

City of Fayetteville Staff Review Form

2018-0144

Legistar File ID

4/17/2018

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Garner Stoll

3/22/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 18-6094: Administrative Item (UDC Chapter 164.19/UDC Amendment Accessory Dwelling Units): Submitted by the DEVELOPMENT SERVICES DEPARTMENT for revisions to UDC Chapter 164.19 – Accessory Dwelling Units (ADU).

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
Does item have a cost? <u>No</u>	Funds Obligated \$ -
Budget Adjustment Attached? <u>NA</u>	Current Balance \$ -
	Item Cost
	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 17, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Garner Stoll, Development Services Director
Andrew Garner, City Planning Director

DATE: March 22, 2018

SUBJECT: **ADM 18-6094: Administrative Item (UDC Chapter 164.19/UDC Amendment Accessory Dwelling Units):** Submitted by DEVELOPMENT SERVICES DEPARTMENT STAFF for revisions to UDC Chapter 164.19 – Accessory Dwelling Units (ADU).

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to amend UDC Section 164.19, Accessory Dwelling Units as described within this report.

BACKGROUND:

Background: In 2008, the Fayetteville Unified Development Code was modified to allow accessory dwelling units (ADUs) to be administratively approved by staff. They were previously allowed only as a conditional use permit subject to Planning Commission review. Since that time there has been a slight increase in the number of ADUs permitted and built, approximately 1-2 applications per year. However, the volume of permits has been much lower than anticipated with the original adoption of the ordinance which was intended primarily to implement Goals 1 and 6 of City Plan 2030:

Goal 1: We will make appropriate infill and revitalization our highest priority.

Goal 6: We will create opportunities for attainable housing.

Reevaluating Fayetteville's ADU Ordinance was also a recommended action item from City Council's 2017 Retreat that produced a strategic plan called Fayetteville Vision 2050.

Staff, property owners, and the development community have identified several impediments to building ADUs under the current ordinance. The primary impediment is the requirement for the property owner to file a deed restriction specifying that the owner will reside on the property either in the principal or accessory dwelling. This was included as a neighborhood protection measure to ensure that both the primary house and the ADU could not be rentals. Staff proposes to remove this impediment to encourage more ADUs to be built to fulfill the goals of City Plan 2030. To staff's knowledge there have been few if any neighborhood complaints related to ADUs and the current code is overly restrictive.

Request: Staff requests that the City Council amend the Fayetteville Unified Development Code Section 164.19 to encourage the development of more ADUs. The primary two changes proposed are to remove the rental restriction and the requirement of one parking space for the accessory dwelling unit if it is below 800 square feet. Other primary changes include increasing the maximum size of accessory dwelling units from 950 square feet to 1,200 square feet, and allowing one detached accessory dwelling unit and an additional attached or interior accessory dwelling unit provided that the total square footage does not exceed 1,200 square feet. There are numerous other amendments that generally remove requirements for ADUs that go above and beyond what is required for a typical single family dwelling. The intent is to make it as easy to permit and build an ADU as it is for a typical single family dwelling. The philosophy behind many of these proposed changes and other ADU ordinances is to allow extended family to live on one parcel in separate dwellings. The modified code views the overall property, including the primary and accessory dwellings, as one extended residence.

The specific code changes are generally listed below and shown in the attached strikeout-highlight and clean versions of the code.

Proposed Amendments to UDC Section 164.19

- Provide more detail in the “Purpose” statement
- Allow one detached and one attached or interior accessory dwelling unit per property with a maximum total square footage of 1,200 square feet for both units
- Remove the parking requirement if the ADU is less than 800 square feet
- Remove the following that are currently required for ADUs but not for standard single family dwellings:
 - Exterior design requirements
 - Low impact development stormwater treatments
 - The property owner must permanently occupy either the principal or accessory dwelling unit
 - Tree preservation
 - Additional site and landscape plan review
- Other administrative changes

DISCUSSION:

On February 12, 2018, the Planning Commission discussed and tabled the item, providing additional ideas for the proposed code changes. On February 26, 2018, staff presented the additional code changes to the Planning Commission. The proposal was forwarded to the City Council with a recommendation for approval by a vote of 8-0-0. Commissioner Hoffman was not present at the February 26, 2018 meeting.

