



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 25, 2024
5:30 PM AT CITY HALL, 220 CLAY STREET

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes for August 28, 2024

Public Comments

Old Business

2. **Zoning Code Text Amendments – Accessory Dwelling Units (TA24-003)**
Petitioners: City of Cedar Falls (Referral from City Council)
Previous discussion: August 28, 2024
Recommendation: *Approval*
P&Z Action: *Hold the public hearing and make a recommendation to Council*

New Business - None

Special Order of Business

Nomination and election of Vice Chair for the remainder of 2024.

Commission Updates

Adjournment

Reminders:

- * October 9 and October 23 - Planning & Zoning Commission Meetings
- * October 7 and October 21- City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
August 28, 2024
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on August 28, 2024 at 5:30 p.m. at City Hall. The following Commission members were present: Alberhasky, Grybovych, Hartley, Henderson, Johnson, Moser, Sorensen and Stalnaker. Karen Howard, Planning and Community Services Manager, Jaydevsinh Atodaria, Planner II, Thomas Weintraut, Planner III, Chris Sevy, Planner II and Matthew Tolan, Civil Engineer II were also present.

- 1.) Chair Hartley noted the Minutes from the August 14, 2024 regular meeting are presented. Sorensen made a motion to approve the Minutes as presented. Alberhasky seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Moser, Sorensen and Stalnaker), and 0 nays.

- 2.) The first item of business was a HWY-1 District Site Plan for Golden China restaurant at 1150 Brandilynn Boulevard (Case No. SP24-004). Chair Hartley introduced the item and Mr. Weintraut provided background information. He explained that the item was discussed at the last meeting and spoke about the changes that have been made by the developer since that time. He noted that the issues that were discussed at the last meeting that were the reason for denial of the item have now been addressed. The applicant has removed several elements of the street-facing façade that gave the appearance of the back of the building and added spandrel glass windows and canopies that give the appearance of windows as viewed from the public street. The dumpster and enclosure was relocated to the southwest corner of the site and will be screened with landscaping. Due to issues meeting ADA requirements, the sidewalk location will remain the same as originally proposed.

Staff recommends approval with any comments or direction specified by the Commission and conformance with all city staff recommendations and technical requirements.

Sorensen made a motion to approve the item. Johnson seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Moser, Sorensen and Stalnaker), and 0 nays.

- 3.) The next item for consideration by the Commission was Zoning Code Text Amendments to allow accessory dwelling units. Chair Hartley introduced the item and Mr. Sevy provided background information. He explained that City Council made a referral to staff at a Committee meeting in March to prepare an ordinance to allow accessory dwelling units (ADU's) in residential zones. They are currently only allowed downtown. He explained that an ADU is defined as a small secondary dwelling unit that is accessory to an owner-occupied, detached single-unit dwelling. He also provided information to explain the benefits of ADU's, which included an increase of the taxable value of properties, they can add small, affordable housing units with little change to the neighborhood character, they are inexpensive to maintain and tend to have a low carbon imprint, they are sized to accommodate today's smaller average household size and can house people of all ages. They can also be an additional source of income for homeowners.

Staff is proposing that they be only allowed on owner-occupied properties with allowance of no more than one ADU per lot. They would be limited to one bedroom and the size would be limited to 50% of the floor area of the principal dwelling or 800 square feet, whichever is less.

They would only be allowed in the rear yard or within the existing principal dwelling. Detached ADUs would have a 5-foot side and rear setback. Mr. Sevy discussed design standards, stating that they must be a permanent structure, the materials and windows would need to match the principal structure, it would need a separate secure entrance and a paved path to that entrance. Two egress windows in the basement units would be required and no exterior stairs to upper stories would be allowed, with the exception of a second story of a detached garage.

At this time, staff is bringing the item forward for introduction and discussion purposes. If there are no significant concerns about the proposed code provision, staff recommends setting a public hearing to take place at the next meeting.

Sorensen asked how this affects the maximum footprint of outbuilding if it is part of a detached garage. Mr. Sevy explained that the maximum size rule still applies the same for any outbuilding(s) on the lot. However, if a unit is added above the garage, only the footprint of the garage counts against that allowance. Sorensen also asked about whether the unit can be a rental. Mr. Sevy explained that renting the unit would be allowed but a rental permit would only be issued for one of the dwelling units on the property, i.e. the property owner has to either live in the principal dwelling or live in the ADU.

