

CITY OF SOLDOTNA  
ORDINANCE 2022-029

AN ORDINANCE AMENDING SOLDOTNA MUNICIPAL CODE (SMC) TITLE 17 BY ESTABLISHING A NEW SUB-CHAPTER, 17.10.390, ACCESSORY DWELLING UNITS (ADU), AND AMENDING SECTIONS OF SMC TITLES 1, 13, AND 17 TO ESTABLISH STANDARDS FOR ACCESSORY DWELLING UNITS

WHEREAS, the City seeks more efficient and flexible use of existing residentially-zoned land, housing stock, and infrastructure; and

WHEREAS, allowing for accessory dwelling units is a proactive and rational response to changing family community demographics and needs; and

WHEREAS, accessory dwelling units commonly serve smaller households and provide a mix of housing options; and

WHEREAS, accessory dwelling units may provide neighborhood stability and increase property values; and

WHEREAS, Soldotna's Comprehensive Plan, Envision Soldotna 2030, has a stated goal to investigate code changes and tax incentives to promote or encourage a diversity (size, design, cost) of housing options for people of all ages, incomes and household size; and

WHEREAS, the Soldotna Planning and Zoning Commission conducted a work session on accessory dwelling units on July 6, 2022; and

WHEREAS, on August 3, 2022, the Soldotna Planning and Zoning Commission unanimously recommended approval of Resolution PZ 2022-08 which establishes standards for accessory dwelling units;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That SMC 1.08.080 - Minor Offense Fine Schedule, is hereby amended as follows:

...

17.10.385 D.2.	Violation of the general standards for short-term rental units	\$250
<u>17.10.390 B</u>	<u>Failure to obtain an accessory dwelling unit permit</u>	<u>\$250</u>
<u>17.10.390 H</u>	<u>Unlawful operation of an accessory dwelling unit</u>	<u>\$250</u>
17.10.405 I.	Failure to obtain a temporary use permit	\$150

...

Section 2. That SMC 13.10.040 - Design of water service, is hereby amended as follows:

- A. A separate water service connection shall be provided for each separate residential or commercial structure, except for accessory dwelling units approved under SMC 17.10.390.

- B. Service lines shall be installed across the property boundary immediately adjacent to the main line unless approved by the city engineer. Service lines shall cross no more than one property.
- C. The minimum diameter shall be no less than one inch.
- D. It is prohibited to intertie two or more residential/commercial structures into a single and/or common service connection, except for accessory dwelling units approved under SMC 17.10.390.

...

Section 3. That SMC 13.10.050 - Type of structure served, sub-section A - Single-Family Residence, is hereby amended as follows:

- A. Single-Family Residence. Each building structure on a single-family lot shall have individual service connections, except for accessory dwelling units approved under SMC 17.10.390.
  - 1) Waivers and Modifications. The standards of this section may be waived or modified upon findings that such a waiver or modification shall substantially comply with the objectives of the standards, and comply with the intent and general standards of this section and the Public Services code.

Section 4. That SMC 13.18.040 - Design of sewer service, is hereby amended as follows:

- A. A separate sewer service connection shall be provided for each residential or commercial structure, except for accessory dwelling units approved under SMC 17.10.390.
- B. Service lines shall be installed across the property boundary immediately adjacent to the main line unless approved by the city engineer or his designee. Service lines shall cross no more than one property line.
- C. The minimum diameter shall be no less than four inches.
- D. It is prohibited to intertie two or more residential/commercial structures into a single and/or common service connection, except for accessory dwelling units approved under SMC 17.10.390.

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Section 5. That SMC 13.18.050 - Type of structure served, sub-section A - Single-Family Residence, is hereby amended as follows:

- A. Single-Family Residence. Each building structure on a single-family lot shall have individual service connections, except for accessory dwelling units approved under SMC 17.10.390.
  - 1) Waivers and Modifications. The standards of this section may be waived or modified upon findings that such a waiver or modification shall substantially comply with the objectives of the standard, and comply with the intent and general standards of this section and the Public Services code.

Section 6. That SMC 17.10.130 - Definitions, is hereby amended by the addition of definitions for "Accessory dwelling unit," "Owner occupied," and "Primary residence" as follows:

- A. Construction of Language. When not inconsistent with the context, words used in the present tense shall include the future; the singular number includes the plural; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the words "plot," "piece," "parcel"; the term "shall" is always mandatory;

and the words "used" or "occupied" shall be construed to include the word "intended," "arranged," or "designed" to be used or occupied.

B. Construction of Definitions. For the purpose of this zoning code, the following words shall be defined and construed as set forth below:

"Accessory dwelling unit" means a subordinate, detached dwelling unit, which provides basic requirements for living, sleeping, cooking, and sanitation, located on a lot or parcel with an existing residence.

"Administrative Officer" means the City Manager of the City of Soldotna or a person(s) designated by the City Manager to perform specific administrative duties on behalf of the City as related to this zoning code. When the term "City Manager" is specifically used in the text of the zoning code, then the responsibility to perform the activities mentioned in that text are specifically reserved to the City Manager.

...

"Outdoor Marijuana Cultivation" means a cultivation facility conducted outdoors or within a cultivation facility that is not fully enclosed or which utilizes odor-permeable materials.

"Owner occupied" means that the dwelling is the owner's primary residence and permanent place of abode.

