

Commission Information:  
 Initiated by: Administration  
 First on Agenda: August 16, 2007  
 Action: Passed  
 Vote: 5-0

Council Information:  
 Introduced by: City Manager Allen  
 Date: October 9, 2007  
 Public Hearing: October 23, 2007  
 Action: Amended and postponed  
 to November 13, 2007  
 Date: November 13, 2007  
 Action: Adopted  
 Vote: 4-3

Yes:	No:
Chmielewski	Best
Erbey	Vanover
Hanson	Combs
Pippel	

CITY OF PALMER, ALASKA

ORDINANCE NO. 07-026

AN ORDINANCE OF THE PALMER CITY COUNCIL AMENDING PALMER MUNICIPAL CODE TITLE 17, ZONING, BY ENACTING SECTION 17.08.006, DEFINITION FOR ACCESSORY DWELLING UNIT, AND ENACTING CHAPTER 17.86, ACCESSORY DWELLING UNITS

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Section 17.08.006 is hereby enacted to read as follows:

**17.08.006 Accessory dwelling unit.**

“Accessory Dwelling Unit” (ADU) means a subordinate dwelling unit added to, created within, or detached from a single-family structure, that provides basic requirements for living, sleeping, eating, cooking and sanitation. It may be attached to, or detached from, the principal dwelling unit.

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Section 4. Chapter 17.86 is hereby enacted to read as follows:

CHAPTER 17.86  
ACCESSORY DWELLING UNITS

**17.86.010 Intent.**

This chapter sets out the criteria under which Accessory Dwelling Units (ADU) may be incorporated into certain zoning districts. Accessory Dwelling Units promote a diverse range of quality housing, allow for more efficient and flexible use of existing housing stock and infrastructure, and respond to changing family needs and smaller households by allowing a mix of housing. The development standards set forth in this chapter help maintain high quality residential neighborhoods and protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADU's are developed under the provisions of this chapter.

**17.86.020 Application and approval.**

- A. An application for an ADU permit shall be initiated by the owner on a form prescribed by the Zoning Administrator. For the purposes of this chapter, the owner shall mean any person named on the deed, a contract purchaser, or the beneficiary of a trust named on the deed.
- B. The permit shall be accompanied by the notarized affidavit affirming that at least one owner will occupy the principal dwelling or the accessory unit, and that the ADU will conform to the requirements of the permit and the requirements of this chapter.
- C. A non-refundable fee of \$50 shall accompany the application.
- D. The Zoning Administrator shall review the application for code compliance within thirty (30) calendar days.
- E. The Zoning Administrator shall notify the applicant in writing of approval or denial. Approved applications shall be issued an ADU permit.

**17.86.030 General provisions.**

The following provisions apply to accessory dwelling units:

- A. One ADU is permitted per residentially or agriculturally zoned lot larger than 10,000 square feet.
- B. One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, if the detached single family dwelling is the sole principal dwelling on the lot, tract, or parcel.
- C. The owner must occupy either the principal or accessory dwelling unit a minimum of six months each calendar year.
- D. The owner may not receive any rent from the owner-occupied unit.
- E. Detached ADU's not part of a garage may be developed only on lots of 20,000 square feet or larger.
- F. An ADU may be developed in either an existing or a new dwelling unit.
- G. An ADU shall not be permitted on any lot with a bed and breakfast or child care center. Other home occupations shall be allowed, subject to existing regulation, in either the ADU or the principal dwelling unit, but not both.

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- H. For purposes of securing financing, a potential owner may request and receive a letter of pre-approval from the City indicating property is eligible for an ADU permit if the potential owner completes the application process and construction in accordance with this section.
- I. An ADU shall not be sold separately unless legally subdivided.