Moser asked about parking and how it is decided for these properties. Mr. Sevy explained the owner is allowed to work that out with the tenant. No additional parking is required.

Chair Hartley asked about other towns who allowed ADU's and Mr. Sevy gave several examples in Iowa.

Stalnaker asked why exterior stairs are not allowed on the principal dwelling or for an attached garage. Mr. Sevy stated it is mostly for aesthetic reasons; the goal is to maintain the character of the property as a single family house. Ms. Howard noted that if there was enough room on the lot and could meet the setbacks for the principal structure, they would be able to add an enclosed stairway or if there is enough room within an existing garage to construct a stairway to a second level, this would be allowed. It is just the exterior stairway tacked onto the side of the single family home that would not be allowed.

Henderson asked how it is policed to ensure the main structure is owner-occupied. Mr. Sevy stated that a rental unit would only be issued for one unit on the property. That unit would be inspected initially and every three years after that. It also becomes very apparent when looking at the county records and noting where the taxable address is different from the subject property.

Grybovych asked how this has helped other communities using ADU's to address shortage of housing. Mr. Sevy acknowledged that it is typical that only a relatively small percentage of property owners build ADUs. However, an ADU policy can be a small piece of a broader effort to provide more housing opportunities.

Gabe Groothuis, stated support for ADU's and would like it to be allowed for rental properties. He gave an example of a situation where there was a mother-in-law suite and the mother-in-law is no longer living there, what do they do with the space then?

Noah Klunder, 1430 Green Creek, would like it to apply to rental properties and stated his support for ADU's as well.

Sorensen made a motion to approve moving the item to a public hearing for September 11, 2024. Stalnaker seconded the motion. The motion was approved unanimously with 8 ayes

(Alberhasky, Grybovych, Hartley, Henderson, Johnson, Moser, Sorensen and Stalnaker), and 0 nays.

- 4.) Ms. Howard, Mr. Atodaria, and Mr. Tolan gave a presentation regarding proposed updates to the Major Thoroughfare Plan. The goal is to update the Major Thoroughfare map and update the definitions and regulations within the City Code, as well as add street connectivity standards to the Subdivision Code. Howard explained what the Major Thoroughfare is and the current issues with the plan, including growth of new neighborhoods.

Mr. Tolan explained the different types of streets and their purposes. He discussed aspects of creating an effective street network as well as resources and references with regard to the updating process. He displayed and discussed the map legend and different street types. He provided a close-up section of the map to give an example of the things being considered.

Ms. Howard spoke about street connectivity and what it means. She discussed the current standards in the code and noted that there are no clear standards defining “well-connected street patterns.” She provided a list of the benefits of well-connected streets and provided diagrams showing the difference between well-connected and poorly connected streets. Ms. Howard discussed the early neighborhoods in Cedar Falls and the way they are laid out. She spoke about different street connectivity issues in the city and how to alleviate those issues.

Mr. Atodaria described the proposed solutions to the street connectivity issues and gave examples of what other Iowa communities are doing to alleviate street connectivity issues. He listed the proposed connectivity standards that are recommended.

Ms. Howard described the process and tentative timeline for the updates and provided links to the City’s website for additional information for those looking for more detailed data.

The Commission had a few questions for staff regarding the presentation.

- 5.) As there were no further comments, Moser made a motion to adjourn. Alberhasky seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Moser, Sorensen and Stalnaker), and 0 nays.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Karen Howard
Community Services Manager

Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Chris Sevy, AICP, Planner II
DATE: September 25, 2024
SUBJECT: Zoning Code Text Amendment – Accessory Dwelling Units (TA24-003)

INTRODUCTION

In a Committee of the Whole meeting on March 18, 2024, City Council made a referral directing staff to prepare an ordinance to allow accessory dwelling units (ADUs) in all residential zones. Currently they are only allowed in the Downtown Character District (CD-DT). An ADU is a smaller secondary dwelling unit that is accessory to a principal dwelling unit. They are commonly created within the principal dwelling, for example, in a daylight basement or within a detached accessory structure, such as above a garage. In cities that allow them, properties with an ADU are differentiated from duplexes primarily through limitations and restrictions that ensure the ADU is subordinate to a principal dwelling.

