

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
6/24/13

ITEM NO. 5 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; ACCESSORY DWELLING UNIT (MJL)

TA-13-00106: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Articles 4 and 5, to permit the Accessory Dwelling Unit use as an accessory use in the RS5 (Single-Dwelling Residential) District.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment to the Land Development Code, TA-13-00106, regarding permitting the Accessory Dwelling Unit use as an accessory use in the RS5 District, to the City Commission.

Reason for Request: To permit the Accessory Dwelling Unit use, as an accessory use in the RS5 District.

RELEVANT GOLDEN FACTOR:

- The text amendment is consistent with various goals and policies in the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received.

OVERVIEW OF PROPOSED AMENDMENT

Currently the *Land Development Code* permits the Accessory Dwelling Unit use as an accessory use in the RS40, RS20, RS10, RS7 (Single-Dwelling Residential), MU (Mixed Use) and CN1 (Inner Neighborhood Commercial) Districts. Article 5 includes standards regarding the use. Staff is not proposing to make changes to the standards.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The proposed text amendment is consistent with various goals and policies in Chapter 5 – Residential Land Use. Chapter 5 discusses encouraging infill development and supports a mix of housing types, styles, and economic levels.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

Applicant Response

Only that the Accessory Dwelling Units are not allowed in all RS zoning districts above RS5.

Staff Response

The RS5 District is a zoning district that was created with the 2006 code and certain properties were

rezoned to the RS5 upon adoption. Additionally, the Accessory Dwelling Unit use was a new use permitted in the code. Staff has had 15 Accessory Dwelling Units registered since the code adoption in 2006 and has had many conversations with property owners regarding the opportunity for the use on various properties, in various residential zoning districts including the RS5 District. With this interest and a change in economic conditions over the past few years, staff feels that this text amendment does address a changing condition. There have been more situations where people are looking to downsize, have had economic hardships and need to rely on family or property owners are looking to maximize their property investments while staying in their existing home.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

The text amendment is consistent with various policies in *Horizon 2020*, Chapter 5 – Residential Land Use. Policies in Goal 3: Neighborhood Conservation discusses infill development and providing a variety of housing types. The chapter strategies discusses a mixture of housing types, styles and economic levels. Accessory Dwelling Units, if developed to meet the standards, can help achieve these goals, policies and strategies.

Staff Review

An Accessory Dwelling Unit is defined in the code as “A dwelling unit that is incidental to and located on the same lot as the principal building or use, when the principal building or use is a dwelling.” This use is permitted as an accessory use in the RS40, RS20, RS10, RS7, MU and CN1 Districts with standards. The code outlines the purpose of the use to:

1. create new housing units while preserving the look and scale of single-family detached dwelling neighborhoods;
2. allow more efficient use of the City’s existing housing stock and infrastructure;
3. provide a mix of housing types that responds to changing family needs and smaller households;
4. provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
5. provide a broader range of accessible and more affordable housing.

The Code provides design standards to address potential issues regarding occupancy, number of residents, parking, size, and registration are a few. Below is a general summary of the regulations. For the full regulations, see the attached section with changes noted in red.

- Methods of Creation – conversion of existing space, addition to the primary structure or new detached structure.
- Occupancy – Owner must occupy either unit
- Number of Residents – district occupancy limit plus 1
- Parking – situational depending on abutting street classification. A minimum of 2 parking spaces per lot
- Size – no more than 33% of the living area of the dwelling or 960 sf, whichever is less
- Registration – registered with the Planning Office, and an affidavit pledging agreement to the standards, which unit the owner will live and recording the affidavit at the Register of Deeds Office

Accessory Dwelling Units can be used in various ways to improve the community. It is an opportunity to increase density in established neighborhoods with minimal disruption to the area. It is an opportunity to offer housing to address changing family needs, whether it is for family members or

additional income while continuing to reside on the property. The standards require the owner to live in one of the units which can address property maintenance issues and concerns that occur with some rental properties.

Staff is not proposing to change the use standards with this text amendment. Only the addition of the RS5 District as a district that permits an Accessory Dwelling Unit as an accessory use is proposed. See the attached draft changes to Articles 4 and 5. Changes are noted in red.

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment to the Land Development Code, TA-13-00106, regarding permitting the Accessory Dwelling Unit use as an accessory use in the RS5 District, to the City Commission.