BUDGET/STAFF IMPACT:

None

Attachments:

- Strikeout version of proposed UDC Code Changes
- Clean version of proposed UDC Code Changes

(A) *Purpose.* ~~The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently~~

Accessory dwelling units are allowed in certain situations to:

- ~~Create new housing units while respecting the look Character and pattern of small scale traditional town form;~~
- ~~Increase the housing stock of existing neighborhoods in a manner that is compatible with established massing, scale, and development patterns.~~
- ~~Allow more efficient use of existing housing stock and infrastructure;~~
- ~~Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and~~
- ~~Provide a broader range of accessible and more affordable attainable housing.~~

Intent. Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:

(1)

~~Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.~~

(2)

The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.

(3)

A two (2) story accessory dwelling unit ~~shall should~~ generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard ~~should shall~~ be minimized. ~~The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.~~

~~(4)~~

The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.

(5)

~~The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms~~

Administrative Design Review and Approval. All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

(1)

~~Maximum Square Feet and Number of Bedrooms.~~ The accessory dwelling unit(s) shall not be greater than ~~950~~ 1200 square feet of habitable space ~~per lot.~~ shall be permitted so long as they meet the height ~~Detached accessory dwelling units located above garage space requirement herein.~~

(2)

Zoning . The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area. and setbacks with the exception of density limits.

(3)

Parking . ~~For accessory dwelling unit(s) with individual or combined habitable space greater than 800 Square feet one~~ (1) parking space shall be provided on-site. ~~for each accessory dwelling unit.~~ Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.

(4)

~~Existing Development on Lot~~ . A single family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.

(5)

Maximum Number of Accessory Dwelling Units per Lot . A maximum of one ~~detached accessory dwelling unit shall be permitted~~ and one attached or interior accessory dwelling unit provided the combined square footage does not exceed 1200 square feet.

(6)

Other Code Requirements . The accessory dwelling unit shall comply with the requirements of the City of Fayetteville ~~Uniform Building Code~~ International building code.

(7)

~~Water and Sewer.~~ Water and sewer service for the accessory dwelling unit should be connected directly to the public water and sewer system, where reasonably accessible in accordance with all applicable regulations, and, if so, shall be metered separately from the principal residence.

(8)

Occupancy . The property owner must permanently occupy either the principal or accessory dwelling unit. A resident of one (1) of the two (2) dwelling units must provide proof of ownership if requested by the Planning Division.

(9)

Maximum Occupancy of the Accessory Dwelling Unit.—A maximum of two (2) persons shall reside in-an accessory dwelling unit(s) per lot.

(10)

~~Tree Preservation.~~ To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the

property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:

(a)

The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.

(b)

For every significant tree removed the property owner shall replace said tree with a total of two (2) 2-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.

(c)

Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.

(11)

Building Height and Stories .

(a)

A one (1) story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.

(b)

A detached accessory dwelling unit ~~above one (1) story~~ shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.

(c)

An attached accessory dwelling unit may occupy a basement, first or second story of a principal dwelling unit and shall not ~~in any instance~~ be taller than the roof line of the principal dwelling unit.

(12)

Building Design . The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The following materials must be submitted for review of an application:

(a)

A material sample board indicating type of materials and colors to be used on the exterior of the building. ~~(no)~~

(b)

An architectural elevation drawing of all sides of the proposed structure.

(c)

Images or architectural elevations of the principal dwelling unit.

(D)

~~Site Plan Requirements~~. Detailed site plans are required to be submitted for review with the following information:

~~(1)~~

~~Scale no smaller than 1 inch = 30 feet.~~

~~(2)~~

~~A north arrow.~~

~~(3)~~

~~Property lines.~~

~~(4)~~

~~Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks.~~

~~(5)~~

~~All existing and proposed structures with accompanying uses.~~

~~(6)~~

~~Size of parcel in square feet or acres.~~

~~(7)~~

~~Size of all existing and proposed structures in square feet.~~

~~(8)~~

~~Name of the applicant or property owner, plan preparer, project name and project address in a title block.~~

~~(9)~~

~~Pertinent special features such as drainage features, berms, fences, and retaining walls.~~

~~(10)~~

~~Parking areas, including driveways, with paving materials and dimensions.~~

~~(11)~~

~~A landscape plan showing the location of all proposed landscaping, size of plant materials and species.~~

~~(12)~~

~~Tree protection plan including all significant trees and protection measures.~~

~~(E)~~

~~Deed Restrictions~~. Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

~~(1)~~

~~The accessory dwelling unit shall not be sold separately from the principal residence.~~

~~(2)~~

~~The accessory unit is restricted to the approved size.~~

~~(3)~~

~~The property owner shall at all times reside on the property.~~

~~(4)~~

~~The above restrictions are binding upon any successor in ownership of the property and shall run with the property.~~

(F)

Planning Commission Approval. An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(G)

Existing Detached Second (Accessory) Dwelling Units.

