

ATTACHMENT D

Accessory Structures and Uses

Underlined text to be added and strikethrough text to be deleted.

Sec. 601.01 Accessory nonresidential buildings structures.

(a) ~~Attached accessory~~ General. An accessory ~~nonresidential building~~ structure may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.

(b) ~~Size~~. An ~~accessory building~~ shall have a footprint no larger than 720 square feet.

(1) Standards. The table below establishes the maximum size standards for accessory structures.

	Detached Nonresidential	Detached Accessory Dwelling	Attached Accessory Dwelling
Size			
% of livable floor area of primary structure	40%	40% <u>50%</u>	40% <u>50%</u>
Max. footprint	720 sq. ft.	800 sq. ft and no more than 2 bedrooms <u>720 sq. ft.</u>	--
Lot coverage	As required by zoning district	As required by zoning district	As required by zoning district

(2) Total area. Total area cumulative of all accessory ~~nonresidential buildings~~ structures shall not exceed 40% 50% of the total area of the primary structure.

(3) Exception. Except that ADU's ~~Accessory structures~~ in the A-1 and RE districts may be allowed a maximum footprint of up to 1,000 square feet in size.

~~A variance to the requirement may be requested in accordance with Article 301 Administration and Enforcement. An accessory building footprint in excess of 720 square feet shall be required to have a building permit and shall conform to required setbacks and shall not be located in any easement.~~

(c) ~~Setbacks~~. No ~~detached accessory nonresidential building~~ with a footprint of 720 square feet or less shall be located closer than five (5) feet to any side or rear lot line.

(1) Standards. The table below establishes the minimum setback standards for accessory structures.

	Detached Accessory Nonresidential	Detached Accessory Dwelling	Attached Accessory Dwelling
Front setback	As required by zoning district	As required by zoning district	As required by zoning district
Side setback	5' <u>7'</u>	As required by zoning district <u>7'</u>	As required by zoning district
Rear setback	5' <u>7'</u>	As required by zoning district <u>7'</u>	As required by zoning district

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- (2) Corner lots. In the case of a corner lot, said accessory ~~building~~ structure shall not project beyond the building line of the primary structure ~~required~~ or existing primary structure on the adjacent lot. ~~Accessory buildings shall meet the front building setbacks for the zone it is to be located.~~
- (3) Distance from primary structure. ~~Any detached accessory structure in excess of 200 square feet shall be located a minimum of 10' from the primary structure.~~
- (4) Size variance. An accessory ~~nonresidential building~~ structure footprint in excess of 720 square feet as approved through a variance shall conform to the required setbacks of the zoning district.
- (5) Exception. ~~Any accessory non-residential structure less than 200 square feet and not attached to a permanent foundation, shall have a minimum side and rear yard setback of five feet (5') and shall meet the front setback as required by the zoning district.~~

(d) Height. Accessory ~~buildings~~ structures shall not exceed the maximum height as allowed by the ~~appropriate table for zoning district in which it is located.~~

(e) Barns and stables. Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which it is located.

(f) Facade Architectural design. The façade of the accessory structure shall have a similar architecture to that of the main structure. In commercial districts, the accessory structure shall meet the design standards for large-scale developments.

(g) Location. ~~No permanent accessory structure over 200 square feet shall be located in an easement. Accessory structures under 200 square feet and not attached to a permanent foundation may be located in an easement as long as it can easily be moved out of the easement if necessary.~~

Sec. 601.02 — Accessory dwelling units (ADUs).

(h) Accessory dwelling unit additional requirements.

(1) Occupancy.

- a. A1, RE, R1, DN-1 Districts – owner-occupied. Either the primary or accessory dwelling unit shall be owner-occupied. “Owner-occupied” shall mean a property owner who makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, or similar means, and at no time receives rent for the owner-occupied unit.
- b. C2, I1 and I2 districts – caretaker only. ADU’s in the C2, I1 or I2 districts shall be used solely for a watchman, caretaker or custodian of the facility or use on the same site. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker. The caretaker shall be employed, whether compensation is direct or indirect, principally on the lot for purposes of care and protection of persons, plants, animals, equipment or other facilities on-site.

(2) ADUs per lot. Only one ADU shall be ~~permitted~~ allowed per lot.

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- ~~(3) *Lot coverage.* The ADU shall not cause the property to exceed the maximum amount of lot coverage permitted by the zoning district.~~
- ~~(4) *Setbacks.* shall meet the setback requirements of the zoning district in which the property is located.~~
- ~~(5) *Location.* The ADU shall not be located in the front setback or be located such that the ADU building line is closer to the front property line than the primary structure.~~
- ~~(6) *Size.* An ADU shall be no larger than 40% of the livable floor area of the primary structure, shall not exceed 800 square feet in size and shall not have more than two bedrooms. Except that ADU's in the A-1 and RE district may be allowed up to 1,000 square feet in size.~~
- (7) *Architectural design.* The addition of an ADU shall be allowed only if the appearance and character of the lot and neighborhood are maintained. The design of the ADU shall be consistent with the design of the primary structure and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance.
- (8) *Entrances and stairs.* Only one entrance to the primary structure and only one entrance to the detached ADU shall be visible from the front street. For the purpose of this regulation, the front street shall be defined as the street with the address. Exterior stairways shall not be constructed on the front of the principal dwelling unit.
- ~~(9) *Occupancy standards.* The total number of occupants in the ADU shall not exceed four (4).~~
- (10) *Parking.* No additional parking spaces are required. A maximum of one additional off-street parking space may be provided for the ADU and shall be paved.
- (11) *Compliance with applicable codes.* The ADU shall comply with all standards for health and life safety codes, building codes, as well as zoning codes as adopted by the City, except as provided in this chapter.
- (12) *Sewer and water connections.* The ADU shall be served by the existing primary residence's dwelling's sewer and water connections and water meter. The water meter size shall not be increased for the purpose of serving the ADU.
- (13) *Subdivision.* The accessory dwelling unit, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit or the land on which the principal dwelling unit is located.
- ~~(14) *Recording.* The applicant shall provide a covenant in a form acceptable to the City Attorney and suitable for recording with the County Clerk, providing notice to future owners or long term lessors of the subject lot that the existence of the ADU is predicated upon the occupancy of either the ADU or the principal dwelling by the property owner.~~