"Park" means a tract of land set aside for public use as a landscaped recreational expanse or a tract of land kept for the public in its natural state. I.e., gardens, woods, pastures and game preserves.

...

"Place of worship" means buildings which are primarily intended for conducting regularly scheduled religious services and associated accessory uses such as convents, monasteries, and rectories. This definition is not intended to include home worship, Bible study, or other similar activities.

"Primary residence" means that place in which a person's habitation is fixed, and to which, whenever absent, that person has the intention to return.

"Recreational Lodge" means a building or establishment that includes a foyer or similar area with business hours during which it is open to the public and that contains not more than five guestrooms where short-term (not to exceed 30 days) sleeping accommodations and/or meals are provided for compensation, which may include individual rental cabins on the same lot as the main building.

...

## Section 7.

That SMC 17.10.230 - Rural Residential District (RR), sub-section D - Accessory Uses and Structures, is hereby amended as follows:

D. Accessory Uses and Structures.

1) Accessory uses and structures are permitted, including home occupations, which are clearly incidental to and customarily found in connection with the principal uses and structures and which comply with the special requirements found in Section 17.10.305, Accessory Uses and Structures, and Section 17.10.315, Home Occupations.

2) Accessory Dwelling Units are permitted provided they comply with the special requirements found in Section 17.10.390, Accessory Dwelling Units and Section 17.10.305, Accessory Uses and Structures.

Section 8. That SMC 17.10.235 - Single-Family Residential District (SF), sub-section D - Accessory Uses and Structures, is hereby amended as follows:

D. Accessory Uses and Structures.

- 1) Accessory uses and structures are permitted, including home occupations, which are clearly incidental to and customarily found in connection with the principal uses and structures and which comply with the special requirements found in Section 17.10.305, Accessory Uses and Structures, and Section 17.10.315, Home Occupations. Camping is limited to two tents or RV units for a maximum of 30 days within one calendar year[.]; and
- 2) Accessory Dwelling Units are permitted provided they comply with the special requirements found in Section 17.10.390, Accessory Dwelling Units and Section 17.10.305, Accessory Uses and Structures.

Section 9. That SMC 17.10.240 - Single-Family/Two-Family Residential District (SF/TF), sub-section D - Accessory Uses and Structures, is hereby amended as follows:

D. Accessory Uses and Structures.

- 1) Accessory uses and structures are permitted, including home occupations, which are clearly incidental to and customarily found in connection with the principal uses and structures and which comply with the special requirements found in Section 17.10.305, Accessory Uses and Structures, and Section 17.10.315, Home Occupations. Camping is limited to two tents or RV units for a maximum of 30 days within one calendar year[.]; and
- 2) Accessory Dwelling Units are permitted provided they comply with the special requirements found in Section 17.10.390, Accessory Dwelling Units and Section 17.10.305, Accessory Uses and Structures.

Section 10. That SMC 17.10.250 - Multi-Family Residential District (MF), sub-section D - Accessory Uses and Structures, is hereby amended as follows:

D. Accessory Uses and Structures.

- 1) Accessory uses and structures are permitted, including home occupations, which are clearly incidental to and customarily found in connection with the principal uses and structures and which comply with the special requirements found in Section 17.10.305, Accessory Uses and Structures, and Section 17.10.315, Home Occupations[.]; and
- 2) Accessory Dwelling Units are permitted provided they comply with the special requirements found in Section 17.10.390, Accessory Dwelling Units and Section 17.10.305, Accessory Uses and Structures.

Section 11. That SMC 17.10.255 - Planned Unit Development (PUD), sub-section C – Districts Where Allowed, is hereby amended as follows:

C. Districts Where Allowed. PUDs may be allowed in the following zoning districts:

- 1) Rural Residential;
- 2) Single-Family/Two-Family Residential;
- 3) Multi-Family Residential;
- 4) Limited Commercial; [AND]
- 5) Commercial; and
- [5] 6) Institutional.

Section 12. That SMC 17.10.305 - Accessory uses, sub-section C – General Standards, is hereby amended as follows:

C. General Standards . Each accessory use or structure shall meet the following standards:

[1] ALL ACCESSORY STRUCTURES SHALL COMPLY WITH THE STANDARDS OF THE ZONING DISTRICT IN WHICH THEY ARE LOCATED;]

[2]1] If the accessory structure is detached, it shall not exceed 24 feet in height in any residential district. In other zoning districts, detached accessory structures [AND] shall not exceed the height of the principal building to which it is accessory [IN ANY OTHER DISTRICT];

[3] IN THE SINGLE-FAMILY AND SINGLE-FAMILY/TWO-FAMILY RESIDENTIAL DISTRICTS, STRUCTURES MAY INCLUDE A SINGLE DETACHED BUILDING TO PROVIDE HOUSING FOR RELATIVES OR TEMPORARY QUARTERS FOR GUESTS ONLY WHERE NO CHARGE IS MADE FOR THE USE OF THE QUARTERS. THE BUILDING MAY CONTAIN NO MORE THAN 1 BEDROOM.]

[4]2] Accessory uses and structures shall not be allowed on a lot prior to establishment of a principal use or structure; and

[5]3] Accessory uses and structures shall comply with all other provisions of this zoning code, the Building Code, and other applicable municipal ordinances.