20-402 RESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
RESIDENTIAL USE GROUP																
Household Living	Accessory Dwelling Unit	A*	A*	A*	A*	HP	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	-	-	S*	S*	S*	S*	S*	P*	P*	P*	P*	P*	-	P*	503
	Cluster Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	702
	Detached Dwelling	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	-	S*	508
	Duplex	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	-	P*	503
	Manufactured Home	-	-	-	-	-	-	-	S	S	S	S	S	-	-	
	Manufactured Home, Residential-Design	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	-	S*	513
	Mobile Home	-	-	-	-	-	-	-	-	-	S	S	S	-	-	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	S*	S*	S*	-	-	514
	Multi-Dwelling Structure	-	-	-	-	-	-	-	P*	-	P*	P*	P*	-	P*	517
	Non-Ground Floor Dwelling	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542
	Work/Live Unit	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542
	Zero Lot Line Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	531
Home Occupation, Type A or B	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	537	
Group Living	Assisted Living	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Congregate Living	-	-	-	-	-	-	-	P*	-	P*	P*	P*	-	P*	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Group Home, General [11 or more]	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Group Home, Limited [10 or fewer]	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Adult Day Care Home	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Cemeteries	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	505
	College/University	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	School	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Cultural Center/ Library	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Day Care Center	S*/A*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*/A*	S*	507

	Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO		
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed																
Day Care Home, Class A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	507	
Day Care Home, Class B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	-	S*	507	
Detention Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	512	
Postal Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Public Safety	S	S	S	S	S	S	S	S	S	S	S	S	P	S		
Funeral and Interment	-	-	-	-	-	-	P*	-	-	-	-	-	-	P*	505	
Temporary Shelter	A*	A*	A*	A*	A*	A*	S*/A*	A*	A*	A*	A*	A*	A*	S*/A*	544/522	
Social Service Agency	--	--	--	--	--	--	P	--	--	--	--	--	--	P		
Community Meal Program	A*	A*	A*	A*	A*	A*	S/A*	A*	A*	A*	A*	A*	A*	S/A*	522	
Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	530	
Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	-	S		
Medical Facilities	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--		
	Extended Care Facility, General	-	-	-	-	-	S	P	P	P	P	P	P	P		
	Extended Care Facility, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Health Care Office, Health Care Clinic	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Outpatient Care Facility	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	519
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	-	S		
	Entertainment & Spectator Sports, Gen.	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Entertainment & Spectator Sports, Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Participant Sports & Recreation, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Participant Sports & Recreation, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Religious Assembly	Campus or Community Institution	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Livestock Sale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sales and Grooming	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Veterinary	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
Eating & Drinking Establishments	Accessory Bar	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Bar or Lounge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Brewpub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fast Order Food	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fast Order Food, Drive-in	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Private Dining Establishments	S*	S*	S*	S*	S*	-	S*	-	-	-	-	-	-	S*	539
Restaurant, High-turnover	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Restaurant, Quality	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Office	Administrative and Professional	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	518
	Financial, Insurance & Real Estate	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
	Other	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
Parking Facilities	Accessory	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	-	-	-	-	-	S	-	-	-	-	-	-	-	
Retail Sales & Service	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Business Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Business Support	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Construction Sales and Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Food and Beverage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Mixed Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Personal Convenience	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Personal Improvement	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	521
	Repair Service, Consumer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Retail Sales, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Retail Establishment, Large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Retail Establishment, Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Retail Establishment, Specialty	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sex Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sexually Oriented Theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transient Accommodation	Bed and Breakfast	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	P*	-	P*	504
	Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Elderhostel	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-
	Hotel, Motel, Extended Stay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle Sales & Service	Cleaning (e.g., car wash)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Gas and Fuel Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Heavy Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Heavy Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Inoperable Vehicles Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Light Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Light Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	RV and Boats Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

INDUSTRIAL USE GROUP

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Manufacturing & Production, Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Manufacturing & Production, Technological	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Research Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Salvage Operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesale, Storage & Distribution	Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OTHER USES GROUP																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	S*	-	501
Agriculture	Agricultural Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Agriculture, Animal	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	502
	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	-	P	-
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	536
	Broadcasting Tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Communications Service Establishment	-	-	-	-	-	-	P	-	-	-	-	-	-	P	-
	Telecommunications Antenna	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO		
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Recycling Facilities	Large Collection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Small Collection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

20-534 **ACCESSORY DWELLING UNITS** (Permitted only in RS40, RS20, RS10, RS7, **RS5**, MU and CN1)

(1) **Purpose**

Accessory Dwelling Units are allowed in certain situations to:

- (i) create new housing units while preserving the look and **Scale** of single-Family **Detached Dwelling** neighborhoods; subject to the procedures established in Section 20-534(2)(xi);
- (ii) allow more efficient use of the City's existing housing stock and **Infrastructure**;
- (iii) provide a mix of housing types that responds to changing **Family** needs and smaller households;
- (iv) provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- (v) provide a broader range of accessible and more affordable housing.