WHY ADUs?

The Housing Needs Assessment completed in 2023 identified shortfalls in the housing supply within Cedar Falls. This needs assessment has since been a topic of discussion for the Housing Commission and the City Council. One of the recommendations of that report was to expand the ADU policy to apply more broadly across the city.

In 2021 AARP conducted a national Home and Community Preferences Survey. This survey revealed that adults would consider creating an ADU in order to:

- Provide a home for a loved one in need of care (86%)
- Provide housing for relatives or friends (86%)
- Have a space for guests (82%)
- Create a place for a caregiver to stay (74%)
- Increase the value of their home (69%)
- Feel safer by having someone living nearby (67%)
- Earn extra income from renting to a tenant (63%)

Aside the above benefits to owners, ADUs have several other benefits to the broader community. For example, ADUs:

- Are an economical housing option,
- Increase the taxable value of properties,
- Add small, affordable housing units with little change to the neighborhood character;

- Are inexpensive to maintain and have a low carbon footprint,
- Are sized to accommodate today's smaller average household size, and
- Can house people of all ages.

As discussed above, allowance for ADUs can be a facet of our broader effort to increase housing within the city. If done right, it can stabilize neighborhoods by adding flexibility for homeowners to continue to reside on their property through many stages of their lives. It can also provide rental income for homeowners.

RESEARCH AND ANALYSIS

In drafting the code language specifically for ADUs, staff used the provisions in the Downtown Character District code (CD-DT) as a starting point. Staff also researched best practices for ADU ordinances in the U.S. and Canada, and considered provisions adopted by other cities in Iowa, namely: Des Moines, Ames, Iowa City, and Cedar Rapids. Discussions with persons in those jurisdictions were also helpful. The provisions in CD-DT serve as the basis for this code draft. The CD-DT has clear and objective standards for size, placement, and design. To be consistent, the proposed code language includes similar standards.

PROPOSED STANDARDS

The detailed standards proposed for ADUs are attached. This language is crafted to account for potential issues or concerns that could arise.

The basic standards include:

- Allowed only on owner-occupied properties;
- No more than one ADU per lot
- Limited to one bedroom;
- Size limited to 50% of the floor area of the principal dwelling or 800 square feet, whichever is less.
- Allowed only in the rear yard (as an accessory structure) or within the existing principal dwelling.
- Certain design standards apply, similar to standards currently in the code for accessory structures.

The standards ensure that neighborhood character is maintained regardless of the context. The current limits on detached accessory structures will still apply. For instance, today the maximum footprint of all accessory structures on most lots in the city is between 891 and 1,024 square feet. Those limits will not increase. The primary change here is to allow a portion of that allowance to be used for an ADU.

Worth noting is that communities are often slow to adopt an ADU ordinance where the administrative burden of rental licensing, inspections, and enforcement present new challenges they are not equipped for. However, Cedar Falls already has a rental licensing program and the anticipated administrative burden will be no different than other rentals within the city.

Since your last meeting, staff have drafted specific language to be inserted into the zoning ordinance based on the list of standards presented at the last meeting. This specific code language is attached. Strike-through notation indicates language to be deleted and

underlined text is language proposed to be added to the zoning code. This language indicates where in the code this language will be located, so we have provided references to specific sections of the ordinance.

Note that we have added a new section related to accessory uses in general, which will be an organizational improvement to the code. Currently, standards for various accessory uses are scattered in different sections. This new “accessory use” section will include the general standards for accessory uses, which are basic rules that we already follow, and also include a list of specific accessory uses for which additional standards or restrictions apply. To start out this will include this new set of specific standards for ADUs. In future we will do further code clean-up and re-organization and move standards for other accessory uses into this section, so they are easier to find.

STAFF RECOMMENDATION

Staff recommends that the Commission hold the public hearing, discuss, and make a recommendation to the City Council regarding TA24-003, zoning text amendments establishing standards for Accessory Dwelling Units, as set forth in the attached code language.