Section 13. That SMC 17.10.345 - Number of buildings per lot, sub-section A – Single Lot of Record, is hereby amended as follows:

A. Single Lot of Record. Within Rural Residential (RR), Single-Family Residential (SF) and Single-Family/Two-Family (SF/TF) Districts, no more than one building containing a principle use may be erected on a single lot of record, unless authorized through other provisions of this code. Within other zoning districts under this code, more than one building containing a principal use may be erected on a single lot of record provided the area, yard and other requirements of this zoning code are met for each such building as if it were on a separate lot unless the construction of multiple buildings within the zoning district is otherwise prohibited.

Section 14. That SMC 17.10.385 - Short-term rental units, sub-section C – Non-Owner-Occupied Short-Term Rental Units, paragraph 2 – Permit Required, sub-paragraph b – General Standards be amended by addition of a new clause vi, as follows:

vi. The requirements of SMC 17.10.390 shall be required if the short-term rental unit is within an accessory dwelling unit.

Section 15. That SMC is hereby amended by enacting Section 17.10.390 - Accessory dwelling units (ADU), to read:

A. Purpose and intent. The purpose and intent of this section is to:

1) Set standards for accessory dwelling units that ensure compatibility with the zoning district in which they reside;

2) Allow more efficient and flexible use of existing housing stock and infrastructure;

3) Respond to changing family needs and smaller households by providing a mix of housing types that are smaller in size than the principle structure;

4) Provide a broader range of accessible and more affordable housing within the city; and

5) Protect neighborhood stability, property values, and appearance of neighborhoods by ensuring that accessory dwelling units are installed under the provisions of this title.

B. Application, review, and approval procedures. Any owner operating or seeking to establish an ADU shall submit a site plan and obtain a zoning permit, and shall obtain a building permit.

C. General Standards. The following general standards shall apply as requirements for the permitting and operation of an ADU:

1) Accessory dwelling units may be permitted within the Single-Family, Single-Family/Two-family, Rural Residential, and Multi-Family residential zoning districts.

2) Accessory dwelling units are not permitted on lots having an existing two-family principle use within the Single-Family/Two-Family zoning district.

3) One detached ADU may be created on a lot, tract or parcel, provided an existing habitable dwelling unit already exists on the lot, tract or parcel.

4) Accessory dwelling units are permitted only on lots, tracts or parcels that meet the zoning district's minimum lot size requirements.

5) Lot coverage. The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.

6) Building code requirements. To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted Municipal building code standards.

7) Size. The gross floor area of the ADU, not including any related garage, shall be no more than 750 square feet and shall not be greater in area than the principal dwelling unit.

8) Yard setbacks.

a. An ADU shall not encroach into any required yard setback;

b. An ADU shall be at least 60 feet from the front lot line, or at least ten feet behind the front plane of the principal dwelling unit; and

c. Accessory dwelling units taller than 15-feet shall be setback at least 10-feet from side lot lines.

9) Parking.

a. One off-street parking space in addition to the parking spaces required for the principal dwelling unit is required for the accessory dwelling unit;

b. Parking is not permitted within any area which is required for landscaping, and parking is not permitted on lawns within front yards; and

c. Accessory dwelling units shall use a common driveway with the principal dwelling unit, unless otherwise authorized by the administrative officer. Paving is required for any expansion of an existing driveway or development of a new driveway when it is accessed from a paved road.

10) Utilities. To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, and electric utilities of the principle dwelling unit. However, lots with on-site water or septic systems may have a separate water and/or septic system for the ADU.

11) Accessory dwelling units may not be placed within the Kenai River Overlay District.

- 12) One dwelling unit on any parcel with an ADU may be used as a short-term rental unit provided either the ADU or the principle dwelling unit is owner-occupied, and provided owner is in full compliance with any required short-term rental permit.
- 13) Accessory dwelling units must possess a valid physical address and comply with SMC 12.20.
- 14) An ADU may not be divided or sold apart from the principle dwelling.
- 15) A mobile home, recreational vehicle or travel trailer shall not be used as an ADU.
- 16) Accessory dwelling units must have a permanent building foundation.

D. Expiration of approval of an ADU. Approval of an ADU expires when:

- 1) The use has not commenced within 18 months of issuance of a zoning permit.
- 2) The ADU is altered and is no longer in conformance with this code.
- 3) The property ceases to maintain the required off-street parking spaces for the accessory and/or principal dwelling units.

E. Waivers and Modifications.

- 1) The standards of section 17.10.390C.7 may be modified upon findings that such a waiver or modification shall substantially comply with the objectives of the standard, comply with the intent and general standards of this section and the zoning code, not exceed ten (10) percent of the maximum allowable square footage for ADUs.
- 2) The standards of sections 17.10.390C.8.b may be modified upon findings that such a waiver or modification shall substantially comply with the objectives of the standard, comply with the intent and general standards of this section and the zoning code, and not exceed thirty (30) percent of the required front yard setbacks for ADUs.

F. Variances. Nothing in this section guarantees any property owner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variances shall be granted from the standards and provisions of this section.

G. Violations. It shall be unlawful to construct or maintain an ADU except in conformity with the provisions of this Section and Section 17.10.325.

