborhood character | | |
| | 10.814.43 | AADU Subordination Clarified. Creates a new “subordination section” that clearly delineates the standards for “subordinate to the principal unit”. |
| | 10.814.432 | AADU Subordination Clarified. Clarification of the 40% rule and added definition for façade. |
| | 10.814.433 | AADU Subordination Clarified. New subordination standards which require a recess for the ADU and garage/ADU addition. |
| | 10.814.53 | DADU Subordination Clarified. Creates a new “subordination section” that clearly delineates the standards for “subordinate to the principal unit”. |
| | 10.814.52 | DADU Subordination Clarified. Relocated for ease of locating all standards. |
| | 10.814.521 10.814.55 | DADU Subordination Clarified. Relocated to subordination section. |
| | 10.814.532 | DADU Subordination Clarified. Clarification of the 40% rule and added definition for façade. |
| | 10.814.533 | DADU Subordination Clarified. Set’s limit to total size relative to principal dwelling unit – prevents inadvertent duplex configuration. |
| | 10.814.54 | DADU Architecturally Compatible Clarified. Language added for clearer implantation of what is architecturally compatible. New structure provides standards in a single place. |

Additional Guidance Needed

1. Are we ready to propose allowing detached ADUs administratively if they meet certain size and performance standards?
2. Do we want to administratively approve all attached ADUs even the ones that result in an expansion – if they can meet all the performance standards.
3. Does the elimination of bedroom maximums present any problem if we hold a line on size?
4. Do we need to define subordination for all accessory structures?