PLANNING & ZONING COMMISSION

Discussion 8/28/2024	The next item for consideration by the Commission was a Zoning Code Text Amendment with regard to accessory dwelling units. Chair Hartley introduced the item and Mr. Sevy provided background information. He explained that City Council made a referral to staff at a Committee of the Whole meeting in March to prepare an ordinance to allow accessory dwelling units (ADU’s) in residential zones. They are currently only allowed downtown. He explained that an ADU is defined as a small secondary dwelling unit that is accessory to an owner-occupied, detached single-unit dwelling. He also provided information to explain the benefits of ADU’s, which included an increase of the taxable value of properties, they can add small, affordable housing units with little change to the neighborhood character, they are inexpensive to maintain and tend to have a low carbon footprint, they are sized to accommodate today’s smaller average household size and can house people of all ages.
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Staff is proposing that they be only allowed on owner-occupied properties with allowance of no more than one ADU per lot. They would be limited to one bedroom and the size would be limited to 50% of the floor area of the principal dwelling or 800 square feet, whichever is less. They would only be allowed in the rear yard or within the existing principal dwelling. Detached ADUs would have a 5-foot side and rear setback. Mr. Sevy discussed design standards, stating that they must be a permanent structure, the materials and windows would need to match the principal structure, it would need a separate secure entrance and a paved path to that entrance. Two egress windows in the basement units would be required and no exterior stairs to upper stories would be allowed, with the exception of a second story of a detached garage.

At this time, staff is bringing the item forward for introduction and discussion purposes. If there are no significant concerns about the proposed code provision, staff recommends setting a public hearing to take place at the next meeting.

Sorensen asked how this affects the maximum footprint of outbuilding if it is part of a detached garage. Mr. Sevy explained that the maximum size rule still applies the same for any outbuilding(s) on the lot. However, if a unit is added above the garage, only the footprint of the garage counts against that allowance. Sorensen also asked about whether the unit can be a rental. Mr. Sevy explained that renting the unit would be allowed but a rental permit would only be issued for one of the dwelling units on the property.

Moser asked about parking and how it is decided for these properties. Mr. Sevy explained the owner is allowed to work that out with the tenant.

Chair Hartley asked about other towns who allowed ADU's and Mr. Sevy gave examples, noting most are college towns.

Stalnaker asked why ADU's are not allowed above attached garages. Mr. Sevy stated it is mostly for aesthetic reasons because having the extra outside stairs becomes an issue. Ms. Howard noted that if there was enough room on the lot and could meet the setbacks for the principal structure, they would be able to add an enclosed stairway.

Henderson asked how it is policed to ensure the main structure is owner-occupied. Mr. Sevy stated that a rental unit would only be issued for one unit on the property. That unit would be inspected initially and every three years after that. It also becomes very apparent when looking at the county records and noting where the taxable address is different from the subject property.

Grybovych asked how this has helped other communities using ADU's with rental issues. Mr. Sevy stated that, when allowed, it is typical that a relatively small percentage of property owners build ADUs. However, an ADU policy can be an important piece of a broader effort to alleviate housing issues.

Gabe Groothuis, stated support for ADU's and would like it to be allowed for rental properties. He gave an example of a situation where there was a mother-in-law suite and the mother-in-law is no longer living there, what do they do with the space then?

Noah Klunder, 1430 Green Creek, would like it to apply to rental properties and stated his support for ADU's as well.

Sorensen made a motion to approve moving the item to a public hearing for September 11, 2024. Stalnaker seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Moser, Sorensen and Stalnaker), and 0 nays.

Attachments: Proposed ADU Code Language

Amend the definition of “Accessory use or structure” within Section 26-2 Definitions, as follows:

Accessory use or structure means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure, and as further described in Section 26-142 Accessory Uses. ~~Said accessory structures are customarily used for storage or parking purposes. No residential dwelling unit or business or commercial office may be established within an accessory structure.~~

Add a definition of “Accessory Dwelling Unit” as follows:

Accessory dwelling unit is a small secondary dwelling unit that is accessory to a detached single-unit dwelling either created within the existing building envelope of the principal dwelling, or within a detached accessory structure according to the rules set forth in this chapter. Properties with ADUs shall not be considered duplexes.

Amend Sec 26-139 Prohibition on conversion of single-unit residences located in R-1 and R-2 Residence Districts to two-unit dwelling units, as follows:

Notwithstanding the provisions of any other section of this article, no existing single-unit residential structure located in an R-1 residence zoning district or in an R-2 residence zoning district of the city shall be converted or otherwise structurally altered or expanded for the purpose of accommodating the creation or establishment of a second separate dwelling unit within, around or adjacent to the original single-unit residential structure, except for an Accessory Dwelling Unit as provided for in this chapter.