Section 16. That SMC 17.10.410 - Variances, is hereby amended by addition of a new sub-section F, as follows:

F. Notwithstanding subsection A, no variances shall be granted from the standards and provisions for Accessory Dwelling Units.

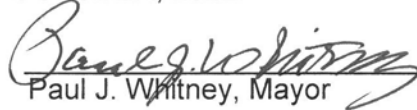
Section 17. That SMC 17.10.420 - Zoning Permit, sub-section A – Intent, is hereby amended as follows:

- A. Intent. The intent of this section is to require applicants for the following uses to receive a Zoning Permit before they proceed with their projects:
  - 1) Any uses or structures for which the submission of an off-street parking and loading plan or a landscaping plan is required as an element of a site plan;
  - 2) Temporary Uses;

- 3) Conditional Uses, including all conditional uses cited within the zoning districts and conditional use approvals required for planned unit developments, the Kenai River Overlay District, unlisted uses, and natural resource extractions; [AND]
- 4) Variances[.]; and
- 5) Accessory Dwelling Units.

Section 18. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE CITY COUNCIL THIS 12TH DAY OF OCTOBER, 2022.

  
Paul J. Whitney, Mayor

ATTEST:

  
Brekke Hewitt, CMC, Interim City Clerk

Yes: Parker, Hutchings, Ruffridge, Nelson, Carey  
No: None  
Absent: Chilson





# SOLDOTNA

City of Soldotna, Alaska

177 North Birch Street  
Soldotna, AK 99669  
907.262.9107  
[www.soldotna.org](http://www.soldotna.org)

TO: Soldotna City Council & Mayor Whitney  
THROUGH: Stephanie Queen, City Manager  
FROM: John Czarnecki, Director of ED+P  
DATE: September 8, 2022  
SUBJECT: Accessory Dwelling Units

At their meeting on July 6, 2022, the Soldotna Planning and Zoning Commission conducted a work session on accessory dwelling units. The purpose of the work session was to review opportunities for accessory dwelling units within the city and possible standards for development.

Following their work session and at their meeting on August 3, 2022, the Commission conducted a public hearing and unanimously approved PZ Resolution 2022-08, recommending the adoption of standards for accessory dwelling units. Through their discussions and deliberations, the attached ordinance was crafted and is now ready for your consideration.

The City's Comprehensive Plan has a goal to promote and encourage housing diversity (size, design and cost) for people of all ages, income and household size. The attached ordinance provides an inclusive code amendment that would address this goal through the allowance of accessory dwelling units (ADUs).

Accessory dwelling units typically serve smaller households, can offer new housing options, provide neighborhood stability, and should increase property values. They may be especially needed considering changing demographics, family needs and current economic conditions.

In the attached ordinance, ADUs are specifically addressed through the addition of a new sub-chapter of code: 17.10.390, Accessory dwelling units. This sub-chapter includes the general standards for ADUs as well as other implementing sections like permit expiration, variances, and violations.

The addition of code language for ADUs results in many sections of Soldotna Municipal Code (SMC) needing amendment. Therefore, the attached ordinance is long and contains many sections. Also included are a few housekeeping items which were described at your Council work session and include changes to the PUD code and changes to the number of buildings that can be placed on a single lot.

Please let me know if you have any questions. Thank you for your consideration.

Date: August 3, 2022  
Public Hearing: August 3, 2022  
Action: Passed  
Vote: 6 Yes, 0 No, 1 Absent

CITY OF SOLDOTNA  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2022-008

A RESOLUTION RECOMMENDING APPROVAL OF AMENDING SOLDOTNA MUNICIPAL CODE (SMC) TITLE 17 BY ESTABLISHING A NEW SUB-CHAPTER, 17.10.390, ACCESSORY DWELLING UNITS (ADU), AND AMENDING SECTIONS OF SMC TITLES 1, 13, AND 17 ESTABLISHING STANDARDS FOR ACCESORY DWELLING UNITS

WHEREAS, the City seeks more efficient and flexible use of existing residentially-zoned land, housing stock, and infrastructure; and

WHEREAS, allowing for accessory dwelling units is a proactive and rational response to changing family community demographics and needs; and

WHEREAS, accessory dwelling units commonly serve smaller households and provide a mix of housing options; and

WHEREAS, accessory dwelling units may provide neighborhood stability and increase property values; and

WHEREAS, Soldotna's Comprehensive Plan, Envision Soldotna 2030, has a stated goal to investigate code changes and tax incentives to promote or encourage a diversity (size, design, cost) of housing options for people of all ages, incomes and household size; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Planning and Zoning Commission recommends the City Council amend Section 1.08.080 of the Soldotna Municipal Code, General Provisions – Enforcement - Minor Offense Fine Schedule, fine table as follows:

...

17.10.385 D.2.	Violation of the general standards for short-term rental units	\$250
17.10.390 B	Failure to obtain an accessory dwelling unit permit	\$250
17.10.390 H	Unlawful operation of an accessory dwelling unit	\$250
17.10.405 I.	Failure to obtain a temporary use permit	\$150

...

Section 2. That the Planning and Zoning Commission recommends the City Council amend section 13.10.040 - Design of water service, as follows:

- A. A separate water service connection shall be provided for each separate residential or commercial structure, except for accessory dwelling units approved under SMC 17.10.390.