(2) **Design Standards**

(i) **Purpose**

These design standards are intended to ensure that **Accessory Dwelling Units**:

- a. are compatible with the desired character and livability of the **Zoning Districts**;
- b. respect the general **Building Scale** and placement of **Structures** to allow sharing of common space on the **Lot**, such as **Driveways** and **Yards**; and
- c. are 960 square feet or smaller in size.

(ii) **Generally**

The design standards for **Accessory Dwelling Units** are stated in this section. If not addressed in this section, the **Base District** standards apply.

(iii) **Methods of Creation**

An **Accessory Dwelling Unit** may only be created through one of the following methods:

- a. converting existing living area within a **Detached Dwelling**, **Attached Dwelling** (e.g., attic, **Basement** or attached garage); or
- b. adding **Floor Area** to an existing **Detached Dwelling**, **Attached Dwelling** or detached garage; or
- c. constructing a new **Detached Dwelling**, **Attached Dwelling** or detached garage with an internal **Accessory Dwelling Unit**.

(iv) **Owner Occupancy Required in RS Districts**

Either the principal **Dwelling Unit** or the **Accessory Dwelling Unit** must be occupied by one or more of the persons who is/are the record **Owner** of the **Premises**.

If at any time, neither of the **Dwelling Units** in a **Building** that contains an **Accessory Dwelling Unit** is the principal residence of one of the **Owner** of the property, then the

property shall be considered a [Duplex](#). If a [Duplex](#) is not permitted in the [Zoning District](#) in which the property is located, the [Owner](#) shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the [Premises](#) to lawful status, conforming with the uses permitted in the [Zoning District](#).

(v) Number of Residents

The total number of individuals that reside in both units (principal + accessory) may not exceed Occupancy Limit established for the Principal Building in Section 20-601(d), plus one additional person.

(vi) Other Uses

An [Accessory Dwelling Unit](#) is prohibited in a house with a Type B [Home Occupation](#).

(vii) Location of Entrances

- a. Only one entrance to the [Principal Building](#) may be located on the front [Facade](#) that faces the Street, unless the [Principal Building](#) contained an additional Street-facing entrance before the [Accessory Dwelling Unit](#) was created.
- b. When the [Accessory Dwelling Unit](#) is located behind the rear wall of the [Principal Building](#), the accessory [Dwelling](#) entrance shall face the [Front Lot Line](#).
- c. An exception to subsection (b), above, is [Dwelling Units](#) that do not have [Access](#) from the ground such as [Dwelling Units](#) with entrances from balconies or elevated decks.

(viii) Parking

The following Parking requirements apply to [Accessory Dwelling Units](#).

- a. Lots containing [Accessory Dwelling Units](#) shall contain a minimum of two off-Street [Parking Spaces](#).
- b. If the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Local Street](#) and the pavement of the [Local Street](#) is at least 27 feet wide, no additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#).
- c. If the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Local Street](#) and the pavement of the [Local Street](#) is less than 27 feet wide, or if the [Accessory Dwelling Unit](#) is created at the same time as the principal [Dwelling Unit](#), one additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#).
- d. One additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#) if the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a Collector or [Arterial Street](#).

(ix) Size

The maximum size of an [Accessory Dwelling Unit](#) may be no more than (33%) of the living area of the [Detached Dwelling](#) or [Attached Dwelling](#), or 960 square feet, whichever is less.

(x) Floor Area Additions

[Accessory Dwelling Units](#) created through the addition of habitable [Floor Area](#) to an existing [Structure](#) shall comply with the following standards:

- a. the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing **Structure**;
- b. the roof pitch shall be the same as the predominant roof pitch of the house or existing **Structure**;
- c. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing **Structure**;
- d. windows shall match those in the house in proportion (relationship of width to **Height**) and orientation (horizontal or vertical);and
- e. eaves shall project from the **Building** walls the same distance as the eaves on the rest of the house or existing **Structure**.

(xi) Registration; Affidavit

- a. **Accessory Dwelling Units** shall be registered with the **Planning Director** prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing **Accessory Dwelling Units**; that the City has all information necessary to evaluate whether the **Accessory Dwelling Unit** initially meets and continues to meet Development Code requirements; and that the distribution and location of **Accessory Dwelling Units** is known.
- b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the **Accessory Dwelling Unit** standards of this section. The affidavit shall specify which of the **Dwelling Units** will be occupied by an **Owner** of the property; if at any time such **Owner** moves to the other **Dwelling Unit**, the **Owner** shall be responsible for filing an updated affidavit, recording such change.
- c. Permits for **Accessory Dwelling Units** may be issued after the **Planning Director** determines that the proposal complies with all applicable Development Code requirements.