#### **17.86.040 Development standards.**

Development standards ensure that accessory dwelling units maintain and are compatible with the single-family appearance and character of the principal residence, lot, and neighborhood. All ADU's must conform to the following standards:

- A. Codes: The ADU shall conform to all applicable codes, laws, and regulations.
- B. Design: Attached ADU's shall maintain the style and exterior finishes consistent with the existing structure. Detached ADU's shall have exterior finishes that are consistent with local industry standards for residential exterior cladding. All exterior work shall be completed within eight months of start of construction.
  1. Accessory dwelling units contained within the principle dwelling unit shall be connected to each other by an interior door.
  2. There may be only one (1) entrance located on each front or street side of the residence.
- C. Height: The maximum height of a detached ADU shall be twenty-five (25) feet.
- D. Lot Area: The combined square footage of the principal and accessory dwelling units may not exceed the lot area coverage in the underlying zoning district.
- E. Orientation: On lots of 40,000 square feet or less, detached ADU's shall be located at least ten (10) feet behind the front plain of the principal dwelling unit. On lots of 20,000 square feet or over, should the placement of the ADU in the rear of the lot negatively impact a neighbors view shed, a waiver from this requirement may be requested from the Planning and Zoning Commission. Testimony from the impacted neighbors is encouraged.
- F. Parking: One (1) parking space shall be provided onsite for each studio and one (1) bedroom ADU. Two (2) parking spaces shall be provided on site for each two (2) bedroom ADU. Parking for the accessory unit is in addition to the required parking for the principal dwelling.
- G. Setbacks: ADU's are subject to the setback and coverage requirements of the underlying zone.
- H. Size: The ADU shall not be more than forty (40) percent of the gross floor area of the principal dwelling unit. An ADU may not be less than three hundred (300) square feet or more than nine (900) square feet. A maximum of two (2) bedrooms is permitted.

#### **17.86.060 Lot covenant.**

As a condition of the building permit for an ADU the property owner shall file with the State of Alaska recorder's office a covenant pertaining to the property stating that the Title Company shall notify the City of Palmer within thirty (30) calendar days of change of ownership. The above declaration is binding upon any successor in ownership of the property; lack of compliance shall be cause for revocation of the permit.

#### **17.86.080 Transfer of property.**

An ADU permit is not transferable to any other property or person. When a property with an ADU is sold or otherwise transferred, the new owner must apply for an ADU permit as set forth in 17.86.020 within sixty (60) days from the date of transfer.

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**17.86.090 Prior illegal uses.**

- A. All structures which meet the definition of accessory dwelling unit which are not recognized as legal nonconforming structures or uses of structures under PMC 17.68 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:
1. A permit application for an ADU is submitted to the Zoning Administrator within six months of after this ordinance becomes law.
  2. The unit complies with the requirements of this section.
- B. If the unit does not comply with the requirements of this section at the time the permit application is filed, the zoning administrator may grant six (6) months to bring the unit into conformance.
- C. All owners of illegal units shall also be required to either legalize the unit or remove it.
- D. This subsection does not apply to existing legal nonconforming uses of structures established pursuant to 17.68.050.

**17.86.100 Right to appeal.**

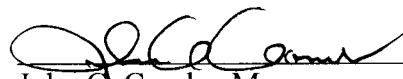
The commission's decision on a waiver for the placement of any accessory dwelling unit in 17.86.040 E may be appealed pursuant to PMC 17.98. Right of appeal is forfeited unless a written appeal is delivered to the clerk within 20 days of the commission's decision.

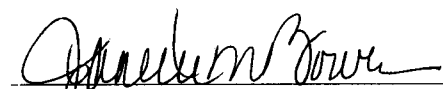
**17.86.110 Annual review.**

The Zoning Administrator shall report annually to the Planning and Zoning Commission the number of ADU units established, the geographic distribution of the units, the average size of the units, the number and type of complaints, and completed enforcement actions. The Commission shall reassess this ordinance if records show that twenty (20) percent of the single-family structures within the city have ADU's.

Section 5. Effective Date. Ordinance No. 07-026 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this thirteenth day of November, 2007.

  
John C. Combs, Mayor

  
Janette M. Bower, CMC, City Clerk

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