- B. Service lines shall be installed across the property boundary immediately adjacent to the main line unless approved by the city engineer. Service lines shall cross no more than one property.
- C. The minimum diameter shall be no less than one inch.
- D. It is prohibited to intertie two or more residential/commercial structures into a single and/or common service connection, except for accessory dwelling units approved under SMC 17.10.390.

...

Section 3. That the Planning and Zoning Commission recommends the City Council amend section 13.10.050 - Type of structure served, sub-section A - Single-Family Residence, as follows:

- A. Single-Family Residence. Each building structure on a single-family lot shall have individual service connections, except for accessory dwelling units approved under SMC 17.10.390.

1. Waivers and Modifications. The standards of this section may be waived or modified upon findings that such a waiver or modification shall substantially comply with the objectives of the standards, and comply with the intent and general standards of this section and the Public Services code.

Section 4. That the Planning and Zoning Commission recommends the City Council amend section 13.18.040 - Design of sewer service, as follows:

- A. A separate sewer service connection shall be provided for each residential or commercial structure, except for accessory dwelling units approved under SMC 17.10.390.
- B. Service lines shall be installed across the property boundary immediately adjacent to the main line unless approved by the city engineer or his designee. Service lines shall cross no more than one property line.
- C. The minimum diameter shall be no less than four inches.
- D. It is prohibited to intertie two or more residential/commercial structures into a single and/or common service connection, except for accessory dwelling units approved under SMC 17.10.390.

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Section 5. That the Planning and Zoning Commission recommends the City Council amend section 13.18.050 - Type of structure served, sub-section A - Single-Family Residence, as follows:

- A. Single-Family Residence. Each building structure on a single-family lot shall have individual service connections, except for accessory dwelling units approved under SMC 17.10.390.

1. Waivers and Modifications. The standards of this section may be waived or modified upon findings that such a waiver or modification shall substantially comply with the objectives of the standard, and comply with

the intent and general standards of this section and the Public Services code.

Section 6. That the Planning and Zoning Commission recommends the City Council amend section 17.10.130 - Definitions, by the addition of definitions for "Accessory dwelling unit" and "Owner occupied" as follows:

A. Construction of Language. When not inconsistent with the context, words used in the present tense shall include the future; the singular number includes the plural; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the words "plot," "piece," "parcel"; the term "shall" is always mandatory; and the words "used" or "occupied" shall be construed to include the word "intended," "arranged," or "designed" to be used or occupied.

B. Construction of Definitions. For the purpose of this zoning code, the following words shall be defined and construed as set forth below:

"Accessory dwelling unit" means a subordinate, detached dwelling unit, which provides basic requirements for living, sleeping, cooking, and sanitation, added to a lot or parcel with an existing residence.

"Administrative Officer" means the City Manager of the City of Soldotna or a person(s) designated by the City Manager to perform specific administrative duties on behalf of the City as related to this zoning code. When the term "City Manager" is specifically used in the text of the zoning code, then the responsibility to perform the activities mentioned in that text are specifically reserved to the City Manager.

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"Outdoor Marijuana Cultivation" means a cultivation facility conducted outdoors or within a cultivation facility that is not fully enclosed or which utilizes odor-permeable materials.

"Owner occupied" means that the dwelling is the owner's primary residence and permanent place of abode.

"Park" means a tract of land set aside for public use as a landscaped recreational expanse or a tract of land kept for the public in its natural state. I.e., gardens, woods, pastures and game preserves.

...

Section 7. That the Planning and Zoning Commission recommends the City Council amend section 17.10.230 - Rural Residential District (RR), sub-section B - Permitted Principal Uses and Structures, as follows:

B. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in the RR District:

- 1) Dwellings: single-family and two-family;
- 2) Farming/general agriculture on properties greater than 1 ½ acres in size;
- 3) Mobile homes not in parks, provided not more than 2 mobile homes shall be allowed on a single lot or parcel; and

4) Parks and day-use playgrounds.]; AND]

[5) CAMPING IS LIMITED TO TWO TENTS OR RV UNITS FOR A MAXIMUM OF 30 DAYS WITHIN ONE CALENDAR YEAR.]

Section 8. That the Planning and Zoning Commission recommends the City Council amend section 17.10.230 - Rural Residential District (RR), sub-section D - Accessory Uses and Structures, as follows:

D. Accessory Uses and Structures.

1) Accessory uses and structures are permitted, including home occupations, which are clearly incidental to and customarily found in connection with the principal uses and structures and which comply with the special requirements found in Section 17.10.305, Accessory Uses and Structures, and Section 17.10.315, Home Occupations. Camping is limited to two tents or RV units for a maximum of 30 days within one calendar year; and

2) Accessory Dwelling Units are permitted provided they comply with the special requirements found in Section 17.10.390, Accessory Dwelling Units and Section 17.10.305, Accessory Uses and Structures.

Section 9. That the Planning and Zoning Commission recommends the City Council amend section 17.10.235 - Single-Family Residential District (SF), sub-section D - Accessory Uses and Structures, as follows:

D. Accessory Uses and Structures.

1) Accessory uses and structures are permitted, including home occupations, which are clearly incidental to and customarily found in connection with the principal uses and structures and which comply with the special requirements found in Section 17.10.305, Accessory Uses and Structures, and Section 17.10.315, Home Occupations. Camping is limited to two tents or RV units for a maximum of 30 days within one calendar year[.]; and

2) Accessory Dwelling Units are permitted provided they comply with the special requirements found in Section 17.10.390, Accessory Dwelling Units and Section 17.10.305, Accessory Uses and Structures.

