

**PART 1**

[Amendments to Article 5 regarding accessory structures and dwellings]

**Sec. 5.2 Use Categories**

[Paragraphs not listed remain unchanged]

**5.2.4 Public and Civic Use Categories****A. Community Service**

**Characteristics:** Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, ~~without~~ with a limited residential component.

| Principal Uses  | Accessory Uses  | Uses Not Included  |
|---|---|--|
| Auditorium<br>Club or lodge (nonprofit)<br>Library<br>Museum<br>Neighborhood arts center or similar community facility (public)<br>Philanthropic institution<br>Senior center<br>Union hall | <del>Accessory residential uses</del> <u>dwelling unit</u><br>Ancillary indoor storage<br>Associated office<br>Food preparation and dining facility<br>Arts and crafts, day care, therapy area<br>Indoor or outdoor recreation and athletic facility<br>Limited retail sales (internal)<br>Meeting area | Athletic, tennis, swim or health club (see Retail Sales and Service)<br>Church, mosque, synagogue, temple (see Places of Worship)<br>Counseling in an office setting (see Office)<br>Membership clubs and lodges (see Indoor Recreation)<br>Park (see Parks and Open Areas)<br>Private community center (see Household Living: Accessory Use)<br>Soup kitchen (see Social Service Institutions)<br>Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions) |

**H. Place of Worship**

**Characteristics:** Places of assembly that provide meeting areas for religious practice.

| Principal Uses                       | Accessory Uses   | Uses Not Included  |
|--------------------------------------|--|--|
| Church, mosque, synagogue, or temple | Ancillary indoor storage<br>Associated office<br>Columbaria, memorial garden<br>Day care<br>Food services, dining area<br>Meeting room/classroom for meetings or classes not held on a daily basis<br>Staff <del>residence located on-site</del> <u>Accessory dwelling unit</u> <sup>1</sup> | Athletic, tennis, swim or health club (see Retail Sales and Service)<br>Educational facility (see Educational Facilities)<br>Neighborhood arts center or similar community facility, public (see Community Service)<br>Private community center (see Household Living: Accessory Use)<br>Revival or gospel tent (see Sec. 5.5, Temporary Uses)<br>Senior center (see Community Service)<br>Social service facility (see Social Service Institution)<br>Treatment center, transient lodging, shelter for the homeless (see Social Service Institutions) |

<sup>1</sup> Reworded for consistency with the existing wording in “Community Service”, and for accessory dwellings in Sec. 5.4.

## Sec. 5.4 Accessory Uses and Structures

[Paragraphs not listed remain unchanged]

### 5.4.1 Accessory Structures

B. Accessory structures shall be located as follows:

1. Accessory structures associated with a single-family or duplex structure shall be located to the rear of the rear building line of the primary structure, with the following limitations and exceptions:
  - a. Except in the RU and RC Districts, the accessory structure shall be ~~no closer than~~ setback at least five feet ~~to from~~ the rear and side property lines.
  - b. Accessory structures in the RU and RC Districts shall be ~~no closer than~~ setback at least three feet ~~to from~~ the side and rear property lines.<sup>2</sup>
  - c. Accessory structures in the RR District can be located in front or to the side of the primary structure provided that:
    - (1) It is not located in the street or side yard; and
    - (2) It is on a lot at least two acres in size.
  - d. An accessory structure in the RS-20 District in the Suburban or Rural Tier can be located to the side of the primary structure provided that:
    - (1) It is not located in the side yard; and
    - (2) It is on a lot at least two acres in size.

D. The maximum height of an accessory structure in residential areas shall be 25 feet. Infill height requirements per Sec. 6.8, Infill Development for Residential Districts, shall not apply.<sup>3</sup>

~~comply with the following standards:~~

- ~~1. In RS Districts, the height shall not exceed 15 feet when the structure is within ten feet of the property line.~~
- ~~2. In the RU and RC districts, the height of an accessory structure shall not exceed 25 feet when the structure is within five feet of the property line.~~

### 5.4.2 Accessory Dwellings

Accessory dwellings shall be subject to the following additional requirements:

#### A. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas~~General~~

Accessory dwellings shall not be permitted in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas.

#### B. General In Residential Districts and on Properties Devoted to Residential Use

1. An accessory dwelling unit shall be allowed as follows:
  - a. On a ~~Residential~~ residential properties lot developed with ~~more than one~~ or two primary dwelling units, shall not be permitted to develop accessory dwellings. Only one accessory dwelling shall be allowed.<sup>4</sup>
  - b. For certain civic uses as indicated in Sec. 5.2, Use Categories, provided that:
    - (1) No more than three units shall be allowed.

<sup>2</sup> Text is reworded for clarity. No change in the standards.

<sup>3</sup> This simplifies the height allowance for any accessory structure, whether or not it has an ADU.

<sup>4</sup> This clarifies and maintains the current allowance, plus adds an allowance for a duplex.

(2) The units can be located anywhere on the lot and shall comply with the minimum yard requirements applicable to primary structures.