(1)

Conforming Units. Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property.

~~(2)~~

~~*Nonconforming Units.* Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of this ordinance that cannot meet the requirements herein, the applicant may apply for a variance of the requirements stated.~~

(H)

~~*Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.~~

~~(I)~~

~~If the property owner no longer resides on the property, the owner shall remove the cooking facilities from the accessory dwelling unit or the city shall turn off water service to the accessory dwelling unit.~~

(J)

Violation. Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

(Ord. No. 5128, 4-15-08; Ord. No. [5866](#), §2, 4-5-16)

(A) *Purpose.* Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the character and pattern of small scale traditional town form;
- Increase the housing stock of existing neighborhoods in a manner that is compatible with established massing, scale, and development patterns;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more attainable housing.

(B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:

- (1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
- (2) A two (2) story accessory dwelling unit shall generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
- (3) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.

(C) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

- (1) *Maximum Square Feet.* The accessory dwelling unit(s) shall not be greater than 1200 square feet of habitable space per lot.
- (2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area. and setbacks with the exception of density limits.
- (3) *Parking.* For accessory dwelling unit(s) with individual or combined habitable space greater than 800 square feet, one (1) parking space shall be provided on-site. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.

Accessory Dwelling Units Proposed Code Changes: Clean Version UDC Section 164.19

- (4) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of one detached and one attached or interior accessory dwelling unit provided the combined square footage does not exceed 1200 square feet.
- (5) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville International building code.
- (6) *Maximum Occupancy of the Accessory Dwelling Unit(s).* A maximum of two (2) persons shall reside in an accessory dwelling unit(s) per lot.
- (7) *Building Height and Stories.*
 - (a) A detached accessory dwelling unit shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.
 - (b) An attached accessory dwelling unit may occupy a basement, first or second story of a principal dwelling unit and shall not be taller than the roof line of the principal dwelling unit.

(D) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(E) *Existing Detached Second (Accessory) Dwelling Units.*

- (1) *Conforming Units.* Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property.

(F) *Violation.* Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

(Ord. No. 5128, 4-15-08; Ord. No. [5866](#), §2, 4-5-16)

C.7



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Garner Stoll, Development Services Director
Andrew Garner, City Planning Director

FROM: Kit Williams, City Attorney

DATE: June 5, 2018

RE: Third option for maximum occupancy for two accessory dwelling units on single parcel

I suggested last week after consultation with Planning that the original language regarding: "(6) Maximum Occupancy of the Accessory Dwelling Units," should be amended as shown in the (A) Exhibit attached to this memo: "If two accessory dwelling units are on the same lot, both accessory units are limited to single occupancy or one of the units must have no occupancy." This clearly limits the number of potential occupants in accessory dwelling units on a single lot to not more than two for the entire lot.

If the City Council desired to allow up to two occupants for each accessory dwelling unit for the two accessory dwelling units allowed for a single lot, then you should amend to Exhibit (B). This would allow a total of up to four occupants within the two allowed accessory dwelling units on a single lot. This is NOT what is being recommended by the Planning Department nor the Planning Commission. However, having such an

option presented to the City Council further clarifies your intent if you select Exhibit (A).

Garner Stoll and Andrew Garner advised that they would like to see a third option for the City Council to consider. They wanted a property owner to build one accessory dwelling unit for two persons and still have the right to build a second accessory dwelling unit in which a member of the related family living in the primary house could live. This would increase the additional persons residing on this lot by up to **three**.

This option is Exhibit (C) attached to this memo and states: **"If two accessory dwelling units are on the same lot, only two additional persons total shall be permitted to occupy these units unless one accessory dwelling unit is occupied by a person who is a member of the related 'Family' (see §151.01) occupying the primary house."**

CONCLUSION

If a City Council Member agrees with Planning Department's final suggestion for an overall maximum of two occupants on a single lot unless one of the two accessory dwelling units is occupied by a person who is a member of the related *"Family"* occupying the primary house, please move to amend to my proposed language shown on Exhibit (C) which would replace the currently proposed language in (C)(6) Maximum Occupancy of Accessory Dwelling Units. This would allow up to three additional persons to reside on the lot along with the family residing in the main house.

This final suggestion allowing a third possible occupant requires a **member of the related family** to reside in one of the two accessory dwelling units. This would not be applicable if three unrelated persons (rather than a related family) are residing in the primary house or four unrelated persons are residing in a multifamily zoned district.