Section 10. That the Planning and Zoning Commission recommends the City Council amend section 17.10.240 - Single-Family/Two-Family Residential District (SF/TF), sub-section D - Accessory Uses and Structures, as follows:

D. Accessory Uses and Structures.

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- 2) Accessory Dwelling Units are permitted provided they comply with the special requirements found in Section 17.10.390, Accessory Dwelling Units and Section 17.10.305, Accessory Uses and Structures.

Section 11. That the Planning and Zoning Commission recommends the City Council amend section 17.10.250 - Multi-Family Residential District (MF), sub-section D - Accessory Uses and Structures, as follows:

D. Accessory Uses and Structures.

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- 2) Accessory Dwelling Units are permitted provided they comply with the special requirements found in Section 17.10.390, Accessory Dwelling Units and Section 17.10.305, Accessory Uses and Structures.

Section 12. That the Planning and Zoning Commission recommends the City Council amend section 17.10.255 - Planned Unit Development (PUD), sub-section C – Districts Where Allowed, as follows:

C. Districts Where Allowed. PUDs may be allowed in the following zoning districts:

- 1) Rural Residential;
- 2) Single-Family/Two-Family Residential;
- 3) Multi-Family Residential;
- 4) Limited Commercial; [AND]
- 5) Commercial; and
- [5] 6) Institutional.

Section 13. That the Planning and Zoning Commission recommends the City Council amend section 17.10.305 - Accessory uses, sub-section C – General Standards, as follows:

C. General Standards . Each accessory use or structure shall meet the following standards:

- [1) ALL ACCESSORY STRUCTURES SHALL COMPLY WITH THE STANDARDS OF THE ZONING DISTRICT IN WHICH THEY ARE LOCATED;]
- [2]1) If the accessory structure is detached, it shall not exceed 24 feet in height in any residential district. In other zoning districts, detached accessory structures [AND] shall not exceed the height of the principal building to which it is accessory [IN ANY OTHER DISTRICT];
- [3) IN THE SINGLE-FAMILY AND SINGLE-FAMILY/TWO-FAMILY RESIDENTIAL DISTRICTS, STRUCTURES MAY INCLUDE A SINGLE DETACHED BUILDING TO PROVIDE HOUSING FOR RELATIVES OR TEMPORARY QUARTERS FOR GUESTS ONLY WHERE NO CHARGE IS MADE FOR THE USE OF THE QUARTERS. THE BUILDING MAY CONTAIN NO MORE THAN 1 BEDROOM.]

[4]2) Accessory uses and structures shall not be allowed on a lot prior to establishment of a principal use or structure;

[5]3) Accessory uses and structures shall comply with all other provisions of this zoning code, the Building Code, and other applicable municipal ordinances.

Section 14. That the Planning and Zoning Commission recommends the City Council amend section 17.10.345 - Number of buildings per lot, sub-section A – Single Lot of Record, as follows:

A. Single Lot of Record. Within Rural Residential (RR), Single-Family Residential (SF) and Single-Family/Two-Family (SF/TF) Districts, no more than one building containing a principle use may be erected on a single lot of record, unless authorized through other provisions of this code. Within other zoning districts under this code, more than one building containing a principal use may be erected on a single lot of record provided the area, yard and other requirements of this zoning code are met for each such building as if it were on a separate lot unless the construction of multiple buildings within the zoning district is otherwise prohibited.

Section 15. That the Planning and Zoning Commission recommends the City Council amend section 17.10.385 - Short-term rental units, sub-section C – Non-Owner-Occupied Short-Term Rental Units, paragraph 2 – Permit Required, sub-paragraph b – General Standards by addition of a new clause vi, as follows:

vi. The requirements of SMC 17.10.390 shall be required if the short-term rental unit is within an accessory dwelling unit.

Section 16. That the Planning and Zoning Commission recommends the City Council enact a new section 17.10.390 - Accessory dwelling units (ADU), as follows:

A. Purpose and intent. The purpose and intent of this section is to:

1. Set standards for accessory dwelling units that ensure compatibility with the zoning district in which they reside;
2. Allow more efficient and flexible use of existing housing stock and infrastructure;
3. Respond to changing family needs and smaller households by providing a mix of housing types that are smaller in size than the principle structure;
4. Provide a broader range of accessible and more affordable housing within the city; and
5. Protect neighborhood stability, property values, and appearance of neighborhoods by ensuring that accessory dwelling units are installed under the provisions of this title.

B. Application, review, and approval procedures. Any owner operating or seeking to establish an ADU shall submit a site plan and obtain a zoning permit, and shall obtain a building permit.