Add a new Sec. 26-142 - Accessory Uses, as follows:

Sec. 26-142 – Accessory Uses

- (a) Generally. Accessory uses, buildings or other structures customarily incidental to and commonly associated with a permitted principal use or conditional use are permitted, provided they are operated and maintained according to the following standards:
- (1) The accessory use is subordinate to the principal use of the property and contributes to the comfort, well-being, convenience, or necessity of occupants, customers, or employees of the principal use;
 - (2) The accessory use, building or structure is under the same ownership as the principal use or uses on the property;
 - (3) The accessory use, building or structure does not include structures, structural features, or activities inconsistent with the principal uses to which they are accessory;

- (4) Except for off-street parking located on a separate lot as specifically allowed in the subject zoning district, the accessory use, building, or structure is located on the same lot as the principal use or uses to which it is accessory; and
- (5) The accessory use, building or structure conforms to the applicable zoning district regulations and to the specific approval criteria and development standards contained in this chapter.
- (b) Specific accessory uses and standards enumerated. The following accessory uses may be established in accordance with the specific standards set forth herein:
- (1) Accessory Dwelling Units (ADUs)
- a. Applicability. An ADU is permitted in an owner-occupied detached single-unit dwelling or in a building that is accessory to an owner-occupied detached single-unit dwelling, not including cottages within a cottage court, according to the regulations set forth in this section.
- b. Rental License and Occupancy. Only one dwelling unit on the lot will be allowed a rental license (either the ADU or the principal dwelling, but not both). The owner of the property must occupy at least one of the dwelling units on the property as the permanent legal resident. The ADU and the principal dwelling must be under the same ownership. The maximum rental occupancy: two adults (children are not precluded).
- c. Site Plan Review Required. An application for site plan review for the ADU shall be submitted to the City for administrative approval through the site plan process as established by the City.
- d. Limits. ADUs are subject to the following restrictions:
1. No more than one ADU per lot.
 2. No more than one bedroom per ADU.
 3. For a detached ADU, the building footprint and height shall not exceed the maximums set forth in Section 26-126, Detached Accessory Structures.
 4. Minimum size: 125 square feet.
 5. Maximum size: Floor area of an ADU shall not exceed 50% of the floor area of the principal dwelling (excluding the area of any attached garage), or 800 square feet, whichever is less. This maximum also applies to ADUs within accessory structures.
- e. Location. ADUs are only allowed in the rear yard or within the existing building envelope of the principal dwelling. Minor additions to the existing principal dwelling will be allowed to create a separate entry into an ADU.
- f. Side and Rear Setback for detached structures: 5 feet minimum.
- g. Standards. The following standards apply:

1. All detached ADUs regardless of size shall meet the design and material standards set forth in paragraph 26-126 (13), including all subparagraphs.
 2. A permanent structure is required. No wheeled or transportable structures will be permitted.
 3. Although utilities may be shared, it must otherwise be a complete, separate dwelling unit from the principal dwelling. This includes walled separation for ADUs within the principal building envelope.
 4. It must contain its own kitchen and bathroom facilities.
 5. A separate, secure entrance to the unit is required, either from the exterior or from a shared foyer.
 6. No exterior stairs leading to an upper story are allowed for access to an ADU located within the principal residence. Exterior stairs are allowed to access a unit above a detached garage. Exterior stairs must have a protective finish. A secondary means of egress is not required for an ADU.
 7. A paved pedestrian path to the entryway of the ADU is required.
 8. For detached structures and upper story units in a principal dwelling, window type and coverage shall be similar to that of the principal dwelling.
 9. For basement units, a minimum of two windows meeting egress standards shall be required.
- h. Exceptions. If there is intent to repurpose an existing detached accessory structure that does not conform to the setback or height standards of this ordinance, an applicant may appeal to the Board of Adjustment for a special exception.
- i. Required Acknowledgement. A permit for an ADU will only be issued with a signed acknowledgement from the owner that the proposed ADU is considered an accessory use and as such does not establish any rights to use or sell the property as a duplex. All limits, encumbrances, and obligations in relation to the ADU will apply to future owners.