(A)

Two Accessory dwelling units → maximum of two occupants.

(C) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

- (1) **Maximum Square Feet.** The accessory dwelling unit(s) shall not be greater than 1200 square feet of habitable space per lot.
- (2) **Zoning.** The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density limits.
- (3) **Parking.** For accessory dwelling unit(s) with individual or combined habitable space greater than 800 square feet, one (1) parking space shall be provided on-site. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.
- (4) **Maximum Number of Accessory Dwelling Units per Lot.** A maximum of one detached and one attached or interior accessory dwelling unit provided the combined square footage does not exceed 1200 square feet.
- (5) **Other Code Requirements.** The accessory dwelling unit shall comply with the requirements of the Arkansas Fire Prevention Code as adopted in Section 173.02 of the Unified Development Code.
- (6) **Maximum Occupancy of the Accessory Dwelling Units.** A maximum of two (2) persons shall be permitted to reside in an accessory dwelling unit. If two accessory dwelling units are on the same lot, both accessory units are limited to single occupancy or one of the units must have no occupancy.
- (7) **Building Height and Stories.**
 - a) A detached accessory dwelling unit shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.
 - b) An attached accessory dwelling unit may occupy a basement, first or second story of a principal dwelling unit and shall not be taller than the roof line of the principal dwelling unit.

(D) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

Two Accessory dwelling units → MAXIMUM of four occupants

(B)

(C) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

- (1) **Maximum Square Feet.** The accessory dwelling unit(s) shall not be greater than 1200 square feet of habitable space per lot.
- (2) **Zoning.** The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density limits.
- (3) **Parking.** For accessory dwelling unit(s) with individual or combined habitable space greater than 800 square feet, one (1) parking space shall be provided on-site. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.
- (4) **Maximum Number of Accessory Dwelling Units per Lot.** A maximum of one detached and one attached or interior accessory dwelling unit provided the combined square footage does not exceed 1200 square feet.
- (5) **Other Code Requirements.** The accessory dwelling unit shall comply with the requirements of the Arkansas Fire Prevention Code as adopted in Section 173.02 of the Unified Development Code.
- (6) **Maximum Occupancy of the Accessory Dwelling Units.** A maximum of two (2) persons shall be permitted to reside in an accessory dwelling unit. If two accessory dwelling units are on the same lot, both accessory units are limited to a maximum of two (2) persons for each accessory dwelling unit.
- (7) **Building Height and Stories.**
 - a) A detached accessory dwelling unit shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.
 - b) An attached accessory dwelling unit may occupy a basement, first or second story of a principal dwelling unit and shall not be taller than the roof line of the principal dwelling unit.

(D) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

① Garner Stoll suggestion

(C) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

- (1) **Maximum Square Feet.** The accessory dwelling unit(s) shall not be greater than 1200 square feet of habitable space per lot.
- (2) **Zoning.** The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density limits.
- (3) **Parking.** For accessory dwelling unit(s) with individual or combined habitable space greater than 800 square feet, one (1) parking space shall be provided on-site. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.
- (4) **Maximum Number of Accessory Dwelling Units per Lot.** A maximum of one detached and one attached or interior accessory dwelling unit provided the combined square footage does not exceed 1200 square feet.
- (5) **Other Code Requirements.** The accessory dwelling unit shall comply with the requirements of the Arkansas Fire Prevention Code as adopted in Section 173.02 of the Unified Development Code.
- (6) **Maximum Occupancy of the Accessory Dwelling Unit.** A maximum of two (2) persons shall be permitted to reside in an accessory dwelling unit. If two accessory dwelling units are on the same lot, only two additional persons total shall be permitted to occupy these units unless one accessory dwelling is occupied by a person who is member of the related "Family" (see §151.01) occupying the primary house.
- (7) **Building Height and Stories.**
 - a) A detached accessory dwelling unit shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.
 - b) An attached accessory dwelling unit may occupy a basement, first or second story of a principal dwelling unit and shall not be taller than the roof line of the principal dwelling unit.

(D) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

Agenda Session Handout
B.3 Accessory Dwelling Units

Portland, Oregon –	20' or 15' if in rear yard setback
Columbia, MO –	Shall not exceed height of principal dwelling or 24' whichever is less
Minneapolis, MN –	Shall not exceed height of Principal dwelling or 20 feet whichever is less
Charlotte, NC	No taller than principle building
Ann Arbor, MI –	Detached 21 feet Attached 30 feet
Austin, TX –	30' feet detached – their ordinance doesn't allow detached ADUs
Smart Code	2 stories max