C. General Standards. The following general standards shall apply as requirements for the permitting and operation of an ADU:

1. Accessory dwelling units may be permitted within the Single-Family, Single-Family/Two-family, Rural Residential, and Multi-Family residential zoning districts.
2. Accessory dwelling units are not permitted on lots having an existing two-family principle use within the Single-Family/Two-Family zoning district.
3. One detached ADU may be created on a lot, tract or parcel, provided an existing habitable dwelling unit already exists on the lot, tract or parcel.
4. Accessory dwelling units are permitted only on lots, tracts or parcels that meet the zoning district's minimum lot size requirements.
5. Lot coverage. The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.
6. Building code requirements. To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted Municipal building code standards.
7. Size. The gross floor area of the ADU, not including any related garage, shall be no more than 750 square feet and shall not be greater in area than the principal dwelling unit.
8. Yard setbacks.
  - a. An ADU shall not encroach into any required yard setback;
  - b. An ADU shall be at least 60 feet from the front lot line, or at least ten feet behind the front plane of the principal dwelling unit; and
  - c. Accessory dwelling units taller than 15-feet shall be setback at least 10-feet from side lot lines.
9. Parking.
  - a. One off-street parking space in addition to the parking spaces required for the principal dwelling unit is required for the accessory dwelling unit;
  - b. Parking is not permitted within any area which is required for landscaping, and parking is not permitted on lawns within front yards; and
  - c. Accessory dwelling units shall use a common driveway with the principal dwelling unit, unless otherwise authorized by the administrative officer. Paving is required for any expansion of an existing driveway or development of a new driveway when it is accessed from a paved road.
10. Utilities. To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, and electric utilities of the principle dwelling unit. However, lots with on-site water or septic systems may have a separate water and/or septic system for the ADU.
11. Accessory dwelling units may not be placed within the Kenai River Overlay District.



12. One dwelling unit on any parcel with an ADU may be used as a short-term rental unit provided either the ADU or the principle dwelling unit is owner-occupied, and provided owner is in full compliance with any required short-term rental permit.

13. Accessory dwelling units must possess a valid physical address and comply with SMC 12.20.

14. An ADU may not be divided or sold apart from the principle dwelling.

15. A mobile home, recreational vehicle or travel trailer shall not be used as an ADU.

16. Accessory dwelling units must have a permanent building foundation.

D. Expiration of approval of an ADU. Approval of an ADU expires when:

1. The use has not commenced within 18 months of issuance of a zoning permit.

2. The ADU is altered and is no longer in conformance with this code.

3. The property ceases to maintain the required off-street parking spaces for the accessory and/or principal dwelling units.

E. Waivers and Modifications.

1. The standards of section 17.10.390C.7 may be modified upon findings that such a waiver or modification shall substantially comply with the objectives of the standard, comply with the intent and general standards of this section and the zoning code, not exceed ten (10) percent of the maximum allowable square footage for ADUs.

2. The standards of sections 17.10.390C.8.b may be modified upon findings that such a waiver or modification shall substantially comply with the objectives of the standard, comply with the intent and general standards of this section and the zoning code, and not exceed thirty (30) percent of the required front yard setbacks for ADUs.

F. Variances. Nothing in this section guarantees any property owner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variances shall be granted from the standards and provisions of this section.

G. Violations. It shall be unlawful to construct or maintain an ADU except in conformity with the provisions of this Section and Section 17.10.325.

Section 17. That the Planning and Zoning Commission recommends the City Council amend section 17.10.410 - Variances, by addition of a new sub-section F, as follows:

F. Notwithstanding subsection A, no variances shall be granted from the standards and provisions for Accessory Dwelling Units.

Section 18. That the Planning and Zoning Commission recommends the City Council amend section 17.10.420 - Zoning Permit, sub-section A – Intent, as follows:

A. Intent. The intent of this section is to require applicants for the following uses to receive a Zoning Permit before they proceed with their projects:


- 1) Any uses or structures for which the submission of an off-street parking and loading plan or a landscaping plan is required as an element of a site plan;
- 2) Temporary Uses;
- 3) Conditional Uses, including all conditional uses cited within the zoning districts and conditional use approvals required for planned unit developments, the Kenai River Overlay District, unlisted uses, and natural resource extractions; [AND]
- 4) Variances[.]; and
- 5) Accessory Dwelling Units.

Section 19. This resolution shall become effective immediately upon its adoption.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 3<sup>rd</sup> DAY OF August, 2022.

  
Kaitlin Vadla, Chair

ATTEST:

  
Jennifer Hester, Associate Planner

Yes: Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla  
No: None  
Absent: Anderson



# SOLDOTNA

City of Soldotna, Alaska

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Soldotna, AK 99669  
907.262.9107  
[www.soldotna.org](http://www.soldotna.org)

TO: Soldotna Planning Commission  
FROM: John Czarnecki, Director of ED+P  
DATE: July 25, 2022  
SUBJECT: Resolution 2022-08, Accessory Dwelling Units

The City's Comprehensive Plan has a goal to promote and encourage housing diversity (size, design and cost) for people of all ages, income and household size. The attached Resolution provides an inclusive code amendment that would address this goal through the allowance of accessory dwelling units (ADU).

Accessory dwelling units typically serve smaller households, can offer new housing options, provide neighborhood stability, and should increase property values. They may be especially needed considering changing demographics, family needs and economic conditions.

Resolution 2022-08 includes both the ADU additions, and a few housekeeping items. Accessory dwelling units are addressed through the addition of a new sub-chapter of code: 17.10.390, Accessory dwelling units. Many other sections of Soldotna Municipal Code (SMC) are affected by the ADU additions and are also included. The 'housekeeping' items include changes within the Rural Residential district (Section 7 of the Resolution); changes to the PUD code in Section 11 of the Resolution; and Section 13 of the Resolution that restricts number of buildings that can be placed on a single lot.