(3) The maximum size of each unit shall be 800 square feet.

(4) No additional parking is required.

(5) No special use permit is required.<sup>5</sup>

c. Density limits shall not apply to accessory dwelling units.<sup>6</sup>

~~2. The primary dwelling shall be located on a lot which meets the minimum area requirements of the zoning district.~~<sup>7</sup>

~~3. Only one accessory dwelling shall be allowed.~~<sup>8</sup>

2. The accessory dwelling can be located within the primary dwelling structure (attached) or shall meet the locational and dimensional requirements for accessory structures separate (detached) from the primary structure.<sup>9</sup>

3. A nonconforming accessory structure can be renovated or reconstructed to an accessory dwelling.<sup>10</sup>

Commentary: Depending upon the scope of the project, a special use permit pursuant to Sec. 14.4, Nonconforming Improvements and Structures, or a Variance pursuant to Sec. 3.14, Variance, may be required.<sup>11</sup>

54. The heated floor area of the accessory dwelling shall not exceed 30% of the heated or air-conditioned floor area of the primary dwelling 800 square feet, except in the RR District, where the heated or air-conditioned floor area can be a maximum of 50% of the primary dwelling heated or air-conditioned floor area on lots of four acres or larger. However, in no instance shall the floor area of an accessory dwelling unit equal or exceed the floor area of the primary structure.<sup>12</sup>

~~Examples of accessory dwelling square footage are:~~

~~A 1,333 square foot primary dwelling is needed for a separate 400 square foot accessory dwelling. (30% of 1,333 = 400 square feet); A 2,000 square foot primary dwelling is needed for a separate 600 square foot accessory dwelling.~~

**Commentary:** ~~As with primary dwelling units, accessory~~ Accessory dwelling units are required to meet all applicable building and housing codes.

~~6. If the accessory dwelling is proposed for location on a single family property, the property shall retain a single family appearance from the street.~~

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<sup>5</sup> This provides the ability for a limited number of ADUs associated with some civic uses such as "Community Service" and "Place of Worship."

<sup>6</sup> This makes explicit current and historical practice.

<sup>7</sup> Since many lots of record are currently nonconforming lots, this current standard limits opportunity for an ADU. This change removes that limitation.

<sup>8</sup> This requirement is kept, but relocated to 1a.

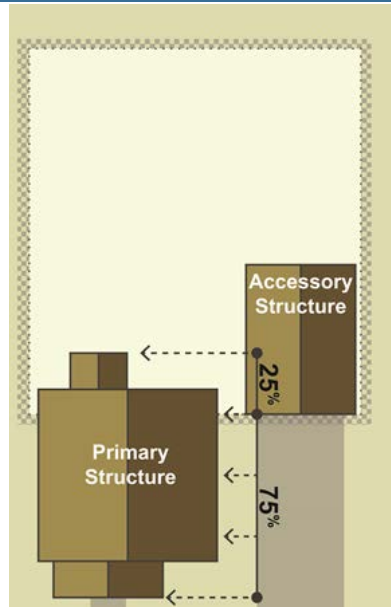
<sup>9</sup> Clarifies existing allowances.

<sup>10</sup> The current rule prevents an ADU to be within a nonconforming accessory structure. The new rule removes that limitation.

<sup>11</sup> The commentary is just a reminder that depending upon the scope of improvements to a nonconforming structure, additional approvals may be required.

<sup>12</sup> The proposed size allows lots with smaller houses to have more functionally-sized ADUs while still being subordinate to the primary structure. The chosen size is consistent with other communities, and also does not require a homeowner to determine the exact size of their house. The exception is added for existing small houses.

75. Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a residential district or on property devoted to residential use, except that use of a travel trailer or RV during temporary visits of two weeks or less shall be allowed.
6. No parking is required for an accessory dwelling.<sup>13</sup>
7. In addition to the accessory structure location requirements in paragraph 5.4.1B.1, an accessory structure containing an accessory dwelling unit can be located to the side of the primary structure, provided that:
- a. The structure shall not extend forward of the rear 25% of the primary structure; and
  - b. The minimum side yard of the zoning district shall apply.<sup>14</sup>



8. Height<sup>15</sup>
- a. For detached accessory dwelling units, the maximum height for accessory structures shall apply.
  - b. Accessory dwellings that are an addition to the primary structure shall conform to the applicable height limits for the primary structure.
  - c. Height limits shall not be considered if the accessory dwelling is only a conversion of existing space within the primary structure.

<sup>13</sup> There is currently no requirement for a parking space for ADUs (it was removed through text amendment TC1700005). The added text makes this explicit.

<sup>14</sup> The proposed text expands the location allowed for detached ADUs (currently limited to behind the house), but still set back towards the rear and maintaining side yard minimum requirements.

<sup>15</sup> The new, proposed height allowances reflect a simpler maximum height for any accessory structure, whether or not it is an ADU. It also makes clear that height isn't an issue if converting existing space in the primary structure.