This Resolution follows our ADU work session of July 6, and incorporates several comments and recommendations made at that meeting. Please let us know if you have any questions. Thank you for your consideration.

# CITY OF SOLDOTNA

## PLANNING & ZONING COMMISSION MINUTES

AUGUST 3, 2022, 5:30 P.M.

CITY COUNCIL CHAMBERS, SOLDOTNA, ALASKA

REGULAR MEETING

### CALL TO ORDER & PLEDGE OF ALLEGIANCE

A Regular Meeting of the Soldotna Planning and Zoning Commission was held on August 3, 2022. Chair Vadla called the meeting to order at 5:30 p.m.

There were present:

Kaitlin Vadla, Chair

Charlene Tautfest

Dennis Murray

Sonja Barbaza

Jenny Smithwick-Aley

Mark Burton

Comprising a quorum of the Commission.

There were absent:

Thomas Anderson

Also in attendance were:

John Czarnezki, Director of Economic Development and Planning Department

Justin Dabill, Deputy City Clerk

### APPROVAL OF THE AGENDA

The agenda was approved without objection.

### APPROVAL OF THE MINUTES

The July 6, 2022 meeting minutes were approved without objection.

### PUBLIC HEARINGS

**Resolution PZ 2022-008 - A.Recommending Approval of Amending Soldotna Municipal Code (SMC) Title 17 by Establishing a New Sub-chapter, 17.10.390, Accessory Dwelling Units (ADU), and Amending Sections of SMC Titles 1, 13, and 17 Establishing Standards for Accessory Dwelling Units.**

MOTION: Commission Member Burton moved to approve Resolution PZ 2022-008.

City Planner Czarnezki summarized the written staff report.

Commissioner Murray inquired as to the definition of 'Primary Residence.'

Director Czarnezki stated there is no definition in the code. When a term is not defined, then the standard dictionary definition is used.

Commissioner Smithwick-Aley stated some grants require the definition of primary residence. For this reason she supports that the City define the term primary residence in this section of code.

Chair Vadla stated there might be some circumstances where an existing structure is small enough to be an accessory dwelling unit, and a second structure on a lot would be developed with the intention to make the new structure the primary dwelling and the existing structure the ADU.

Director Czarnezki stated there is nothing in the code to prohibit that scenario from occurring.

Chair Vadla inquired as to the ability for a single lot to be developed with multiple ADUs.

Director Czarnezki stated that the Planned Unit Development (PUD) section of code may be applied in some instances. The PUD section of code does have lot size and other basic requirements.

Chair Vadla inquired as to the similarity of the PUD section of code to the ADU section of code.

Director Czarnezki stated that the PUD is very similar to a Conditional Use Permit, in regards to the application, fee and ultimately the approval by the Planning and Zoning Commission in a public hearing.

Commissioner Murray asked in what zoning districts are PUDs allowed.

Director Czarnezki clarified that PUDs are allowed in every zoning district except Single Family Residential and Industrial.

Chair Vadla stated she would like to see more flexibility granted for the development of a higher density of ADUs on a given lot, regardless of the zoning district.

Commissioner Murray expressed his interpretation that the intent of the code amendment is for the ability of a land owner to develop one ADU while preserving the character and broad spectrum of density of the zoning district and neighborhood.

Chair Vadla opened the public hearing, asking for public comment. With no one wishing to speak, the item was back before the Commission.

With no one else wishing to speak, the item was back before the Commission.

Chair Vadla suggested a motion for an amendment to the resolution could be that a second ADU could be placed on a lot with Commission approval.

Commissioner Tautfest stated having more than one ADU in the single family zoning district could create a density akin to apartments and triplexes within the City.

Commissioner Smithwick-Aley stated that the Single-Family Residential District is comprised of 22 lots with relatively small acreage and is one of the few districts that does not allow for planned unit developments but will now allow for accessory dwelling units.

Chair Vadla withdrew her consideration for an amendment to allow for multiple accessory dwelling units.

#### VOTE ON MOTION:

Yes: Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: Anderson

#### REPORTS

Director of ED & P Czarnezki reported that he intends to have a work session with Council over the Commission's recommendation for the ADU code amendment.

Director Czarnezki reported that the street rename of Wright Avenue failed to pass at the Council level. He also stated that the RFP bid opening for the Riverfront Redevelopment Project will open on Friday.

#### COMMISSION COMMENTS

Commissioner Murray inquired about the parking lot at the Aspen Hotel.

Director Czarnezki stated that Council approved the Capital Budget, which included funding for the Aspen Parking Lot. That project is currently out to bid. The goal is to break ground in September.

Commissioner Burton thanks the staff and commission for the work on the ADU Resolution.

Chair Vadla thanked staff and the commissioners for the conversation and work. She requested a follow up email regarding the definition of primary residence.

#### **ADJOURNMENT**

There being no further business to come before the Commission, Chair Vadla adjourned the August 3, 2022 Planning & Zoning Commission meeting at 6:15 p.m. The next regular meeting is scheduled for 5:30 p.m. on September 7, 2022.



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Jennifer Hester, Associate Planner

Approved by the Commission: Sept 7, 2022